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federal register

Thursday
September 3, 1981

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44157 **Mortgage Insurance and Improvement Loans** HUD/FHC increases debenture interest rate on certain home and project mortgages and loans.

44408 **Grant Programs—Juvenile Justice** Justice/JJDPO solicits comments on proposed requirements and procedures for formula grants to State governments. (Part III of this issue)

44332 **Airports** DOT/FAA announces availability of preliminary regulatory evaluation of proposed Metropolitan Washington airports' management and operation policy.

44159 **Air Pollution Control** EPA establishes ambient air monitoring and data reporting requirements for lead.

44149 **Nuclear Materials** NRC clarifies jurisdiction over persons using byproduct, source or special nuclear materials in certain offshore waters.

44195 **Imports** Treasury/Customs proposes alternative procedure for an importer of record to pay duties through a licensed customhouse broker.

44292 **Outer Continental Shelf—Oil and Gas** Interior/GS announces availability of second summary report for Gulf of Alaska and Lower Cook Inlet.

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Highlights

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

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 679]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period September 4–10, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on September 1, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to improve.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

Section 908.979 is added as follows:

§ 908.979 Valencia Orange Regulation 679.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period September 4, 1981, through September 10, 1981, are established as follows:

(1) District 1: 350,000 cartons;

(2) District 2: 350,000 cartons;

(3) District 3: Unlimited cartons.

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

Dated: September 2, 1981.

D. S. Kuryloski,

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

[FR Doc. 81–26011 Filed 9–2–81; 11:43 am]

BILLING CODE 3410–02–M

7 CFR Part 1135

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action will continue through December 1981 the present suspension of a portion of the pooling standards for distributing plants and the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The suspension is based on proposals of two cooperative associations that were considered at a public hearing held on July 15, 1981, in Boise, Idaho, and on subsequent market information. Continuation of the suspension will enable producers who are regularly associated with the fluid market to continue to have their milk pooled and priced under the order pending a decision on whether the order should be amended to relax the pooling standards and diversion limits in the manner proposed by the cooperatives.

EFFECTIVE DATE: Effective upon September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued June 22, 1981; published June 25, 1981 (46 FR 32873).

Notice of Proposed Suspension: Issued June 22, 1981; published June 25, 1981 (46 FR 32874).

Order Suspending certain provisions: Issued July 15, 1981; published July 20, 1981 (46 FR 37237).

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that Grade A dairy farmers in the area will have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area.

PART 1135—MILK IN SOUTHWESTERN IDAHO-EASTERN OREGON MARKETING AREA

It is hereby found and determined that for the months of September through December 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

§ 1135.7 [Amended]

1. In § 1135.7 paragraph (a)(2).

§ 1135.13 [Amended]

2. In § 1135.13 paragraphs (f) (3) through (6).

Statement of Consideration

This action continues through December 1981 the current suspension of (1) the provision that at least 40 percent of the receipts of milk at a pool distributing plant be disposed of as fluid milk products on routes, and (2) the provision limiting the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The present order provides that a cooperative association may divert up to 60 percent of its total member milk received at all pool plants or diverted therefrom during the months of September through February and 70 percent in other months. Similarly, the operator of a pool plant or a proprietary bulk tank handler may divert during the months of September through February up to 60 percent of their producer receipts that are not under the control of a cooperative association, and 70 percent in other months. The current suspension, which has been in effect since July 1981, expires August 31, 1981 (46 FR 37237).

The need to continue the suspension of these provisions is based on evidence received at a public hearing held on July 15, 1981, at Boise, Idaho, and on subsequent market information. Two cooperative associations (Mountain Empire Dairymen's Association, Inc., and Dairymen's Creamery Association, Inc.) that represent a large majority of the producers associated with the market and handle most of the market's reserve milk supplies proposed that emergency amendatory action be taken to relax the pooling and diversion provisions in question. The cooperatives testified that the amendments are needed to accommodate the pooling and efficient handling of the expanded reserve milk supplies now on the market. Because of the time to complete any amendatory action, they requested that the present suspension be continued until a final decision is reached on the proposed amendments.

The evidence developed at the hearing substantiates the Department's findings in connection with the first suspension that present marketing conditions are considerably different from those existing when the provisions in question were being developed. Hearings on a new order for this market were held in December 1978 and February 1980. The new order, including the provisions in question, became fully effective on July 1, 1981. The order provisions proposed by dairy farmers and generally adopted by the Department were predicated on marketing conditions existing at the time the new order was being proposed. Since then, milk supplies available to the market have increased considerably, thereby necessitating a review of the appropriateness of the current order provisions.

As indicated in the final decision for the new order, it was estimated that producer receipts would average about 27 million pounds monthly, with 40–45 percent of the milk being used in Class I. Market information for the first month that the order was fully effective (July) reflects about 48 million pounds of pooled milk and 18 percent Class I utilization. The substantially greater volume of milk on the market than was projected initially apparently is because of two things. Cooperatives have chosen to associate more producers with the market than was contemplated earlier. Also, production in general has increased considerably. Production in the State of Idaho, for example, was 12 percent higher in 1980 than in 1979. Production in July 1981 was 14 percent above the July 1980 production.

Under these circumstances, a public hearing to review the order provisions initially adopted was considered necessary. While no decision has been reached on the proposed amendments on the basis of the hearing evidence, there is sufficient indication that some modification of the order may be appropriate. Because of this, the current suspension should be continued pending a final decision on the hearing proposals. Continuation of the suspension for four additional months will accommodate the pooling and efficient handling of reserve milk supplies for the market pending the outcome of the hearing proceeding.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that substantial quantities of milk of producers who regularly supply the market otherwise could be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The marketing problems that provide the basis for this suspension action were fully reviewed at a public hearing held on July 15, 1981, where all interested parties had the opportunity to be heard on this matter.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register** (September 3, 1981).

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of September through December 1981.

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

Effective date: September 3, 1981.

Signed at Washington, D.C. on August 28, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-25820 Filed 9-2-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 31 and 150

NRC's Jurisdiction Over Persons Using Byproduct, Source or Special Nuclear Materials in Certain Offshore Waters

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations (1) to clarify that it has jurisdiction vis-a-vis Agreement States over persons using byproduct, source, or special nuclear materials in certain offshore waters bounded by the U.S. Outer Continental Shelf, (2) to recognize Agreement State specific licenses in an NRC general license covering activities in these waters, and (3) to allow Agreement States to perform inspections and other functions for NRC in these waters.

EFFECTIVE DATE: October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas F. Dorian, Esq., Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301–492–8690).

SUPPLEMENTARY INFORMATION:

The Problem

Several incidents in the Gulf of Mexico involving actual or potential overexposures to radiographers have disclosed to the Commission the need to clarify its jurisdiction vis-a-vis that of coastal Agreement States [1] over offshore radiographic, well-logging, and other operations using byproduct, source, or special nuclear materials. Licensing, regulatory, and enforcement problems have arisen because it has been unclear whether a person with a specific license from an Agreement State or from NRC, operating in offshore waters, namely, in the area, beyond a coastal Agreement State's Submerged Lands Act jurisdiction (see 43 U.S.C. 1301, *et seq.*) (that is, outside State boundaries which normally extend three miles or three marine leagues from the coastline), but on or above the Outer Continental Shelf, should be licensed and regulated by the Agreement State or by the Commission.

The Comments

On October 30, 1980, NRC published a proposed rule, in the **Federal Register** (45 FR 71807) addressing the issue of jurisdiction including several concerns raised by Louisiana and Texas with respect to this issue. During the comment period, the Department of Justice was the sole commenter on the proposed rule,[2] agreeing with the proposal and suggesting several word changes to clarify the concept of "offshore waters." In essence, the Department suggested that "offshore waters" should be defined as those waters beyond Agreement States' "Submerged Lands Act jurisdiction and above the U.S. Outer Continental Shelf," rather than, as defined in the proposed rule, those waters beyond Agreement States' "territorial waters and within the area of the U.S. Outer Continental Shelf."

The Submerged Lands Act (Pub. L. 31, 43 U.S.C. 1301, *et seq.*) was promulgated in order to extend Federal jurisdiction and control to the submerged lands off the U.S. Outer Continental Shelf. It deals, in pertinent part, with the rights and claims of the States to the seabed and its resources beyond historic State boundaries. See House Report No. 215, accompanying H.R. 4198, in 1953 *U.S. Code Cong. and Admin. News*, at 1385.

The Commission has accepted the changes suggested by the Department of Justice, with some additional minor modifications discussed with it. The modifications make clear that "offshore waters" include both the land and water areas, beyond Agreement States' Submerged Lands Act jurisdiction, on or above the U.S., Outer Continental Shelf.

Shortly after the comment period ended, Louisiana and an independent consultant notified the Commission [2] that, though they agreed with the principal substantive provisions of the proposed rule (that is, that NRC has the requisite jurisdiction over persons in the defined offshore waters), nonetheless, they and many licensees were concerned about two minor procedural requirements the proposed rule would have imposed upon licensees. The Commission learned that Texas was similarly concerned. Both requirements have now been changed, as discussed later. One would have required Agreement State licensees (working in the offshore area under the proposed NRC general license) to file NRC–241 forms to allow the Commission to track their activities in order to make inspections. The other would have required them to apply for specific licenses after 180 days (measured cumulatively over a calendar year) of operating under the general license.

Examination of the Jurisdictional Issue

Three principles underlying the amendments should be made clear before a fuller examination of the jurisdictional issue. First, the Agreement States of Texas and Florida (on the Gulf of Mexico only) have Submerged Lands Act jurisdiction beyond the Federal territorial sea. The Commission intends to recognize the jurisdiction of these States to the seaward limits of their seabed resources jurisdiction. Second, the Outer Continental Shelf includes only the seabed underlying the sea beyond the limits of the Agreement States' seabed resource jurisdiction, not the superjacent water. Third, the high seas begin at the limit of the Federal territorial sea and extend to another country's territorial sea.

After examining the issue of jurisdiction, the Commission has concluded that NRC retains jurisdiction vis-a-vis coastal Agreement States over persons using byproduct, source, and special nuclear materials when these materials are used in the offshore waters previously described. NRC's jurisdiction over persons using these materials extends seaward from the limit of the States' jurisdiction, above the U.S. Outer Continental Shelf, continues past the Shelf onto the high seas, and, in most instances, stops at another country's territorial sea, as recognized by the United States. This conclusion is based on several considerations.

The Commission's jurisdiction over persons using byproduct, source, or special nuclear materials is found in sections 81 and 82 (byproduct material), 62, 63, and 64 (source material), and 53, 54, and 57 (special nuclear material) of the Atomic Energy Act, as amended. These sections grant NRC *in personam* jurisdiction, that is, jurisdiction over a person (when stating, "No person may * * *").

Until the tidelands and submerged lands dispute about the Outer

[1] An Agreement State is a State with which NRC has an agreement under section 274 of the Atomic Energy Act. Section 274 of the Atomic Energy Act was enacted in 1959, to recognize the States' interest in atomic energy activities, to clarify the respective responsibilities of the States and the Commission under the Act, and to provide a statutory means by which the Commission can discontinue certain of its regulatory responsibilities with respect to byproduct, source, and special nuclear materials and by which the States can assume these responsibilities. An agreement made pursuant to section 274b. carries out the basic Congressional intent that either the State or the Commission—but not both—should regulate a given atomic energy activity from the point of view of radiation protection. One of the evils that Congress sought to avoid was "dual regulation." This means that, insofar as regulation of these materials by the State and the Commission is concerned, the activities discontinued under the agreement will be regulated only by the State, and that the activities reserved by the Commission will be regulated only by the Commission.

[2] Copies of comments are available for inspection at NRC's Public Document Room at 1717 H Street, NW., Washington, D.C.

Continental Shelf arose between the Federal Government and certain States, the Atomic Energy Commission (AEC) followed a personal, as opposed to a territorial, approach to offshore jurisdiction. This allowed Agreement States, with AEC's acquiescence, to regulate their own citizens' offshore uses of materials within the purview of an agreement under section 274b. of the Atomic Energy Act (described in the footnote); in 1967, in light of the submerged lands controversy, this practice was changed in part because the Federal Government argued that things, such as oil drilling rigs, attached to the U.S. Outer Continental Shelf were subject to its exclusive jurisdiction; for the AEC, this meant that an Agreement State did not have jurisdiction to regulate possession and use of byproduct, source or special nuclear materials on such things as oil rigs in offshore waters, as previously described.

At the time of the submerged lands controversy, the AEC was negotiating a standard agreement with Louisiana pursuant to section 274b. of the Atomic Energy Act. So as not to compromise the pending litigation between the Federal Government and Louisiana, the AEC and Louisiana also entered into a Memorandum of Understanding and an agreement under section 274i. of the Act. The Memorandum of Understanding, which is still in effect between NRC and Louisiana, states, in essence, that AEC (now NRC) retains regulatory authority over the disputed area in the Gulf of Mexico and that the agreement made pursuant to section 247b. of the Act shall not prejudice the position of either the United States or Louisiana in the pending litigation. The agreement under section 274i. of the Act, which is also still in effect, invokes the authority granted to the Commission under section 274i. of the Act to enter into agreements with States "to perform inspections or other functions on a cooperative basis as the Commission deems appropriate." The agreement authorizes Louisiana to perform certain inspections and other functions for and on behalf of the Commission.

This rule would allow Louisiana and NRC to terminate the Memorandum of Understanding and to enter into a revised agreement under section 274i. of the Act.

The Supreme Court in a series of cases has settled the Federal-State dispute over the Outer Continental Shelf in the Gulf of Mexico. *United States* v. *Louisiana*, 389 U.S. 155 (1967), 394 U.S. 1 (1969) (cited as the Texas Boundary Case), 394 U.S. 11 (1969) (cited as the Louisiana Boundary Case), and 404 U.S. 388 (1971) (also cited as the Louisiana Boundary Case).

It is now clear that the Outer Continental Shelf Lands Act has placed the Outer Continental Shelf under exclusive Federal jurisdiction, extending the laws of the United States to the subsoil and seabed of the Shelf and to all artificial islands and fixed structures erected thereon (see 43 U.S.C. 1331, *et seq.*). It should be noted, however, that for some purposes State law is adopted as a surrogate for Federal law under the Act to the extent that such State law is "applicable and not inconsistent with * * * other Federal laws." 43 U.S.C. 1333(a)(2); *Rodriguez* v. *Aetna Casualty Co.*, 395 U.S. 352, 365 (1969); *Union Oil Company* v. *Oppen*, 501 F.2d 558, 561 (1974); *Oppen* v. *Aetna Insurance Co.* 485 F.2d 252, 255, (1973.) It should also be noted that the Act does not apply to the sea above the subsoil and seabed. 43 U.S.C. 1332(b).

It is thus clear as regards oil drilling rigs, for example, that NRC has jurisdiction over persons in offshore waters beyond an Agreement State's Submerged Lands Act jurisdiction using byproduct, source, or special nuclear materials on these rigs, for these rigs are attached to the Outer Continental Shelf and are considered fixed structures erected on the seabed.

It is also clear that NRC has jurisdiction over persons in offshore waters beyond an Agreement State's Submerged Lands Act jurisdiction and above the Outer Continental Shelf using byproduct, source, or special nuclear materials on free-floating objects, such as lay barges or other vessels, or in offshore diving activities. This view is based on the *in personam* jurisdiction argument described before and supported by another argument.

Sections 274b. and 274d. of the Atomic Energy Act, under which NRC may either retain or discontinue certain parts of its regulatory authority, do not provide for discontinuance of the Commission's regulatory authority over byproduct, source, or special nuclear materials not "within a State". Thus, the Commission retains jurisdiction over persons using these materials and specifically licensed by the Commission or Agreement States when these persons are not within an Agreement State. This jurisdiction extends on the high seas seaward from the limits of the State's jurisdiction, but normally stops when it would conflict with another country's territorial sea, as recognized by the United States.

Resolution of the Problem

The General License

Since the present problem is limited to incidents in offshore waters, and because the Commission has jurisdiction in these waters, it has extended its general licensing scheme to activities of specific licensees of Agreement State in this land and water area. It has done so in two compatible ways. First, it has recognized Agreement State specific licenses in a new NRC general license (without a time limitation) covering activities in offshore waters. (It should be noted, by the way, that NRC specific licensees currently authorized to operate in offshore waters, of course, would not need to request a license amendment in order to continue to do so.) Second, it has extended a reporting requirement (it already uses on land) to monitor the activities of these licensees—except that it would not impose this requirement when an Agreement State has an agreement with the Commission under section 274i. of the Atomic Energy Act to perform inspections for it.

The Commission believes that the regulation change will remove present ambiguities and go a long way toward providing administrative simplicity. It therefore has broadened the scope of Parts 31 and 150 to provide for Commission regulatory authority in the form of general licensing over persons in offshore waters, namely, beyond Agreement States' Submerged Lands Act jurisdiction and on or above the Outer Continental Shelf.

As presently drafted, §§ 31.6 and 150.20 grant general licenses to a person with a specific license from an Agreement State to conduct the licensed activity within non-Agreement States. However § 150.20 presently authorizes a person to engage in activities in non-Agreement States under NRC's general license for no more than 180 days (calculated cumulatively) in any calendar year. Presently, at the end of this period, the general license expires and the person needs a specific license from the Commission to continue to engage in these activities in non-Agreement States. The reason for obtaining such a license is described *In the Matter of Chem-Nuclear Systems, Inc.*, 10 NRC 865 (1979), namely, that long-term field operations should be controlled through specific licensing. Operations in offshore waters, however, are short term and of a somewhat different character than those on land (for example, radiography is performed on board lay barges moving back and forth between jurisdictions, i.e., between the shore and oil rigs far from the shore).

Moreover, simplified regulation between NRC and Agreement States is desirable in this area. Therefore, in response to the comments received, under §§ 31.6 and 150.20 new general licenses have been created for the offshore area. These are modified versions of the general license for activities on land. They allow persons operating in the offshore area to do so under the general licenses without having to apply for a specific license after the 180-day period.

The NRC-241 Form

As mentioned before, Louisiana questioned the need for Agreement State licensees (working in the offshore area under the NRC general license) to file NRC-241 forms, since similar forms are already filed with respect to its own inspections. The Commission wanted to extend this requirement (presently used on land with respect to general licensees) to the offshore area to enable it to track the activities of its general licensees in order to make its own inspections. After discussions with Louisiana, the Commission has decided to continue to allow that State to perform inspections for NRC in the defined offshore area under the previously-described 274i. Agreement and to update that Agreement. Additionally, after discussions with the other coastal Agreement States, the Commission has also decided to permit all these States to perform inspections for it under similar 274i. agreements.

In light of this development, the final rule now states that the Commission requires the filing of the NRC-241 form, unless the licensee provides to the Agreement State that issued the specific license timely notification of its offshore activities and that State is listed in the rule as agreeing to perform inspections for NRC under a 274i. agreement. Louisiana is the only State now listed in the rule because it already has the requisite agreement. The rule will contain a complete list as soon as the Commission has section 247i. agreements with the other coastal Agreement States. It is presently pursuing discussions with them toward that end. Thus, the issues of offshore inspection and of the use of the reporting forms have been resolved simultaneously by allowing Agreement States to perform inspections on NRC's behalf, thereby simplifying the Commission's regulatory efforts and avoiding dual reporting for the defined offshore area.

Definition of "Offshore Waters"

It should be noted that the rule defines "offshore waters" as "that area of land and water, beyond Agreement States' Submerged Lands Act jurisdiction, on or above the U.S. Outer Continental Shelf" without specifying for each Agreement State the exact boundaries of these waters and the land area of the Shelf. The definition of offshore waters is designed to keep the proposed rule simple. Aside from the fact that it is not feasible to draw cartographic lines in any regulation, it is unnecessary to do so. The Supreme Court has decided the Federal-State dispute over the land areas of the Outer Continental Shelf and, as a matter of law, defined the necessary boundary lines. Further, as a practical matter, the three-mile limit is depicted generally on large-scale nautical charts of the United States published by the National Ocean Survey of the Department of Commerce.

In addition, in the cases of Texas and Louisiana cited before, the Supreme Court defined the necessary boundary lines as a matter of fact. Thus, in the case of Louisiana, for example, its jurisdiction over the seabed of the Shelf extends three nautical miles from its coastline; and, in the case of Texas, for example (and the same is true for Florida), as a technical legal matter having to do with its admission as a State of the Union, its jurisdiction over the seabed of the Shelf extends up to nine nautical miles from its coastline.

Thus, the definition in the proposed rule is intended to cover, in an understandable and simple fashion, the Commission's jurisdiction over persons operating beyond the Agreement States' normal three-mile jurisdictional limit, just described, and using byproduct, source, or special nuclear materials on things, such as oil rigs, attached to the seabed of the Outer Continental Shelf as well as the Commission's jurisdiction over persons using these materials in diving activities or on free-floating objects, such as lay barges and other vessels, in the waters above the seabed of the Shelf.

It should also be noted that the rule is focused on the Outer Continental Shelf area and not on the high seas beyond the Shelf. Thus, beyond the Outer Continental Shelf, NRC will continue, as has been the case historically, its licensing authority over certain kinds of persons, such as the Navy using nuclear material on naval vessels, while Agreement States will retain their authority over other kinds of persons, such as, for example, those using nuclear materials on State-chartered research vessels. In other words, the Commission acknowledges its present practice of regarding possession and use of nuclear materials on those high seas beyond the Shelf by certain citizens of littoral States as also subject to those States' regulatory authorities. However, in light of the previous jurisdictional statement, the Commission reserves the right to alter or amend such practice at any time.

Paperwork Reduction Act

This final rule contains no new or amended requirements for recordkeeping, reporting, plans or procedures, applications or any other type of information collection.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 31 and 150, are published as a document subject to codification.

PART 31—GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

1. The introductory paragraph of § 31.6 is revised and the authority citation for § 31.6 is, as follows:

§ 31.6 General license to install devices generally licensed in § 31.5.

Any person who holds a specific license issued by an Agreement State authorizing the holder to manufacture, install, or service a device described in § 31.5 within such Agreement State is hereby granted a general license to install and service such device in any non-Agreement State and a general license to install and service such device in offshore waters, as defined in § 150.3(f) of this chapter: *Provided*, That:

* * *

* * * * *

(Secs. 81, 161b., 274, Pub. L. 83-703, as amended, 68 Stat. 935, 948, 73 Stat. 688 (42 U.S.C. 2111, 2201b., 2021))

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

2. The title of 10 CFR Part 150 is changed to read, "Exemptions and Continued Regulatory Authority in Agreement States and in Offshore Waters Under Section 274".

3. Section 150.1 is revised to read:

§ 150.1 Purpose.

The regulations in this part provide certain exemptions to persons in Agreement States from the licensing requirements contained in Chapters 6, 7, and 8 of the Act and from the

regulations of the Commission imposing requirements upon persons who receive, possess, use or transfer byproduct material, source, or special nuclear material in quantities not sufficient to form a critical mass; and to define activities in Agreement States and in offshore waters over which the regulatory authority of the Commission continues. The provisions of the Act, and regulations of the Commission apply to all persons in Agreement States and in offshore waters engaging in activities over which the regulatory authority of the Commission continues.

4. In § 150.3, a new paragraph (f) is added as follows and former paragraphs (f)–(k) are redesignated as paragraphs (g)–(l) respectively.

§ 150.3 Definitions.

As used in this part: * * *

* * * * *

(f) "Offshore waters" means that area of land and water, beyond Agreement States' Submerged Lands Act jurisdiction, on or above the U.S. Outer Continental Shelf.

* * * * *

5. A new heading is added after § 150.5, to read as follows:

Continued Commission Regulatory Authority in Offshore Waters

6. A new § 150.7 is added before the heading, "EXEMPTIONS IN AGREEMENT STATES," to read as follows:

§ 150.7 Persons in offshore waters not exempt.

Persons in offshore waters are not exempt from the Commission's licensing and regulatory requirements with respect to byproduct, source, and special nuclear materials.

7. Section 150.20(a) is revised to read:

§ 150.20 Recognition of Agreement State licenses.

(a) Subject to the provisions of paragraph (b) of this section, any person holding a specific license from an Agreement State where the licensee maintains an office for directing the licensed activity, and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the same activity in non-Agreement States and a general license to conduct the same activity in offshore waters: *Provided*, That the specific license does not limit the activity authorized by either general license to specified installations or locations.

* * * * *

8. The first paragraph of § 150.20(b) is revised to read:

* * * * *

(b) Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person engaging in activities in a non-Agreement State or in offshore waters under the general licenses provided in this section, the general licenses provided in this section are subject to the provisions of §§ 30.14(d), 30.34, 30.41, and 30.51 to 30.63, inclusive, of Part 30 of this chapter; §§ 40.41, 40.51, 40.61 to 40.63 inclusive, 40.71 and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.42, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provisions of Parts 19, 20, and 71 and Subpart B of Part 34 of this chapter. In addition, any person engaging in activities in non-Agreement States or in offshore waters under the general licenses provided in this section:

* * *

* * * * *

9. Section 150.20(b)(1) is revised to read:

* * * * *

(b) * * *

(1) Except as specified in paragraph (c) of this section, shall, at least 3 days before engaging in each such activity, file 4 copies of Form NRC–241 (revised), "Report of Proposed Activities in Non-Agreement States," and 4 copies of its Agreement State specific license with the Director of the Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix D of Part 20 of this chapter for the region in which the Agreement State that issued the license is located. That Director may authorize the licensee to begin the activity upon notification by telephone of the licensee's intent to conduct the proposed activity under the general license: * * *

* * * * *

10. Section 150.20(b)(2) is revised to read:

* * * * *

(b) * * *

(2) Shall not, in any non-Agreement State or in offshore waters, transfer or dispose of radioactive material possessed or used under the general licenses provided in this section, *except* by transfer to a person (i) specifically licensed by the Commission to receive such material, or (ii) exempt from the requirements for a license for such material under § 30.14 of this chapter;

* * *

* * * * *

11. Section 150.20(b)(3) is revised to read:

* * * * *

(b) * * *

(3) Shall not, under the general license concerning activities in non-Agreement States, possess or use radioactive materials, or engage in the activities authorized in paragraph (a) of this section, for more than 180 days in any calendar year, *except* that, the general license in paragraph (a) of this section concerning activities in offshore waters authorizes that person to possess or use radioactive materials, or engage in the activities authorized, for an unlimited period of time.

12. A new paragraph (c) is added to § 150.20 to read as follows:

* * * * *

(c) A person engaging in activities in offshore waters under the general license provided for that purpose in paragraph (a) of this section need not file a Form NRC–241 (revised) with the Commission under paragraph (b)(1) of this section, *Provided*, That:

(1) At least 3 days before engaging in each such activity the person notifies the Agreement State that issued the specific license about the activity, including in the notification (i) a description of the activity, (ii) the location, (iii) the dates scheduled, (iv) a list of the sealed sources, or devices containing sealed sources, which will be possessed, used, installed, serviced, or tested, and (v) a description of the type and quantity of radioactive material contained in each sealed source or device; and (2) The Agreement State that issued the specific license is listed in paragraph (d) of this section as having entered into an agreement to perform inspections and other functions for the Commission.

13. A new paragraph (d) is added to § 150.20 to read as follows:

* * * * *

(d) The following Agreement State has entered into an agreement to perform inspections and other functions for the Commission: Louisiana.

(Sections 150.1, 150.3, 150.7 and 150.20 are also issued under secs. 51, 53, 57, 62, 63, 81, 161o., 222, 223, 274, Pub. L. 83–703, as amended, Pub. L. 91–161, Pub. L. 90–190, 68 Stat. 929, 930, 932, 933, 935, 948, 83 Stat. 444, 81 Stat. 575, 73 Stat. 688 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2111, 2201o., 2272, 2273, 2021); sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington, D.C. this 28th day of August 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-25637 Filed 9-2-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-GL-13; Amdt. 39-4206]

Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Model Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Revocation of airworthiness directive (AD).

SUMMARY: Amendment 39-3594 (44 FR 60722) AD79-21-07 specified an increased torque for the bolts which attach the aft centerbody of the thrust reverser/fixed nozzle on General Electric model CF6-45 and CF6-50 series engines. It has since been determined that the loss of the aft centerbody was due to the substitution of unapproved nutplates during engine maintenance. Amendment 39-3594 is no longer necessary and is therefore being revoked.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Henry A. Jackson, Engine Projects Section (ANE-214E), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7347.

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

There have been five incidents in which the aft centerbody has been lost from a CF6-50 series engine. A subsequent survey of airlines uncovered a number of attachment bolts missing or loose, and a wide range of bolt torque values. It was determined that nutplates had lost their locking feature, allowing bolts to become loose and fall out. Therefore, an emergency telegraphic AD was adopted and made effective September 21, 1979, to all operators of General Electric CF6-45 and CF6-50 model turbofan engines installed in McDonnell Douglas DC-10, Boeing 747, and Airbus Industrie A-300 series aircraft.

The emergency AD instructed operators to check, and retorque to 110-130 inch pounds, the 8 bolts that attach the aft centerbody to forward centerbody of the thrust reverser/fixed nozzle. The previous torque value was 55-70 inch pounds. AD79-21-07 was issued as a final rule, amendment 39-3594, and published in the **Federal Register** on October 22, 1979.

Subsequent to issuance of the above AD, it has been discovered that the loss of the aft centerbodies was caused by the substitution of unapproved nutplates during engine maintenance.

Therefore, both the previous emergency telegraphic AD dated September 21, 1979, and the final rule, AD79-21-07, published as amendment 39-3594 in the **Federal Register** on October 22, 1979, are revoked.

Adoption of the Amendment

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulation (14 CFR 39.13) is amended by revoking amendment 39-3594 (44 FR 60722) AD79-21-07. This revocation becomes effective August 31, 1981.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12291, as implemented by DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). Since this regulation action relieves an undesirable maintenance requirement and imposes no additional burden on any person, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts on August 21, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-25503 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-54-AD; Amdt. 39-4209]

Airworthiness Directives: McDonnell Douglas Model DC-9-10, -20, -30, -40, -50 Series Airplanes (Including Military C9A, C9B, and VC9C Airplanes) Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive which requires periodic inspection of the horizontal stabilizer rear spar on certain McDonnell Douglas Model DC-9 Series Airplanes. This amendment provides operators with an optional modification which, if they choose to accomplish it, allows them to discontinue the repetitive inspections.

DATES: Effective Date September 15, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Harry J. Irwin, Aerospace Engineer, Airframe Branch, ANW-120L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2826.

SUPPLEMENTARY INFORMATION: AD 80-08-09, Amendment 39-3743 (45 FR 25048, April 14, 1980) requires repetitive visual and eddy current inspection to detect fatigue cracks and prevent failure of the left and right horizontal stabilizer upper and lower rear spar caps.

After issuing Amendment 39-3743, the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region, evaluated substantiating data and additional service instructions submitted by the manufacturer. It was determined that the procedures and modifications specified in McDonnell Douglas DC-9 Service Bulletin 55-31, dated February 27, 1981, to replace horizontal stabilizer upper and lower rear spar caps with fatigue resistant caps provide an acceptable alternate means of compliance and terminating action for the original AD.

Since this amendment provides an alternate means of compliance, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

§ 39.13 [Amended]

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

by amending AD 80-08-09, Amendment 39-3743 (45 FR 25048, April 14, 1980) by adding a new paragraph (i) to read as follows:

* * * * *

(i) The replacement of horizontal stabilizer upper and lower rear spar caps in accordance with Part 2 Accomplishment Instructions of McDonnell Douglas DC-9 Service Bulletin 55-31 dated February 27, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region, constitutes terminating action for the repetitive inspections required by paragraphs (a) thru (f) of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60).

These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108 or Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This Amendment becomes effective September 15, 1981.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any person. This amendment is not major under Executive Order 12291 (46 FR 13193; February 19, 1981), and not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on August 26, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-25700 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-15]

Alteration of Transition Area; Fergus Falls, Minn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Fergus Falls, Minnesota, in order to accommodate a revised instrument approach procedure into the Fergus Falls Municipal Airport, which was established on the basis of a request from the local Airport officials. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-630, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 33284 of the **Federal Register** dated June 29, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the transition area near Fergus Falls, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 26, 1981, as follows:

§ 71.181 [Amended]

In § 71.181 (46 FR 540), the following transition area is amended:

Fergus Falls, Minnesota

That airspace extending upward from 700' above the surface within 6½ miles of the Fergus Falls Municipal Airport (latitude 46°17'15"N, longitude 096°09'45"W) at Fergus Falls, Minnesota, and 1½ miles either side of the 138° (true) radial of the FFM VOR extending from 6½ miles to 7 miles and 3 miles either side of the 188° (true) radial of the FFM VOR extending 6½ to 8½ miles and 3 miles each side of the 343° (true) radial of the FFM VOR from 6½ miles to 8 miles.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on August 19, 1981.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 81-25406 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-10]

Designation of Transition Area; Gladwin, Mich.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Gladwin, Michigan, in order to accommodate a new instrument approach into Gladwin Municipal Airport, Gladwin, Michigan, which was established on the basis of a request from the local Airport officials to

provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 32878 of the Federal Register dated June 25, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add transition area airspace near Gladwin, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 26, 1981, as follows:

§ 71.181 [Amended]

In § 71.181 (46 FR 540), the following transition area is added:

Gladwin, Michigan

That airspace extending upward from 700' above the surface within 6.5 miles of the Gladwin Airport (latitude 43°58'20" N, longitude 084°28'50" W) at Gladwin, Michigan, and 3 miles either side of the 081° bearing from the Gladwin Airport extending from 6.5 miles to 8.5 miles.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulation (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on August 19, 1981.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 81-25407 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-18]

Alteration of Transition Area; Howell, Mich.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace near Howell, Michigan, to accommodate a VOR Runway 31 instrument approach procedure into the Livingston County Airport, Howell, Michigan, which was established on the basis of a request from the Livingston County Airport officials to provide that airport with an additional instrument approach procedure. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above surface to 700 feet for a distance of approximately one-half mile beyond that now depicted. The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 33286 of the Federal Register dated June 29, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the transition area airspace near Howell, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 26, 1981, as follows:

§ 71.181 [Amended]

In § 71.181 (46 FR 540), the following transition area is amended:

Howell, Michigan

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Howell, Michigan, Livingston County Airport (latitude 42°37'30" N., longitude 83°58'45" W.), and within 2 miles each side of the Salem, Michigan, 308° radial extending from the 6.5 mile radius area to 7.5 miles southeast of the airport.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory

evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on August 19, 1981.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 81-25405 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-8]

Alteration of Transition Area; Boonville, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Boonville, Missouri, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Jessee Viertel Memorial Airport, utilizing the Hallsville VORTAC as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: November 26, 1981.

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

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the Jessee Viertel Memorial Airport, Boonville, Missouri, is being established utilizing the Hallsville VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the alteration of the transition area at Boonville, Missouri, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 30353, 30354 of the Federal Register dated June 8, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Boonville, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

§ 71.181 [Amended]

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 GMT November 26, 1981, by altering the following transition area:

Boonville, Missouri

That airspace extending upwards from 700 feet AGL within a 5-mile radius of the Jessee Viertel Memorial Airport (latitude 39°56'50" N, longitude 92°41'19" W) and within 4 miles each side of the 249° radial of the Hallsville VOR from the 5-mile radius area to 19 miles southwest of the Hallsville VOR, and within 3 miles each side of the 012° bearing from the Jessee Viertel Airport, extending from the 5-mile radius area to 8 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69)).

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on August 14, 1981.

John E. Shaw,

Acting Director; Central Region.

[FR Doc. 81-25409 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWE-19]

Establishment of Transition Area; Casa Grande, Ariz.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule

SUMMARY: This rule designates a 700-foot transition area for Casa Grande Municipal Airport, Casa Grande, Arizona, in order to provide additional controlled airspace for aircraft executing an instrument approach procedure to the Casa Grande Municipal Airport.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

On July 23, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area for Casa Grande, Arizona (46 FR 37906). Establishment of this transition area will provide controlled airspace for protection of instrument operations at Casa Grande Municipal Airport.

Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 was republished in the Federal Register on January 2, 1981 (46 FR 540).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes a transition area at Casa Grande, Arizona. This transition area provides protection for instrument operations at Casa Grande Municipal Airport, increases air traffic safety and improves flow contol procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901, September 3, 1981, by adding the following:

§ 71.181 [Amended].

Casa Grande, Arizona

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Casa Grande Municipal Airport (latitude 32°57'11"N, longitude 111°45'54"W.) and within 3 miles each side of the localizer course extending from the 5-mile radius area to the Casa Grande VORTAC.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a); Sec 6(c),

Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on August 21, 1981.

H. C. McClure,

Acting Director, Western Region.

[FR Doc. 81-25410 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-7]

Revocation and Designation of VOR Federal Airways; Oklahoma; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects a final rule that revokes and designates VOR Federal Airways in the vicinity of Gage, OK, as published in the **Federal Register** on July 27, 1981 (46 FR 38345). Inadvertently, the description of the new VOR Federal Airway V-402 was not published correctly and this action amends that description.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished and amended (46 FR 409 and 11951) is further amended, effective 0901 Gmt, October 1, 1981, as follows:

§ 71.123 [Amended]

By amending V-402 by deleting the words "INT Amarillo 072° and Gage, OK, 214° radials;" and substituting for them the words "INT Amarillo 072° and Gage, OK, 215° radials;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on August 25, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-25408 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-11]

Designation of Transition Area; Yoakum, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Yoakum, Texas. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Yoakum Municipal Airport. This amendment is necessary to provide protection for aircraft executing approaches using the proposed nondirectional radio beacon (NDB) located on the airport.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On May 4, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 24961) stating that the Federal Aviation Administration proposed to designate the Yoakum, Texas, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 G.M.T., November 26, 1981, as follows:

Yoakum, Texas

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yoakum Municipal Airport (latitude 29°18'50" N., longitude 97°08'18" W.) and within 3 miles each side of the 132° bearing of the NDB (latitude 29°18'45" N., longitude 97°08'19" W.) extending from the 5-mile radius area to 8.5 miles southeast of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. § 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on August 25, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-25500 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 207 and 220

[Docket No. R-81-931]

Debenture Interest Rates; Increase

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This rule change provides for an increased debenture interest rate applicable to all home and project mortgages and loans under the National Housing Act (the Act), as amended, except for debentures issued under the Act's Section 221(g)(4) provisions,

committed or endorsed on or after July 1, 1981. The Secretary of the Treasury determines debenture interest rates in accordance with established procedure and the Act. The intended effect of this rule change is to increase debenture interest rates for appropriate mortgages.

EFFECTIVE DATE: Effective date of this change is July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Arnold H. Diamond, Director, Office of Financial Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6186, Washington, D.C. 20410 (202) 426–4325. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Secretary of the Treasury has determined in accordance with the provisions of Section 224 of the National Housing Act, as amended, that the interest rate for the month of May 1981 is 12⅞% and has approved the establishment of debenture interest rates at 12⅞% to be effective as of July 1, 1981.

The Secretary of Housing and Urban Development has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that good cause exists for making this change effective as soon as possible. For these same reasons, it is not appropriate to delay the effective date of these provisions for the 30-day period provided in 5 U.S.C. 553(d).

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, D.C. 20410.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The Catalog of Federal Domestic Assistance program numbers are 14.117, 14.118, 14.122, 14.127, 14.134 and 14.139.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

1. Section 203.405 is revised to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the day the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6¼	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7⅛	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6⅝	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7¾	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅛	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅛	July 1, 1981	

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 203, 52 Stat. 10, as amended; (12 U.S.C. 1709))

2. Section 203.479 is revised to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6¼	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7⅛	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6⅝	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7¾	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅛	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅛	July 1, 1981	

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 203, 52 Stat. 10, as amended; (12 U.S.C. 1709))

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

3. In 207.259 paragraph (e)(6) is revised to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6¼	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7⅛	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6⅝	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7¾	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅛	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅛	July 1, 1981	

* * * * *

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 207, 52 Stat. 16, as amended; (12 U.S.C. 1713))

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

4. Section 220.830 is revised to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6¼	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7⅛	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6⅝	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7¾	July 1, 1978	Jan. 1, 1979.

	On or after	Prior to
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9¾	July 1, 1980	Jan. 1, 1981.
11⅝	Jan. 1, 1981	July 1, 1981.
12⅛	July 1, 1981	

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 220, 68 Stat. 596, as amended; (12 U.S.C. 1715k))

Issued at Washington, D.C., August 4, 1981.

Philip D. Winn,

Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 81-25649 Filed 9-2-81; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 51, and 58

[AD-FRL 1827-4]

Air Programs; Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Today's action promulgates revisions to Part 58 that establish ambient air monitoring and data reporting requirements for lead comparable to those already established for the other criteria pollutants. These revisions were proposed on October 10, 1980 (45 FR 67564). Included within these regulations are requirements for reporting and for assuring the quality of ambient lead data. Also included are requirements for the design of lead monitoring networks and the siting of lead monitors which will supersede less complete requirements currently contained in § 51.17b, which are being revoked in this action, and in EPA's "Supplementary Guidelines for Lead Implementation Plans" (EPA/450-2-78-038, 8/78). Provisions are also established which allow State or local agencies to operate special purpose ambient air quality monitors according to specifications approved by the Regional Administrator where the data are to be used for SIP-related functions other than a demonstration of attainment or non-attainment. Appendix G of Part 50 is being revised to incorporate provisions dealing with the Federal Reference Method for lead which were included in § 51.17b.

DATES: This regulation takes effect on October 5, 1981.

ADDRESS: Docket No. A-80-33 containing material relevant to this action, is located in West Tower Lobby, Gallery 1, U.S. Environmental Protection Agency, Central Docket Section, 401 M Street, S.W., Washington, D.C. 20460.

The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley Sleva, Chief, Monitoring Section, Monitoring and Data Analysis Division (MD-14), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5651.

SUPPLEMENTARY INFORMATION:

Background

On October 5, 1978 (43 FR 46246), the Administrator of the Environmental Protection Agency promulgated a national ambient air quality standard for lead and regulations for the preparation, adoption, and submittal of implementation plans for attaining and maintaining the lead air quality standard.

A new § 51.17b was established in these regulations to set forth requirements for air quality surveillance relative to plans for attaining and maintaining the lead air quality standard. Section 51.17b called for the States to establish and operate networks for monitoring ambient lead and to report the resulting data to EPA. The data were to be used, among other things, for developing control strategies, tracking attainment and maintenance of the national ambient air quality standard (NAAQS), and in analyzing air quality trends. However, complete requirements for quality assurance and certain aspects of monitor siting had not yet been developed by October 1978; only those minimum requirements related to plan development and surveillance of ambient levels were contained in the October 1978 action. Additional guidance on monitor siting was presented in the "Supplementary Guidelines for Lead Implementation Plans." At the time these regulations were promulgated, EPA was actively involved in a major revision to the ambient air quality monitoring and data reporting requirements for all of the other criteria pollutants (proposed on August 7, 1978, 43 FR 34892). In addition to presenting far more comprehensive requirements than had been in effect since 1971, a key portion of the August 1978 action proposed the creation of a new Part 58 to include most of the regulatory requirements dealing with air quality monitoring. On May 10, 1979 (44 FR 27558), final rules were promulgated to establish Part 58 which provided complete and detailed requirements for air quality monitoring, data reporting, and surveillance for all of the criteria pollutants except lead. Today's action carries out the intent expressed in the October 5, 1978 and May 10, 1979 actions, by establishing requirements for lead that are closely patterned after the requirements for the other criteria pollutants.

In addition to the requirements dealing solely with lead, today's action revises § 58.14 to give State and local agencies additional flexibility in conducting special ambient monitoring studies. These changes allow a State to use the data collected from special purpose monitors (SPM) for purposes other than demonstrating attainment or nonattainment or computing a design value for control purposes without meeting the SLAMS requirements, provided the monitors are located and operated according to requirements approved by the Regional Administrator. Such requirements would include a monitoring schedule, instrument methodology, quality assurance procedures, and probe-siting criteria for each instrument.

Public Comments

EPA received a total of 19 written comment letters on the proposal of October 10, 1980. The origin of the letters is as follows: Federal Agencies, 4; Industry, 4; State Air Pollution Control Agencies, 8; Local Air Pollution Control Agencies, 2; and State Laboratories, 1.

The bulk of the letters dealt with the proposed changes to Part 58; however, three organizations commented on several matters related to Reference No. 10, EPA's "Guidance for Lead Monitoring in the Vicinity of Point Sources." At the time of proposal, this guideline was available only as a draft dated June 15, 1979. In January 1981, this guideline was revised and issued in final form (EPA-450/4-81-006). The purpose of this guideline is to present technical considerations which may be of use in designing a network which meets the monitoring objective of determining the impact of point sources on ambient lead levels.

Five comments on the point source guideline were received. One commenter requested that EPA withhold finalization of the October 10, 1980 proposal to Part 58 pending peer review and finalization of the June 15, 1979 draft guideline. Since it has never been the Agency's intent to incorporate by reference in Part 58 the procedures contained in this guideline, the Agency decided not to provide formal notice of opportunity to comment on this

guideline. However, all of the comments received were considered in preparing the final version of the guideline. These comments are discussed below.

Two commenters expressed the view that measurement of background concentrations must include contributions from other sources in the common geological region around a source. EPA agrees that background measurements should include other sources of lead being transported into the area of the point source. The final guideline reflects revisions which present siting guidance for multi-source areas.

Two commenters suggested that after modeling has been used to estimate the areas of maximum impact for purposes of monitor siting, monitor locations should be restricted to populous areas. EPA rejects this suggestion primarily because it implies that the standards have to be met only where substantial numbers of people are exposed. In fact, the standards apply to all areas meeting the definition of "ambient air" contained in 40 CFR 50.1(e). Under that section, "ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access. Given this requirement and definition, EPA contends it is a valid monitoring objective to determine the impact of significant lead sources in all places meeting the definition of "ambient air" whether the area is sparsely or densely populated. The final guideline specifies that monitors should be placed in those locations satisfying the definition of ambient air in situations where significant ambient concentrations are expected.

One commenter suggested that Appendix D to Part 58 should state that data collected using the guideline not be used for determining compliance with the ambient lead standard and that the purpose of lead point source monitors should be limited to determining where SLAMS monitors should be placed. EPA rejects this suggestion, for essentially the same reasons cited in response to the previous comment. Where monitors are sited according to the guideline and placed in locations that satisfy the definition of ambient air, there are no technical or legal constraints from using the data to determine compliance with the National Ambient Air Quality Standard (NAAQS).

Two commenters suggested that the guideline should be flexible as to the number and location of monitors because of factors such as terrain, meteorology, population density, and population distribution. EPA agrees that such flexibility is desirable and attempted to indicate this in the draft guideline. The need to employ a case-by-case approach relative to the location and number of monitors has been emphasized in the final version of the guideline.

Differences Between the Final Rule and Proposal

The following discussion lists each section of the regulation where a change was proposed in the October 10, 1980 action, presents the respective comments received for each, and explains what action is being taken for each section by today's rulemaking.

Addition to Part 50, Appendix G. No comments were received on the proposed change. Today's action carries out the revision proposed on October 10, 1980. In summary, today's action takes the substance of § 51.17b(h) and moves it to Appendix G of Part 50. The substance of the affected wording provides for the analysis of individual lead samples or composites of samples collected over a calendar month or quarter. As discussed below, today's action revokes all of § 51.17b.

Revocation of Section 51.17b. No comments were received on the proposed change. Today's revisions to Appendices D and E of Part 58 incorporate the substance of what was contained in § 51.17b(b), (c), (d) and (f). The substance of § 51.17b(e) is already contained in § 58.13(b). Today's action moves the substance of § 51.17b(g) to §§ 58.23 and 58.34. The substance of § 51.17b(j) is already contained in § 58.20(e) and the substance of § 51.17b(k) is already contained in Part 58, Appendix C, section 2.1.

Section 58.1—Definitions. One commenter pointed out the need for clarifying the U.S. Census Bureau's figures for population of urbanized areas, since in Appendix D population is one of the criteria used to determine areas requiring monitoring stations. Section 58.40 defined urbanized areas for purposes of index reporting as those listed in the U.S. Bureau of Census, October 1976 Supplementary Report. This report updated the 1970 census figures for urbanized areas and has been used in determining the number of National Air Monitoring Stations for other criteria pollutants. Concerning lead monitoring, it is EPA's intent to also use this report in determining which areas are urbanized and which meet the 500,000 population criteria. Therefore, the definition of urbanized area has been added to the list of definitions in § 58.1.

Section 58.14—Special purpose monitors. One comment was received relative to this section. The commenter urged that States should not only be allowed to perform special purpose monitoring but encouraged to anticipate and measure possible air quality problems which may not be identifiable by the SLAMS network. While suggesting no particular change to what was proposed, the commenter appeared to feel that perhaps the discretion given to each Regional Administrator relative to standardizing siting and operational procedures would not provide sufficient flexibility for some types of investigations. EPA believes that the changes proposed should provide sufficient flexibility for special purpose studies since case-by-case decisions can be made by the Regional Administrator. Today's action makes final the revisions to § 58.14 which were proposed on October 10, 1980.

Section 58.20—Air quality surveillance: Plan content. EPA inadvertently proposed to revise the introductory sentence of § 58.20 to require the States to revise their SIPs to incorporate descriptions of their lead monitoring networks by April 1, 1981. EPA intended to require the States to make their network descriptions available to the Regional Administrators as required for the other criteria pollutants by § 58.20(e). EPA did not intend to require the States to revise their SIPs to include lead network descriptions. Accordingly, EPA is withdrawing the proposed change to the introductory sentence of § 58.20 and inserting a reference to lead networks in § 58.20(e). EPA is making this change without providing an additional opportunity to comment because it will not impose additional requirements on the States. In fact, this change will eliminate the need for the States to comply with SIP revision procedures when preparing their network descriptions.

EPA received three comments requesting additional time for the preparation of lead network descriptions because States would not be able to finish planning their networks by April 1, 1981. EPA realizes that the April 1, 1981 deadline has passed. EPA is revising § 58.20(e) to require these descriptions to be made available by December 1, 1981.

EPA is also revising paragraph (c) of § 58.20 to add the words "except Pb" as proposed.

Section 58.23—Monitoring network completion. Two comments were received on the proposed revision and both recommended that additional time be provided for completion of the approved SLAMS network for lead. The revision to this section proposed in October 1980 would have required that

by January 1, 1982, each lead monitor in the approved SLAMS network must:

Be in operation;

Be sited in accordance with Appendix E;

Be located as described on the station's SAROAD identification form; and

Meet all of the quality assurance requirements pertinent to lead in Appendix A.

After considering the current status of the lead networks, the delays in making today's action final and the additional resources needed by some control agencies, EPA believes it appropriate to withdraw the proposed changes in § 58.23. Thus, today's action provides that the lead portion of the approved SLAMS networks must meet all requirements of Part 58 by January 1, 1983. This is the same compliance date which applies to the SLAMS network for the other pollutants.

Section 58.30—NAMS network establishment. Two comments were received on the proposed revision and both recommended that additional time be provided for establishment of the NAMS network. Both felt that the changes proposed to Appendix D would require many agencies to move existing urban monitors. Given this input and the delay in issuing today's rulemaking, the Administrator believes that an eight-month deferral of the date proposed is appropriate. Thus, today's action adds "with the exception of Pb, which shall be by December 1, 1981" after "January 1, 1980" in paragraph (a). The purpose of this revision is to set a date by which the lead NAMS portion of the SLAMS network must be fully described and documented in a submittal to the Administrator (through the appropriate Regional Office).

Section 58.34—NAMS network completion. Two comments were received on the proposed revision and both recommended that additional time be provided for completion of the NAMS network. As discussed above, the Administrator recognizes that bringing the NAMS into full compliance may require additional time and resources and may not be possible for all agencies to accomplish during 1981. Given this situation, the completion date proposed is deferred by 6 months. Today's action adds "with the exception of Pb, which shall be by July 1, 1982" after "January 1, 1981" in the introductory sentence. This means that by July 1, 1982, all lead NAMS must be in operation, be sited in accordance with the criteria in Appendix E, be located as described in the station's SAROAD site identification form, and be operated under the quality assurance requirements of Appendix A.

Section 58.35—NAMS data submittal. The single comment received on this section expressed the view that the submission of ambient lead data within 90 days after the completion of each calendar quarter will not be possible for many small agencies. After reviewing data from a survey of State and local agenices, EPA believes that most agencies view the 90 day schedule as reasonable. Therefore, no change is being made to this portion of § 58.35. As a result of the deferral of the requirements of § 58.34, the Administrator believes that also delaying the first quarterly reporting of ambient lead data by six months is appropriate. Today's action deletes the current wording in paragraph (d) and replaces it with the following: "For TSP, SO_2, CO, O_3, and NO_2, the first quarterly report will be due on or before June 30, 1981, for data collected during the first quarter of 1981. For Pb, the first quarterly report will be due on December 31, 1982, for data collected during the third quarter of 1982." The purpose of this revision is to establish a date for submission of the first quarterly reports of data from Pb NAMS and to make it clear that the June 30, 1981 date applies only to TSP, SO_2, CO, O_3 and NO_2. States having one or more Pb NAMS operating according to all Part 58 criteria prior to July 1, 1982, are encouraged to submit data from those monitors in accordance with the reporting requirements of this section for other pollutants.

Appendix A—Quality Assurance Requirements for State and Local Air Monitoring Stations (SLAMS). The overall purpose of today's revisions to Appendix A is to establish requirements for assuring the quality of ambient lead data produced by the SLAMS networks which are comparable to the requirements for the other criteria pollutants already in Appendix A. Today's revisions, therefore, present procedures for assessing the precision and accuracy of lead data and generally require quarterly submissions of calculated precision and accuracy data to EPA similar to that required for the other pollutants.

It should be noted that many of the requirements already contained in Appendix A will also apply to lead. In general, the sections relating to manual methods will pertain to lead as well as to TSP. Persons reviewing today's revisions to Appendix A are urged to refer to the materials already in this Appendix and to the references of Appendix A.

Three commenters urged that EPA supply lead audit samples to all laboratories performing analyses of lead from the SLAMS networks. One suggested that Appendix A be revised to specify that standardized audit samples be made available by EPA through its national audit program. The Agency disagrees with this suggestion because for EPA to supply such standards would seriously compromise the independence of the EPA audit from routine SLAMS audit procedures. Therefore, no action will be taken to revise the EPA audit program to adopt this suggestion.

Since the sampling methods for TSP and Pb are identical, four commenters urged that Appendix A be changed to allow a reporting organization to use collocated TSP sites to serve as the collocated sites for estimating the precision of lead measurements. This change would eliminate the need for paired hi-volume samplers at the lead sites and would significantly reduce the equipment and manpower requirements of the operating agency. EPA agrees with the need to minimize resource requirements but is also concerned about obtaining Pb precision estimates from sites closely representing the highest ambient Pb concentrations. Since some selected collocated TSP sites may not adequately reflect the highest Pb concentrations, section 3.2.1 of Appendix A has been modified to require Pb precision estimates to be determined from a single Pb site. The estimates would be determined by analysis of duplicate strips taken from one filter. This approach eliminates the additional expense of collocated Pb samplers and is responsive to the intent of the commenters.

One commenter urged that Appendix A be revised to require only one collocated lead monitor per reporting organization rather than the two required. This suggestion is closely related to those discussed in the preceding paragraph. As discussed above, the revisions to Appendix A now allow precision to be estimated from a single site. Thus, no collocation is required.

One commenter suggested that Appendix A be revised to combine the TSP and lead networks for accuracy flow audits. Thus, the requirement to audit 25% of the TSP monitors and 25% of the lead monitors could be met by auditing not less than 25% of the combined network. EPA agrees that the implementation of this suggestion should reduce manpower requirements while still providing an adequate assessment of flow rates. A new paragraph (d) has been added to section 3.2.2 to allow the quarterly flow audits

to be based on 25% of the entire hi-vol network.

One commenter expressed the view that the samples used in the intralaboratory audit program should be more representative of actual air samples. To do this, such samples would contain insoluble lead compounds typically present in ambient air. The type of audit sample described in the October proposal has worked well in current EPA audits and may be prepared by State and local agencies. Audit samples of the type suggested are not producible by most State and local agencies. Therefore, today's action makes final the procedures for preparing audit samples as proposed in October 1980.

Two commenters suggested that accuracy audits be performed once every quarter or once every two quarters, rather than each day that samples are analyzed. After reviewing this suggestion, EPA believes it has some merit but would trade off too much information on accuracy. EPA believes that estimates of accuracy are needed throughout the analytical period. Performing such audits only once every 3 or 6 months would not yield enough data to make meaningful estimates of accuracy. In response to this suggestion, today's action modifies Appendix A to require at least six audit sample analyses spread out over a calendar quarter. EPA believes that this will produce sufficient information on accuracy while requiring less manpower than the requirement proposed in October 1980.

One commenter urged that sites with the highest quarterly averages rather than sites with the highest yearly averages be selected for collocation. As discussed above, Appendix A has been altered so that collocation is no longer required and that sites reflecting the highest average concentrations will be used for estimating precision.

One commenter urged that control agencies be allowed to continue to do their lead analyses under existing quality assurance plans even if they do not require audit samples. This suggestion would change a cornerstone of EPA's quality assurance program since without the use of audit samples there would be no estimate of the accuracy of the data being produced. Today's rulemaking takes no action on this request.

Although not specifically addressed during the public comment period, the EPA has received technical suggestions for correcting a current problem with section 3.1.2 of Appendix A. This section requires audits of the SLAMS monitored each calendar quarter and specifies four audit point concentration ranges. Audit point number 3 specifies a concentration range of 0.40–0.45 ppm for SO_2, NO_2, and O_3 and of 40–45 ppm for CO. In attempting to adhere to the reference method calibration procedure for NO_2, it has been found that it is impossible to generate audit points within the audit point number 3 range of 0.40–0.45 ppm. To resolve this unintended technical error, EPA is changing the range of audit point number 3 from 0.40–0.45 to 0.35–0.45 ppm for SO_2, NO_2, and O_3. For consistency reasons, the audit range for CO is changed from 40–45 to 35–45 ppm.

Appendix B—Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring. The purpose of today's revision to Appendix B is to establish, as required by §§ 51.24m and 52.21m, requirements for quality assurance procedures for the monitoring of ambient lead for PSD purposes. A substantial amount of the TSP requirements already contained in Appendix B will also apply to Pb. Thus, readers of today's revisions should refer to the material currently in Appendix B. Since the requirements for lead are very similar to those for TSP, the equipment and manpower requirements for carrying out the Pb quality assurance procedures are minimal.

There were no specific comments suggesting changes to the proposed revisions to Appendix B. However, changes are being made to the audit point table in section 3.2 for the same technical reasons that were presented in the preceding discussion of Appendix A. The changes are in audit point number 3 and are identical to those noted in Appendix A.

To conserve resources, EPA has changed section 3.3.2 by adding a sentence that would allow collocated TSP samplers to serve as the collocated lead samplers. EPA believes that precision of the Pb monitors can be adequately assessed in this manner.

Appendix D—Network Design for State and Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS). Today's action establishes requirements which closely parallel the requirements on monitor location which have been contained in § 51.17b and also reflect criteria very similar to the material on network design presented in the "Supplementary Guidelines for Lead Implementation Plans." Today's action establishes section 2.7 which presents the overall network design requirements for the SLAMS network and section 3.6 which specifies network design requirements for NAMS. Of the 19 responses received on the October 1980 proposal, nine raised one or more issues related to Appendix D. The majority of these comments were constructive but did not call for major changes to the proposed requirements. The modifications to Appendix D being made final today, therefore, reflect these comments but differ little from those proposed. The following paragraphs present the comments received and explain what action has been taken.

Two commenters expressed the view that the Regional Administrator would have too much authority in setting the number of SLAMS monitors in the lead network. This type of authority is already provided to the Regional Administrator for the other criteria pollutants. The purpose of EPA participation in network design is to insure that all monitoring necessary for purposes of the SIP are carried out. Adequate monitoring is essential to the development of effective strategies for pollution control. EPA has broad responsibilities to ensure that the SIPs contain effective pollution control strategies. Therefore, EPA is providing the Regional Administrator with authority to approve the State's networks as proposed.

Three commenters recommended that changes be made to the criteria for determining the need for monitors within the SLAMS network. One felt that the period for counting violations of the ambient standards should start in 1977 rather than 1974. The suggestion was in reaction to a situation where NAAQS exceedances had been experienced during one quarter of 1975 but all subsequent data from these sites had shown no exceedances. While EPA agrees that the issue raised here has merit, it believes that the Regional Administrators have adequate discretion to determine through case-by-case reviews which areas are clearly attaining the lead NAAQS and do not require monitors. To clarify the Administrator's intent on this matter, a new provision has been added to section 2.7 which allows the Regional Administrator to waive lead monitoring where there have been no violations of the lead NAAQS for the most recent eight quarters preceding the submission of the SLAMS network description for lead required by section 58.20. For locations where monitors are no longer being operated, data showing attainment during the final eight quarters of operation may provide the basis for such a waiver. This change should virtually eliminate the need for monitoring in smaller urban areas where historical data show clear evidence of attainment. One commenter suggested

that the requirement calling for two NAMS stations in any urbanized area with a population exceeding 500,000 be revised to employ a criteria of 1,000,000. No action has been taken on this comment. EPA believes that the 500,000 population criterion is representative of potential problem areas from mobile sources.

One commenter felt that since leaded gasoline sales are declining annually, many urban areas are projecting attainment within the next 1–2 years. Given this situation, this commenter felt that requiring such areas to establish lead monitoring networks would strain the resources of State or local control agencies unnecessarily. While EPA recognizes the very real resource constraints facing control agencies, it does not agree that operating lead networks for 1–2 years in such areas is unnecessary. If ambient lead levels are in fact dropping due to decreasing sales of leaded gasoline, ambient data to document this occurrence need to be obtained. Since the lead NAAQS is based upon health-related criteria, agencies concerned with protecting public health have a need to regularly evaluate the impact of areas exceeding the NAAQS.

Three commenters recommended that some mechanism be added to overcome the difficulties they foresee in establishing and operating sites meeting the requirements proposed for category (a) stations. The commenters felt that adherence to the microscale setback criteria would often be difficult to achieve, particularly in urban areas where schools or other large public facilities are located close to heavily traveled roadways. Other problems foreseen were obtaining electric power, exposure to vandalism, and difficult operator access. A related comment also questioned whether the 5–15 meter setback was reasonably related to population exposure, given the 3-month averaging time for the lead NAAQS. After evaluating these comments, EPA agrees that substantial practical difficulties would be likely in satisfying the category (a) requirements as proposed. To provide control agencies greater flexibility in establishing and operating their maximum concentration sites, Appendix D has been modified to allow either a middle scale or microscale site and in rare cases, a neighborhood scale site to serve as the category (a) station in NAMS and SLAMS. This change will allow those areas that have the maximum traffic on limited access highways with large fences, rights of way, and restricted operator access to use a middle scale site to satisfy the requirements for a category (a) station. This change should also be useful in areas where schools or nursing homes are located close to major arterial highways.

Appendix E—Probe Siting Criteria for Ambient Air Quality Monitoring. One commenter felt that minimizing re-entrainment and eliminating non-representativeness should serve as the primary basis for the 2-meter minimum height specified for lead monitors. The commenter felt that this requirement should not be based on considerations such as the security of the equipment or the prevention of vandalism. The Agency agrees and as a partical response to this comment, the discussion within Appendix E has been amended to explain that the lower limit reflects a compromise between ease of servicing the sampler and the desire to avoid unrepresentative conditions due to re-entrainment from dusty surfaces. The upper limit represents a compromise between the desire to have measurements which are most representative of population exposures and a consideration of the practical factors noted above.

One commenter pointed out that the 5–15 meter setback distance for the micro and middle scales proposed in Table 5 was inconsistent with section 7.3 which specifies a setback distance of greater than 15 meters for all scales larger than the microscale. This problem was corrected by revising Table 5. The middle scale no longer shares the same criteria as the microscale. The middle scale has been aligned with the neighborhood, urban, and regional scale and shares their criteria. Therefore, middle scale sites are no longer limited to a 5–15 meter setback from major roadways but may be set back from roadways according to guidance in Table 4 of Appendix E.

Appendix F—Annual SLAMS Air Quality Information. No comments were received; thus the final rulemaking appears as proposed.

Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action imposes no new major regulatory requirements, but principally recodifies existing lead ambient air monitoring and data reporting requirements and establishes them in a format similar to those established for the other criteria pollutants. The additional resources necessary for network design, instrument probe siting, and quality assurance are not considered significant since only the procedures for quality assurance are new requirements. On the other hand, the reporting requirements in the revised regulations should slightly reduce the overall data reporting burden of State and local agencies since the amount of data required to be reported quarterly will decrease substantially.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This regulation has also been submitted to OMB for review under the Paperwork Reduction Act of 1980 (44 U.S.C. Sec. 3501 et seq.)

This rulemaking is promulgated under authority of Sections 110, 301(a) and 319 of the Clean Air Act 42 U.S.C 7410, 7601(a), 7619.

Dated: August 24, 1981.

Anne M. Gorsuch,

Administrator.

EPA amends Chapter I, Title 40, *Code of Federal Regulations*, as follows:

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

1. Appendix G to Part 50 is amended by adding new sentences after the first sentence in Section 1.1 as follows:

1. *Principle and Applicability.*

1.1 * * * The analysis of the 24-hour samples may be performed for either individual samples or composites of the samples collected over a calendar month or quarter, provided that the compositing procedure has been approved in accordance with section 2.8 of Appendix C to Part 58 of this chapter—*Modifications of methods by users.* (Guidance or assistance in requesting approval under Section 2.8 can be obtained from the address given in section 2.7 of Appendix C to Part 58 of this chapter.)

(Secs. 110, 301(a) and 319 of the Clean Air Act (42 U.S.C. 7410, 7601(a), 7619))

PART 51—PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

§ 51.17b [Removed]

1. Section 51.17b is removed.

(Secs. 110, 301(a) and 319 of the Clean Air Act (42 U.S.C. 7410, 7601(a), 7619))

PART 58—AMBIENT AIR QUALITY SURVEILLANCE

1. Section 58.1 is amended by adding a new paragraph (r) as follows:

§ 58.1 Definitions.

* * * * *

(r) "Urban area population" means the population defined in "1970 Census of Population; Supplementary Report:

Population of Urbanized Areas Established Since the 1970 Census, for the United States; 1970," U.S. Bureau of Census, PC(S)–106, U.S. Government Printing Office, Washington, D.C., October, 1976.

2. Section 58.14 is revised to read as follows:

§ 58.14 Special purpose monitors.

(a) Any ambient air quality monitoring station other than a SLAMS or PSD station from which the State intends to use the data as part of a demonstration of attainment or nonattainment or in computing a design value for control purposes of the National Ambient Air Quality Standards (NAAQS) must meet the requirements for SLAMS described in § 58.22 and, after January 1, 1983, must also meet the requirements for SLAMS as described in § 58.13 and Appendices A and E to this part.

(b) Any ambient air quality monitoring station other than a SLAMS or PSD station from which the State intends to use the data for SIP-related functions other than as described in paragraph (a) of this section is not necessarily required to comply with the requirements for a SLAMS station under paragraph (a) but must be operated in accordance with a monitoring schedule, methodology, quality assurance procedures, and probe or instrument-siting specifications approved by the Regional Administrator.

* * * * *

§ 58.20 [Amended]

3. Section 58.20 is amended by adding "except Pb," after "per pollutant" in paragraph (c) and by adding in the second sentence of paragraph (e), "except for Pb which must be available by December 1, 1981" after "plan revision submittal."

§ 58.30 [Amended]

4. Section 58.30 is amended by adding "with the exception of Pb, which shall be by December 1, 1981," after "January 1, 1980," in paragraph (a).

§ 58.34 [Amended]

5. Section 58.34 is amended by adding "with the exception of Pb, which shall be by July 1, 1982," after "January 1, 1981," in the introductory sentence.

6. Section 58.35, paragraph (d), is revised to read as follows:

§ 58.35 NAMS data submittal.

* * * * *

(d) For TSP, CO, SO_2, O_3, and NO_2, the first quarterly report will be due on or before June 30, 1981, for data collected during the first quarter of 1981. For Pb, the first quarterly report will be due on December 31, 1982, for data collected during the third quarter of 1982.

Appendix A [Amended]

7. Appendix A is amended as follows:

a. In section 2.2, a new sentence is inserted after the first sentence as follows:

2. *Quality Control Requirements.*

* * * * *

2.2 * * * Section 2.09 of Reference 2 describes specific guidance for the development of a quality control program for SLAMS automated analyzers and manual methods.* * *

* * * * *

b. In section 3, the table in section 3.1.2 listing audit points and concentration ranges is amended; a new paragraph is added at the end of section 3.2.1; in section 3.2.2, the introductory text is revised, and paragraph (d) is added as set forth below:

3. Data Quality Assessment Requirements

* * * * *

3.1.2 *Accuracy.* * * *

Audit point	Concentration range, ppm	
	SO_2, NO_2, O_3	CO
1	0.03–0.08	3–5
2	0.15–0.20	15–20
3	0.35–0.45	35–45
4	0.80–0.90	80–90

* * * * *

3.2 *Manual Methods*

3.2.1 *Precision.* * * *

* * * * *

For the Pb reference method, precision will be estimated from duplicate filter strip analyses performed on samples from the expected highest concentration lead site. The precision of an equivalent lead method may be assessed by analyzing identical aliquots of the samples collected at the expected highest concentration lead site. For each day lead samples are collected, cut two identical strips from the filter or take two identical aliquots. Designate the first strip/aliquot as the sample which will be used to report air quality for the site and designate the other as the duplicate sample. The difference in measured concentration ($\mu g/m^3$) between the two samples is used to calculate precision as described in 4.2.1.

* * * * *

3.2.2 *Accuracy.* The accuracy of manual sampling methods is assessed by auditing a portion of the measurement process. For TSP, the flow rate during sample collection is audited. For Pb, the flow rate and analytical measurement are audited. The flow audit should be scheduled so as to avoid interference with a scheduled sampling period. For SO_2 and NO_2 methods, the analytical measurement is audited.

* * * * *

(d) *Pb Methods.* For the reference method (Appendix G of Part 50 of this chapter) the flow rates of the high volume Pb samplers are to be audited as part of the TSP network using the same procedures described in 3.2.2(a) above. For agencies operating both TSP and Pb networks, 25 percent of the total number of high volume samplers are to be audited each quarter.

Each calendar quarter, audit the Pb reference method analyses using glass fiber filter strips containing a known quantity of Pb. Audit samples are prepared by depositing a lead solution on 1.9 cm by 20.3 cm (¾ inch by 8 inch) unexposed glass fiber filter strips, and allowing to dry thoroughly. The audit samples must be prepared using reagents different from those used to calibrate the lead analytical equipment being audited. Prepare audit samples in the following concentration ranges:

Range	Pb concentration µg/strip	Equivalent ambient Pb concentration[1] µg/m³
1	100–300	0.5–1.5
2	600–1000	3.0–5.0

[1] Equivalent ambient Pb concentration in $\mu g/m^3$ is based on sampling at 1.7 m^3/min for 24 hours on 20.3 cm × 25.4 cm (8 inch × 10 inch) glass fiber filter.

Audit samples must be extracted using the same extraction procedure used for exposed filters.

Analyze three audit samples in each of the two ranges each quarter samples are analyzed. The audit sample analyses are to be spread out as much as possible over the entire calendar quarter. The percent difference between the audit concentration (in µg Pb/strip) and the analyst's measured concentration (in µg Pb/strip) is used to calculate analysis accuracy as described in section 4.2.2.

The accuracy of an equivalent method is assessed in the same manner as the reference method. The flow auditing device and Pb analysis audit samples must be compatible with the specific requirements of the equivalent method.

* * * * *

c. In section 4, the introductory sentence of section 4.2.1 and the list of pollutants in paragraph (a) of section 4.2.1 are revised; in section 4.2.2, paragraph (c) is revised and a new sentence is added to paragraph (d) and new paragraphs (e) and (f) are added as follows:

4. Calculations for Data Quality Assessment

* * * * *

4.2.1 *Precision.* Estimates of precision are calculated from the results obtained from collocation of two samplers or from the analyses of duplicate strips/aliquots as described in section 3.2.1. * * *

a. *Single Instruments Precision.* * * *

TSP less than 20 $\mu g/m^3$

SO_2 less than 40 $\mu g/m^3$

NO_2 less than 30 $\mu g/m^3$

Pb less than 0.15 $\mu g/m^3$

* * * * *

4.2.2 *Accuracy.* * * *

* * * * *

(c) *Single-Analysis-Day Accuracy (SO_2, NO_2, and Pb).* For each of the audits of the analyses for SO_2, NO_2 and Pb described in section 3.2.2(b), (c), and (d) let X_i represent the known value of the audit sample and Y_i the indicated value of SO_2, NO_2, and Pb. Calculate the percentage difference (d_i) for each audit at each concentration level using equation 1.

(d) *Accuracy for Reporting Organization (SO_2, NO_2, and Pb).* Calculate * * * Calculate the 95 Percent Probability Limits for the accuracy for the reporting organization using equations 6 and 7 and record these limits on the back of Form 1 for each concentration level under columns 40–57 for SO_2 and NO_2, and under columns 40–45 and 46–51 for the Range 1 and Range 2 Pb concentrations, respectively.

(e) *Single Sampler Accuracy (Pb).* For high-volume samplers, flow audit calculations and reporting audit results are included with the TSP determinations as described in section 4.2.2(a) and (b) above. The remainder of paragraphs (e) and (f) apply to equivalent methods which do not use the high-volume sampler.

For the flow rate audit described in section 3.2.2(d), let X_i represent the known flow rate and Y_i represent the indicated flow rate. Calculate the percentage difference (d_i) for each audit using equation 1.

(f) *Sampling Accuracy for Reporting Organization (Non-High Volume Sampler Pb Methods).* Using equation 8, calculate the average ($\bar{D}$) of the individual percent differences for all samplers audited during the calendar quarter. Compute the standard deviation (S_a) of all the percentage differences for all of the instruments audited during the calendar quarter using equation 9.

Calculate the 95 Percentage Probability Limits for the accuracy of a reporting organization using equations 6 and 7, and record these limits on the back of Form 1 under columns 52–57. Note that since the audit is conducted at only one level, columns 40–45 and 46–51 are not used for reporting accuracy during sampling; however, these columns will be used for reporting accuracy during analyses as described in (d). For reporting organizations having four or fewer samplers for Pb, which will be the usual case, only one audit is required each quarter. For such reporting organizations, the audit results of two consecutive quarters are required to calculate an average and a standard deviation using equations 8 and 9. Therefore, semi-annual reporting (instead of quarterly) of probability limits is required.

d. In section 5, the instructions in section 5.3 are amended as follows:

(*1*) By revising the instructions for Automated Analyzers, blocks 34 and 35, and adding instructions for new blocks 63–65 as follows:

5. *Reporting Requirements*

* * * * *

5.3 Instructions for Form 1

* * * * *

Block No.	Automated analyzers (form 1, front)
25 to 27	* * *
34	*Traceability.* If audit gases were traced to NBS by the reporting organization, put 1 in block 34. If audit gases were traced to NBS by someone outside the reporting organization, put 2 in block 34.
35	*Source of Local Primary Standard:* For accuracy determination, refer to code listed in Note 2.
	* * * * *
63 to 65	*Number of Audits at Level 4:* Report the total number of audits performed at level 4.

* * * * *

(*2*) By revising the instructions for manual methods for blocks 20–23, block 36, and the Table of Information for blocks 40–57, and by adding instructions for new blocks 58–60 as follows:

	Manual methods (form 1, back)
	* * * * *
20 to 23	*Number of Collocated samples below the limit:* * * * TSP-20μg TSP/m³ SO_2-40μg SO_2/m³ NO_2-30μg NO_2/m³ Pb-0.15μg Pb/m³
	* * * * *
36	Not applicable
	* * * * *
40 to 57	*Probability Limits, Accuracy:* * * *

Blocks	Levels	TSP cfm	Pb cfm	Audit concentrations	
				Pb μg/strip[1]	SO_2, NO_2, μg/ml
40–45	1			100 to 300	0.2 to 0.3.
46–51	2	One within 40–60 cfm.		600 to 1,000	0.5 to 0.6.
52–57	3		[2]		0.8 to 0.9.
58–60			[2]	[2]	[2]

[1] Audit ranges apply only to the Pb reference method. Audit ranges for an equivalent Pb method must be compatible with the specific requirements of the equivalent method.
[2] Flow audit of equivalent method should be in normal operating range of the sampler.
[3] *Number of Valid Collocated Data Pairs:* Enter the total number of data pairs from all the collocated sites.

e. The Data Assessment Report Form front and back, is revised to read as follows:

BILLING CODE 6560-26-M

OMB No 158-R0012
Expires

DATA ASSESSMENT REPORT

STATE	REPORTING ORGANIZATION	YEAR	QUARTER	SEND COMPLETED FORM TO REGIONAL OFFICE WITH COPY TO EMSL/RTP
1 2	3 4 5	6 7	8	

NAME OF REPORTING ORGANIZATION _____

AUTOMATED ANALYZERS

		PRECISION			
		NO OF ANALYZERS [1]	NO OF PRECISION CHECKS	PROBABILITY LIMITS	
				LOWER	UPPER
A CO	C 4 2 1 0 1 (9-14)	(15-17)	(18-21)	+/- (22-27)	+/-
B NO_2	C 4 2 6 0 2 (9-14)	(15-17)	(18-21)	+/- (22-27)	+/-
C O_3	C 4 4 2 0 1 (9-14)	(15-17)	(18-21)	+/- (22-27)	+/-
D SO_2	C 4 2 4 0 1 (9-14)	(15-17)	(18-21)	+/- (22-27)	+/-
E ___	C (9-14)	(15-17)	(18-21)	+/- (22-27)	+/-

ACCURACY

	TRACEABILITY	SOURCE OF LOCAL PRIMARY STANDARD [2]	NO OF AUDITS	PROBABILITY LIMITS LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	NO OF AUDITS AT LEVEL 4
				LOWER UPPER	LOWER UPPER	LOWER UPPER	LOWER UPPER	
A CO	C 4 2 1 0 1 (28-33) (34)	(35)	(36-38)	+/- (39-44) +/-	+/- (45-50) +/-	+/- (51-56) +/-	+/- (57-62) +/-	(63-65)
B NO_2	C 4 2 6 0 2 (28-33) (34)	(35)	(36-38)	+/- (39-44) +/-	+/- (45-50) +/-	+/- (51-56) +/-	+/- (57-62) +/-	(63-65)
C O_3	C 4 4 2 0 1 (28-33) (34)	(35)	(36-38)	+/- (39-44) +/-	+/- (45-50) +/-	+/- (51-56) +/-	+/- (57-62) +/-	(63-65)
D SO_2	C 4 2 4 0 1 (28-33) (34)	(35)	(36-38)	+/- (39-44) +/-	+/- (45-50) +/-	+/- (51-56) +/-	+/- (57-62) +/-	(63-65)
E ___	C (28-33) (34)	(35)	(36-38)	+/- (39-44) +/-	+/- (45-50) +/-	+/- (51-56) +/-	+/- (57-62) +/-	(63-65)

[1] COUNT ONLY REFERENCE OR EQUIVALENT MONITORING METHODS

[2] Identify according to the following code

A. NBS SRM
B. EMSL REFERENCE GAS
C. VENDER CRM
D. PHOTOMETER
E. BAKI
F. OTHER. SPECIFY_____

FIGURE 1 FORM 1 (FRONT)

OMB No. 158-R0012
Expires

DATA ASSESSMENT REPORT

STATE | REPORTING[1] ORGANIZATION | YEAR | QUARTER | SEND COMPLETED FORM TO REGIONAL OFFICE WITH COPY TO EMSL/RTP

1 2 | 3 4 5 | 6 7 | 8

NAME OF REPORTING ORGANIZATION _____

MANUAL METHODS

PRECISION

		NO. OF SAMPLERS [1]	NO. OF COLLOCATED SITES	NO. OF COLLOCATED SAMPLES < LIMIT	PROBABILITY LIMITS LOWER	PROBABILITY LIMITS UPPER	NO. OF VALID COLLOCATED DATA PAIRS
A. TSP	110101 (9-14)	(15-17)	(18-19)	(20-23)	+/- (24-29)	+/-	(58-60)
B. SO_2	142401 (9-14)	(15-17)	(18-19)	(20-23)	+/- (24-29)	+/-	(58-60)
C. NO_2	142602 (9-14)	(15-17)	(18-19)	(20-23)	+/- (24-29)	+/-	(58-60)
D. Pb	112128 (9-14)	(15-17)	(18-19)	(20-23)	+/- (24-29)	+/-	(58-60)

LIMITS APPLICABLE TO BLOCKS 20-23

TSP: 20 μg TSP/m^3

SO_2: 40 μg SO_2/m^3

NO_2: 30 μg NO_2/m^3

Pb: 0.15 μg Pb/m^3

ACCURACY

		NO. OF AUDITS	PROBABILITY LIMITS LEVEL 1 LOWER	LEVEL 1 UPPER	LEVEL 2 LOWER	LEVEL 2 UPPER	LEVEL 3 LOWER	LEVEL 3 UPPER
A. TSP	110101 (30-35) A (36)	(37-39)	+/- (40-45)	+/-	+/- (46-51)	+/-	+/- (52-57)	+/-
B. SO_2	142401 (30-35) B (36)	(37-39)	+/- (40-45)	+/-	+/- (46-51)	+/-	+/- (52-57)	+/-
C. NO_2	142602 (30-35) C (36)	(37-39)	+/- (40-45)	+/-	+/- (46-51)	+/-	+/- (52-57)	+/-
D. Pb	112128 (30-35) D (36)	(37-39)	+/- (40-45)	+/-	+/- (46-51)	+/-	+/- (52-57)	+/-

[1] COUNT ONLY REFERENCE OR EQUIVALENT MONITORING METHODS.

FIGURE 1 FORM 1 (BACK)

BILLING CODE 6560-26-C

Appendix B [Amended]

8. Appendix B is amended as follows:

a. In section 2, a new sentence is inserted after the first sentence of section 2.2 to read as follows:

2. *Quality Control Requirements.*

* * * * *

2.2 * * * Section 2.09 of Reference 2 describes specific guidance for the development of a quality control program for PSD automated analyzers and manual methods. * * *

* * * * *

b. In section 2.2, the second sentence is amended by removing the word "Method" and inserting the word "Many".

c. In section 3, the concentration range table in section 3.2 is amended, and sections 3.3.2 and 3.4.2 are added in the appropriate places as set forth below:

3. Data Quality Assessment Requirements.

* * * * *

3.2 *Accuracy of Automated Methods.*

* * *

* * * * *

Audit point	Concentration range, ppm	
	SO_2, NO_2, O_3	CO
1	0.03–0.08	3–8
2	0.15–0.20	15–20
3	0.35–0.45	35–45
4	0.80–0.90	80–90

* * * * *

3.3.2 *Pb Method.* The operation of collocated samplers at one sampling site must be used to assess the precision of the reference or an equivalent Pb method. The procedure to be followed for Pb methods is the same as described in 3.3.1 for the TSP method. If approved by the permit granting authority, the collocated TSP samplers may serve as the collocated lead samplers.

* * * * *

3.4.2 *Pb Method.* For the reference method (Appendix G of Part 50 of this chapter) during each sampling quarter audit the flow rate of each high-volume Pb sampler at least once. The procedure to be followed for lead methods is the same as described in section 3.4.1 for the TSP method.

For each sampling quarter, audit the Pb analysis using glass fiber filter strips containing a known quantity of lead. Audit samples are prepared by depositing a Pb solution on 1.9 cm by 20.3 cm (¾ inch by 8 inch) unexposed glass fiber filter strips and allowing to dry thoroughly. The audit samples must be prepared using reagents different from those used to calibrate the Pb analytical equipment being audited. Prepare audit samples in the following concentration ranges:

Ranges	Pb concentration µg/strip	Equivalent ambient Pb concentration [1] µg/m³
1	100 to 300	0.5 to 1.5.
2	600 to 1,000	3.0 to 5.0.

[1] Equivalent ambient Pb concentration in µg/m³ is based on sampling at 1.7 m³/min for 24 hours on 20.3 cm x 25.4 cm (8 inch x 10 inch) glass fiber filter.

Audit samples must be extracted using the same extraction procedure used for exposed filters.

Analyze at least one audit sample in each of the two ranges each day that samples are anlayzed. The difference between the audit concentration (in µg Pb/strip) and the analyst's measured concentration (in µg Pb/strip is used to calculate accuracy as described in section 5.4.

The accuracy of an equivalent method is assessed in the same manner as the reference method. The flow auditing device and Pb analysis audit samples must be compatible with the specific requirements of the equivalent method.

d. In section 5, section 5.1 is revised and sections 5.3 and 5.4 are added as set forth below:

5. *Calculations for Manual Methods.*

5.1 *Single Instrument Precision for TSP and Pb.* Estimates of precision for ambient air quality measurements from the TSP and Pb methods are calculated from results obtained from the collocation of two samplers at one sampling site as described in section 3.3.1 for TPS and 3.3.2 for Pb. At the end of each sampling quarter, calculate and report a precision probability interval using weekly collocation sampler results. Directions for calculation are given below and directions for reporting are given in section 6.

For the paired measurements described in section 3.3.1 or 3.3.2 calculate the percentage difference (d_i) using equation 1 where Y_i is the TSP or Pb concentration measured by the duplicate sampler and X_i is the TSP or Pb concentration measured by the sampler reporting air quality for the site. Calculate the quarterly average percentage difference ($\bar{d}_i$), equation 2, standard deviation (S_j), equation 3, and upper and lower 95 percent probability limits for precision (equations 6 and 7).

Upper 95 Percent Probability Limit =

$$\bar{d}_i + 1.96 S_j \sqrt{2} \quad (6)$$

Lower 95 Percent Probability Limit =

$$\bar{d}_i - 1.96 S_j \sqrt{2} \quad (7)$$

* * * * *

5.3 *Single Instrument Accuracy for Pb.* Each organization, at the end of each sampling quarter, shall calculate and report the percentage difference for each high-volume lead sampler audited during the quarter. Directions for calculation are given in 5.2 and directions for reporting are given in section 6.

5.4 *Single-Analysis-Day Accuracy for Pb.* Each organization, at the end of each sampling quarter, shall calculate and report the percentage difference for each Pb analysis audit during the quarter. Directions for calculations are given below and directions for reporting are given in section 6.

For each analysis audit for Pb described in section 3.4.2, let X_i represent the known value of the audit sample and Y_i the indicated value of Pb. Calculate the percentage difference (d_i) for each audit at each concentration level using equation 1.

6. *Organization Reporting Requirements [Amended]*

e. In section 6, the first paragraph is amended by deleting the words "section 5.2" and inserting in their place the words "sections 5.2 and 5.3."; and the first sentence of the second paragraph is amended by deleting the word "quarterly" and adding the phrase "for the entire sampling quarter" after the word "information".

Appendix D [Amended]

9. Appendix D is amended as follows:

a. In the Table of Contents, section 2.7 and 3.6 are added in the appropriate places as follows:

* * * * *

2.7 Lead (Pb) Design Criteria for SLAMS.

* * * * *

3.6 Lead (Pb) Design Criteria for NAMS.

* * * * *

b. In section 1, the fourth sentence of the third paragraph is revised to read as set forth below:

1. *SLAMS Monitoring Objectives and Spatial Scales.*

* * * * *

* * * It should be noted that this appendix contains no criteria for determining the total number of stations in SLAMS networks, except that a minimum number of lead SLAMS is prescribed. * * *

* * * * *

c. In section 2, the term "Slams" is corrected to read "SLAMS" in the title and section 2.7 is added as follows:

2. *SLAMS Network Design Procedures.*

* * * * *

2.7 *Lead (Pb) Design Criteria for SLAMS.* Presently, about 90 percent of the lead concentration in air originates from automobile exhaust, while the remaining 10 percent comes from industrial processes and stationary combustion sources. (*6*) The most important spatial scales to effectively characterize the emissions from both mobile and stationary sources are the micro, middle, and neighborhood scales. For purposes of establishing monitoring stations to represent large homogeneous areas other than the above scales of representativeness, urban or regional scale stations would also be needed.

Microscale—This scale would typify areas such as downtown street canyons and traffic corridors where the general public would be exposed to maximum concentrations from mobile sources. Because of the very steep ambient Pb gradients resulting from Pb emissions from mobile sources, (*7*) the dimensions of the microscale for Pb generally would not extend beyond 15 meters from the roadway. Emissions from stationary sources such as primary and secondary lead smelters, and primary copper smelters may under

fumigation conditions likewise result in high ground level concentrations at the microscale. In the latter case, the microscale would represent an area impacted by the plume with dimensions extending up to approximately 100 meters. Data collected at microscale stations provide information for evaluating and developing "hot-spot" control measures.

Middle Scale—This scale generally represents lead air quality levels in areas up to several city blocks in size with dimensions on the order of approximately 100 meters to 500 meters. However, the dimensions for middle scale roadway type stations would probably be on the order of 50–150 meters because of the exponential decrease in lead concentration with increasing distances from roadways. The middle scale may for example, include schools and playgrounds in center city areas which are close to major roadways. Pb monitors in such areas are desirable because of the higher sensitivity of children to exposures to Pb concentrations. (7) Emissions from point sources frequently impact on areas at which single sites may be located to measure concentrations representing middle spatial scales.

Neighborhood Scale—The neighborhood scale would characterize air quality conditions throughout some relatively uniform land use areas with dimensions in the 0.5 to 4.0 kilometer range. Stations of this scale would provide monitoring data in areas representing conditions where children live and play. Monitoring in such areas is important since this segment of the population is more susceptible to the effects of lead.

Urban Scale—Such stations would be used to present ambient Pb concentrations over an entire metropolitan area with dimensions in the 4 to 50 kilometer range. An urban scale station would be useful for assessing trends in city-wide air quality and the effectiveness of larger scale air pollution control strategies.

Regional Scale—Measurements from these stations would characterize air quality levels over areas having dimensions of 50 to hundreds of kilometers. This large scale of representativeness would be most applicable to sparsely populated areas and could provide information on background air quality and interregional pollutant transport.

Monitoring data for ambient Pb levels are required in major urbanized areas, particularly where Pb levels have been shown or are expected to be of significant concern such locations are to be expected in urban areas having high population densities and accompanying high traffic densities. The total number and type of stations for SLAMS are not prescribed but must be determined on a case-by-case basis. As a minimum there must be two stations in any urbanized area which has a population exceeding 500,000. Also, as a minimum, there must be two stations in any area where lead concentrations currently exceed or have exceeded 1.5 $\mu g/m^3$ quarterly arithmetic mean measured since January 1, 1974. For those areas less than 500,000 population where the lead concentrations have exceeded 1.5 $\mu g/m^3$ quarterly arithmetic mean, the Regional Administrator may waive the requirement for establishing SLAMS provided the State can demonstrate that measured lead concentrations have not exceeded the NAAQS for the eight quarters prceeding the lead monitoring plan submission required by § 58.20. For locations where monitors are not being operated at the time of the Pb monitoring plan submission, data showing attainment during the final eight quarters of operation will generally provide the basis for the waiver. The EPA Regional Administrator may specify more than two monitoring stations if it is found that two stations are insufficient to adequately determine if the Pb standard is being attained and maintained. The Regional Administrator may also specify that stations be located in areas outside the boundaries of the urbanized areas.

Concerning the previously discussed required minimum of two stations, one of the stations must be a category (a) type station and the second a category (b) station. Both of these categories of stations are defined in section 3. For areas where the predominant lead levels come from automotive sources, the category (a) station must be a microscale or middle scale station located near a major roadway [>30,000 average daily traffic, (ADT)] in order to measure maximum Pb concentrations from mobile sources. In areas where there are no roadways exceeding 30,000 ADT, the station should be located near the roadway with the largest traffic volume. Studies (7, 8) indicate that lead levels decrease exponentially with distance from roadways. Thus, the higher concentrations are close to the roadway and stations located in such areas because of the steep concentration gradients, are most often found to represent the microscale and middle scale dimension. For areas where predominant lead levels come from point sources, the category (a) station generally represents the microscale or middle scale impact of the point source. However, in a few cases, sufficient mixing may occur during transport of the emissions from the source to the ground so that the category (a) station represents a neighborhood scale. The required category (b) station must be a neighborhood scale station since the microscale and middle scale station would not represent the air quality over large geographical areas and frequently may not be located in highly populated areas. It is recognized that in certain areas, a middle scale station may be located at schools or playgrounds near major roadways. However, in most cases, they are not located in such areas and since children (7) are the segment of the population most susceptible to the effects of lead and are more likely to live and play in the residential section of the urban area, the category (b) station should be located in residential areas having a combination of high population and traffic density. In the case where lead levels come primarily from point sources, the category (b) station generally represents a neighborhood scale impact of the point source.

To locate monitoring stations, it will be necessary to obtain background information such as stationary and mobile source emissions inventories, morning and evening traffic patterns, climatological summaries, and local geographical characteristics. Such information should be used to identify areas that are most suitable to the particular monitoring objective and spatial scale of representativeness desired. Reference 9 provides additional guidance on locating sites to meet specific urban area monitoring objectives and must be used in locating new stations or evaluating the adequacy of existing stations.

After locating each Pb station, and, to the extent practicable, taking into consideration the collective impact of all Pb sources and surrounding physical characteristics of the siting area, a spatial scale of representativeness must be assigned to each station.

Guidance on locating monitoring stations in the vicinity of stationary lead sources is given in reference 10. This reference provides assistance in designing a network to meet the monitoring objective of determining the impact of point sources on ambient Pb levels.

d. In section 3, the third paragraph is revised to read as follows and section 3.6 is added as set forth below:

3. *Network Design for National Air Monitoring Stations (NAMS).*

* * * * *

Category (a): Stations located in the area(s) of expected maximum concentrations (generally neighborhood scale, except microscale for CO, microscale or middle scale for Pb, and urban scale for O_3);

* * * * *

3.6 *Lead (Pb) Design Criteria for NAMS.* In order to achieve the national monitoring objective, two of the SLAMS located in urbanized areas with populations greater than 500,000 will be designated as NAMS. One of the stations must be a microscale or middle scale category (a) station, located adjacent to a major roadway (≥ 30,000 ADT) or near the roadway with the largest traffic volume if the volume is less than 30,000 ADT. A microscale location is preferred, but a middle scale is also acceptable if a suitable microscale location cannot be found.

The second station must be a neighborhood scale category (b) station located in a highly populated residential section of the urbanized area where traffic density is high, preferably (≥ 30,000 ADT) or near the roadway with the largest traffic volume if the volume is less than 30,000 ADT.

In certain urbanized areas greater than 500,000 population, point sources may have a significant impact on air quality lead levels in populated areas. To measure the impact of such sources, other monitors in the SLAMS network would normally be used.

e. In section 4, Table 4 is revised to include Pb and a title is added to the table as follows:

4. *Summary*

Table 4.—*Summary of Spatial Scales for SLAMS and Required Scales for NAMS*

Spatial scale	Scales applicable for SLAMS						Scales required for NAMS					
	TSP	SO_2	CO	O_3	NO_2	Pb	TSP	SO_2	CO	O_3	NO_2	Pb
Micro			√			√			√			√
Middle	√	√	√	√	√	√						√
Neighborhood	√	√	√	√	√	√	√	√	√	√	√	√
Urban	√	√		√	√	√				√	√	
Regional	√	√		√		√						

* * * * *

f. In section 5, the list of references is amended by adding references 6 through 10 as follows:

5. *References*

* * * * *

6. Control Techniques for Lead Air Emissions, OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA–450/2–77–012. December 1977.

7. Air Quality Criteria for Lead. Office of Research and Development, U.S. Environmental Protection Agency, Washington, DC. EPA–600/8–77–017. December 1977.

8. Johnson, D. E., et al. Epidemiologic Study of the Effects of Automobile Traffic on Blood Lead Levels, Southwest Research Institute, Houston, TX. Prepared for U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA–600/1–78–055. August 1978.

9. Optimum Site Exposure Criteria for Lead Monitoring. PEDCo Environmental, Inc., Cincinnati, OH. Prepared for U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA Contract No. 68–02–3013. (May 1981.)

10. Guidance for Lead Monitoring in the Vicinity of Point Sources. Office of Air Quality Planning and Standards, and Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA–450/4–81–006. January 1981.

10. Appendix E is amended as follows:

a. The Table of Contents is amended by adding a new section 7 and renumbering the original sections 7 through 10 as sections 8 through 11 as follows:

Appendix E—Probe Siting Criteria for Ambient Air Quality Monitoring

* * * * *

7. Lead (Pb).
7.1 Vertical Placement.
7.2 Spacing from Obstructions.
7.3 Spacing from Roadways.
8. Probe Material and Pollutant Sample Residence Time.
9. Waiver Provisions.
10. Discussion and Summary.
11. References.

1. Introduction [amended].

b. In Section 1, the last sentence of the second paragraph is amended by changing the term "Section 8" to "Section 9".

2. Total Suspended Particulates (TSP) [amended].

c. In section 2.3, *Spacing from Roads*, the fourth sentence in the first paragraph is amended by deleting the words "special purpose monitoring studies" and adding the word "situations" in their place. Also, in section 2.3 a new sentence is inserted after the fourth sentence to read as follows: "NAMS would not be located to measure the impact of one or two point sources if the impact only extends over a geographic scale smaller than a neighborhood scale."

d. Section 7 is revised to read as follows:

7. Lead (Pb).

7.1 *Vertical placement.* Several studies [*5, 14–15*] on the relationship between roadway placement of lead samplers and measured ambient concentrations do not typically indicate large gradients within the first 6 to 7 meters above ground level. Similar to monitoring for other pollutants, optimal placement of the sampler inlet for lead monitoring should be at breathing height level. However, practical factors such as prevention of vandalism, security, and safety precautions must also be considered when siting a lead monitor. Given these considerations, the sampler inlet for microscale lead monitors must be 2–7 meters above ground level. The lower limit was based on a compromise between ease of servicing the sampler and the desire to avoid unrepresentative conditions due to re-entrainment from dusty surfaces. The upper limit represents a compromise between the desire to have measurements which are most representative of population exposures and a consideration of the practical factors noted above.

For middle or larger spatial scales, increased diffusion results in vertical concentration gradients which are not as great as for the small scales. Thus, the required height of the air intake for middle or larger scales is 2–15 meters.

7.2 *Spacing from Obstructions.* The sampler should be placed at least 20 meters from trees, since trees absorb particles as well as restrict airflow. The sampler must be located away from obstacles such as buildings, so that the distance between obstacles and the sampler is at least twice the height that the obstacle protrudes above the sampler.

A minimum of 2 meters of separation from walls, parapets, and penthouses is required for rooftop samplers. No furnace or incinerator flues should be nearby. The height and type of flues and the type, quality, and quantity of waste or fuel burned determine the separation distances. For example, if the emissions from the chimney have high lead content and there is a high probability that the plume would impact on the sampler during most of the sampling period, then other buildings/locations in the area that are free from the described sources should be chosen for the monitoring site.

There must be unrestricted airflow in an arc of at least 270° around the sampler. Since the intent of the category (a) site is to measure the maximum concentrations from a road or point source, there must be no significant obstruction between a road or point source and the monitor, even though other spacing from obstruction criteria are met. The predominant direction for the season with the greatest pollutant concentration potential must be included in the 270° arc.

7.3 *Spacing from Roadways.* Numberous studies have shown that ambient lead levels near mobile source are a function of the traffic volume and are most pronounced at ADT >30,000 within the first 15 meters, on the downwind side of the roadways. [1, 16–19] Therefore, stations to measure the peak concentration from mobile sources should be located at the distance most likely to produce the highest concentrations. For the microscale station, the location must be between 5 and 15 meters from the major roadway. For the middle scale station, a range of acceptable distances from the major roadway is shown in Table 4. This table also includes separation distances between a roadway and neighborhood or larger scale stations. These distances are based upon the data of reference 16 which illustrates that lead levels remain fairly constant after certain horizontal distances from the roadway. As depicted in the above reference, this distance is a function of the traffic volume.

Table 4.—*Separation Distance Between Pb Stations and Roadways (Edge of Nearest Traffic Lane)*

Roadway average daily traffic vehicles per day	Separation distance between roadways and stations, meters		
	Micro-scale	Middle scale	Neighborhood urban regional scale
<10,000	5–15	[1]>15–50	[1]>50
20,000	5–15	>15–75	>75
>40,000	5–15	>15–100	>100

[1] Distances should be interpolated based on traffic flow.

e. The original section 7 (Probe Material and Pollutant Sample Residence Time) is amended by renumbering it as section 8, and the references are renumbered as follows: references "14–18" to "20–24", references "19 to 25", references "20 to 26", and references "21–22" to "27–28".

f. The original section 8 (Waiver Provisions) is amended by renumbering it as section 9.

g. The original section 9 (Discussion and Summary) is renumbered as section 10; the table, therein, is renumbered as Table 5; and the text and table are revised to read as follows: 10. Discussion and Summary.

Table 5—*Summary of probe siting criteria*

Pollutant	Scale	Height above ground, meters	Distance from supporting structure, meters		Other spacing criteria
			Vertical	Horizontal[a]	
TSP	All	2–15	—	>2	1. Should be >20 meters from trees. 2. Distance from sampler to obstacle, such as buildings, must be at least twice the height the obstacle protrudes above the sampler.[b] 3. Must have unrestricted airflow 270° around the sampler. 4. No furnace or incineration flues should be nearby.[c] 5. Must have minimum spacing from roads. This varies with height of monitor and spatial scale (see Figure 1).
SO_x	All	3–15	>1	>1	1. Should be >20 meters from trees. 2. Distance from inlet probe to obstacle, such as buildings, must be at least twice the height the obstacle protrudes above the inlet probe.[b] 3. Must have unrestricted airflow 270° around the inlet probe, or 180° if probe is on the side of a building. 4. No furnace or incineration flues should be nearby.[c]
CO	Micro	3±½	>1	>1	1. Must be >10 meters from intersection and should be at midblock location. 2. Must be 2–10 meters from edge of nearest traffic lane. 3. Must have unrestricted airflow 180° around the inlet probe.
	Middle, neighborhood	3–15	>1	>1	1. Must have unrestricted airflow 270° around the inlet probe, or 180° if probe is on the side of a building. 2. Spacing from roads varies with traffic (see Table 1).
O_3	All	3–15	>1	>1	1. Should be >20 meters from trees. 2. Distance from inlet probe to obstacle, such as buildings, must be at least twice the height the obstacle protrudes above the inlet probe. 3. Must have unrestricted airflow 270° around the inlet probe, or 180° if probe is on the side of a building. 4. Spacing from roads varies with traffic (see Table 2).
NO_2	All	3–15	>1	>1	1. Should be >20 meters from trees. 2. Distance from inlet probe to obstacle, such as buildings, must be at least twice the height the obstacle protrudes above the inlet probe.[b] 3. Must have unrestricted airflow 270° around the inlet probe, or 180° if probe is on the side of a building. 4. Spacing from roads varies with traffic (see Table 3).
Pb	Micro	2–7	—	>2	1. Should be >20 meters from trees. 2. Distance from sampler to obstacle, such as buildings, must be at least twice the height the obstacle protrudes above the sampler. 3. Must have unrestricted airflow 270° around the sampler. 4. No furnace or incineration flues should be nearby.[c] 5. Must be 5 to 15 meters from major roadway.
	Middle, neighborhood, urban, and regional.	2–15	—	>2	1. Should be >20 meters from trees. 2. Distance from sampler to obstacle, such as buildings, must be at least twice the height the obstacle protrudes above the sampler. 3. Must have unrestricted airflow 270° around the sampler. 4. No furnace or incineration flues should be nearby.[c] 5. Spacing from roads varies with traffic (see Table 4).

[a] When probe is located on rooftop, this separation distance is in reference to walls, parapets, or penthouses located on the roof.
[b] Sites not meeting the criterion would be classified as middle-scale (see text).
[c] Distance is dependent on height of furnace or incineration flue, type of fuel or waste burned, and quality of fuel (sulfur, ash, or lead content). This is to avoid undue influences from minor pollutant sources.

Table 5 presents a summary of the requirements for probe-siting criteria with respect to distances and heights. It is apparent from Table 5 that different elevation distances above the ground are shown for the various pollutants. The discussion in the text for each of the pollutants described reasons for elevating the monitor or probe. The differences in the specified range of heights are based on the vertical concentration gradients. For CO, the gradients in the vertical direction are very large for the microscale, so a small range of heights has been used. The upper limit of 15 meters was specified for consistency between pollutants and to allow the use of a single manifold for monitoring more than one pollutant.

h. The original section 10 (References) is renumbered as section 11, six new references are added after reference 13, and the original references 14 through 22 are renumbered as references 20 through 28 and reference 26 is amended by inserting Anal. Chem. after ozone as follows:

11. References

* * * * *

14. Lead Analysis for Kansas City and Cincinnati, PEDCo Environmental, Inc., Cincinnati, OH. Prepared for U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA Contract No. 68–02–2515, June 1977.

15. Barltrap, D. and C. D. Strelow. Westway Nursery Testing Project. Report to the Greater London Council. August 1976.

16. Daines, R. H., H. Moto, and D. M. Chilko. Atmospheric Lead: Its Relationship to Traffic Volume and Proximity to Highways. Environ. Sci. and Technol., 4:318, 1970.

17. Johnson, D. E., *et al.* Epidemiologic Study of the Effects of Automobile Traffic on Blood Lead Levels, Southwest Research Institute, Houston, TX. Prepared for U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA–600/1–78–055, August 1978.

18. Air Quality Criteria for Lead. Office of Research and Development, U.S. Environmental Protection Agency, Washington, D.C. EPA–600/8–77–017. December 1977.

19. Lyman, D. R. The Atmospheric Diffusion of Carbon Monoxide and Lead from an Expressway, Ph.D. Dissertation, University of Cincinnati, Cincinnati, OH. 1972.

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26. Butcher, S. S. and R. E. Ruff. Effect of Inlet Residence Time on Analysis of Atmospheric Nitrogen Oxides and Ozone, Anal. Chem., 43:1890, 1971.

* * * * *

11. Appendix F is amended as follows:

a. The Table of Contents is amended by correcting the term "Slams" to read "SLAMS" in the title, and by adding sections 2.6, 2.6.1, and 2.6.2 as follows:

Appendix F. Annual SLAMS Air Quality Information

* * * * *

2.6 Lead (Pb).
2.6.1 Site and Monitoring Information.
2.6.2 Annual Summary Statistics.

b. A new section 2.6 is added to section 2 immediately following the table of section 2.5.2 as set forth below:

* * * * *

2.6 *Lead (Pb).*

2.6.1 *Site and Monitoring Information*—City name (when applicable), county name, and street address of site location, SAROAD site code. SAROAD monitoring method code. Sampling interval of submitted data, e.g., twenty-four hour or quarterly composites.

2.6.2 *Annual Summary Statistics*—The four quarterly arithmetic averages given to two decimal places for the year together with the number of twenty-four hour samples included in the average, as in the following format:

Quarter	Number of 24-hour samples	Quarterly arithmetic average ($\mu g/m^3$)
Jan.–March		
April–June		
July–Sept.		
Oct.–Dec.		

* * * * *

(Secs. 110, 301(a) and 319 of the Clean Air Act (42 U.S.C. 7410, 7601(a), 7619))

[FR Doc. 81-25421 Filed 9-2-81; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 52

[A-5-FRL 1878-3]

Revision to the Illinois State Implementation Plan

AGENCY: Environmental Protection Agency (EPA or U.S. EPA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to announce final rulemaking on revisions to the Illinois State Implementation Plan (Plan) which address attainment of the particulate matter national ambient air quality standards in areas of Illinois designated as nonattainment for this pollutant. These revisions were prepared by Illinois to meet the requirements of Part D, "Plan Requirements for Nonattainment Areas", of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* EPA takes final action to conditionally approve, as a whole, the Illinois strategy to control particulate emissions from iron and steel sources in nonattainment areas. Specific provisions of the proposed revisions are approved, conditionally approved, or disapproved in accordance with EPA's analysis of the Illinois submittal.

EFFECTIVE DATE: This action is effective on October 5, 1981.

ADDRESSES: Copies of the SIP revisions submitted by Illinois, supplementary information, and public comments are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, Region V, Air Enforcement Branch, 13th Floor, 230 S. Dearborn Street, Chicago, Illinois 60604.

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

Copies of the Plan revisions and supplementary information are also available for inspection during normal business hours at the following addresses: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Carol Wilmowski, Docket Clerk, Air Enforcement Branch, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312: 353–2082.

SUPPLEMENTARY INFORMATION:

I. Background

A. General Discussion

On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the Clean Air Act (Act), as amended in 1977, EPA designated specific geographical areas within each state that had failed to achieve attainment of the National Ambient Air Quality Standards for particulate matter, (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), ozone (O_x), and nitrogen dioxide (NO_2).

Part D of the Act, added by the 1977 amendments to the Act, requires each state to revise its state implementation plan (Plan) to meet specific air pollution control requirements for geographic areas designated as nonattainment. These Plan revisions must provide for attainment of the Primary National Ambient Air Quality Standards by December 31, 1982, and in specific circumstances no later than December 31, 1987, for ozone and/or carbon monoxide. EPA's requirements for approval of a State Part D Plan revision are described in a Federal Register notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

On April 3, 1979, the State of Illinois submitted to EPA proposed revisions to the Illinois Plan pursuant to the requirements of Part D of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* The revisions addressed, in part, those geographic areas in Illinois that had not attained the National Ambient Air Quality Standards for particulate matter. The purpose of the revisions was to implement measures for controlling particulate matter emissions in the designated nonattainment areas to insure attainment of the national standards as expeditiously as practicable, but not later than December 31, 1982.

On July 2, 1979, (44 FR 38587) EPA announced receipt of the Illinois submittal, the results of EPA's review of the submittal, and invited public comment. Final rulemaking on the July 2, 1979 proposal was completed on February 21, 1980 (45 FR 11470). Expressly omitted, however, in the July 2, 1979 announcement was EPA's review and proposed action for that portion of the Illinois Part D submittal which addressed particulate matter emissions from iron and steel process sources.

On August 9, 1979 (44 FR 46894), EPA published notice of receipt and availability for public review of the review of the revisions to the Illinois iron and steel process source regulations. On July 31, 1980 (45 FR 50825), EPA published the results of its review of the proposed revisions and invited public comment. Comments on this proposal and EPA's action were due September 2, 1980. On September 8, 1980 (45 FR 59198), EPA announced the availability of a guidance document which summarizes emissions limitations for particulate matter which EPA believes are generally achievable on a retrofit basis for iron and steel process sources. In conjunction with the notice of the guidance document, EPA announced its intent to evaluate a state's analysis of such technology in light of the underlying technical data. On October 3, 1980 (45 FR 65628), the public comment period for the proposed revisions was subsequently extended to October 31, 1980 to accommodate specific requests from the Illinois iron and steel industry and an Illinois-based environmental group. The requests were made to permit review of the documents which formed the basis for the technical guidance summary.

In response to EPA's July 31, 1980 Notice of Proposed Rulemaking and EPA's notice of availability of its reasonably available control technology (RACT) guidance document, comments and supplemental information were received from the Illinois Environmental Protection Agency, the iron and steel industry in Illinois, and an environmental interest group. These comments addressed the legal basis for EPA's proposed action as well as the technical rationale for EPA's proposed action. As applicable, these comments are addressed in Section II, "Comments

Addressed to EPA Policy;" and Section III, "Comments and Action on Proposed Rule 203(d)," of today's notice.

Based upon its review of the supplemental information and comments received, EPA is now taking final action to conditionally approve the Illinois Implementation Plan revisions that address the attainment of the primary national ambient air quality standards for iron and steel particulate matter sources located in designated geographic nonattainment areas within Illinois.

During the period when today's rulemaking was under preparation EPA intended that today's rulemaking would complete Part D rulemaking for particulates in Illinois subject to fulfillment of the conditions established during this and previous actions.

Recently, the United States Court of Appeals for the Seventh Circuit invalidated that portion of EPA's action that applied to the Illinois New Source Review rules. *Citizens For A Better Environment* v. *United States Environmental Protection Agency*, ——— F.2d ———, No. 80–1531 (7th Cir. May 26, 1981) [hereafter CBE]. New Source Review rules are required by Sections 110(a)(2)(I), 172(b)(6) and 173 of the Act. EPA action on Illinois' attempt to replace the New Source Rule and complete Part D rulemaking will be the subject of a subsequent Federal Register notice.

B. Summary of Illinois' Approach To Control Particulate Matter Emissions From Iron and Steel Process Sources

The Illinois attainment strategy for national ambient air particulate matter standards relies on existing regulations and new regulations which deal with particulate emissions from iron and steel mills, industrially related fugitive dust, and from malfunctions. Despite the application of regulations representing reasonably available control technology for traditional sources of particulate matter, analysis conducted by Illinois demonstrates that without further controls attainment of the primary particulate matter standard will not be achieved by December 31, 1982. As a consequence, Illinois proposed to conduct studies on non-traditional particulate sources to determine whether more particulate matter controls are feasible. If such studies support additional regulations, Illinois proposed to have these new regulations in place by December 31, 1981 with compliance by December 31, 1982. 45 FR 11472.

To further control particulate matter emissions from iron and steel process sources within non-attainment areas Illinois has proposed revisions to Illinois Rule 203(d). Rule 203(d) addresses particulate matter emissions from manufacturing processes at Illinois steel mills located primarily in the south Chicago-northwest Indiana Air Quality Control Region and Granite City, Illinois. The revised Rule consolidates emissions standards for process sources of particulate matter at steel mills and sets forth specific requirements for by-product coke plants, sinter processes, blast furnace casthouses, basic oxygen furnaces (BOFs), electric arc furnaces, argon-oxygen decarburization vessels, and liquid steel charging. With certain exceptions, previously approved particulate matter emissions standards for new and existing sources [Rule 203 (a) and (b)] are made inapplicable. The previously approved visible emission standard [Rule 203(d)(6)(i)(bb)] for certain by-product coke plant emission points is made inapplicable. 45 FR 50827.

II. Comments Addressed to EPA Policy

The majority of comments received by EPA can be grouped into these categories:

(1) The legality of EPA's action to conditionally approve the Illinois Part D Plan revisions, (2) EPA's use of its reasonably available control technology guidance document in this rulemaking, (3) the participation of EPA enforcement personnel in the rulemaking process, and (4) EPA's action on specific provisions of Illinios Rule 203(d).

The following are comments received by EPA and EPA's responses:

Comment: EPA's reliance on its "conditional approval" mechanism to approve revisions to the Illinois Plan is unauthorized in law. EPA must either approve or disapprove proposed revisions to the Illinois Plan. If disapproval is warranted, the Administrator has a non-discretionary duty to promulgate revisions to the Illinois Plan which meet the requirements of Part D of the Clean Air Act, which include a demonstration of attainment of the primary standards for particulate matter by December 31, 1982.

Response: A discussion of conditional approval and its practical effect appears at 44 FR 38583, July 2, 1979, and 44 FR 67182, November 23, 1979. Generally, EPA will approve revisions to a state's plan which are in substantial compliance with the requirements of Part D of the Act provided that noted deficiencies will be remedied within a prescribed period of time.

In its Final Rulemaking on the Illinois Plan (45 FR 11472), U.S. EPA reiterated its policy of conditionally approving a Plan which requires, at a minimum, RACT on all "traditional" sources of particulate matter emissions plus a showing by the State that despite such application of RACT to traditional sources, the Plan fails to demonstrate attainment of the national primary particulate matter standard. In this case, approval of the Illinois revisions is conditioned on the State's commitment to conduct additional studies on the causes for the particulate nonattainment, including the degree to which nontraditional area sources of particulate matter affect air quality, and to develop and to submit to U.S. EPA additional enforceable strategies adequate to demonstrate attainment of the primary standard by December 31, 1982. This policy stems from EPA's recognition that nontraditional sources significantly impact the potential for attainment of the national standards for particulate matter. In addition, EPA is aware that there exists a problem in identifying and developing control strategies for "nontraditional" sources, such as fugitive dust, resuspended road dust, and dust from construction. It became apparent that by January 1979, the deadline for the States to submit Part D Plans, it was still not possible in many cases to identify, without further studies, the specific sources of the nonattainment problem. Also, control measures for nontraditional sources were in the infancy of their development.

EPA believes that its conditional approval policy is consistent with Congress' intent and purpose in enacting Part D of the Act. A primary purpose of Part D is to permit reasonable economic growth in nonattainment areas at the same time that reasonable further progress is being made toward attainment of the National Ambient Air Quality Standards. "Reasonable further progress" is defined in Sections 171 and 172(b) of the Act as annual incremental reductions in emissions sufficient to achieve attainment, including such reductions from existing sources as may be obtained, at a minimum through adoption of RACT. Illinois has provided adequate information that demonstrates that certain strategies are RACT for specific sources, has agreed to conduct further studies to identify and control nontraditional sources, and has agreed to submit additional control measures to demonstrate attainment by the statutory attainment date on an expeditious schedule. EPA believes that, considered as a whole, the Illinois approach to its nonattainment problem assures the level of protection required by Part D of the Act. Under these circumstances, disapproval of the Plan would not serve the purpose intended by Congress.

The Illinois particulate Plan, including, the iron and steel provisions which are conditionally approved today, contains regulations requiring RACT on stationary sources or a commitment to adopt same. EPA's approval of New Source Review rules which will require the offset of emission reductions from existing sources greater than those projected from proposed new sources was recently invalidated by the *CBE* court. Illinois will effect positive reductions in particulate matter emissions during the period in which the State is developing and adopting the additional regulations necessary to achieve attainment and address the *CBE* court's concerns.

If the Administrator acted to disapprove the Plan, rather than accept the State's schedule to develop and adopt necessary additional control measures, EPA would have to conduct the same type of studies which the State itself has voluntarily undertaken in order to develop control strategies which accurately demonstrate attainment. Should EPA be obligated to conduct such studies and engage in rulemaking for each nonattainment area in each State with a nontraditional source problem, it is likely EPA's assumption of the regulatory process at this point would serve no purpose but to delay further Congress' goal of attaining the primary particulate standard by December 31, 1982.

EPA believes that its conditional approval policy is procedurally consistent with Section 110(c)(1) of the Act. By proposing conditional approval, the Administrator notified the State that further revisions were required to make the Plan fully approvable and, as contemplated by that subsection, the State and EPA's Regional Office will negotiate a prescribed time period which will be the subject of rulemaking to correct the deficiencies. If the State fails to meet its commitments to remedy the deficiencies, the Administrator will then take such further action as is necessary to provide for attainment of the national ambient particulate matter standards.

As for the development of the regulations for nontraditional sources, EPA agrees with the State that a technically sound basis for adopting such regulations must await completion of the studies now in process, and neither the State nor EPA can do more to assure attainment by the statutory deadline. Disapproval of the entire Plan and subsequent Federal action would serve merely to delay further the implementation of the Act's goal to achieve attainment of the air quality standards by the end of 1982.

Comment: EPA's proposed rulemaking is a violation of Section 110 (a)(2) and (a)(3) of the Act because the Illinois revisions do not require nor does the Illinois Plan require source monitoring and reporting provisions. The commentator further claimed that in light of this deficiency, the Administrator has a duty under Section 110(c) of the Act to promulgate such regulations.

Response: In the Administrator's view, comments related to deficiencies under Section 110(a)(2)(F) of the Act are not properly before the Agency in the context of the present Part D rulemaking. Rather, the commentator's objections are actually challenges to the Administrator's implementation of this statute at 40 CFR 51.19(e). This regulation, promulgated on October 6, 1975 (40 FR 46247), required that States include certain procedures in their plans for continuous emission monitoring of four specific source categories; requirements pertaining to iron and steel sources were not included. The Agency indicated at that time that the chosen categories represented "significant source of emissions," and that the list would be expanded:

> * * * from time to time when the economic and technological feasibility of continuous emissions monitoring is demonstrated and where such monitoring is deemed appropriate for other significant source categories. (40 FR 46241).

Thus, the remedy for parties believing that 40 CFR 51.19(e) was deficient for failure to include emission monitoring requirements for certain sources was to challenge this promulgation under Section 307(b) of the Clean Air Act, within the appropriate time frame and in the proper forum. Similarly, if new information on this issue has arisen subsequent to the Agency's October 1975 promulgation, the remedy lies with the appropriate Federal Apellate Court within the statutory time period "after such grounds arise." See Section 307(b)(1).

It should be noted that, as a matter of national policy, U.S. EPA is examining current requirements for monitoring emissions from various pollution sources. As noted by the commentator, however, the language of the Clean Air Act "allows the exercise of broad discretion by the rulemaking authority" in implementing Section 110(a)(2)(F). As of this rulemaking the Administrator has not yet determined that categorical imposition of specific monitoring requirements on iron and steel sources is appropriate.

Comment: EPA's utilization of its "relaxation", "revocation", and "continuity" policies as criteria for approving Part D Plan revisions is unlawful. Further, if the revisions require attainment of the air quality standards by the statutorily mandated date, a State is free to choose any strategy to attain the standards, which may include the revocation or relaxation of pre-existing regulations.

Response: Under the commentators' analysis, a submitted strategy could conceivably permit a State to delay the effective date of compliance with all air pollution regulations until the last permissible statutory attainment date of December 31, 1982. However, in enacting the 1977 Amendments to the Clean Air Act, Congress did not intend the 1982 attainment date to authorize relaxations or delays in compliance with existing requirements.

> The first suggestion was that the Act be amended to make clear that a revised attainment date under Section 172(a) would not be the basis for delaying the effective date of the emission limit for any source in effect prior to the adoption and submission of a plan revision under Part D. This Amendment was deemed unnecessary. Delays or relaxations of emission limits were not generally authorized or intended under Part D. (123 Cong. Rec. H 11958 daily ed. Nov. 1, 1977) (Remarks of Representative Rogers)

Further evidence of Congressional intent to avoid relaxation or revocation of pre-existing regulations through the Part D SIP revision process is found in Section 120 of the Clean Air Act. This section, contained in the 1977 Amendments to the Act, provides that failure of a source to meet applicable existing requirements will render that source liable to assessment of noncompliance penalties, with very few enumerated exceptions. 42 U.S.C. 7620.

The Administrator therefore believes it would be inconsistent with the Congressional intent to permit relaxation or revocation of existing requirements. As discussed in the General Preamble at 44 FR 20373–20374 (April 4, 1979), U.S. EPA continuity policy reflects and is consistent with the Congressional intent to prevent avoidance of pre-existing plan requirements. Present emission control requirements must be retained in order to prevent the operation of facilities without controls, or with less stringent controls while sources move toward compliance with, or challenge, the new requirements.

There are certain exceptions to the policies discussed above, as outlined in the General Preamble at 44 FR 20374, April 4, 1979. The exception most

pertinent to today's rulemaking is the acknowledgement that a State may submit a revocation of an existing requirement if an existing requirement conflicts with a new, more stringent requirement, making it highly impractical for a source to comply with the old requirement.

Comment: EPA's use of its guidance summary of reaonably available control technology for iron and steel process sources violates the Clean Air Act and the Due Process Clause of the Fifth Amendment to the Constitution of the United States.

Response: Commentators have challenged EPA's use of certain technical support documents as the basis for its July 31, 1980 proposed rulemaking. They contend that EPA intends to impose its assessments of what constitutes RACT, as outlined in the technical support documents, upon the States without the accompanying procedural due process safeguards, such as public hearings on the data, which are regularly imposed by formal rulemaking under the Clean Air Act and the Administrative Procedure Act. They base this argument predominantly upon the fact that in its Notice of Proposed Rulemaking of *July 31, 1980,* 45 FR 50827 EPA stated:

> Where a state proposes regulations which are not technically supported by U.S. EPA's data, the State must submit adequate data supporting its proposal as representing RACT.

EPA believes that commentators have misunderstood EPA's goal in developing a technical support docket. Under the scheme of the Clean Air Act, each State has a statutory obligation pursuant to Section 172 to develop a revised Plan for designated nonattainment areas. Each Plan must include sufficient information for EPA to evaluate whether such revised Plan meets the requirements of Section 172, including the requirement to adopt measures to reduce emissions through the adoption, at a minimum, of reasonably available control technology. See Section 172(b)(3). While the Clean Air Act specifies that U.S. EPA is required to pursue formal rulemaking pursuant to Section 307(d) for certain actions, no such requirement applies to agency action on state submitted implementation plan revisions.

The applicable guidelines for agency action on State submitted Plan revisions appear in the Administrative Procedure Act (APA), 5 U.S.C. 553. These guidelines require publication of notice of the proposed rulemaking, including a statement of the time, place and nature of the proceedings, reference to the legal authority under which the rule is proposed, and either the terms or substance of the proposed rule or a description of the subjects and issues involved. In addition, the Agency is required to give interested persons an opportunity to participate in the rulemaking through submission of written data, views or arguments. EPA has followed these guidelines in all its rulemaking on revisions to Illinois Plan regulations which apply to Illinois iron and steel sources.

Neither is the agency required by the Act to establish a rulemaking docket for its action in reviewing Part D Plan revision submittals. Nevertheless, in the course of pursuing its statutory obligation to review State submitted Part D Plan revisions, EPA has assembled a docket which contains legal and technical rationale for agency action on proposed Part D Plan revisions. The data accumulated in the technical support portion of the docket to which commentators refer, consists of comprehensive iron and steel emissions data from facilities across the country, and was compiled in direct response to EPA's mandated duty to evaluate the proposed Part D revisions in terms of Section 172 of the Act. This data is invaluable in analyzing the levels of emission control achievable for specific categories of sources within the iron and steel industry and is also useful in evaluating case-by-case RACT limitations in the event a State submits limitations which consider technological and economic feasibility. In contrast to commentators' contentions, EPA does not suggest that emission limitations and standards reflected in these documents constitute uniform and presumptive RACT standards for the iron and steel industry. In the same July 3, 1980, Notice of Proposed Rulemaking quoted *infra* by commentators, EPA explained its understanding of the Part D revision process and the uses to which it would put the technical support documents:

> U.S. EPA believes the burden of demonstrating that a regulation represents RACT rests on the State. In reviewing a proposed SIP [Plan] revision to determine its adequacy, EPA can verify independently that the provisions in the State plan represent RACT. Although EPA has not specified uniform RACT standards for the iron and steel industry, it has collected data which reflects the emission limitations achieved by various iron and steel sources applying control technology. Where a State proposes regulations which are not technically supported by EPA's data, the State must submit adequate data supporting its proposal as RACT.

The intention is to indicate that the State must submit justification to support its RACT determinations. EPA then considers the information submitted by the State, together with the data in the technical support docket and any public comments received to determine whether the specific regulatory revision satisfies the requirements of the Act for RACT.

EPA further clarified its position regarding the technical support documents in a September 8, 1980, **Federal Register** Notice of availability of guidance document, 45 FR 59198:

> By gathering and evaluating the available data, U.S. EPA does not intend to set uniform RACT standards which the States are required to adopt, and the summary should not be so construed. The limitations and standards summarized in the table should not be regarded as categorical RACT requirements for iron and steel sources, but solely as guidance which EPA will utilize as the starting point in its review and evaluation of a State's submission. The State may develop its RACT requirements independently of EPA's guidance * * * EPA * * * will carefully review and evaluate in detail the State's analysis to determine whether it in fact supports the State's proposed RACT requirements.

Only in those instances where U.S. EPA is actually engaged in promulgating uniform standards would rulemaking pursuant to Section 307(d) be appropriate. In the instant case, EPA has internally developed a guidance document designed to aid its evaluation of proposed revisions to state implementation plans in accordance with its statutory obligation under the Clean Air Act, and has made these documents publicly available. EPA has made clear its intent not to coerce a State into accepting a particular standard or technology but to require that a State technically justify its RACT determinations. In today's rulemaking, for example, EPA has changed its position on coke quenching operations in Illinois as a result of comments which justify the State's position.

Comment: EPA's use of technical material to assess RACT without also weighing the economic and sociological costs and benefits involved is improper. Evidence of the costs of meeting various limitations was introduced at the State hearing and absent testimony or evidence to the contrary EPA should be bound by the State's determination.

Response: Though some testimony regarding costs of compliance with proposed State rules was included in the State hearing record, for the most part nothing in the record supports a conclusion that Illinois iron and steel sources stand apart geographically, technically, or otherwise from those

sources identified in EPA's technical guidance document.

Many commentators also complained that EPA was not reviewing the State's proposals with the broad deference commentators read into EPA's early guidance. That guidance was intended (and continues) to permit the State to tailor regulations to the specific characteristics of its industrial community. It was not an invitation to ignore a large body of data demonstrating achievable control limitations. EPA's review of the State proposal must begin with some reference point from which to determine whether RACT has been required. Though a reference point is established, EPA's approach includes the flexibility to analyze economic or sociological factors which support variations from the conclusions it has reached. In other words, EPA will consider any State proposal differing from that based on its purely technical analysis where the State has articulated the site specific considerations justifying a different conclusion.

Certain Illinois proposals vary from EPA's conclusions. However, Illinois has not articulated a rationale for those variations nor provided economic or technological information from which such a rationale can be discussed. Consequently, EPA's analysis is therefore confined to the information before it. In addition, EPA cannot independently judge the adequacy of a State proposal by limiting its review to those matters raised during State rulemaking. EPA should not ignore its data as the commentator implies. In this instance EPA compared proposed Illinois requirements with documented performance by better control systems.

In a similar vein, a commentator urged EPA to accept certain standards based on site specific considerations. Certainly such considerations are appropriate to RACT determinations. However, because the State record reveals no factors to distinguish Illinois iron and steel sources from others in this country, the comment is inapposite.

Comment: That portion of EPA's guidance document for reasonably available control technology which addresses charging emissions contains flawed data and omissions of significant data from the iron and steel industry. The document also fails to include a technical rationale for the judgments contained therein.

Response: EPA has reviewed the commentator's argument and limited supporting documentation to determine whether the guidance document contains flawed data. Specific issues by the commentator are discussed in the appropriate sections below. In general, EPA has determined that the data based errors, to the extent they exist, in its guidance document are insignificant. Consequently, EPA believes its technical judgments contained in the guidance document are sound.

Comment: EPA failed to articulate what data in the technical portion of the rulemaking docket provided the basis for EPA's technical based decisions on the rules, and further, this omission made impossible the rendering of meaningful comment.

Response: Because the technical data in the rulemaking docket was indexed by process category, EPA believes that adequate reference to support data was provided to permit meaningful comment. All commentators who requested an extension of the comment period for the stated purpose that such was needed to review the docket materials were granted an extension equal to or greater than that requested.

Additional opportunity for comment will be afforded at the State level as the State promulgates regulatory revisions in response to today's rulemaking. In addition, as EPA stated in its Supplement to the General Preamble published on November 23, 1979, when the State submits supporting data for its proposed revisions, or submits new revisions, EPA will review the adequacy of the State's submission and publish its determination as either a proposed or final rulemaking, depending on the nature of the submittal.

Therefore, EPA believes that adequate opportunity has been provided to comment on EPA's data.

Comment: EPA's use of its enforcement personnel in this rulemaking violates the Due Process Clause of the United States Constitution and the Administrative Procedures Act, 5 U.S.C. 554(d)(2), in that it is improper for personnel involved in the enforcement of air pollution control regulations to review the adequacy of proposed regulations.

Response: EPA believes the participation by certain members of EPA's Region V Enforcement Division in the review of the proposed iron and steel regulations does not violate either the separation of functions provisions of the Administrative Procedure Act or the Due Process Clause of the United States Constitution.

The Agency believes that the separation of functions requirement of the Administrative Procedure Act (APA) is not applicable to the present rulemaking. This requirement is relevant only when the applicable statute mandates a hearing on the record. *Bethlehem Steel Corporation* v. *U.S. EPA*, —— F.2d ——, No. 79-2382 (7th Cir. December 22, 1980). See also *Buckeye Power Inc.* v. *EPA*, 481 F.2d 162, (6th Cir. 1973). Since the Clean Air Act does not require such a hearing for Plan approvals under Section 110(a), the APA's separation of functions requirement is inapplicable.

The Administrator has also examined the commentator's contention in light of the Due Process Clause and applicable case law. Region V's Office of Regional Counsel has reviewed the nature of involvement of Region V enforcement personnel in the instant rulemaking. The Agency has concluded that the commentator's claims of impropriety are groundless. A copy of the Regional Counsel's opinion is in the docket for public review.

Comment: EPA has no right to consider "enforceability" by reviewing State regulations for clarity and specificity.

Response: Section 110 of the Act generally requires that a plan be enforceable. See Sections 110(a)(1), (a)(2)(D). Based on those requirements, EPA must determine whether a plan is, in fact, enforceable. In determining whether a plan provision is enforceable, emission limitations and other requirements must be reviewed for clarity and specificity. Emission limitations and other controlled terms must be well defined, and must clearly state which sources and processes are being regulated, when the required actions are to be taken and by whom, and what constitutes compliance. In addition, the plan provision must specify any necessary test method by which compliance is to be determined, and, if the provision requires compliance at a future date, it must contain an adequate schedule for compliance. See 44 FR 20372, April 4, 1979. The requirements for enforceability would not be satisfied by unclear or imprecise plan provisions. Vagueness as to regulatory requirements or applicability would make it difficult, if not impossible, to enforce regulations against specific sources.

Comment: Several commentators argued that EPA is restricted in its rulemaking to concurrence with the testimony of its representatives at the Illinois public hearings held prior to State promulgation of the Plan revisions.

Response: EPA has the responsibility to review Part D revisions to state plans and approve such if the requirements of Section 110 *et seq.* and Section 172 *et seq.* are met. The Act's requirements include the installation of RACT on emitting sources in designated nonattainment areas. To provide a reference point from which to evaluate a

state's Part D submittal, EPA amassed and reviewed technical data from iron and steel sources located throughout the country.

EPA personnel testified before the Board in 1978 to provide the State with the Agency's initial evaluation of Illinois' proposed Part D Plan revisions. Though EPA personnel indicated that, with few exceptions, the proposed Part D revisions were acceptable, it was also indicated that EPA would not be precluded from changing its position in the rulemaking context.

Comment: EPA's compilation of a guidance document which summarizes emissions limitations for particulate matter for iron and steel manufacturing processes after the Notice of Proposed Rulemaking on Illinois Part D plan revisions is improper. See 45 FR 59198. EPA violates the due process rights of the iron and steel sources in Illinois if U.S. EPA's rulemaking is supported in any way by this guidance document.

Response: The summary of emission limitations referred to by the commentator does not establish regulatory requirements. Rather, as stated above, it represents guidance for use in the development and evaluation of State Implementation Plan provisions for iron and steel sources in the context of the RACT requirements of the Act. A State may develop its RACT requirements independently of EPA's guidance. EPA will approve any submitted RACT requirement that the State shows will satisfy the requirements of the Act for RACT, based on the economic and technical circumstances of the particulate sources being regulated. Subsequent to the compilation of the guidance document, EPA extended the public comment period to provide adequate time for review of the data. In total, the public was provided with 90 days to complete its review and respond accordingly.

Comment: EPA has no authority to require, as part of its conditional approval of the proposed regulations, authoritative interpretations of the regulations under consideration.

Response: Section 110(a)(2)(D) of the Act requires that a State's Plan provide, among other things, for the enforcement of emission limitations to assure that ambient air quality standards are achieved and maintained. Effective enforcement of emission limitations requires that regulations embodying such limitations be clear and concise. EPA determined that several of the provisions of Illinois Rule 203(d) were sufficiently vague to jeopardize their effective enforcement. As a consequence, EPA requested that specific portions of Rule 203(d) be clarified to remove the vagueness.

The request for clarification was made to the Illinois Environmental Protection Agency, who by the terms of the Illinois Environmental Protection Act, has responsibility for enforcing the Illinois air pollution control regulations. EPA believes that the State agency empowered to enforce the State's regulations is in the best position to clarify how those regulations will be enforced.

III. Comment and Action on Proposed Rule 203(d)

The following is a synopsis of today's action on specific proposed revisions to the Illinois Plan for the control of particulate matter from iron and steel process sources:

Approval and Effected Sources

Rule 203(d)(5)(B)(i)—General opacity
Rule 203(d)(5)(B)(iv)(bb)—Coke oven doors
Rule 203(d)(5)(B)(vii)—Coke battery stacks
Rule 203(d)(5)(C)—Center plants
Rule 203(d)(5)(E)(i)and (ii)—Basic oxygen furnaces
Rule 203(d)(5)(F)—Hot metal desulfurization
Rule 203(d)(5)(G)—Electric arc furnaces
Rule 203(d)(5)(H)—A-O decarburization
Rule 203(d)(5)(I)—Leak liquid steel charging
Rule 203(d)(5)(J)—Scarfing

Conditional Approval

Rule 203(d)(5)(B)(iv)(aa)—Coke oven doors
Rule 203(d)(5)(B)(v)—Coke oven lids
Rule 203(d)(5)(B)(vi)—Coke offtake piping
Rule 203(d)(5)(B)(viii)—Coke quenching

Disapproval

Rule 203(d)(5)(B)(ii)—Coke oven charging
Rule 203(d)(5)(B)(iii)—Coke oven pushing
Rule 203(d)(5)(D)—Blast furnace cast houses
Rule 203(d)(5)(K)—Measurement methods
Rule 203(d)(5)(L)—Compliance Dates

No Action

Rule 203(d)(5)(B)(ix)—Work rules

The above synopsis depicts the result of EPA's analysis and review of supplemental information provided by commentators during the public comment period. The following summarizes specific comments raised during the public comment period about specific provisions of proposed Rule 203(d). A complete discussion of the comments appears in the docket for this rulemaking.

Today's notice contains, in part, conditional approval of portions of proposed Rule 203(d)(5). The conditions for approval will have to be satisfied by the State on an expeditious schedule. Failure of the State to meet the conditions will require EPA to take such further actions as necessary to provide for attainment of the national ambient particulate matter standards. If the State elects to meet the conditions, a schedule for such will have to be approved by EPA. The State will have sixty days from today's notice to submit to EPA a schedule to meet the conditions. A notice soliciting public comment on the acceptability of this schedule will be published in a subsequent **Federal Register.** Rule 203(d)(5)(B)(i) *By-Product Coke Plants.*

EPA proposed to approve this rule which states that the general opacity regulation in Illinois, Rule 202, does not apply to by-product coke plants. All commentators agreed with EPA's proposal.

EPA Final Action: EPA approves Rule 203(d)(5)(B)(i).

Rule 203(d)(5)(B)(ii) *By-Product Coke Plant Charging Emissions.*

EPA stated in the Notice of Proposed Rulemaking (45 FR 50825) on the Illinois SIP that it intended to disapprove Illinois Rule 203(d)(5)(B)(ii), because Illinois had not submitted a method or procedure for determining compliance with the proposed charging standard and because this standard was not sufficiently stringent to be considered reasonable available control technology (RACT). Comments have been received on both points from the State of Illinois (IEPA), from steel companies in Illinois, and from Citizens for a Better Environment (CBE).

EPA has carefully reviewed all comments received and has developed a lengthy response to the significant arguments received during this public comment period concerning its proposed action on this rule. This response has been formally docketed and is available for public inspection. In summary, EPA believes the deficiencies noted in the Notice of Proposed Rulemaking are not cured by the IEPA's promulgation of the administrative definitions and inspection techniques. EPA believes the Illinois submittal is vague because of the absence of definition of specific terms of the Rule. Also, and equally important, even if the submitted rule did not suffer the infirmity of vagueness, the record supports a more stringent standard than 170 seconds for 5 charges.

Approving the rule standard would result in approval of a regulation which could allow an entire charge to emit essentially uncontrolled puffing particulate matter. Specifically, when the IPCB issued the submitted standard it exempted via its opinion "mere wisps of smoke" and stated that only "sustained-smoke evolution" is to be counted, even though the State asserts the rule requires counting the total number of seconds that emissions are visible. Though the propose of the rule is to limit the magnitude and duration of

emissions, the exempting of wisps without further clarification can result in the emission of wisps of a sustained duration. Determination of compliance with the submitted standard is not possible because the terms "mere wisps of smoke" and "sustained smoke evolution" are wholly undefined.

EPA believes that 170 seconds for 5 charges, even if it were based on all visible emissions, is not RACT. As an example of an appropriate definition of RACT for Illionis, EPA has described a standard of 125 seconds for 5 consecutive charges with a one-in-20 charge exception (125–5(1/20)), in accordance with the observation and data reduction procedures it placed in Illinois' docket at the time the Notice of Proposed Rulemaking was published. The 125/5 (1-in-20) standard would result in significantly less emissions than that which the submitted Rule 170/5 will permit, at no increase in risk of violation and no change in the technology employed to comply. Therefore, EPA will disapprove the submitted rule.

IEPA, the steel industry commentators, and CBE disagree with EPA's determination that the submitted standard was not RACT. The first two commentators state that the rule submitted by Illinois is RACT and criticized EPA's data base contained in the above-referenced technical docket document. CBE states that the submitted rule does not represent RACT and recommends that a standard more stringent than the acceptable to EPA be promulgated by EPA. However, EPA concludes from its analysis that its position stated in the Notice of Proposed Rulemaking is sound in that the submitted standard for by-product coke plant charging emissions does not represent RACT for this source of particulate matter emissions. In this rulemaking EPA can act only on the proposed rule as submitted. EPA believes Illinois coke batteries can achieve, via its recommended testing and reduction procedures, a visible emission performance of 125 seconds for 5 consecutive charges because coke plants of similar configuration have been observed to do so. A review and summary of the data upon which EPA bases its judgment is docketed for public review.

EPA Final Action: EPA disapproves Rule 203(d)(5)(B)(ii). Consequently, the approved Illinois Plan regulation which controls by-product coke plant charging emissions is Rule 203(a)(6)(B)(i).

Rule 203(d)(5)(B)(iii) *By-Product Coke Plant Pushing Emissions.*

EPA proposed to disapprove this rule as submitted because: (1) the mass emission limitations of the rule are not acceptable due to its failure to define "pushing emissions," (2) the 0.03 grains per dry standard cubic foot (g/dscf) mass standard for sheds does not represent RACT, and (3) 90 percent capture efficiency for fugitive pushing emissions is not a determinable quantity and, as it is only a design standard, will not limit actual emissions from occurring.

The State of Illinois responded by stating: (1) the definition of "pushing operations" is widely known and therefore not a fatal flaw in the submitted rule, (2) Illinois Rule 203(f) [fugitive emissions] is an alternative to opacity standard that applies to by-product coke plant fugitive pushing emissions, (3) the burden of proof for demonstrating the capture efficiency of a particular source rests with the source and an adequate capture efficiency must be demonstrated before the State will issue an operating permit, and (4) there is only one shed system in Illinois and it will cease operations in 1982; therefore, the mass limitation proposed is appropriate.

Industry commented that competent engineers can determine whether a system is designed to achieve a stated capture efficiency and technical data does not support the basis for an opacity standard for pushing operations. The steel industry also remarked that there is no means to enforce an opacity standard were one approved. CBE commented that: (1) EPA should propose an opacity standard to evaluate the capture efficiency of pushing control systems, and (2) EPA should propose a 0.010 gr/dscf standard for shed systems and a 0.040 gr/dscf standard for mobile pushing control systems because the data base indicates these levels have been achieved on existing by-product coke plants.

EPA has analyzed the above comments and docketed its analysis for public inspection. EPA concludes from its analysis that: First, that the mass limitation provisions are unapprovable because, although the 0.06 gr/dscf provision for mobile systems represents, according to this record, RACT in Illinois, the submitted rule is: (1) ambiguous about the applicability of the 0.03 or 0.06 gr/dscf limitation to traveling hood stationary gas cleaner control systems and that while the 0.03 gr/dscf standard would be an appropriate RACT standard for such systems, a 0.06 gr/dscf is not RACT, (2) the term "stationary hood system" applies to coke side sheds and an emissions limitation of 0.03 gr/dscf is excessively lenient because of unique shed dilution effects; and, (3) the lack of testing definitions is a serious deficiency. Second, with respect to the fugitive component of pushing emissions, EPA concluded that (1) the 90 percent design efficiency provision does not prevent coke batteries and/or their pushing systems from emitting excessive emissions because it is not an actual emission limitation and is not a determinable quantity even on a design basis, and (2) the 203(f) alternative is wholly inapplicable to coke pushing emissions. EPA finds there is a need and supported basis for a pushing opacity standard.

EPA believes these deficiencies require disapproval of the rule as proposed.

EPA Final Action: EPA disapproves Rule 203(d)(5)(B)(iii). Because the approved Illinois Plan regulation which controls by-product coke plant pushing emissions (Rule 203(a)(6)(B)(ii)) contains neither an opacity or mass emission limitation, approval of the overall Part D Plan is conditioned on submittal of a RACT rule for coke oven pushing. The Illinois commitment to satisfy this condition and the schedule for doing so should be submitted with the schedule referred to above.

Rule 203(d)(5)(B)(iv)(aa) and (bb) *By-product Coke Plant Oven Door Emissions.*

EPA proposed to conditionally approve Illinois Rule 203(d)(5)(B)(iv)(aa) on the condition that Illinois make a commitment during the comment period to correct deficiencies relating to the absence of a test procedure, within a time period which was to be negotiated between the appropriate Illinois and U.S. EPA Region V officials. In response to that proposal Illinois EPA promulgated procedures for determining compliance with the Illinois Pollution Control Board coke oven regulations and submitted such for the docket as Exhibit 8. Section 110(a)(2)(D) of the Act requires that an approved plan and subsequent revision include a program for the enforcement of emission limitations and regulation. Since the close of the comment period, the United States Court of Appeals for the Seventh Circuit has determined that the Illinois Pollution Control Board (IPCB) is the proper entity, under the terms of the Illinois Environmental Protection Act, to promulgate substantive environmental control standards. Such standards, if promulgated by the IEPA, are invalid as a matter of State law. The Court did not distinguish between "substantive" and procedural rules and EPA thinks it remains unclear whether such a distinction survives this decision.

Therefore, satisfaction of this condition will require submission of the IEPA procedures, or similarly acceptable procedures, which have been validly promulgated and meet the requirements for plan revisions.

EPA reviewed the IEPA promulgated rules and believes they clarify the definition of a "door" in that it would eliminate the ambiguity noted by U.S. EPA relative to chuck doors. The formula provided in the Illinois testing procedure clearly limits the door standard to operating ovens, consistent with another U.S. EPA request. A description of emissions to be observed, where the observers ought to be located, and other pertinent testing details have also been provided. EPA had also noted that it was unclear whether the IPCB door standard was to apply as a battery or plant-wide average regulation. The steel commentator stated, and EPA agrees, that the Board's Opinion contains the requirement that the 10 percent door standard pertains to each battery separately. IEPA appears to have made significant progress toward formulating the necessary testing procedure.

Comment 1: One commentator believes that the submitted door regulation itself is "specifically definite in its present form and must be approved by U.S. EPA," and that a test procedure is not necessary.

Response 1: This commentator, in apparent reference to Exhibit 6, also noted that IEPA has been in the process of formulating an observation procedure applicable to door leaks and that it would be submitting this procedure to U.S. EPA. EPA considers the observation procedure it conditioned Rule approval upon to be absolutely essential, particularly in light of the *Donner-Hanna* case.

Otherwise, as stated in the Notice of Proposed Rulemaking, the coke oven door standard submitted by Illinois is potentially undefined and therefore unenforceable.

As an illustration consider a 50 oven coke battery, containing 50 coke side doors, 50 pusher side doors, and 50 chuck doors [1] which is observed to have six leaking coke side doors and six leaking pusher side doors. Under one possible rule interpretation this pattern would be a 12 percent leakage rate—(12 leaking doors divided by 100 total doors excluding the 50 chuck doors), and thus a violation of the submitted standard. Another possible interpretation (12 leaking doors divided by 150 doors) would lead to the same leak pattern to be defined as an 8 percent leak rate and thus in compliance with the IPCB door standard. Therefore, the requirement that Illinois adopt an inspection technique in conjunction with its door regulation is necessary.

Comment 2: The steel industry commentator also comments on EPA's assertion that it considers a 10 percent door standard to represent RACT. Its RACT comments are offered despite its expression that EPA must approve the submitted regulations. The commentator argues that EPA collected its clean plant door leak data via a procedure known as "Method C." The commentator notes that Method C provides a list of those structural elements of a coke battery which are not to be counted by the procedure (p. 500922). The commentator then goes on to say that IEPA, via Exhibit 6, is formulating a procedure which requires an observer to count all door area leaks, including those from areas which Method C does not count.

Response 2: EPA has reviewed the commentator's methodology point and agrees that much of the technical data that EPA placed in this docket was collected by Method C observations. These were the same type of data considered by the IPCB when it promulgated the submitted Rule.

The commentator's criticism of the use of Method C is predicated on the assumption that Exhibit 6's method for observing doors is the rule upon which EPA is acting. However, in EPA's review of the door emissions rule and supporting IPCB's opinion (and the underlying state hearing record) nowhere did it find any reference made to the term "door area." That phrase only entered this rulemaking proceeding via IEPA's Exhibit 6, which was first proposed in Illinois by IEPA on August 22, 1980, three weeks after the Federal Notice of Proposed Rulemaking on the Illinois door standard was published in the **Federal Register**, and approximately one year after the coke oven door standard became effective in Illinois. In the IPCB's Opinion it states, "The Board's Final Order allows no more than 10 percent of the coke oven *doors* on a given battery to leak at a given time." The Board cites two witnesses who had testified about the achievability of a 10 percent *door* standard. Both of these witnesses testified about the percentage of door, not door area, leaks. The EPA witness, who was one of the two witnesses the Board cites, testified on the basis of Method C *door* data. The Illinois Pollution Control Board stated that it found that a 10 percent door standard was achievable.[2] Therefore, this commentator is arguing that the 10% door standard submitted by Illinois as modified by the adoption by IEPA's door area procedure is more stringent than RACT.

Despite the potential modification of the meaning of the IPCB standard, if the Illinois door standard is more restrictive than RACT, EPA will still approve the Rule under discussion. Under Section 116 of the Clean Air Act (42 U.S.C. 7416) the State has the right to adopt a regulation requiring more than RACT. For purposes of Section 172(b)(3) of the Act, it is only necessary that a coke oven door emission standard be *at least* as stringent as RACT, and be enforceable, for EPA to approve.

EPA Final Action: EPA conditionally approves Rule 203(d)(5)(B)(iv)(aa) and approves Rule 203(d)(5)(B)(iv)(bb).

Rule 203(d)(5)(B)(v) *By-Product Coke Plant Oven Lid Emissions.*

EPA stated in the Notice of Proposed Rulemaking that it intended to conditionally approve the submitted rule on the condition that during the comment period the State make a commitment to correct noted testing deficiencies. These testing deficiencies were of the same character as noted for doors and offtake piping, namely that the submitted rule needed to be precise about the inspection technique utilized to define compliance.

Illinois has adopted a set of testing rules which it submitted as a comment to this record as Exhibit 6. With respect to oven port lids the inspection technique it adopted is satisfactory with respect to each of the points that EPA noted.

As with the door rule EPA will approve the proposed rule upon submission of the IEPA test procedures.

[1] The coke oven door is a structure which weighs 3-5 tons, is 10-20 feet high, and 2-3 feet wide. The purpose of the door is to keep coal contained in a coke oven and also to retain heat and emissions. Within the pusher side door is a smaller door which can be opened even though the main door is latched to the oven opening on the pusher side. The purpose of this chuck door is to admit, during the charing operation, a horizontal bar on the pusher machine for the purpose of leveling coal piles during the charging operation. Both coke side and pusher side doors are mounted on oven openings, one on each side of an oven, between vertical support beams, called buckstays. The space between the vertical outer edges of a coke oven door and these buckstays, which principally consists of oven brickwork, is defined by Exhibit 6 as part of the "door area" which Exhibit 6 makes part of the door inspection procedure.

[2] Commentator asserts that it is a deficiency of the coke oven door data base relative to this proceeding that no data on door emissions from any coke battery in Illinois is contained in the record. Yet, the other of the two witnesses which the IPCB specifically cites, Mr. Petkus from the City of Chicago, testified that coke oven doors at Wisconsin Steel Corporation's Chicago coke plant complied with 10 percent door standards.

or similarly acceptable test procedures, which have been validly promulgated and meet the requirements for plan revisions.

Comment 1: The steel industry commentator stated that the proposed Illinois regulation is approvable in its present form and that approval should not be conditioned on the basis of enforceability considerations.

Response 1: This commentator raised the same question with a respect to coke oven doors. U.S. EPA's response to this comment is found in response to coke oven door Comment 1.

Comment 2: IEPA stated that it believes that Exhibit 6 rectifies the deficiencies noted by EPA.

Response 2: The substance of Exhibit 6, as stated above, is satisfactory to EPA. Exhibit 6, however, is not yet part of the Illinois SIP. Illinois needs to submit Exhibit 6 as a SIP revision in order to satisfy the condition of the approval of its submitted regulation.

Comment 3: CBE states that it disagrees with EPA's proposal to approve a five percent lid standard. It states that visible emissions data in the technical record show that a three percent level has been achieved by careful maintenance practices. CBE states that EPA should disapprove the Illinois standard and propose a three percent standard. CBE also states that EPA should base the standard on total operating coke ovens rather than on the total number of offtake lids because otherwise the stringency of the rule would be impaired.

Response 3: On the last point, IEPA's Exhibit 6 bases the allowable percent leaks on an operating oven basis.

EPA has carefully considered CBE's point about the achievability of a three percent standard. Table I below, indicates that the CBE suggested 3% level and the Illinois proposed 5% level are both highly achievable. Of particular interest to EPA is the observation that raising the standard from 3% to 5% does not appear, for the coke battery inspections in this record, to increase the proportion of inspections which would be termed in compliance. For example, about 60% of the data base consists of observations at the Clairton Works of U.S. Steel Corporation. Table I shows that 99.6% of the inspections at this plant met the 3% level and 99.9% met the Illinois standard. At the J&L coke plant in Pittsburgh, 99.5% of the battery traverses [3] met both the 3% and 5% levels. The same is true for the Bethlehem, PA batteries cited by CBE (99.1% at each level). In all of these cases, there was an extremely high percentage of the traverses that were under the 3% level (but not 100%) and which experienced no greater degree of compliance at the 5% level.

In the case of one plant (National) whose compliance rate with a 3% level was only 65%, Table I shows that increasing the standard to 5% did not produce a significantly different compliance rate. Therefore, for this plant, a change in the standard from 3% to 5% would not have produced compliance. This last plant is one which EPA found during its inspection not to be consistently using the good maintenance practices which CBE mentions and it violated the 5% rule.

TABLE 1.—Summary of Oven Port (LID) Leak Rates: Data in Illinois Record

Plant and battery No.	Inspection dates	Performance observations	Number of traverses	Percent of traverses over (under) 3 percent	Percent of traverses over (under) 5 percent	Leak rate range of percents	Number of courses over 3 percent	Number of traverses under 5 percent
US Steel, Clairton Works	July 9, 1979	EPA and US Steel.	1,584	99.6	99.9	0.0–6.3	6	2
Kaiser Steel Corp., Fontana, CA: F, G	May 1979	EPA	18	100	100	0–1.7	0	0
US Steel, Fairfield Works Batteries: 2, 6, 9, 5	Dec. 1976	EPA	83	96.8	100	03.2	1	0
Bethlehem Steel, Bethlehem, PA: A, 2, 3, 5	June 1979 Aug.–Oct. 1975 Sept. 1973	EPA/PA DER	111	99.1	99.1	0–19.J	1	1
BSC, Johnstown, PA	Dec. 1978	EPA	2	100	100	0.6–1.3	0	0
J & L Pittsburgh Works: P-1, P-2, P-3S	Jan. 10, 1976	PA DER	199	99.5	99.5	0–5.1	1	1
CF&I Steel, Peublo, CO: B, C, D	July 1977 [1]	EPA	101	62.4	73.2	0–20.7	38	24
CF&I, same	Mar. 1978 June, 1978 July 1978–May 1979.	EPA	335	96.5	100	0–3.8	5	0
National Steel, Weirton Batteries: 1, 5, 6, 7, 8 [1]	Oct. 1978	EPA	54	66	72	6.0–17.0	19	15
Interlake [2]	Oct. 1978–June 1980.	EPA	8	100	100	0–2.0	0	0
Overall			2,493	97.2	98.3		71	43

[1] U.S. EPA observed that this plant was not consistently using wet sealing practice during this inspection.
[2] CBE submitted data of U.S. EPA inspections.

Unlike coke charging, lid emissions, on a pounds per hour mass basis, are approximately proportional to the number of leaks that occur on a battery. A battery with a 10% leak rate is emitting roughly twice the amount of emissions as a battery with a 5% leak rate. Unlike coke charging, there is no disproportionate increase in mass emissions associated with a 3%-to-5% increase.

EPA considers oven port (lid) leaks to be a very small source of particulate emissions. Mass emission rates have not yet been established because the emissions are fugitive. Nevertheless, they are a relatively minor source at coke plants. EPA believes the difference between 5% and 3%, which for a 50 oven, 4 hole battery (typical of Illinois batteries) is the difference between 10 lid leaks (5%) and 6 leaks (3%) to be even smaller.

Therefore, no useful purpose would be served if the submitted 5% rule were disapproved. In the subsequent time period which would be required by Illinois or EPA to set forth a 3% standard, emissions from coke oven lids in Illinois could occur at a 50%, 75% or 100% level because the 5% standard would not be applicable.

EPA Final Action: EPA conditionally approves Rule 203(d)(5)(B)(v).

Rule 203(d)(5)(B)(vi) *By-Product Coke Plant Offtake Piping Emissions.*

EPA proposed to conditionally approve the submitted offtake rule if the State committed to correct deficiencies relating to the absence of a test procedure and the definition of the source which the 10% leak rate standard applies.

Illinois submitted as a comment its Exhibit 6 which contains a testing procedure for coke battery offtakes. This

[3] A traverse is a single battery inspection.

procedure does define clearly each of the properties discussed in the Notice of Proposed Rulemaking. As with the door rule EPA will approve the proposed rule upon submission of the IEPA test procedures, or similarly acceptable test procedures, which have been validly promulgated and meet the requirements for plan revisions.

Comment 1: The steel industry commentator asserts that a specific testing procedure is unnecessary for EPA to approve the rule which it states must be approved in its present form. Commentator CBE agrees with EPA's Notice of Proposed Rulemaking position.

Response 1: U.S. EPA provided this response in its discussion of the proposed standard for by-product coke plant door emissions. The issues here are the same.

Comment 2: CBE disagrees with EPA's proposed approval of the rule because it states the standard is not stringent enough to be RACT. Its reasons is that batteries at U.S. Steel's Clairton Works and at other plants have demonstrated they could meet a 5% standard.

The commentator is correct that Clairton batteries 1, 2, 16, 17 met a 5% level in 1978 and 1979. So did battery 3 and batteries 7–10 in 1978. On the other hand batteries 11, 12, 19, 20, 21, and 22 met the 10% but not the 5% level during 1978 and 1979 inspections. Batteries 7–14 met 10% but not 5% in 1979, reversing earlier behavior.

Data in this record from other plants are also spotty. Two of Fairfield's three short batteries were far more successful at the 10% level than at 5%, but one battery met both. Republic Steel of Gadsden did meet 5% but CF&I's and Kaiser batteries did not meet 5%. (It is also true that the latter two plants also did not meet 10%). Process data in the record do not generally allow one to differentiate between the better and more mediocre performances. Therefore, EPA believes approval of the 10% Rule is reasonable.

EPA Final Action: EPA conditionally approves Rule 203(d)(5)(B)(vi).

Rule 203(d)(5)(B)(vii) *By-Product Coke Plant Combustion Stacks Emissions.*

Illinois proposed a mass emission concentration standard of 0.05 gr/dscf, which EPA proposed to approve. The only commentator, CBE, contends that "it would be arbitrary, capricious and a violation of the enforceability requirements of Section 110 and 172 for EPA to approve the Illinois standard for coke oven stack without a *visible* emission limitation," because visible emission, regulated by an opacity standard, provide "an early warning system as long as periodic source monitoring and reporting is not required, in order to guarantee that a battery has not been allowed to deteriorate and, therefore, requires control equipment." CBE contends that the intermittent fluctuating nature of particulate emissions from waste heat stacks, combined with the "time and expense of lengthy stack test procedures" enhances the need for a visible emission standard for this source category.

Nevertheless, mass tests can be performed because these emissions are vented to the atmosphere via a stack, and are measurable by standard EPA and Illinois methods (U.S. EPA Method 5, 40 CFR Part 60, Appendix A). Thus unlike the situation with fugitive coke oven emissions where mass tests are infeasible, (e.g. charging), a visible emission standard is not essential for the determination of the amount of air pollution emitted from waste heat stacks.

Therefore, EPA will approve this rule.

Comment: CBE recommends that EPA should propose a specific visible emission standard, which would permit exceedances of 20% opacity but only for periods aggregating less than 3 minutes in any one hour (which it contends is being achieved at batteries in Pennsylvania).

Response: CBE appears to recognize that mass may not relate to opacity at a combustion stack. And, CBE does not present test data indicating a relationship between the Illinois 0.05-gr/dscf standard and this particular visible emission standard.

By approving the specific mass rule which Illinois proposes, EPA does not forfeit its authority to observe the coke batteries stacks to determine whether a mass test is indicated. The visual appearance of a stack is readily apparent to any observer, who usually need not be in a coke plant proper to observe such emissions. Intense visible emissions may well indicate a mass emissions problem. Therefore, U.S. EPA does not agree with CBE's comment that "companies which have allowed their batteries to deteriorate can avoid any emission controls while waiting for an agency to go to the time and expense of lengthy stack test procedures."

EPA Final Action: EPA approves Rule 203(d)(5)(B)(vii).

Rule 203(d)(5)(B)(viii) *By-Product Coke Plant Quenching Emissions.*

EPA stated in the Notice of Proposed Rulemaking that it proposed to disapprove the submitted Illinois quenching regulation because EPA believed this regulation permitted coke to be quenched with water containing as much as 3000 mg/l total dissolved solids (TDS). EPA had stated that it thought that Illinois coke plants were using water containing about 400–450 mg/l TDS and therefore, that, the submitted rule permitted more air emissions than were actually being emitted. Comments were received from the IEPA and from the steel industry on this standard.

After reviewing these comments, EPA has determined that it will conditionally approve the submitted rule because it now believes that the 1500 mg/l limitation of total dissolved solids in the quench make-up water is a reasonable limitation for Illinois coke plants.

EPA believes that a linear relationship exists between the air emission rates from a coke quench tower (in lb/ton of coke) and the quality of water used for quenching coke (mg/l of total dissolved solids, TDS). This conclusion derives from three studies of quench tower emissions. Tests have been conducted at quench towers at the U.S. Steel Corporation plants in Lorain, Ohio (by U.S. EPA and its contractor) and in Gary, Indiana (by the company), and at the Dominion Foundry and Steel Company (Dofasco) plant in Hamilton, Ontario (by a contractor for that company). Reports of these tests are in the record at p. 508889, 509249, 509305, 509337, 509943, and 510243.

The pertinent data are summarized in Table I and Figures 3–5 of a review paper prepared by EPA and placed in the docket of this proceeding. On a filterable solids basis (EPA Method 5, 40 CFR Part 60, App. A), an increase of 1000 mg/l TDS in quench water results in an increase in air emission rates of about 0.32 lb/ton of coal charged into a coke oven. Therefore, EPA believes that controlling the TDS levels in water applied to coke affects air emission rates. After reviewing the comments submitted by commentators in this action EPA still believes this to be true.

EPA had thought that water with TDS levels of about 400–450 mg/l was consistently available to Illinois coke producers. Comments received, as discussed below, indicate that actual TDS levels range upwards from that, depending upon when a river is sampled. Persuasive to EPA is the statement by the IEPA that:

> A review of data referenced (in its submission) might lead U.S. EPA to suggest a limit somewhat lower than 1500 mg/l. However, the data clearly does not support a limit of 400–450 mg/l as suggested by U.S. EPA * * *. Although the IEPA is of the opinion that the 1500 mg/l limit is sufficient to ensure the continuation of current operating practices and will not, as a practical matter, result in any increase in emissions, it is willing to concede that a somewhat lower theoretical limit might be established on the basis of available data. However, the IEPA is also of the firm opinion

that the establishment of this lower limit would have absolutely no real impact on pollutant emissions, and, thus, does not warrant the expenditure of the resources required to bring about the necessary regulatory change.

IEPA submitted information indicating that the principal Chicago water source for the steel industry, the Little Calumet River, has been sampled at TDS levels in excess of 800 mg/l during a long sampling period in the mid-1970's. IEPA also submitted information indicating that TDS levels in the Mississippi River in the vicinity of the Granite City Steel coke plant ranged from 200 to 800 mg/l. In addition, the only other source of clean water for the Chicago area coke producers, Lake Michigan, may not be available to these operators because diversion of Lake Michigan water for industrial use would require the obtaining of a permit which IEPA believes is highly unlikely to be granted. Therefore, a standard of 1500 mg/l does seem reasonable to EPA.

Additionally, EPA has re-examined one of its assumptions stated in the Notice of Proposed Rulemaking, that "* * * the proposed Illinois standard, 1500 mg/l TDS in the make-up water, is roughly equivalent to 3000 mg/l TDS in the quench water." This concentration effect, which EPA had thought to exist because of the Lorain tests, is inconsistent with the results obtained by U.S. Steel at the Gary plant. The Gary plant experienced make-up water/quench water ratios of 1:1; therefore, scientific evidence on the matter of TDS concentration in a quench tower system is mixed. Since it is possible that Illinois quench towers which receive 1500 mg/l TDS make-up water will quench coke with water of the same quality, EPA, which was willing to accept the 1500 mg/l limit provided it applied to water actually sprayed on incandescent coke, is willing to accept the 1500 level in make-up water.

Illinois has not submitted a method by which their 1500 mg/l limit is to be sampled, however. The method of analyzing for dissolved solids, the number of samples to be taken over a specified time period, and the definition of make-up water need to be defined. On the condition that Illinois develops and submits such a method as a revision to the Illinois Plan, EPA will approve Rule 203(d)(5)(B)(viii).

Comment 1: IEPA stated that the two Chicago area rivers supplying the steel industry and the Mississippi, which supplies Granite City Steel, contain total dissolved solvents concentrations, at times, in excess of 400 mg/l, the EPA limit. IEPA states that the Little Calumet River experienced periods from 1972 through 1977 in which values up to 900 mg/l TDS occurred. In addition, it states that the Little Calumet River during the period 1975–1977 had a lower limit of 600 mg/l. IEPA states that the Mississippi River is sampled in the vicinity of or at 200–800 mg/l.

Response 1: EPA accepts these assertions as being true. Support data was supplied. Their significance to this action is discussed above.

Comment 2: The steel industry commentator asserts that the Calumet River has TDS concentrations of 800 to 1800 mg/1 during certain periods and, that, therefore EPA is incorrect about its characterization that make-up water in Illinois currently is available in the range 400-450 mg/1 TDS. This commentator also stated that the 450 level was too restrictive for Granite City Steel which has experienced makeup water TDS concentration as high as 757 mg/1.

Response 2: EPA accepts the statement by this commentator that 450 mg/1 is too restrictive a limit for make-up water on a daily basis.

Comment 3: IEPA states that the phrasing of their rule to prohibit the "direct inclusion of coke by-product plant effluent in the make-up water" was intended to prohibit the use, as quench tower make-up water, of coke plant effluent which had been treated in a steel plant waste water treatment facility, and to allow the use of this type of water for quenching only indirectly, as a result of extraction from a river, after substantial dilution has occurred.

Response 3: EPA thinks this is a useful clarification because the prohibition of flushing liquor produced at by-product coke plants containing very high TDS limits is what the Agency believes to constitute reasonably available control technology.

Comment 4: IEPA states that extracting water from Lake Michigan for industrial process use, an alternative to using Little Calumet River water in Chicago, is highly unlikely to be permitted because of an existing water resources restriction.

Response 4: EPA agrees with this, as is stated above.

Comment 5: The steel commentator asserts that there is no direct relationship between TDS level in quench water and the amount of particulate matter emitted from a quench tower.

Response 5: EPA completely disagrees with this assertion. EPA has performed a review of the commentator's Gary data and the other two studies mentioned above. These constitute all the quenching data in this record. U.S. Steel's measurements indicate that for conventional quench towers equipped with internal baffles, air emission rates increase from 0.32 lb/ton of coal to 0.64 lb/ton when make-up water concentrations increased from 466 mg/1 TDS to approximately 1500 mg/1.

Comment 6: The steel commentators assert that Interlake Steel had stated to the IPCB that if it would have to construct a water treatment facility, a capital cost in excess of $8,000,000 and an annual operating cost of $1.7 million would be incurred. A more stringent limitation on the level of TDS in the make-up water than 1500 mg/1 may trigger this cost is the implication of the comment.

Response 6: By its action today, EPA is conditionally approving the submitted Rule.

EPA Final Action: EPA conditionally approves Rule 203(d)(5)(B)(viii).

Rule 203(d)(5)(B)(ix) *Work Rules.*

EPA omitted comment on this rule in its Notice of Proposed Rulemaking. This rule requires that no person shall cause or allow the operation of a by-product coke plant except in accordance with operating and maintenance work rules approved by the [IEPA] Agency.

During the public comment period Illinois demanded that EPA review this rule and comment on its approvability.

Prior to the CBE opinion, *supra*, EPA determined that it could take no action on non-specific work rules not submitted as revisions to the Illinois Plan. This determination was made because of EPA's belief that specific process operating requirements, if not part of an approved Plan, were not enforceable by EPA. This belief was raised as an argument before the CBE Court, *supra*, and rejected. The Court discussed the enforceability of operating programs in effect as a result of an EPA approved rule though not specifically approved as a revision to a State's Plan.

In light of the Court's decision EPA will review Illinois Rule 203(d)(5)(B)(ix), to determine if, consistent with the holding in *CBE*, that rule would provide federally enforceable site-specific operating requirements for the controlled sources. Because EPA omitted proposing action on this rule in the Notice of Proposed Rulemaking, a separate notice will issue in the near future describing EPA's proposed action and soliciting public comments.

EPA Final Action: Consistent with the above comments, EPA takes no action on Rule 203(d)(5)(B)(ix) in today's notice.

Rule 203(d)(5)(C) *Sinter Processes.*

EPA proposed to approve the rule as proposed by the State. All commentators agreed with EPA's proposed action with the caveat by

industry that the rule should only apply to existing sinter plants.

EPA Final Action: EPA approves Rule 203(d)(5)(C).

Rule 203(d)(5)(D) *Blast Furnace Cast House.*

EPA had stated in the Notice of Proposed Rulemaking that it proposed to disapprove the submitted rule because (1) the mass emissions test upon which the rule is based is substantially vague, rendering the test both undefined and unenforceable, (2) the link between mass and visible emissions, coupled to the vagueness of the mass emissions test, renders the visible emissions rule unenforceable, and (3) the equipment which is required if the mass emissions limit is exceeded, is neither well defined nor RACT.

EPA has examined this position in the light of comments received from industry, the Illinois EPA, and from CBE. EPA also examined its proposed action in light of a recent Illinois Court of Appeals opinion relative to emissions control for casthouses and also with respect to a major technological development which has occurred since the close of this record. EPA disapproves the submitted rule because of the first and third reasons above based on this record.

The submitted regulation is based upon a limitation of mass emissions from the top of a casthouse with compliance to be determined by a high volume sampler test. In lieu of meeting this standard, compliance can only be effected by the installation of specific hooding equipment to capture and clean some casthouse emissions.

EPA has examined the test procedure contained in the submitted rule and finds that it is vague or silent on almost all the necessary aspects of a mass testing procedure, thereby transferring to technical field test personnel the effective definition of the mass limitation itself. The regulation, therefore is without meaning as submitted as to both its actual stringency and enforceability. This is explained in detail in an analysis placed in the docket.

In addition to the foregoing, EPA has had reason to change its view of what constitute RACT for blast furnace casthouses due to a major technological innovation since the publication of the Notice of Proposed Rulemaking. EPA believes that the alternative hood/gas cleaner requirement imposed by the submitted rule is significantly more expensive and less emissions reductive for existing casthouses than is now achievable by the new non-capture operating and maintenance practices.

EPA believes that the retention of a visible emission rule is necessary to maintain a definition of RACT in the Illinois SIP because the most effective and least costly means for reducing such emissions is not equipment-based. The opacity data which EPA just placed in the docket relevant to non-capture techniques provides a basis for development of such a regulation. Negative experience with the development of mass emissions testing, especially in the casthouse environment, further suggests the value of the opacity approach.

Therefore, the acceptability of existing Rule 202(b), in light of current opacity data, should be reexamined. The non-capture technique opacity data indicate that performance better than that required by existing Rule 202(b) has been measured. However, EPA is also aware that this conclusion has not been subject to wide discussion. Illinois is encouraged to examine its visible emission regulation in this regard.

Therefore, U.S. EPA believes deficiencies in the submitted rule require disapproval as proposed.

EPA Final Action: EPA disapproves Rule 203(d)(5)(D). Consequently, the approved Illinois Plan regulations which control blast furnace casthouse emissions are Rule 202(b) and Rule 203(a).

Rule 203(d)(5)(E)(i) and (ii) *Basic Oxygen Furnace (BOF) Emissions.*

EPA proposed to approve Rule 203(d)(5)(E)(i), which controls charging, refining, and tapping operations upon clarification that the operation of Rule 203 requires application of Rule 203(a) to the controlled operations. EPA proposed to disapprove Rule 203(d)(5)(E)(ii), which controls hot metal transfer, hot metal desulfurization, and ladle lancing operations, because the rule failed to contain a specific method of measurement for qualification under exemption provisions contained therein. In addition, another cited deficiency of Rule 203(d)(5)(E)(ii) was that the method set forth to determine the process weight rate is not relevant when determining a process weight rate for ladle lancing operations.

The State of Illinois responded by clarifying that Rule 203(a) rather than Rule 203(b) applies to all BOF sources in Illinois and that Rule 203(d)(5)(E)(ii)(bb) will be used only if a source proves compliance with Rules 203(a) or 203(b). Illinois stated it would require a most rigorous proof that a source operator was entitled to an exemption under Rule 203(d)(5)(E)(ii).

Industry commented that Illinois Rule 203(b) applies to existing sources and, though the exception to Rule 203(d)(5)(E)(ii) is difficult to prove, the difficulty is not grounds to disapprove the rule as proposed.

EPA believes the clarification by the State that Rule 203(a) applies to charging, refining, and tapping operations is sufficient to remove the concern about the operation of Rule 203(d)(5)(E)(i). EPA also agrees, upon reconsideration, that difficulty in determining whether an exemption is warranted under the provisions of Rule 203(d)(5)(E)(ii)(bb) is not grounds for disapproving the rule. EPA believes, however, that operating permits issued as a result of the operation of Rule 203(d)(5)(E)(ii)(bb) should be closely monitored by enforcement personnel to assure continuing compliance.

EPA Final Action: EPA approves Rule 203(d)(5)(E)(i) and (ii).

Rule 203(d)(5)(F) *Hot Metal Desulfurization Not Located in the BOF.*

EPA proposed to approve this rule. All commentators agreed with EPA's proposed action.

EPA Final Action: EPA approves Rule 203(d)(5)(F).

Rule 203(d)(5)(G) *Electric Arc Furnaces.*

EPA proposed to approve this rule upon clarification by the State that: (1) the aggregate of the process weights from melt down, refining, charging, tapping, slagging, electrode port leakage, and ladle lancing is used to calculate the emission limitation for each furnace, and (2) that Illinois Rule 203(a) rather than Illinois Rule 203(b) applies to all electric arc furnaces in Illinois.

The State of Illinois responded to EPA's comment by stating that the regulation requires the aggregation of all process weights in order to determine a single emission limitation for each electric arc furnace. The State further stated that, as of April 14, 1972, no electric arc furnace in Illinois was in compliance with Rule 203(b). Therefore, Rule 203(a) applies to electric arc furnaces in Illinois.

Industry commented, without analysis, that Rule 203(b) applies to at least one electric arc furnace in Illinois and that there is no data in the docket to support EPA's technical discussion of the rule.

EPA believes the clarification by Illinois that an aggregation of all process weights to determine a shop's emission limitation is sufficient to remove EPA's concern about the operation of the Rule. Though industry's comment concerning the applicability of Rule 203(b) to existing furnaces in Illinois is noted, EPA believes that deference is proper to the IEPA position.

EPA Final Action: EPA approves Rule 203(d)(5)(G).

Rule 203(d)(5)(H) *Argon-Oxygen Decarburization (AOD) Vessel.*

EPA proposed to approve this rule upon clarification by the State that the aggregate of the process weights from charging, refining, alloy addition, and tapping operations is used to calculate the emission limitation; and, that Illinois Rule 203(a) rather than Illinois Rule 203(b) applies to all argon-oxygen decarburization vessels in Illinois.

The State responded by providing clarification similar to that necessary for approval of Rule 203(d)(5)(G) [Electric Arc Furnaces]. EPA believes this clarification is sufficient to remove the concern it expressed about the proposed rule.

Industry remarked, without analysis, that the proposed rule on its face required the application of Illinois Rule 203(b) to existing sources and asserted that EPA failed to provide a technical basis for its determination that application of Rule 203(b) to AOD vessels in Illinois is not RACT.

EPA has reviewed and analyzed all commentator remarks about its proposed action and believes the judgment expressed in the Notice of Proposed Rulemaking is sound.

EPA Final Action: EPA approves Rule 203(d)(5)(H).

Rule 203(d)(5)(I) *Liquid Steel Charging.*

EPA proposed to approve this Rule in the notice of proposed rulemaking. All commentators agreed with EPA's proposed action.

EPA Final Action: EPA approves Rule 203(d)(5)(I).

Rule 203(d)(5)(J) *Hot Scarfing Machines.*

EPA proposed to approve this rule upon clarification by the State that the testing period shall occur only during the hot scarfing operation. IEPA asserted in its comments that it will not accept any test of a hot scarfing process unless its test period coincides with the process operation. EPA will defer to the IEPA interpretation of the Illinois rule.

EPA Final Action: EPA approves Rule 203(d)(5)(J).

Rule 203(d)(5)(K) *Measurement Methods.*

This rule provides opacity and mass emission test procedures for compliance determinations. EPA had stated in the Notice of Proposed Rulemaking that it would disapprove the Illinois submission because it extended U.S. EPA Reference Method 9 to intermittent plumes and because the proposed mass stack test measurement procedure did not specify that stack testing is to be performed only during periods of actual process operation.

Comments were received from the steel commentator, CBE, and IEPA. After reviewing these comments, EPA has determined that the submitted rule cannot be approved because of the first reason stated above.

Rule 203(d)(5)(K) merely adopts the Federal opacity test procedure. The Illinois Rule reads, "visible emission evaluation for determining compliance shall be conducted in accordance with procedures published in 40 CFR Part 60, Appendix A, Method 9. 42 FR 41754, *et seq.*, (August 18, 1977)." This procedure, however, does not apply to intermittent plumes (See **Federal Register** of November 12, 1974, Vol 39, No. 219). Yet, Illinois' opacity regulation, Rule 202(b), applies to all plumes. Illinois is either attempting to adopt the Federal visible emission procedure for both continuous and intermittent plumes or has left a deficiency in its regulations relative to intermittent plumes.

Important sources of intermittent plumes in the steel industry include emissions from charging and tapping of basic oxygen furnaces and electric arc furnaces. These operations are characterized by durations of only several minutes while emitting significant amounts of pollution during these durations. Reference Method 9 contains a data reduction procedure (Section 2.5) which requires that opacity is to be averaged over 24 consecutive observations which are recorded at 15-second intervals. EPA recognized that this 6-minute averaging procedure is inapplicable to plumes which only occur over shorter durations. (For example, the charging of hot metal into a basic oxygen furnace may only take one minute). Therefore, Rule 203(d)(5)(K) is deficient.

Though not a basis for this disapproval, but of concern to EPA is that the interpretation of the 8-minute exception in Rule 202(b) is still ambiguous as to all plumes. It states that "no person shall cause or allow the emission of smoke or other particulate matter from any other emission source into the atmosphere of any opacity greater than 30 percent" except that "The emission of smoke or other particulate matter from any such emission source may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period * * *." Adoption of Method 9 with its 6-minute averaging procedure is in conflict with the 8-minute time aggregated exception rule to the 30 percent limitation. If the 30 percent limitation is to be 6-minute averaged, EPA finds the exception to be undefined because it appears to be stated as an aggregated exception to an instantaneous 30 percent limit.

Rule 203(d)(5)(K), therefore, is deficient because of the absence of an opacity test procedure for intermittent plumes by the adoption by Illinois of Reference Method 9, and because the aggregated time exception provision of Rule 202(b) is still unclear.

Substantively, the disapproval of Rule 202(d)(5)(K) means that the opacity regulation, Rule 202(b), cannot be enforced for intermittent sources. EPA considers Rule 202(b) necessary for the definition of RACT for basic oxygen furnace, electric arc furnace, and certain other iron and steel sources, because of the fugitive nature of some of their emissions.

It is possible to adopt alternative test procedures to 6-minute averaging which address this problem. EPA placed in the docket, for example, a data reduction procedure which permits the direct aggregation of individual 15-second readings, rather than averaging 24 consecutive such reading.

Illinois adopted EPA's mass test procedures, as Methods 1–5 (front half). EPA believes that its original position, to disapprove the rule because it did not specify that stack testing is performed only during periods of process operation, is incorrect. One commentator pointed out that this requirement is implicit in Reference Method 5 itself. This comment prompted EPA to reevaluate whether appropriate definitions of the beginning and ending of test periods for major steel source emissions limitations are specified or reasonably inferred in the applicable emissions limitation proper. This examination leads EPA to conclude that sufficient definition exists.

Comment 1: The steel commentator states that U.S. EPA did not suggest an alternative procedure to Method 9 for intermittent plumes but tells the states to develop such a procedure. IEPA states, EPA, uniquely, has the resources to do this.

Response 1: EPA did recommend a procedure which it previously had incorporated into consent decrees with three of the four steel companies of the commenting consortium.

Comment 2: The steel commentator believes that the stack testing deficiency noted in the Notice of Proposed Rulemaking is actually taken care of by the mass limitations of the Plan.

Response 2: Though EPA will disapprove Rule 203(d)(5)(K), EPA substantially agrees with this view. EPA

elected not to act differently as to different portions of the rule.

EPA Final Action: EPA disapproves Rule 203(d)(5)(K). Consequently, EPA Reference Methods 9 and 1–5 apply to the Illinois Rules. 40 CFR 52.12.

Rule 203(d)(5)(L) *Compliance Dates.*

EPA proposed to disapprove this Rule because the compliance dates for iron and steel particulate emission sources were determined to be equal to or less restrictive than existing federally approved rules for these sources. EPA further commented that the proposed compliance dates do not insure reasonable further progress or expeditious compliance.

The State of Illinois in its response to EPA's comments stated: (1) the rule as proposed requires each steel mill to reduce its total particulate emissions in one-third increments by December 31, 1982, (2) concurrent reduction of fugitive particulate emissions from iron and steel sources as required by Illinois law makes compliance with Rule 203(d)(5) expensive and unreasonable prior to December 31, 1982, (3) several of the previous rules applicable to iron and steel sources were unenforceable, therefore, overall reductions in particulate emissions under the submitted rules will be greater than the reduction possible under existing rules, (4) existing consent decree compliance dates executed by EPA and Illinois steel sources will remain unaffected by the submitted rule, and (5) as a matter of executive and legislative national policy, the steel industry is being seriously considered for a relaxation of compliance dates to cure its economic ills.

Industry likewise commented that more restrictive compliance dates would be economically unreasonable, and, in any event, the proposed regulations are more stringent than those they replace. Industry further commented that EPA's action was simply a restatement of its "Relaxation", "Revocation," and "Continuity" policies and therefore its action was improper in these proceedings.

EPA believes the proposed rule must be disapproved because the application of specific provisions of Rule 203(d)(5)(B) does not require the installation of additional control equipment. Therefore, in many instances, additional time is not necessary to achieve compliance with the applicable emission limitations. Further, the provisions of proposed Rule 203(d)(5)(B)(L)(iii) do not provide specific requirements that can be federally enforced against specific sources. That is, the compliance plans will not be part of the Illinois Plan and therefore fail to meet the requirements of Section 110(a)(2)(D) of the Act. Further, requirements of consent decrees are not part of state implementation plans. Any relief provided through legislation will have to be implemented according to the terms of such legislation.

EPA Final Action: EPA disapproves Rule 203(d)(5)(L).

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and therefore, subject to the requirements of a regulatory impact analysis. EPA has determined that today's action does not constitute a major regulation. It approves or conditionally approves regulatory requirements which were developed by the State and are currently applicable to certain sources in the State. It also disapproves certain limitations which are currently in force in the State. This disapproval does not constitute a major regulation because the iron and steel sources in the State will as of the time of this rulemaking, remain subject to pre-existing State TSP limitations. This final rulemaking was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Incorporation by reference of the Illinois State Implementation Plan was approved by the Director of the **Federal Register** on July 1, 1981.

This notice of final rulemaking is issued under the authority of Sections 170 and 172 of the Clean Air Act (42 U.S.C. Sections 7410 and 7502).

Dated: August 20, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

1. Section 52.720 is amended by revising paragraph (c)16 as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(16) On April 4, 1979, the State submitted its draft nonattainment area plan for all areas designated nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained a request for extensions of the statutory attainment deadline for CO and O3. The submittal also included a vehicle emission inspection and maintenance program and a new source review plan. Although the State submittal also included the following provisions, U.S. EPA is taking no action to include them in the federally approved SIP at this time: the portions of Rules 101, 103 and 105 relating to the provisions addressing malfunctions, general requirements of the Clean Air Act which are not Part D requirements, and the provisions covering open burning, mobile source emission standards, diesel locomotive emission standards, adoption of ambient air quality standards, organic emission from organic water separation, carbon monoxide emissions from petroleum and petroleum chemical catalyst incinerators, sulfuric acid mist emissions, sulfur dioxide emissions for fuel combustion sources other than major metropolitan areas, emissions from hydrogen sulfide flares at chemical manufacturing plants, compliance dates for organic emission limitations, carbon monoxide from poly basic organic acid partial oxidation processes, nitrogen dioxide emissions from new facilities burning coal refuse, emission limitations for air furnaces, particulate emissions from low carbon waste incinerators, and adoption of Federal New Source Performance Standards. In addition, U.S. EPA is not rulemaking at this time on those portions of the following rules which contain specified changes made between the publication of the Notice of Proposed Rulemaking and the final rulemaking action:

* * * * *

§ 52.725 Control strategy: particulates. [Amended]

2. Section 52.725(a)(3) is revised to read as follows:

* * * * *

(a) * * *

(3) The State submit a schedule which provides for the expeditious submission of source definitions and testing methods for Rules 203(d)(5)(B)(iv)(aa), 203(d)(5)(B)(v), 203(d)(5)(B)(vi) and 203(d)(5)(B)(viii) as revisions to the Illinois Plan.

* * * * *

3. Section 52.725(b) is revised to read as follows:

* * * * *

(b) Part D—Disapproval

(1) U.S. EPA disapproves the provisions of Rule 203(f) which allow the use of an equivalent method without review and approval of that method. Any source subject to Rule 203(f) which chooses to use an equivalent method must have that equivalent method submitted to U.S. EPA and approved as a SIP revision.

(2) U.S. EPA disapproves the following portions of Rule 203(d)(5) which regulate the control of particulate

matter from specific sources within the iron and steel industry: Rule 203(d)(5)(B)(ii), Rule 203(d)(5)(B)(iii), Rule 203(d)(5)(D), Rule 203(d)(5)(K) and Rule 203(d)(5)(L).

Neither the disapproval contained in § 52.725(b)(1) nor the disapproval contained in § 52.725(b)(2) result in the growth restrictions of Section 110(a)(2)(J) of the Clean Air Act.

* * * * *

4. Section 52.725(c) is removed.

[FR Doc. 81-25584 Filed 9-2-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1920-4]

Revision to the Massachusetts State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this Notice is to approve a Massachusetts submission as satisfying one of the conditions, which the Environmental Protection Agency (EPA) imposed on Massachusetts State Implementation Plan (SIP) revisions submitted to EPA on December 31, 1978 and May 16, 1979. This condition required the State to submit, by October 7, 1980, policy guidance on the preparation of a comprehensive air quality analysis for transportation projects. This guidance was submitted to EPA on January 5, 1981 as Appendix J and EPA proposed to approve it on June 8, 1981 (46 FR 30365). One comment was received during the public comment period on the Notice of Proposed Rulemaking.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Wholley, Mobile Source Emissions Section, Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston, Massachusetts 02203, (617) 223-5630.

ADDRESSES: Copies of the State's submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460; the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, DC; and the Massachusetts Department of Environmental Quality Engineering, Division of Air Quality Control, One Winter Street, 8th floor, Boston, Massachusetts 02110.

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking (NPR) published on June 8, 1981, (46 FR 30365), EPA proposed to approve the January 5, 1981 SIP revision submittal from DEQE entitled "Appendix J, Transportation Project Level Guideline." In response to the NPR, EPA received one letter of comment from the Federal Highway Administration (FHWA). The FHWA view was that each individual project requiring an Environmental Impact Statement (EIS) must demonstrate that the non-methane hydrocarbon (NMHC) emissions under the build option will be less than NMHC emissions under no-build conditions in order to be in conformance with the SIP. FHWA stated that this mesoscale analysis, comparing the build option with the no-build option should be prepared on a system-wide basis, not on a project specific basis.

EPA agrees that a system-wide analysis is far superior to a project by project analysis. In the Appendix J submittal, the State acknowledges that it should move toward a system-wide analysis and has proposed the project level mesoscale analysis as an interim procedure pending the development of system-wide analysis techniques. EPA agrees that a mesoscale analysis is a good interim technique for determining conformancy, since any project which will result in a reduction of NMHC is consistent with the goal of the SIP. EPA will work with the state and the FHWA to develop a system-wide procedure as expeditiously as practicable.

Action:

EPA approves the "Appendix J Transportation Project Level Guidelines".

Pursuant to the provisions of 5 U.S.C. Section 605(b), I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291 EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

After evalution of the state's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts State Implementation Plan.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110(a) and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 7401(a) and 7601(a))

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Massachusetts was approved by the Director of the Federal Register on July 1, 1981.

Dated: August 27, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart W—Massachusetts

1. Section 52.1120, paragraph (c) is amended by adding subparagraph (35) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(35) On January 5, 1981, the Acting Director of the Division of Air Quality Control, Massachusetts Department of Environmental Quality Engineering submitted a revision entitled "Appendix J Transportation Project Level Guidelines" relating to policy guidance on the preparation of air quality analysis for transportation projects.

[FR Doc. 81-25852 Filed 9-3-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[Docket No. AH032VA; A-3-FRL 1919-6]

Approval and Promulgation of Implementation Plans; Revision of the Commonwealth or Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Commonwealth of Virginia has submitted to the Environmental Protection Agency (EPA) a variance to its Air Pollution Control Regulations as a revision to the Virginia State Implementation Plan (SIP). This revision was submitted to EPA on May 1, 1981 and consists of a variance from Part IV, Section 4.71 of the Regulations for the Municipal Incinerator (Oyster Point Road) located in Newport News, Virginia. This notice announces the Administrator's approval of the variance to the Virginia SIP. This action will be effective on November 2, 1981, unless notice is received by October 5, 1981 that someone wishes to submit adverse or critical comments.

DATE: This action is effective November 2, 1981.

ADDRESSES: Written comments should be addressed to Mr. James E. Sydnor of the EPA, Region III, Air Media and Energy Branch at the address shown below. Copies of the materials submitted by the Commonwealth may be examined during normal business hours at the following locations:

Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460

U.S. Environmental Protection Agency, Region III, Air Media and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106; Attn: Patricia Sheriden (3AH11)

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219; Attn: Mr. John M. Daniel, Jr.

Office of the Federal Register, 1100 L Street, SW, Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Ms. Lillie Ellerbe at the EPA Region III address above or call 215/597-8170.

SUPPLEMENTARY INFORMATION: On May 1, 1981 the Commonwealth of Virginia submitted a variance which it had issued to the City of Newport News on April 6, 1981 to be reviewed and processed as a revision to the Virginia SIP. In addition to the variance, the Commonwealth also submitted its technical and modeling analyses. The revision consists of a variance from Part IV, § 4.71 of the Regulations for the Control and Abatement of Air Pollution for the Municipal Incinerator on Oyster Point Road located in Newport News, Virginia.

The Commonwealth has provided proof that, after adequate public notice, a public hearing was held with regard to this variance. The dates of the public notice and hearing as well as the hearing location are shown below:

Date of public notice: December 26, 1980
Date of public hearing: February 12, 1981
Location: Virginia Beach, VA

There was no opposition to the variance at the public hearing.

The City of Newport News has requested a variance to continue operation of the Municipal Incinerator until a new landfill site is selected and in operation. This variance would terminate on July 1, 1982, at which time the incinerator would be shut down. For the duration of this variance, the emission rate of the incinerator shall not exceed 0.5 grains/dscf (corrected to 12% CO_2). Furthermore, the City of Newport News shall adhere to the reporting schedule contained in the variance.

EPA has reviewed the Commonwealth's technical and modeling analyses and finds them acceptable. Furthermore, EPA conducted its own screening analysis and found that continued operation of the Newport News incinerator would not cause or contribute to a violation of either the primary or secondary air quality standards. For particulate matter the maximum 24-hour ground level concentration due to the plant's emissions is estimated to be in the range of about 10 $\mu g/m^3$. The maximum measured 24-hour background particulate concentration in the area is 84 $\mu g/m^3$. Adding the incinerator's impact to that background yields a value of 94 $\mu g/m^3$, which is well below the secondary particulate national ambient air quality standards (150 $\mu g/m^3$).

Based upon the above, EPA is today approving the revision to the Virginia SIP exempting the Newport News incinerator from Section 4.71 of the Virginia Air Pollution Control Regulations without prior proposal. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days from today that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. §§ 7401-642)

Dated: August 27, 1981.

Anne M. Gorsuch,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Virginia was approved by the Director of the Federal Register on July 1, 1981.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart VV—Virginia

1. Section 52.2420 is amended by adding a new paragraph (c)(46) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(46) The variance issued to the Municipal Incinerator on Oyster Point Road located at Newport News, Virginia exempting the incinerator from Section 4.71 until July 1, 1982, submitted on May 1, 1981 by the Secretary of Commerce and Resources.

[FR Doc. 81-25582 Filed 9-2-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-2-FRL 1918-7]

Approval and Promulgation of Implementation Plans; Revision to the Virgin Islands Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces Environmental Protection Agency (EPA) approval of a revision to the Virgin Islands Implementation Plan. EPA approval has the effect of allowing Martin Marietta Alumina and Hess Oil Virgin Islands Corporation, both located on the Island of St. Croix, to use for a one-year period fuel oil with a maximum sulfur content of 1.5 percent, by weight. The currently applicable sulfur content regulatory limitation is 0.5 percent, by weight. Receipt of the subject plan revision request from the Virgin Islands was announced in the June 22, 1981 issue of the **Federal Register** at 46 FR 32271, where it is fully described.

EFFECTIVE DATE: This action becomes effective September 3, 1981.

ADDRESSES: Copies of the plan revision are available for public inspection during business hours at:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278.

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

Government of the Virgin Islands of the United States, Department of Conservation and Cultural Affairs, Office of the Commissioner, Charlotte Amalie, St. Thomas. 00801

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On April 9, 1981 the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States submitted to the Environmental Protection Agency (EPA) a proposed revision to the Virgin Islands Implementation Plan for attaining and maintaining national ambient air quality standards. The revision concerns an "administrative order" which allows Martin Marietta Alumina (MMA) and Hess Oil Virgin Islands Corporation (HOVIC) to continue using for a one-year period fuel oil with a sulfur content of 1.5 percent, by weight, at certain of their fuel burning sources. MMA and HOVIC, both located in the Southern Industrial Complex on the Island of St. Croix, currently are required to burn fuel oil with a maximum sulfur content of 0.50 percent, by weight.

This revision is described in detail in a notice of proposed rulemaking which was published in the **Federal Register** on June 22, 1981 (46 FR 32271). The reader is referred to that notice for a detailed description of the revision. The notice also advised the public that comments would be accepted as to whether the proposed revision to the Virgin Islands Implementation Plan should be approved or disapproved. No comments were received.

Based upon EPA's analysis of a technical analysis submitted by the Virgin Islands, which indicates that no violation of national ambient air quality standards or applicable Prevention of Significant Deterioration (PSD) increments will occur, EPA approves this revision to the Virgin Islands Implementation Plan. EPA finds this revision consistent with the requirements of Section 110(a) of the Clean Air Act and EPA regulations found at 40 CFR Part 51. Furthermore, this action is being made effective immediately because it imposes no hardship on the affected sources, and no purpose would be served by delaying its effective date.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C 605(b) I certify that implementation plan approvals under Section 110 and 172 of the Clean Air Act will not a have a significant economic impact on a substantial number of small entities. The attached rule constitutes an implementation plan approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because, generally, it only proposes to approve a regulation that presently applies under Virgin Islands law.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Note.—Incorporation by reference of the Implementation Plan for the Virgin Islands was approved by the Director of the Federal Register on July 1, 1981.

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C., 7410 and 7601))

Dated: August 27, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart CCC—Virgin Islands

1. In § 52.2770, paragraph (c) is amended by adding new subparagraph (12) as follows:

§ 52.2770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(12) Revision submitted on April 9, 1981 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an "administrative order" under Title 12 V.I.C. § 211 and Title 12 V.I.R. & R. §§ 204-26(d). This "administrative order" relaxes, until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of St. Croix.

[FR Doc. 81-25855 Filed 9-2-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5979

[C 017768]

Colorado; Modification of Public Land Order No. 1608

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will provide for the continuation of a withdrawal made by Public Land Order No. 1608 of March 28, 1958, for a period of 20 years. These lands will continue to be used for administrative sites by the Bureau of Land Management.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Alvah Q. Whitledge, Colorado State Office 303–837–5551.

SUPPLEMENTARY INFORMATION: By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The withdrawal of public lands for Bureau of Land Management administrative sites at Craig and Norwood, Colorado, by Public Land Order No. 1608, March 28, 1958, shall continue for an initial period of 20 years from the date of this order. The lands affected are more particularly described as follows:

Sixth Principal Meridian

T. 7 N., R. 91 W.,
Sec. 35, a tract of land described by metes and bounds in the SE¼SE¼, containing approximately 1 acre in Moffat County.

New Mexico Principal Meridian

T. 45 N., R. 13 W.,
Sec. 27, a tract of land described by metes and bounds in the NE¼NE¼, containing approximately .688 acres in San Miguel County.

2. This withdrawal will be reviewed within 20 years of the date of this order, and at subsequent 20-year intervals, if appropriate, to ensure that the lands are still being used for the purpose for which they were originally dedicated.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
August 27, 1981.

[FR Doc. 81–25851 Filed 9–2–81; 8:45 am]
BILLING CODE 4310–84–M

43 CFR Public Land Order 5982

[C–25780]

Colorado; Withdrawal of Public Land for Fruita Paleontological Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 280 acres of public land near Fruita, Colorado, and reserves them for protection of their paleontological values.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Alvah Q. Whitledge, Colorado State Office, 303–837–2825.

SUPPLEMENTARY INFORMATION: By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C., Ch. 2, but not the mineral leasing laws, for protection of their paleontological values:

Ute Meridian

T. 1 N., R. 3 W.,
Sec. 13, SW¼SW¼;
Sec. 24, W½NE¼, NW¼.
The area described aggregates 280 acres in Mesa County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
August 27, 1981.

[FR Doc. 81–25847 Filed 9–2–81; 8:45 am]
BILLING CODE 4310–84–M

43 CFR Public Land Order 5981

[U–41671]

Utah; Withdrawal for Dugway Proving Grounds

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 640 acres of public lands from settlement, sale, location, or entry under the general land laws, including the mining laws, for the Dugway Proving Grounds for a period of 20 years.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Darrell Barnes, Utah State Office, 801–524–4245.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws, for use by the Department of Defense.

Salt Lake Meridian

Beginning at an existing fence corner which point is S. 89°39'03" W., 1,081.254 feet, more or less, from the north quarter corner of Section 21, T. 9 S., R. 10 W., SLB&M, and running thence S. 5°50'15" W., 261.273 feet along an existing fence, thence S. 14°10'56" W., 326.435 feet along an existing fence, thence S. 4°53'42" W., 250.692 feet along an existing fence, thence S. 14°37'27" W., 300.303 feet along an existing fence, thence S. 0°36'42" E., 4,182.311 feet, more or less, along an existing fence to an existing fence corner, thence S. 89°25'35" W., 5,225.630 feet along an existing fence to an existing fence corner, thence N. 0°33'14" W., 5,026.626 feet, more or less, along an existing fence to an existing fence corner, thence N. 61°04'28" W., 571.999 feet, more or less, along an existing fence to an existing fence corner, which point is N. 89°28'28" E., 951.804 feet from the northwest corner of Section 20, T. 9 S., R. 10 W., SLB&M, thence N. 89°28'17" E., 1,894.796 feet, more or less, along an existing fence to the north quarter corner of Section 20, thence N. 89°27'45" E., 2,646.610 feet, more or less, along an existing fence to the northeast corner of Section 20, thence N. 89°45'41" E., 1,592.528 feet, more or less, along an existing fence to the point of beginning.

The area described aggregates 640.852 acres in Tooele County.

2. This withdrawal will remain in effect for a period of 20 years from the date of this order.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
August 27, 1981.

[FR Doc. 81–25848 Filed 9–2–81; 8:45 am]
BILLING CODE 4310–84–M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Parts 1000, 1005, 1006, 1012, 1015, 1026, 1062, and 1063

Civil Rights Regulation; Correction

AGENCY: Community Services Administration.

ACTION: Correction to final rule.

SUMMARY: This change in FR Doc. published at 46 FR 43690–91 on August 31, 1981, retains 45 CFR 1010 which is CSA's main nondiscrimination regulation. It was to be eliminated as duplicative in view of the closeout of CSA, but it is being retained pending coordination with OMB, to insure that the civil rights of grantee employees and

beneficiaries are fully protected at all times. CSA has determined this is not a major regulation under the definition in Executive Order 12291.

EFFECTIVE DATE: This correction reduces the scope of the final rule and is, therefore, effective September 30, 1981, when the rule becomes effective.

FOR FURTHER INFORMATION CONTACT: Mr. Merritt Van Sant, Acting Assistant Director for Policy, Planning and Evaluation, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506; telephone (202) 632-6630.

Authority

The provisions of this rule are enacted under the authority of Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Dwight A. Ink,

Director.

FR Doc. 81-25526, filed August 28, 1981 and published at 46 FR 43690-91 is hereby corrected by deleting "1010" from list of parts removed in the amendatory language so it reads:

"45 C.F.R. Chapter X is amended as follows: Parts 1000, 1005, 1006, 1012, 1015, 1026, 1062, 1063 [Removed]

1. By removing Parts 1000, 1005, 1006, 1012, 1015, 1026, 1062, 1063 in their entirety.

2. * * *"

[FR Doc. 81-25836 Filed 9-2-81; 8:45 am]

BILLING CODE 6315-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[General Order 13, Amdt. No. 10, Docket No. 80-56]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States; Prohibition of Filing Temporary Amendments

AGENCY: Federal Maritime Commission.

ACTION: Stay of final rule.

SUMMARY: The Commission's decision in the preceding removed the provisions of 46 CFR 536.10(c), which would prohibit the practice of accepting the filing of temporary amendments to tariffs published by carriers and conferences of carriers in the foreign commerce of the United States, effective September 8, 1981. Various conferences have filed petitions requesting a stay of the effective date to allow opportunity to comment on the rationale explained by the Commission in arriving at its decision. The Commission now has decided to stay the effective date of its order so that it may have the benefit of a full staff analysis and recommendation on the issues raised by petitioners.

DATE: Stay is effective September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Room 11101, Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission published its final rule in this proceeding July 7, 1981, (46 FR 35092). The rule contains a provision which prohibits the filing of any type of temporary tariff amendment. The Commission has received petitions from various conferences requesting a stay of the effective date of its decision to allow interested parties the opportunity to comment on the rationale explained by the Commission in arriving at its decision to prohibit the acceptance of temporary tariff amendments. So that the Commission may have the benefit of a full staff analysis and recommendation on the issues raised by the petitioners, the effective date must necessarily be stayed.

PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Therefore, it is ordered, that the effective date of the removal of 46 CFR 536.10(c) is stayed pending further order of the Commission.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-25822 Filed 9-2-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-82; RM-3686]

FM Broadcast Station in Sparks, Nevada; Changes in Table of Assignments; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This action corrects the *Report and Order* adopted August 4, 1981, in BC Docket No. 81-82 (RM-3686), relating to an assignment of an FM broadcast station in Sparks, Nevada, to reflect an earlier assignment of FM Channel 265A to Sparks, Nevada, in lieu of Channel 252A.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Released: August 25, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Sparks, Nevada); BC Docket No. 81-82 RM-3686.

1. On August 4, 1981, a *Report and Order* was adopted in the above-captioned proceeding, Mimeo No. 29901, amending the FM Table of Assignments to reflect the allocation of Channel 221A to Sparks, Nevada, as that community's second FM assignment. That *Report and Order* inadvertently made reference in footnote 1 and at paragraph 6 to Channel 252A as the other channel assigned to Sparks, Nevada.

2. Earlier on February 24, 1981, a *Report and Order* was adopted in BC Docket No. 80-91, 46 FR 15710, published March 9, 1981, wherein Channel 265A was substituted for Channel 252A at Sparks, Nevada. Thus, the FM Table of Assignments for Sparks, Nevada (46 FR 41508; column three), should read as follows:

City	Channel No.
Sparks, Nevada	221A, 265A

Federal Communications Commission.

Martin A. Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25768 Filed 9-2-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. No. 1493; Amdt. No. 6]

Escanaba and Lake Superior Railroad Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 6 to Service Order No. 1493.

SUMMARY: Amendment No. 6 extends the expiration date of Service Order No. 1493, which authorizes Escanaba and Lake Superior Railroad Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad

Company, Debtor, (Richard B. Ogilvie, Trustee) (MILW). The MILW Trustee has indicated that sufficient progress has been made in negotiations on compensation and that he concurs with this extension.

EFFECTIVE DATE: 11:59 p.m., August 31, 1981, and continuing in effect until 11:59 p.m., September 30, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:

M. F. Clemens, Jr. (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided August 28, 1981.

Upon further consideration of Service Order No. 1493 (46 FR 10742, 14896, 19822, 25311, 34593, and 39148), and good cause appearing therefor:

§ 1033.1493 [Amended]

It is ordered, That Service Order No. 1493 *Escanaba and Lake Superior Railroad Company Authorized To Use Tracks and/or Facilities of the Chicago, Milwaukee, St. Paul and Pacific, Debtor, (Richard B. Ogilvie, Trustee),* is amended by substituting the following paragraph (n) for paragraph (n) thereof:

* * * * *

(n) *Expiration date.* The provisions of this order are extended to permit an additional (30) thirty days for the Escanaba and Lake Superior Railroad Company to continue compensation negotiations, and shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1981.

This action is taken under the authority of 49 U.S.C. 10304-10305 and section 122, Pub. L. 96-254.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and William F. Sibbald, Jr. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25825 Filed 9-2-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1100

Change in Telephone Number in Rules Governing Applications for Operating Authority

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: At 45 FR 86771, December 31, 1980, the Commission adopted final rules governing applications for operating authority. In a note to applicants in the section which describes how to apply for operating authority, a toll-free Department of Transportation number for obtaining information concerning safety and hazardous materials regulations was given. That telephone number has been changed and is no longer toll free.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT:

Peter Metrinko, 202-275-7805.

SUPPLEMENTARY INFORMATION:

PART 1100—GENERAL RULES OF PRACTICE

Title 49 of the Code of Federal Regulations, § 1100.251 is amended as follows:

The "Note to applicants" at the end of § 1100.251(h)(5) is revised to read as follows:

§ 1100.251 How to apply for operating authority.

* * * * *

(h) * * *

(5) * * *

Note to applicants: These regulations are found in Title 49 of the Code of Federal Regulations, Parts 171 to 179 and Parts 390 to 399. Information concerning safety and hazardous materials regulations may be obtained by calling 202-426-1724 (1 only).

* * * * *

(5 U.S.C. 553)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25831 Filed 9-2-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 171
Thursday, September 3, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Ch. II

[Docket No. ERA-R-81-07]

Proposed Procedures for Owners and Operators of Electric Powerplants

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) of the U.S. Department of Energy (DOE) is proposing procedures for the owners and operators of electric powerplants which have received Proposed Prohibition Orders under former section 301 (b) or (c) of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA"), Pub. L. 95-620, to elect continued coverage under those sections in lieu of coverage under Section 1021 of the Omnibus Budget Reconciliation Act of 1981 ("OBRA"). OBRA repealed the former section 301 of FUA and includes a new section 301 which provides authority for the Secretary of Energy to prohibit oil or natural gas use, where the owner or operator of an existing powerplant has certified to the unit's technical and financial capability to use an alternate fuel.

Because the statute provides only a short period in which to make such elections, the procedures set forth herein will neither be assigned section numbers, nor codified in the Code of Federal Regulations.

DATES: Written comments are invited with respect to the procedures proposed in this notice. Ten copies of all comments should be submitted to Public Hearing Management, Docket No. ERA-R-81-07, Department of Energy, Room B-210, 2000 M Street, NW., Washington, D.C. 20461. We will consider all comments received by 4:30 p.m. September 21, 1981.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-4055

Donald E. Kreps, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 7002, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3217

Robert L. Davies, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3002, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3649

Henry Garson, Office of the General Counsel, Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2967

SUPPLEMENTARY INFORMATION:

I. Background

Section 1022(b) of OBRA provides that any powerplant issued a proposed prohibition order under former Section 301 (b) or (c) of FUA, which has not been made final as of August 13, 1981, the date of enactment of OBRA, may elect continued coverage under former Sections 301 (b) or (c) of FUA rather than to be covered under the provisions of Section 1021 of OBRA. ERA proposes that the following procedures, which, because of the short period of time in which such election may be made, will not be codified in the Code of Federal Regulations, govern such elections:

II. Procedures

(a) *What to file.* The owner or operator of any facility described above may elect continued coverage under former Sections 301 (b) or (c) of FUA rather than to be covered under Section 1021 of OBRA, by filing with ERA a written "FUA Election Under OBRA," signed by a duly authorized representative. Any such election must be clearly labeled as such both on the election and on the outside of the envelope in which it is sent, and should identify the name, docket number, owner, unit and location of the facility as it appeared in the related proposed prohibition order. Each election may include either a single unit or multiple units at a common site.

(b) *Where to file.* Any election under this notice shall be filed with the Office of Fuels Conversion, Case Control Unit, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

(c) *When to file.* Any election under this notice shall be filed at the above address no later than 60 days after this rule is published in final form in the **Federal Register**. Any eligible facility not filing an election pursuant to this notice prior to this date, will, by operation of law, be covered under the provisions of Section 1021 of OBRA, rather than former Section 301 (b) or (c) of FUA. Any election made under this rule is irrevocable.

(d) *Notice.* ERA will notify persons filing elections under the final rule, in writing, that such elections are recognized not later than 30 days after receipt of the election.

(e) *Status of orders.* The validity of any proposed prohibition order issued under former Section 301 (b) or (c) of FUA shall not be affected in the case of powerplants filing elections under this notice.

III. Procedural Matters

(a) *Section 102 of the National Environmental Policy Act* (NEPA). The Acting Assistant Secretary for Environmental Protection, Safety, & Emergency Preparedness has determined that this regulation, as proposed, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. Therefore, the preparation of an Environmental Impact Statement for this proposal is not required.

(b) *Regulatory Flexibility Act.* ERA has determined that these proposals, if adopted, will primarily impact large public utilities. ERA certifies that, for the reason discussed above, the promulgation of this rule will not have a significant economic impact on a substantial number of "small entities" within the meaning of the Regulatory Flexibility Act. Therefore, a regulatory flexibility analysis will not be prepared.

(c) *Executive Order No. 12291.* ERA has determined that this is not a major rule as defined in Executive Order No. 12291 (46 FR 13193 (February 9, 1981)) as the proposed rule merely establishes the means for the election provided for under Section 1022 of OBRA. Due to the requirement contained in Section 1022 of

OBRA to promulgate this regulation within 45 days of enactment, DOE cannot comply with Executive Order No. 12291 procedures. In accordance with section 8(a)(2), this proposed rule has been reported to the Office of Management and Budget (OMB).

(d) *Paperwork Reduction Act of 1980.* When finalized, this rule must be submitted to OMB for clearance under the provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511. Any data submitted in compliance with provisions of the final rule may require revision or addition as a result of OMB's action.

(Department of Energy Organization Act, Pub. L. 95-91, 42 U.S.C. 7101 *et seq.*; Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620, (42 U.S.C. 8301 *et seq.*); Omnibus Budget Reconciliation Act of 1981)

In consideration of the foregoing, these procedures are proposed to be adopted.

Issued in Washington, D.C., August 27th, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-25881 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-ASW-31]

Proposed Designation of Transition Area; Weatherford, Oklahoma

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes designation transition area at Weatherford, Oklahoma. The intended effect of the proposed action is to provide controlled airspace for aircraft executing new instrument approach procedure to the Thomas P. Stafford Airport.This action is necessary to provide protection for aircraft executing an instrument approach procedure using the proposed nondirectional radio beacon (NDB) located on the airport.

DATES: Comments must be received on or before October 5, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G, § 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of a transition area at Weatherford, Oklahoma, will necessitate an amendment to this subpart. This amendment will be required at Weatherford, Oklahoma, since there is a proposed NDB to be installed on the Thomas P. Stafford Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-31." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Weatherford, Oklahoma

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Weatherford, Oklahoma, Thomas P. Stafford Airport (latitude 35°32'38", longitude 98°40'08") and within 3 miles each side of 182° bearing from the NDB (latitude 35°31'48" N, longitude 98°40'13" W) extending from the 6.5-mile radius area to 8.5 miles north of the NDB.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on August 25, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-25807 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 81-AAL-11]

Revocation of Jet Route; Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke Jet Route No. J-135 from Bethel, AK, to Unalakleet, AK. A recent traffic survey indicates that J-135 is rarely utilized; therefore, we recommend this route be revoked. This action would reduce chart clutter.

DATES: Comments must be received on or before October 5, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81-AAL-11, 701 C Street, Box 14, Anchorage, AK. 99513.

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

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

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AAL-11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to revoke Jet Route J-135 from Bethel, AK, to Unalakleet, AK. This jet route is seldom used, provides no operational advantage, does not facilitate flight planning, and is a single segment within navaid limitations where direct routes can be used. Since J-135 is not utilized, this action would revoke that route. Section 75.100 was republished in the **Federal Register** on January 2, 1981 (46 FR 834).

The Proposed Amendment

§ 75.100 [Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) by removing the title and text of Jet Route No. 135.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on August 28, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-25705 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 201, 230 and 240

[Release Nos. 33-6333, 34-18009, and IC-11889; File No. S7-895]

Proposed Revision of Regulation C, Registration and Regulation 12B, Registration and Reporting

Correction

In FR Doc. 81-23440, appearing at page 41971, in the issue of Tuesday, August 18, 1981, make the following change:

On page 41979, in the first column add the following material to the end of the second paragraph:

The limitation of incorporation by reference to specific categories of documents described in current Rule 12b-23(a) would be eliminated. Under integrated disclosure, the primary source of information is the periodic reporting system under the Exchange Act. The basic purpose of requiring the filing of incorporated materials as exhibits to Exchange Act reports is to assure that the Exchange Act reports constitute a full and complete source of information about the registrant.

Rule 12b-23(a), as proposed, allows incorporation by reference into Exchange Act reports subject to special provisions relating to financial statements and incorporation from other parts of the same report, drawn from current Rule 12b-23 (a) and (c) (and similar to paragraphs (b)(2) and (b)(3) of proposed Rule 411). Paragraph (a)(4) of proposed Rule 12b-23 would include the requirement of an exhibit filing, "except that a proxy or information statement incorporated by reference in response to Part III of Form 10-K (17 CFR 249.310) need not be filed as an exhibit." The latter exception has been added because of the inconvenience to registrants

caused by multiple filings of the registrant's proxy statement. Persons seeking full copies of a Form 10–K annual report from the Commission's files should be aware, however, that it will be necessary to obtain the proxy statement separately.

Paragraph (b) of proposed Rule 12b–23 contains the same general provisions as paragraph (c) of Rule 411, specifically the requirement of clear identification of incorporated matter, the prohibition of incorporation resulting in incomplete, unclear or confusing statements, and the reference to the restrictions in Rule 24 of the Rules of Practice on incorporation by reference to documents which themselves incorporate other information by reference.

BILLING CODE: 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 24, 111 and 141

Discharge of an Importer's Liability for Duties

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to establish an alternative procedure for an importer of record to pay duties on imported merchandise through a licensed customhouse broker. The purpose of the proposal is to aid importers of record in discharging their personal liability for the payment of duty. Presently, when an importer uses a broker and pays by check or draft, the importer often furnishes the broker one check or draft covering both duties and the broker's fees and charges. The broker then pays the duties to Customs on behalf of the importer. Under the alternative procedure, the importer may elect to submit to the broker a separate check or draft for the duties, payable to the "U.S. Customs Service." The broker would then deliver the importer's check or draft to Customs.

This document also proposes to amend the Customs Regulations to require brokers to state on invoices or statements to clients that if the clients are importers of record, payment to the broker would not relieve the clients of liability for Customs charges in the event the charges are not paid by the broker. Clients also would be advised that if they elect to pay by check, they may pay Customs charges with a separate check payable to the "U.S. Customs Service."

DATE: Comments must be received on or before November 2, 1981.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:
Legal Aspects: Edward B. Gable, Jr., Office of Regulations and Rulings (202–566–5865).

Operational Aspects: Herbert H. Geller, Duty Assessment Division (202–566–5307), U.S. Customs Service 1301 Constitution Avenue, NW., Washington D.C. 20229

SUPPLEMENTARY INFORMATION:

Background

Section 141.1(b), Customs Regulations (19 CFR 141.1(b)), provides that duties on imported merchandise, both regular and additional, are a personal debt of the importer which may be discharged only by payment in full to Customs, unless relieved by law or regulation. The importer may pay Customs by any of the applicable means provided in § 24.1(a), Customs Regulations (19 CFR 24.1(a)). One commonly used method of payment is direct payment from the importer to Customs. However, many importers use licensed customhouse brokers to transact Customs business on their behalf. In such cases, when the importer elects to pay by check or draft, the importer often issues the broker one check or draft covering both broker's fees and charges, and duties. The broker then pays the duties to Customs on behalf of the importer.

To aid importers of record in discharging their personal liability for the payment of duties, by notice published in the Federal Register on July 2, 1979 (44 FR 38571), Customs proposed to amend § 141.1(b) to provide an alternative procedure by which importers, who use brokers and pay by check, may elect to submit to a broker a separate check for duties, payable to the "U.S. Customs Service." The broker would then deliver the importer's check to Customs. Although payment of duties by a separate check to the broker does not discharge the liability of the importer, this voluntary alternative procedure, which has been in effect in New York and several other Customs regions since February 1977, could help assure the importer that Customs receives the duty. Because this procedure is optional, an importer could continue to submit one check to the broker covering both the duties and the broker's fees and charges.

Interested parties were given until August 31, 1979, to submit comments on the proposed amendment. Based upon the comments received and its own review, Customs made several changes in the proposed rule.

However, Customs now believes it is necessary to amend Part 111, Customs Regulations (19 CFR Part 111), to make a related regulatory change. Accordingly, it is proposed to add a new paragraph to § 111.29, Customs Regulations (19 CFR 111.29), to require brokers to state on their invoices or statements to clients that if the clents are importers of record, payment to broker would not relieve the clients of liability for Customs charges in the event the charges are not paid by the broker. Clients also would be advised that if they elect to pay by check, they may pay Customs charges with a separate check payable to the "U.S. Customs Service."

By requiring brokers to so notify clients on invoices or statements, as well as Customs informing importers of their alternative methods of payment, we believe that importers will have more than adequate knowledge of the various methods available for paying Customs obligations.

As an alternative to requiring brokers to print the required information on the invoices or statements, Customs considered the possibility of permitting brokers to attach the information to the invoices or statements. However, Customs believes that the alternative is not satisfactory. It is possible that through error, the attachment may not be sent to the client, or the attachment, if sent, may become separated from the invoice or statement.

If these proposals are adopted, it is anticipated that there would be a 6-month delayed effective date of the final rule to provide brokers the time needed to use their existing stock of invoices and statements and to print new invoices and statements containing the new information.

Because adding a new paragraph to § 111.29, Customs Regulations, would impose a requirement on brokers, it is necessary to publish another notice of proposed rulemaking in the Federal Register incorporating the substance of the proposed rule published on July 2, 1979, and the new requirement relating to Part 111.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with

§ 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

The Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601, *et seq.*), the Secretary of the Treasury has determined that the proposed regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these proposed amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. The proposed amendments to 19 CFR Part 141 merely clarify the Customs Regulations and do not entail any real change in existing practice. The proposed amendment to 19 CFR 111.29 could entail some increased costs for brokers, but these costs are expected to be minimal.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Authority

This document is proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), section 1, 19 Stat. 247 (19 U.S.C. 197), section 1, 36 Stat. 965, as amended (19 U.S.C. 198), section 505, 46 Stat. 732, as amended (19 U.S.C. 1505).

Proposed Customs Regulations Amendments

It is proposed to amend Parts 24, 111, and 141, Customs Regulations (19 CFR Parts 24, 111, 141) as set forth below:

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

It is proposed to revise the introductory paragraph of § 24.1(a), Customs Regulations (19 CFR 24.1(a)) to read as follows:

§ 24.1 Collection of Customs duties, taxes, and other charges.

(a) Except as provided in paragraph (b) of this section, the following procedure shall be observed in the collection of Customs duties, taxes, and other charges (see §§ 111.29(b) and 141.1(b) of this chapter):

* * * * *

PART 111—CUSTOMHOUSE BROKERS

It is proposed to amend §111.29, Customs Regulations (19 CFR 111.29), by adding a new heading to the present paragraph and designating that paragraph as paragraph (a), and by adding a new paragraph (b) to read as follows:

§ 111.29 Diligence in correspondence and paying monies.

(a) *Due diligence by broker.* * * *

(b) *Notice to client of method of payment.* When a broker provides an invoice or statement to a client in connection with entries made by the broker, and the invoice or statement includes charges for duties, taxes, or other debts owed the U.S. Customs Service, the following information shall appear on that invoice or statement:

If you are the importer of record, payment to the broker will not relieve you of liability for Customs charges in the event the charges are not paid by the broker. Therefore, if you pay by check, Customs charges may be paid with a separate check payable to the "U.S. Customs Service."

PART 141—ENTRY OF MERCHANDISE

It is proposed to revise § 141.1(b), Customs Regulations (19 CFR 141.1(b)), to read as follows:

§ 141.1 Liability of importer for duties

* * * * *

(b) *Payment of Duties.*—(1) *Personal debt of importer.* The liability for duties, both regular and additional, attaching on importation, constitutes a personal debt due from the importer to the United States which can be discharged only by payment in full of all duties legally accruing, unless relieved by law or regulation. Payment to a broker covering duties does not relieve the importer of liability if the duties are not paid by the broker. The liability may be enforced notwithstanding the fact that an erroneous construction of law or regulation may have enabled the importer to pass his goods through the customhouse without payment. Delivery of a Customs bond with an entry is solely to protect the revenue of the United States and does not relieve the importer of liabilities incurred from the importation of merchandise into the United States.

(2) *Means of Payment.* An importer or his agent may pay Customs by using any of the applicable means provided in § 24.1(a).

(3) *Methods of payment.* An importer may pay duties either—

(i) Directly to Customs whether or not a licensed customhouse broker is used; or

(ii) Through a licensed customhouse broker. When an importer uses a broker and elects to pay by check or draft, the importer may issue the broker either—

(A) One check or draft payable to the broker covering both duties and the broker's fees and charges, in which case the broker shall pay the duties to Customs on behalf of the importer, or

(B) Separate checks or drafts, one covering duties payable to the "U.S. Customs Service," for transmittal by the broker to Customs, and the other covering the broker's fees and charges. The importer's check or draft for duties shall be delivered to Customs by the broker.

William T. Archey,

Acting Commissioner of Customs.

Approved: July 24, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-25650 Filed 9-2-81; 8:45 am]

BILLING CODE 4810-22-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[EN-2-FRL-1927-5]

Delayed Compliance; Receipt of an Administrative Order Issued by New Jersey Department of Environmental Protection to Ekco Products, Inc.,

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The New Jersey Department of Environmental Protection Agency ("NJDEP") issued an administrative order on July 1, 1981 requiring Ekco Products, Inc., to control the emissions from the Inta-Roto Texture Shears, Nos. 1 and 2 (N.J. 24 and 25) to bring its plant at Clayton Borough, New Jersey into compliance with N.J.A.C. 7:27-8.1 *et seq.*, and 7:27-16.1 *et seq.*, a part of the federally-approved New Jersey Implementation Plan. The date for final compliance established by the order is January 15, 1983. The purpose of this notice is to invite public comment on whether EPA should approve the order under Section 113(d)(2) of the Clean Air

Act, 42 U.S.C. 7401 *et seq.*, ("the Act"). If approved by EPA, the order will become effective as a delayed compliance order under Section 113(d) of the Act and will constitute an addition to the New Jersey Implementation Plan. While a delayed compliance order places a noncomplying source on a remedial compliance schedule, it does not alter the underlying State Implementation Plan compliance date. Under Section 113(d)(10) of the Act, EPA approval of the order would also insulate the source from federal enforcement action under Section 113 of the Act and from citizen enforcement action under Section 304 of the Act for violations of the regulation covered by the order during the period the order is in effect and the source is complying with its terms.

DATE: Written comments must be received on or before October 5, 1981.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York, 10278. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Judith K. Meritz, Esq., Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-4471.

SUPPLEMENTARY INFORMATION: Ekco Products, Inc. operates a kitchenware products manufacturing plant at Clayton Borough, New Jersey. The order under consideration addresses emissions from the Inta-Roto Texture Shears, Nos. 1 and 2 (N.J. 24 and 25) at the plant, which are subject to N.J.A.C. 7:27-8.1 *et seq.* and 7:27-16.1 *et seq.* These regulations limit the emission of vilatile organic substances (compounds) (VOS(c)) and are part of the federally-approved State Implementation Plan. The order requires final compliance with the regulations by January 15, 1983. During the period covered by this order, Ekco Products, Inc. must meet the following increments of progress:

(1) Complete engineering study and evaluate the proposals by August 1, 1981;

(2) Select air pollution control equipment and submit the permit application(s) by September 1, 1981;

(3) Purchase the air pollution control equipment by December 1, 1981;

(4) Complete the installation of the air pollution control equipment, start-up and debug the entire system(s) by January 15, 1983.

Because this order has been issued to a major source of VOS(c) emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Act. EPA may approve the order only if it satisfies the appropriate requirements of this subsection. If the order is approved by EPA, compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violation of the regulations covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. However, source compliance with the order will not preclude assessment of noncompliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2)(B) or (C). All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. Final approval or disapproval will also be published in the **Federal Register.**

Dated: August 18, 1981.

Richard T. Dewling,

Acting Regional Administrator, Region II.

[FR Doc. 81-25840 Filed 9-2-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 163

[PH-FRL-1927-7; OPP-250030]

Pesticides and Devices; Notification to the Secretary of Agriculture of a Proposed Regulation Prescribing Labeling Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a proposed regulation prescribing labeling requirements for pesticides and devices.

FOR FURTHER INFORMATION CONTACT: Jean Frane, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509, Cm#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7136).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 92-516, 86 Stat. 973; Pub. L. 94-140, 89 Stat. 753; 7 U.S.C. 136 et seq.) provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the **Federal Register.** If the Secretary comments in writing regarding the regulation within 30 days after receiving it, the Administrator shall publish in the **Federal Register,** with the proposed regulation, the comments of the Secretary, and the response of the Administrator. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign the regulation for publication in the **Federal Register** any time after the 30-day period.

Under FIFRA section 25(a)(3), a copy of this regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. This regulation was also submitted to the FIFRA Scientific Advisory Panel as required by section 15(d) of FIFRA.

(Sec. 25 (Pub. L. 92-515, 86 Stat. 973; Pub. L. 94-140, 89 Stat. 753 (7 U.S.C. 136, et seq.)))

Dated: August 27, 1981.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-25829 Filed 9-2-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 100 Through 199

Transport of Radioactive Materials; Public Meeting and Availability of Comments Received on Proposed Changes to International Regulations

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: A public meeting will be held for discussion of the comments which have been received by MTB on the International Atomic Energy Agency's (IAEA) proposed revision to its "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6."

DATE: September 14, 1981, at 9:00 a.m.

ADDRESS: Department of Transportation, Nassif Building, 400 Seventh St., S.W., Washington, D.C. in room 8236.

FOR FURTHER INFORMATION CONTACT:
R. R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202–426–2311.

SUPPLEMENTAL INFORMATION: On May 7, 1981, (46 FR 25491) MTB published notice of the availability of a draft revision of the IAEA "Regulations for the Safe Transport of Radioactive Materials" which is scheduled for adoption in 1983. Subsequently, MTB extended the public comment on the available draft until August 21, 1981 (46 FR 40540; August 10, 1981).

All of the comments received by MTB will be compiled and correlated to the IAEA draft. This compilation will be available to requestors on September 1, 1981, from the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426–3148.

A public meeting has been scheduled to discuss the substance of this compilation and obtain input on any conflicting comments which may have been received. The meeting will focus specifically on this compilation of comments but, if time permits, other comments on the IAEA proposed revision will be received.

In order to most efficiently utilize the time available (9:00 a.m. to noon and 1:00 to 5:00 p.m.) persons wishing to make oral presentations are requested to notify Mr. Richard R. Rawl by September 9, 1981. This notification should include the speaker's name, affiliation and sections of the IAEA draft revision for which there will be comments. Time will be allocated as the number of identified speakers allows.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81–25693 Filed 9–2–81; 8:45 am]

BILLING CODE 4910–60–M

49 CFR Part 173

[Docket HM–178, Advance Notice]

Definition of Flammable Solid; Extension of Comment Period

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Extension of time to file comments.

SUMMARY: On May 7, 1981, the Materials Transportation Bureau (MTB) published an advance notice of proposed rulemaking under Docket HM–178 (46 FR 25492) pertaining to the definition of a flammable solid. The notice requests comments on efforts to make that definition more specific and to provide tests which shippers may use to determine whether their products are flammable solids for purposes of transportation. By this notice, MTB is extending the comment period 90 days, from August 20, 1981, to November 19, 1981.

DATE: The time for filing comments is extended from August 20, 1981 to November 19, 1981.

FOR FURTHER INFORMATION CONTACT:
Dr. Charles Ke, Sciences Branch Technical Division, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. (202–426–2311).

SUPPLEMENTARY INFORMATION: In consideration of a request made by the Aluminum Recycling Association for additional time in which it may file comments on this advance notice of proposed rulemaking, MTB is extending the comment period by 90 days. This period should allow member companies of the Aluminum Recycling Association ample time in which they may assemble technical and historical information on molten aluminum transported in commerce as background for their comments on this presently unregulated material and its relationship to this Docket.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under terms of Executive Order 12291 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.)

Issued in Washington, D.C. on August 21, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81–25694 Filed 9–2–81; 8:45 am]

BILLING CODE 4910–60–M

Federal Highway Administration

49 CFR Part 395

[BMCS Docket No. MC–70–1; Notice No. 81–5]

Limits on Hours of Service of Commercial Vehicle Drivers; Termination of Rulemaking

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Termination of rulemaking and docket closing notice.

SUMMARY: The FHWA has been considering options for revisions to the regulations which limit the hours of service of commercial vehicle drivers engaged in interstate or foreign commerce. Following a review of the responses to the two advance notices previously published, the testimony received at the public hearings, and a number of studies prepared as part of this rulemaking action, the FHWA has determined that none of the proposed options should be adopted at this time. The FHWA's decision is based on the absence of evidence of a direct relationship between hours of service and a significant reduction in accidents and on the economic impact of the proposed options on motor carrier operations and the Nation's distribution system.

FOR FURTHER INFORMATION CONTACT:
Mr. Gerald J. Davis, Bureau of Motor Carrier Safety, (202) 426–9767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, (202) 426–0346; Federal Highway Administration, Department of Transportation, 400 7th St., SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Present Regulations

The current hours of service regulations stipulate that no motor carrier shall permit or require any driver to (1) drive more than 10 hours following 8 consecutive hours off duty, (2) drive for any period after having been on duty 15 hours following 8 consecutive hours off duty, and (3) be on duty more than 60 hours in any 7 consecutive days, except if a carrier operates every day of the week, in which case the limit is 70 hours in any 8 consecutive days. Drivers using sleeper-berth equipment may accumulate the 8 hours off duty in two periods, neither of which can be less than 2 hours. On duty time is defined as, "All time from the time a driver begins to work or is required to be in readiness to work until the time he is relieved from

work and all responsibility for performing work."

Current Rulemaking

This rulemaking proceeding was initiated by the issuance of an Advance Notice of Proposed Rulemaking (ANPRM) on February 12, 1976 (41 FR 6275). Because the comments did not provide sufficient data to determine whether the hours of service should be amended, a second ANPRM was issued on May 22, 1978 (43 FR 21905). This second advance notice invited comments on three different plans for limiting driver's hours. Over 1200 interested persons submitted comments to the docket and seven hearings were held in various locations throughout the country. These hearings generated 9,000 pages of testimony and submissions. Responses were received by the FHWA's Bureau of Motor Carrier Safety (BMCS) from motor carriers and their drivers, associations, labor unions, and shippers. Federal and state agencies, special interest groups and concerned citizens, also submitted comments.

Before the 1976 ANPRM was issued, the FHWA had contracted for a study of the relationship between fatigue, accidents and commercial motor vehicle driving. Phase I was completed before the 1976 ANPRM. Phase II of the fatigue study, the accident study, and the Heat, Noise and Vibration study were completed either during the comment period on the first and second ANPRM or following the close of the comment period. All studies referenced in this document have been placed in the public docket for review.

Analysis

When the hours of service regulations were initiated 40 years ago, the ICC concluded that a fatigued driver, whether the driver's fatigue results from excessive hours of work or other causes, may become inattentive, careless, or otherwise unsafe. The regulations were designed to prevent or minimize the unsafe conditions associated with fatigue. The rationale for hours of service regulations is based on the concept that the longer a driver works, the more fatigued the driver becomes with the result that the driver is more susceptible to being involved in an accident.

Over the past 10 years the BMCS has conducted a series of research studies to test the gypothesis that driver fatigue manifested by drowsiness or loss of alertness is a major contributor to many truck accidents. At least two of these studies (the fatigue studies) document a significant reduction in reaction time for drivers who approach the maximum permitted driving periods under the present rules. Although one might infer from the data that there is a relationship between fatigue and accident experience the studies did not reveal any direct evidence correlating the fatigue factors with actual accident experience. Similarly, the accident study commissioned by the FHWA to determine whether there was any relationship between fatigue and motor vehicle accidents was inconclusive. Thus, the studies do not prove that safety would be enhanced, much less significantly so, by adopting the changes mentioned in the ANPRM.

From an economic standpoint, it also appears that none of the proposed changes would be cost effective.

The commenters who mentioned the economic impacts in their submissions to the docket are consistent in arguing that any significant change in the hours of service regulations would have a severe economic impact on the motor carrier industry, the merchandising industry, and perhaps on the economy of the country as a whole. Most commenters felt that the adoption of any new rule would increase operating costs, cause carriers to hire new drivers, result in carriers having to obtain new equipment, cause carriers to employ new support personnel, and cause the relocation of certain terminal facilities. These measures would in turn increase freight rates and passenger fares, result in demands for higher wages by drivers, or reduce the incomes of drivers and cause certain carriers to go out of business.

The FHWA studied the costs and benefits of three options to the hours of service regulations. These options were similiar, but not identical, to the plans proposed in the second ANPRM. The studies showed that excessive costs and severe economic impact would occur under each option. Further, aggregate costs are far in excess of any foreseeable societal benefits emanating from possible changes to the existing regulations.

In addition to identifying costs and basically confirming industry comments, the FHWA's independent cost benefit study considered the projected benefits that might be derived from the reduction of the hours a driver could drive or be on duty. Even with these projected benefits considered, the study establishes the severe economic impact of the proposed rule changes. The total cost to industry under each option is approximately $11 billion (Option I, $11.5 billion; Option II, $10.6 billion; and Option III, $11.0 billion) with possible societal benefits calculated at about $450 million.

Explanation of Studies and Comments

Prior Study

In 1938, the Interstate Commerce Commission (ICC) responded to growing public concern regarding the safety of motor carriers by commissioning a study by the Public Health Service to investigate the issues of driver work hours. The goal was to provide data for establishing a rational limit on the time a driver should be permitted to spend in the operation of a motor vehicle. This study was extensive, but provided little in the way of data regarding the relationship between fatigue and driving performance.

The First Fatigue Study

The first fatigue study, Phase I,[1] focused on the experience of randomly selected regular route carriers. This study indicated that there appeared to be a slowing of reaction time as drivers drive longer hours. The study's major findings were (1) driver performance errors increased and psychophysiological arousal decreased within the current 10-hour limit; (2) rest breaks contributed favorably to driver performance levels and psychophysiological arousal, but the longer a person drove the less beneficial the break; (3) sleeper-berth drivers recovered less completely than relay drivers; (4) being on duty over a period of days had a cumulative effect on a driver's level of psychophysiological arousal and driver performance; (5) the adverse effect of fatigue was more pronounced for older drivers; and (6) the time of day had a significant impact on the psychophysiological arousal, with the lowest levels occurring between 2 a.m. and 7 a.m.

The first fatigue study contained, as background information, a limited study to determine the relationship between the number of hours driven and accidents. This study, which was based on an analysis of 500 accidents reported by a single large common carrier, indicated that fatigue may have been a causative factor in some of the accidents.

The Second Fatigue Study

The more comprehensive fatigue study, Phase II,[2] focused on the effect of prolonged driving on alertness and fatigue of truck and bus drivers who do

[1] "A Study of the Relationships Among Fatigue, Hours of Service, and Safety of Operations of Truck and Bus Drivers" (Contract No. DOT-FH-7777, June 1971–November 1972).

[2] "Effects of Hours of Service Regularity of Schedules, and Cargo Loading on Truck and Bus Driver Fatigue" (Contract No. DOT-H5-5-01142, May 1975–October 1978).

not operate on regular schedules. The study involved a comprehensive review of the literature on driver performance and measured physiological methods of monitoring alertness and fatigue, and the effects of irregular schedules in other industries. A nationwide survey of commercial drivers was conducted to establish data. A comprehensive analysis of accident data was performed to identify the relationship between accidents and length of driving time, time of day, and other features of accidents.

This study confirmed some of the basic findings of the initial fatigue study, particularly the fact that driver errors increase and psychophysiological arousal decreases the longer a person drives, that sleeper-berth drivers experience more fatigue than relay drivers, that cumulative fatigue effects appear after 4 consecutive days on duty and that the time of day has a significant impact on fatigue and psychophysiological arousal. In addition, the study found that relay drivers suffer greater fatigue than regular run drivers, that fatigue sets in more quickly with these drivers and that moderately heavy loading activities have a beneficial effect on drivers engaged in short runs but a detrimental effect on drivers engaged in long runs.

Accident and Heat/Noise and Vibration Studies

In the course of this rulemaking proceeding, the FHWA completed a study of the relationship between accident data and drivers' hours of service.[3] The FHWA also conducted a separate study of heat, noise, and virbration in relation to driver performance.[4]

The accident study was an effort to determine the relationship between traffic accidents and the hours of service for commercial motor vehicle drivers subject to the Federal hours of service regulations. It is based on data of a greater volume than the average research study and of more detail than is usually collected for administrative purposes. The study analyzed over 5,000 single vehicle accidents. These accidents were selected for the reason that single vehicle accidents were the ones most likely to be fatigue related. The Bureau, therefore, considers this study to be more reliable than the study of the relationship between fatigue and accidents performed as part of the Phase I Fatigue study.

A direct relationship between fatigue and hours of service was not established. The data showed that:

(1) There was no consistent patterns in the data to imply that the number of driving hours were related to the frequency or severity of truck accidents;

(2) Truck drivers who had accidents early in the trip did not have on-duty-not-driving time prior to driving;

(3) Drivers with accidents later in the trip tended to have at least a few hours on duty not driving time before the accident;

(4) The amount of the last extended rest period (8 hours or more) did not have a consistent relation to when the accident occurred during the trip; and

(5) Accidents presumably caused by fatigue were proportionately more frequent during the hours of 11:00 p.m. to 8:00 a.m. than all the other accident classifications.

When the hourly distribution of accidents between periods of 8 hours off duty was examined, the results showed an erratic pattern.

The heat, noise, and vibration study was designed to determine the relationship among noise, vibration, effective temperature, driver performance and physiological reactions. It was conducted to determine whether these factors had an independent effect on driver performance and whether they magnified the effects of normal fatigue resulting from long hours. The study showed that these conditions caused somewhat adverse effects, but that the adverse effects were not greater than those that would result from fatigue normally experienced during long periods of driving. It also showed that truck drivers have a wide tolerance for these environmental phenomena.

Study of the Impact of the Proposed Hours of Service Revisions

The last study contracted for by BMCS in connection with this rulemaking proceeding was designed to evaluate the costs and benefits of the various alternative proposals for amending the hours of service regulations.[5] The results of this study have been adopted by the FHWA. The options selected were based on the results of the fatigue studies and the comments to the second ANPRM. The comments contained convincing evidence that certain of the ANPRM proposals were impracticable or nonworkable and an evaluation of such proposals would be of little value. For example, requiring drivers to remain off duty for a period in excess of 8 hours at locations other than home could contribute to driver fatigue by allowing additional awake hours being spent in nonproductive activities. The options studied involved the following changes fromthe present rule:

Option I would reduce the current 10 hour maximum driving time to 8 hours and the total on duty time from 15 to 12 hours. In addition, it would (1) limit a driver's duty tour to 15 consecutive hours and prohibit intermittent off duty time; (2) require driving relief periods and meal breaks during a given duty tour; (3) increase the required off duty time between duty tours at home terminals, and (4) require 24 consecutive hours off duty after 6 driving days.

Option II would (1) eliminate the current differences in time allowances for driving time, on-duty time, and duty tour by specifying that each have a limitation of 12 hours; (2) require mandatory relief periods, meal periods, longer off duty times at home terminal, a 24 consecutive hours off duty period per week consecutive hours during any 14 day period; and (3) require that sleeper berth periods of less than 8 hours be logged as on-duty time.

Option III would ban driving between 12 p.m. and 6 a.m.

The costs of these options will be discussed in a later section of this document. With regard to the benefits expressed in terms of safety, the contractor made a number of assumptions concerning reduction in accidents that might result from adoption of the changes proposed in the various options.

With regard to the reduction in driving time, Option I data established that a disproportionately high number of accidents occur in the first few hours of each driving shift. Reduction in the current driving hours would cause the initiation of additional driving shifts and, therefore, increase accident exposure by increasing the number of drivers who are in the first few hours of driving.

The reduction in on-duty time in either Option I or Option II would probably decrease present accident levels, because of the study finding that there is a probable relationship between length of duty tour and accidents. A precise estimate of the number of accidents that might be prevented is not possible because of unavailability of reliable accident data directly relating fatigue with individual accidents.

[3] "Analysis of Accident Data and Hours of Service of Interstate Commercial Motor Vehicle Drivers" (August 1978) (Contract No. DOT-FH-11-9325)

[4] "A Study of Heat, Noise, and Vibrations In Relation to Driver Performance Physiological Status" (Contract No. DOT-H5-241-1-420). (June 1972-June 1974)

[5] (Assessment of the Impacts of Proposed Hours of Service Revisions-Booz-Allen and Hamilton, Inc.)

Comments Concerning the Impact of Proposed Changes on Safety

In the context of completing this evaluation, the FHWA analyzed thousands of pages of comments received in response to both the first and second ANPRMs and reviewed thousands of pages of public testimony and the contract studies. All of these studies and comments are included in the public docket in this proceeding.

A large majority of comments received in response to the second ANPRM opposed any change in the present hours of service regulations. Seventy carriers out of 324 specifically stated that adoption of the new rules would cause more accidents. The principal reasons given were: hiring of new, inexperienced drivers; more exposure because of more trucks on the road; and difficulty in finding competent drivers.

Motor carriers and motor carrier organizations took issue with the claim that the proposed changes would result in increased safety on the highway. These commenters pointed out that the relationship between fatigue and accidents had not been definitely established and criticized the proposals as being based on incomplete data. They provided data showing that a large number of accidents occurred during the early driving hours rather than later in the driving period when the drivers would tend to be fatigued. They pointed out that certain drivers may come to work fatigued and that this may have an impact on the number of accidents being experienced. The commenters emphasized that the causes of motor carrier accidents are often complex with many contributing factors.

Commenters argued that further reduction of driving hours would probably result in increased accident totals because of the high incident rates during the first few hours of driving. They asserted that if the hours were reduced, the carriers would have to hire new drivers with the result that many more inexperienced drivers would be on the road resulting increase in accidents.

Of the drivers commenting, 21 percent expressed total or partial support of the changes while 62 percent expressed opposition to any change. Most commenters in this category felt that the present regulations are adequate if enforced.

One organization, the Professional Drivers Council (PROD), argued that the present hours of service regulations results in dangerous levels of fatigue among truck drivers presently on the road and urged that the hours of service be modified in order to reduce the incidence of fatigue. The PROD asserted that fatigue is the number one safety problem in the trucking industry.

The International Brotherhood of Teamsters agreed that fatigue is a major factor in accidents. They supported some of the ANPRM's proposed changes and opposed others. Some of the proposed changes they supported were: (1) limiting duty tours to 15 consecutive hours; (2) requiring 12 hours off duty at the home terminal and 8 hours off duty at destination terminal; and (3) requiring fixed notification times for starting work. The changes they opposed included the imposition of mileage limits, mandatory meal periods, and driving relief periods.

Economic Impact

A number of carriers, associations, unions and drivers addressed the economic impacts of any significant change in the present regulations. The majority asserted that the adoption of any significant rule change would raise prices, add to inflation and significantly damage the economy.

Many of the commenters pointed out that adoption of significant changes in the hours of service regulations would result in higher labor costs because of the reduction in driving time and on-duty time, mandatory rest stops, and mandatory off duty periods.

The American Trucking Association, Inc. (ATA), for example, stated that many of the largest motor carriers in terms of size would suffer a 20 percent to 30 percent loss of productivity if the present hours of service regulations are substantially altered.

Other commenters asserted that additional equipment would be required because the new regulations would require drivers to lay over when they ran out of hours rather than returning the equipment to the terminals. The purchase of this equipment was said to have a high cost. For example, the National Tank Truck Carriers, Inc., which represents 225 carriers, stated that the cost of putting one tractor and one petroleum carrying trailer on the road represents a $70,000 capital expense. In addition, some carriers stated that intermediate terminals would have to be built to accommodate relief equipment and drivers, which in turn would require additional maintenance facilities and employees. Thus, maintenance costs would be higher under any of the significant changes proposed.

Other nondriving costs would also increase, according to many commenters. Additional dispatchers and clerical personnel would be required because the routing and control of traffic would be much more complex.

Another concern expressed by commenters was that the new rules would cause a reduction in the on-duty time of presently employed drivers with a commensurate reduction in wages. As an example, a driver who lost 5 hours a week through meal and break time requirements would lose approximately $2,696 per year. Many commenters believe that these drivers would not accept this loss of earnings but would instead demand higher wages for the fewer hours they would be able to work. A number of Teamsters Union locals stated that wage increases would be needed in order to offset the expected loss of earnings.

Many carriers provided detailed information on the expected impact of the proposed regulations on their particular operations. The ATA presented the economic analyses prepared by three carriers and shippers. They found that one private carrier estimated additional annual costs of between $13.3 and $22.5 million per year under the various proposals. A major shipper organization cited by the ATA estimated that increased costs of truck transportation could range between $2.7 and $15.5 billion per year. A major meatpacker estimated an increase in costs of $755 million annually for the delivery of its product if the new regulations were adopted. One of the larger carriers in the country, Roadway Express Inc., estimated the additional annual costs at between $49 and $61 million per year based on the proposed rule changes. Another large carrier, East Texas Motor Freight Lines, Inc., estimated $150,000 additional expenses due to drivers' wages alone.

Many of the carriers predicted that the increased operating expenses caused by adoption of the proposed changes would have to be passed on to the public. The fifteen carriers who provided statistical data on the additional cost of transporting goods which would be passed on to consumers estimated increases of 3.3 to 35 percent.

The bus industry had some particular concerns about the adoption of the proposed changes and the resulting impact on bus operations. The industry believes that the proposed regulations would lengthen trips, cause delays, create passenger inconvenience, and aggravate scheduling problems. Consequently, they asserted that the bus industry would lose its competitive price advantage over other modes of passenger transportation, and that passengers would switch to those other modes. This would come at a time when

the bus industry is experiencing reduced profitability, particularly on regular route passenger service. The bus industry also asserts that the proposed regulations would severely hamper the industry's ability to handle charter operations, which account for most of the profit in smaller bus companies. With regard to dollar amounts, Greyhound estimates that the impact of some of the proposed changes on its regularly scheduled operations would be between $45 million and $52 million per year and that its charter revenue loss would be approximately $34 million.

FHWA's Study of the Economic Impact

The Booz-Allen study commissioned by the FHWA to determine the costs of adopting the proposed changes to the hours of service regulations supported the positions taken by the commenters on economic impact. This study showed that the adoption of any of the proposed major changes to the regulations would result in severe economic disruption of the motor carrier industry and the national economy.

The study projected the costs that would be involved if certain changes were made. The cost projections were based upon a survey of current operations of motor carriers and the recent cost figures for vehicle miles traveled. The costs were quantified in terms of increased equipment requirements and the projected reduced productivity of the work force in the motor carrier industry.

Current driver practices were used as the base for projections. The vehicle miles traveled were rearranged based on the estimates of the effects of the various changes to the regulations. The costs are: Option I, $11.496 billion; Option II, $10.642 billion; and Option III, $11.019 billion.

The study balanced the expected costs against anticipated benefits (i.e., reduction of accidents and related fatalities, injuries, and property damage). The benefits in monetary terms were: Option I, $424 million; Option II, $468 million; and Option III, $63 million.

Conclusions

Based on its review of the entire record and mindful of the responsibility to regulate motor carriers and establish reasonable requirements concerning maximum hours of service of employees in the motor carrier industry, the FHWA has determined that none of the options proposed in the ANPRM should be adopted at this time. The relationship between fatigue and accident experience is not sufficient to support any of the proposed options, particularly in light of the anticipated economic consequences of those options.

Accordingly, this rulemaking action is terminated and the docket is closed effective immediately.

This rulemaking proceeding is considered significant under the DOT's regulatory policies and procedures. A regulatory impact analysis/regulatory flexibility analysis is available for inspection in the public docket and may be obtained by contacting Mr. Gerald J. Davis at the address specified above under "For Further Information Contact."

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

(49 U.S.C. 304; 49 CFR 1.48(b) and 301.60)

Issued on: August 31, 1981.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 81-25815 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking submitted by Mercedes-Benz of North America, Inc. The petition requested the agency to amend Standard No. 203, *Impact Protection for the the Driver from the Steering Control System*, and Standard No. 204, *Steering Control Rearward Displacement*, so that they do not apply to passenger cars that use automatic restraints conforming to injury criteria of Standard No. 208, *Occupant Crash Protection*. Because of the possibility that even automatic belt systems may not in fact be used by drivers, the agency again concludes that the impact protection afforded by Standards No. 203 and 204 is necessary and appropriate.

FOR FURTHER INFORMATION CONTACT: Mr. William Smith, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426-2242.

SUPPLEMENTARY INFORMATION: On March 9, 1981, Mercedes-Benz of North America, Inc. (Mercedes) petitioned the agency to amend Standard No. 203, *Impact Protection for the Driver from the Steering Control System*, and Standard No. 204, *Steering Control Rearward Displacement*. Mercedes sought an amendment providing that neither of those standards applies to passenger cars that meet the injury criteria of Standard No. 208 with an automatic restraint system.

Standard No. 203

The purpose of Standard No. 203 is to reduce driver injuries and fatilities by requiring steering assemblies to absorb the impact forces that occur when the driver strikes the steering column in a frontal crash. The standard uses a laboratory test in which the steering assembly is impacted at a speed of 15 m.p.h. by a body block resembling a human torso and head. The standard specifies that the force imposed by the body block on the steering control system must not exceed 2,500 pounds.

The standard currently exempts cars that meet the injury criteria of Standard No. 208 by means other than seat belt assemblies. That exemption was proposed on September 23, 1974 (39 FR 34062), at the request of General Motors Corp. (GM). GM requested the exemption so that it could modify its steering system to incorporate an air cushion restraint system. Those modifications made it difficult, and in some cases, impossible to comply with Standard No. 203.

In commenting on that proposal, several manufacturers, including Mercedes, asked the agency to exempt automatic restraint systems that use seat belts. On April 24, 1975 (40 FR 17992), the agency issued a final rule adopting the exemption as proposed.

The agency decided not to exempt automatic belt systems because of the need for Standard No. 203 crash protection even in conjunction with those systems. The agency believed that there was a significantly greater likelihood that automatic seat belt systems employed to comply with FMVSS 208 would be subject to disconnection or non-use than would crash-deployed automatic protection, such as an air cushion restraint system. A further consideration was that the steering column does not have to be modified in order to install automatic belts. By contrast, in the case of the air cushion restraint system, the column would require modification in such a way that compliance with Standard No. 203 would be difficult and in some cases impossible. Thus, since it was not

necessary to modify the steering control system to install automatic belt systems, no reason existed to reduce or eliminate the protection afforded by Standard No. 203.

On August 13, 1975 (40 FR 33977), the agency denied a petition for reconsideration that again sought an exemption from Standard No. 203 for cars equipped with automatic belt systems. The agency restated its concern that automatic belts might be disconnected or not used. In addition, the agency said that because of the potential that even a belt-restrained driver might impact the steering control system, the protection of Standard No. 203 was necessary.

In its March 9, 1981 petition, Mercedes argued that because the agency now permits the use of seat belt assemblies with load limiters, cars with belts meeting the injury criteria of Standard No. 208 should be exempt from Standard No. 203. (A load-limiter is a seat belt assembly component or feature that controls tension on the seat belt and modulates or limits the forces that are imparted to a restrained occupant by the belt assembly during a crash.)

The agency's January 12, 1981 (46 FR 2618) decision to allow the use of load-limiting belts does not support exempting cars equipped with such systems from Standard No. 203. The purpose of that decision was to allow the use of load-limiting manual belts in an automatic restraint system. The use of such manual belts along with an air cushion restraint system can achieve a significant reduction in head and upper torso injuries. The use of load-limiters, however, does nothing to promote the usage of either automatic or manual belts—the key issue for requiring Standard No. 203 protection in conjunction with automatic belt systems. The agency, therefore, has decided to deny Mercedes' petition.

Standard No. 204

The purpose of Standard No. 204 is to reduce driver injuries and fatalities by limiting the rearward motion of the steering column in a frontal crash. The standard prohibits more than five inches of rearward displacement by the vehicle's steering assembly in a 30 m.p.h. frontal barrier crash.

Mercedes argued that the rearward displacement limit of Standard No. 204 is unnecessary for passenger cars that meet the injury criteria for automatic restraints in Standard No. 208, *Occupant Crash Protection*. The criteria limit the forces imposed on the head, chest and legs of a test dummy during a 30 m.p.h. frontal barrier crash test. Since Standard No. 208, in effect, limits the forces imposed by the steering column, restraint system and other vehicle structure, Mercedes argued that Standard No. 204's limit on rearward displacement does not contribute to occupant protection.

Mercedes also argued that to measure the full amount of rearward displacement occurring during a crash, it must conduct the test without a test dummy at the driver's seating position. If a test dummy were present during the test, Mercedes said that the dummy would hit the steering wheel and push the wheel forward.

Thus, to comply with both Standards Nos. 204 and 208, Mercedes said it must conduct two separate barrier crash tests. It must conduct a crash test without a driver test dummy, to determine compliance with Standard No. 204. It must also conduct a crash test with a driver test dummy in place, to determine compliance with Standard No. 208. To eliminate the need for two tests, Mercedes requested that Standard No. 204 not apply to passenger cars that meet the injury criteria requirements of Standard No. 208.

The basis for denial of the related petition on Standard No. 203 also requires denial of this Standard No. 204 petition. Because of the possibility of driver disconnection or non-use of the protection afforded by an automatic belt system, the agency concludes that the protection provided by Standard No. 204's limit on steering column rearward displacement continues to be necessary and appropriate.

In so concluding, the agency also notes that even controlled rearward movement of the steering assembly can present safety problems not prevented by Standard No. 208. For example, although the forces generated in the driver's impact with the steering assembly might not exceed the injury limits set in Standard No. 208, the continued movement of the column could pin the driver in the car, making extrication difficult.

The agency therefore denies Mercedes' petition on Standard No. 204.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392 and 1407); delegation of authority at 49 CFR 1.50)

Issued on: August 27, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81-25791 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 671

Tanner Crab Off Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; notice of initial approval and availability of plan amendment.

SUMMARY: NOAA issues proposed rules and a notice of initial approval and availability for Amendment 7 to the fishery management plan for Tanner crab off Alaska. This amendment would (1) eliminate the existing foreign fishery for *Chionoecetes opilio* Tanner crab in the Bering Sea district by specifying that the domestic annual harvest for such crab equals the optimum yield; and (2) change optimum yield specifications for *C. bairdi* Tanner crab in the Bering Sea district and for all Tanner crab in the South Peninsula and Chignik districts. The elimination of the foreign fishery for *C. opilio* Tanner crab in the Bering Sea is based upon economic considerations, and is intended to encourage expansion of the United States fishery for this stock, which appears to be hindered by the existence of the foreign fishery. The other changes in optimum yield specifications reflect information about the biological condition of Tanner crab stocks, and are intended to maintain the biological productivity of those stocks.

DATES: Written comments must be received on or before October 19, 1981

ADDRESSES: Comments should be mailed to Mr. Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, or delivered to Room 453, Federal Building, 709 West 9th Street, Juneau, Alaska. Copies of the amendment may be otained from the North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510, telephone 907-274-4563.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, Regional Director, Alaska Region, NMFS, 907-586-7221.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska (FMP) was developed by the North Pacific Fishery Management Council (Council) and approved and implemented by the Assistant Administrator for Fisheries,

NOAA (Assistant Administrator) under the Magnuson Fishery Conservation and Management Act, Pub. L. 94–265 as amended, 16 U.S.C. 1801–1887 (Magnuson Act). The FMP was published in the Federal Register on May 16, 1978 (43 FR 21170). Following initial implementation of the FMP in December 1978, the Assistant Administrator approved and implemented six amendments to the FMP that had been developed by the Council. Amendment 6 was published with proposed implementing rules on December 8, 1980 (45 FR 80857). Content of an Rationale for Amendment 7.

The Council developed Amendment 7 to the FMP late in 1980. The Assistant Administrator has reviewed and initially approved Amendment 7, having found that it is supported by the best available scientific information; that it is necessary and appropriate to the conservation of Tanner crab resources off the coast of Alaska; and that it is consistent with the National Standards of the Magnuson Act, section 301, with other provisions of the Magnuson Act and with other applicable law. Amendment 7 would make the following changes in the FMP:

(1) Specify the optimum yield (OY) for *Chionoecetes opilio* Tanner crab in the Bering Sea district to equal the domestic annual harvest (DAH) estimate of 39.5 to 91.0 million pounds or 17,900 to 41,300 metric tons (mt), thereby reducing the total allowable level of foreign fishing (TALFF) to 0.

(2) Specify the OY for *C. bairdi* Tanner crab in the Bering Sea district as a range from 28.0 to 36.0 million pounds, or 12,700 to 16,300 mt.

(3) Specify the OY for all Tanner crab in the new Chignik district as 5.0 million pounds or 2,268 mt.

(4) Specify the OY for all Tanner crab in the modified South Peninsula district as 6.0 million pounds or 2,700 mt.

(5) Change the metric ton expression of the OY for all Tanner crab in the Kodiak district from 15,865 mt to 15,880 mt.

OY for C. Opilio in the Bering Sea

The species composition of the Tanner crab catch from the Bering Sea has changed rapidly since 1978. Previously it was composed principally of *C. bairdi*, but it has gradually shifted to *C. opilio*. In 1980 the *C. opilio* catch made up 52.1 percent of the total U.S. Tanner crab catch from the Bering Sea.

The maximum sustainable yield (MSY) for *C. opilio* in the Bering Sea is specified as 218 million pounds or 98,890 mt per year. The acceptable biological catch (ABC) for *C. opilio* in the Bering Sea is estimated to be 91 million pounds or 41,300 mt per year. ABC constitutes an adjustment of MSY to take account of biological factors peculiar to the current short-term period. In 1980, U.S. fishermen caught only 39.5 million pounds or 17,900 mt of *C. opilio* Tanner crab in the Bering Sea. If they caught the same amount in 1981, and if, as in the case of the other Tanner crab stocks covered by the FMP, the OY were specified to equal the ABC, there would be a TALFF for *C. opilio* in the Bering Sea of 51.5 million pounds or 23,400 mt, and foreign fishing vessels would be authorized to take this amount. This would result because TALFF (the amount that foreign vessels may harvest) is equal to the difference between OY (the total amount that may be harvested) and DAH (the amount that United States vessels will actually harvest).

The relatively poor performance of the 1980 U.S. fishery for *C. opilio* Tanner crab in the Bering Sea led the Council's staff to investigate the merits of a long standing allegation that the availability to Japanese fishing vessels of the existing *C. opilio* TALFF for the Bering Sea interfered with the development of markets for U.S. harvested *C. opilio*.

An analysis by the Council's staff economist of the Japanese Tanner crab market concluded that it was likely that the availability of the Tanner crab allocation to Japan encourages certain anticompetitive practices by Japanese fishing companies tending to hinder the growth of Japanese demand for U.S. harvested *C. opilio*. A number of these companies have ownership interests in U.S. fish processors, and therefore have the means to affect directly the market available to U.S. fishermen for *C. opilio*. The analysis concluded that the U.S. fishermen's ability to utilize the *C. opilio* resources fully depended upon an improvement in their bargaining position relative to the Japanese companies, and the removal of any incentive those companies might have to weaken the market for U.S.-harvested *C. opilio*. The analysis further suggested that elimination of the *C. opilio* TALFF could be a means for doing this, because (1) it would cut off a Japanese source of supply to the Japanese market, thereby forcing that market to turn to alternative sources of supply, including the U.S. harvest; and (2) it would eliminate a possible incentive for Japanese fishing companies to weaken the market for U.S. harvested *C. opilio* by precluding the prospect of a TALFF when U.S. fishermen fail to take the entire ABC. Based upon experience with king crab, the analysis concluded that cutting off the Japanese supply would not reduce the Japanese market for Tanner crab, and that U.S.-harvested crab would fill the gap readily. Richardson, *Market Aspects of the Foreign Allocation of C. opilio Tanner Crab in the Bering Sea Under the Framework of the Fishery Conservation and Management Act of 1976* (Anchorage: North Pacific Fishery Management Council, 1980).

The Council's Scientific and Statistical Committee (SSC) concluded that this analysis and its supporting information constituted the best available scientific information, and that the OY for *C. opilio* Tanner crab in the Bering Sea should be specified to equal DAH, even when this was lower than the ABC. This specification would eliminate the TALFF, and would constitute a modification of MSY by a "relevant economic factor," within the meaning of section 3(18)(B) of the Magnuson Act. The SSC concluded that DAH in 1981 should not be less than the 39.5 million pounds or 17,900 mt taken by U.S. fishermen during 1980, and that it should not be allowed to exceed the ABC of 91 million pounds or 41,300 mt. Based upon the SSC's conclusions, the Council specified both OY and DAH for *C. opilio* Tanner crab in the Bering Sea as a range between these two amounts: 39.5–91.0 million pounds or 17,900–41,300 mt. This contrasts with the previous OY of 130 million pounds or 58,984 mt.

This change in the OY accommodates the developing U.S. fishery for *C. opilio* in the Bering Sea and reflects current marketing conditions. In addition, a 1980 National Marine Fisheries Service (NMFS) survey and observer reports indicate a decline in the *C. opilio* resource north of 58° North latitude, where the foreign fishery has taken place, and the recruitment of more small *C. opilo* Tanner crab into the fishery.

The average size of crab in the Japanese harvest north of 58° North latitude has declined: about 25 percent of the 1980 harvest was below the size range for mature males. Wolotira and Armetta, *Summary of Observation of Japanese Tanner Crab Fleets in the Eastern Bering Sea, 1980* (Seattle: Northwest and Alaska Fisheries Center, 1980; INPFC Document 2365). Nearly 50 percent of the 1980 Japanese harvest was below the United States preferred market size of 110 millimeters carapace width. Reducing the TALFF to zero will allow Tanner crab in the Bering Sea north of 58° North latitude to grow to a marketable size and encourage eventual expansion of the United States Tanner crab fishery into the north part of the Bering Sea.

OY for C. Bairdi in the Bering Sea

The OY specification for *C. bairdi* in the Bering Sea that would be introduced by the amendment is 28.0 to 36.0 million pounds or 12,700 to 16,300 mt, in contrast with the previous OY specification of 22.0–33.0 million pounds or 10,000 to 15,000 mt. It is based upon NMFS 1980 trawl survey data presented in Reeves, *Assessment of Tanner Crab Stocks From the 1980 NMFS Trawl Survey in the Eastern Bering Sea* (Seattle: Northwest and Alaska Fisheries Center, 1980); and in Otto, *Distribution and Relative Abundance of Tanner Crab derived from the 1980 NMFS Trawl Survey of the Eastern Bering Sea* (Kodiak: Northwest and Alaska Fisheries Center, 1980). The OY is equal to ABC, which is currently higher than the MSY of 22.0 million pounds or 9,980 to 14,970 mt, due to a short-term increase in the abundance of the resource.

OY for the Chignik and South Peninsula Districts

The new Chignik district was separated from the rest of the former South Peninsula district under Amendment 6 to the FMP. The OY for all Tanner crab specified for the Chignik district by this amendment is based on Alaska Department of Fish and Game (ADF&G) estimates of the resource available for harvest in that district. It is equal to the ABC of 5.0 million pounds or 2,268 mt, and has not been adjusted for socioeconomic factors. The ABC is the lower end of an MSY range of 5 to 10 million pounds or 2,268 to 4,536 mt.

The OY specification for the reduced South Peninsula district is also based on ADF&G resource availability estimates. it is equal to an ABC of 6.0 million pounds or 2,722 mt, which is substantially lower than the MSY or 20.0 million pounds or 9,072 mt due to low short-term resource abundance.

The combined OY specifications for the two new districts, equal to 11.0 million pounds or 4,968 mt, contrast with the previous OY for the former South Peninsula district of 20.0–30.0 million pounds or 9,072 to 13,608 mt.

Metric Ton Expression of OY for the Kodiak District

The OY specification for all Tanner crab in the Kodiak district is currently expressed as 15,865 mt. The amendment would change this to 15,880 mt, which is a more accurate conversion of the OY as expressed in pounds.

Classification

The Assistant Administrator has determined that approval and implementation of Amendment 7 would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act. An environmental assessment and negative determination of significant environmental impact has been prepared on this proposed action, was filed with the Environmental Protection Agency on February 3, 1981, and may be obtained at the addresses set forth above.

The Administrator of NOAA has determined that the proposed rule implementing Amendment 7 is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because it: will not result in an annual effect on the economy of $100 million or more; will not result in a major increase in costs or prices to consumers; individual industries, Federal, State, or local government agencies, or geographic regions; and will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. By reducing foreign control of the markets available to U.S. Tanner crab fishermen and processors, and by enhancing the long-term productivity of the Tanner crab resource and thus its availability to U.S. fisherman and consumers, this rule can be expected to enhance investment in, and the productivity of, the U.S. fishing industry.

The Administrator has also certified that this proposed rule will not have a significant effect on a substantial number of small entities, and thus does not require preparation of a regulatory flexibility analysis under 5 USC sections 603 and 604 of the Regulatory Flexibility Act.

This proposed rule does not contain a collection of information requirement, and does not involve any agency in conducting or sponsoring the collection of information.

Dated: August 31, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Parts 611 and 671 are proposed to be amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 is revised to read as follows.

Authority: 16 USC 1821 and 1855.

§ 611.20 [Amended]

2. In Part 611, entry 4C of Appendix 1 to § 611.20, specifying OY, DAH, DAP JVP, DNP, Reserve, and TALFF for Alaska Tanner crab, is removed.

§ 611.91 [Removed]

3. In Part 611, § 611.91 is removed.

PART 671—TANNER CRAB OFF ALASKA

4. The authority citation for Part 671 is revised to read as follows:

Authority: 16 USC 1855.

5. In § 671.21(a), Table I, is revised to read as follows:

§ 671.21 Optimum Yield.

(a) * * *

Table I

Registration area	Optimum yield (metric tons)[1]	Species
A (Southeast-Yakutat)	2,495	All.
E (Prince William Sound)	3,175	All.
H (Cook Inlet)	2,404	All.
J (Kodiak District)	15,880	All.
J (South Peninsula District)	2,722	All.
J (Chignik District)	2,268	All.
J (Aleutian District)	907	All.
J (Bering Sea District)	12,700–16,300	*C. bairdi.*
	17,900–41,300	*C. bairdi.*

[1] Catches of Tanner crab in a State of Alaska registration area or district will be considered part of the optimum yield specified for the contiguous Federal registration area or district of the same name.

* * * * *

[FR Doc. 81-25848 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 171
Thursday, September 3, 1981

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

Forest Service

Naches Pass Road; Mt. Baker-Snoqualmie and Wenatchee National Forests, Yakima County, Washington; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service will prepare an environmental impact statement in response to an application by Burlington Northern to build a road over the Cascade Mountains near Naches Pass on the Mt. Baker-Snoqualmie and Wenachee National Forests, in Yakima, Kittitas, and Pierce Counties in Washington.

Burlington Northern has applied for approval to construct a road to provide access over Naches Pass to transport logs from their lands in the Little Naches drainage to western Washington markets.

The environmental impact statement will evaluate several alternative road locations to provide a basis for a decision on Burlington Northern's request. The range of alternatives to be considered will include a no-action alternative which would defer a decision until the Forest Land and Resource Management Plans for the two Forests are completed. The alternative of providing access over the existing road system to east side markets will also be evaluated.

The decision on public use of the routes that cross the crest of the Cascades will be based on the Forest Plans and will not be addressed in this analysis. Any of the routes, if selected, would be suitable for public use if a decision permitting such use is later provided in the Forest Plans.

As an early step in the analysis, Federal, State, and local agencies, organizations and individuals who may be interested in or affected by the decision will be invited to participate in:

(a) Identification of the issues to be addressed in the analysis,

(b) Identification of the issues to be analyzed in depth, and

(c) Elimination from detailed study of issues that are not significant or which have been covered by prior environmental review.

Public notification of the preparation of this environmental impact statement has been accomplished through the distribution of a news release to the news media and through the land management planning newsletter distributed to the Wenatchee and Mt. Baker-Snoqualmie National Forests' general mailing lists of about 3,600 people. Additional notification is being accomplished through publication of this notice in the **Federal Register** and in a newspaper of general circulation in the area of proposed action.

Through this initial publicity, we hope to develop a mailing list of interested persons wishing to receive subsequent information on this environmental analysis. Persons wishing to have their names added to the mailing list should write to the address listed below. Additional news releases will be issued at appropriate stages in the environmental analysis.

The Responsible Official is R. E. Worthington, Regional Forester, Pacific Northwest Region, Portland, Oregon.

It is anticipated that the draft environmental impact statement should be available for public review by October 1981. The final environmental impact statement is scheduled to be completed by approximately March 1982.

For further information about this project, or the environmental impact statement, contact: Paul Hart, Public Information Officer, Wenatchee National Forest, 301 Yakima Street, P.O. Box 811, Wenatchee, WA 98801.

Written comments and suggestions concerning this analysis should be sent to the above name and address.

Dated: August 26, 1981.

James F. Torrence,

Acting Regional Forester.

[FR Doc. 81-25642 Filed 9-2-81; 8:45 am]

BILLING CODE 3410-11-M

Challis National Forest Grazing Advisory Board; Meeting

The Challis National Forest Advisory Board will meet at 1:00 p.m., MDT, on October 9, 1981 at the Challis National Forest Supervisor's Office, Challis, Idaho. The purpose of this meeting is to discuss, and receive advice and recommendations for, the utilization of range betterment funds, and development of allotment management plans for fiscal year 1984.

The meeting will be open to the public. Persons who wish to attend should notify Ross McElvain at the Challis Ranger District Office, Challis, Idaho, 879-4321. Written statements may be filed with the committee before or after the meeting.

Dated: August 28, 1981.

Jack E. Bills,

Forest Supervisor.

[FR Doc. 81-25613 Filed 9-2-81; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Privacy Act of 1974; Systems of Records

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of an Additional System of Records.

SUMMARY: This notice is to inform the public that Veterinary Services intends to convert the present recordkeeping methods for maintaining brucellosis program documents to a computerized system. Information on herds and individual animals tested, studied, or restricted under the program; epidemiologic studies; State and Federal personnel; contractual personnel; livestock markets; slaughtering establishments; milk processing plants; livestock dealers (including agents and brokers); and laboratories engaged in or affected by brucellosis program activities will continue to be included in the new automated system. Conversion to computerized recordkeeping procedures will greatly improve information retrievability and will allow the responsible State and Federal agencies to more economically and efficiently perform the eradication activities of disease detection, disease confinement, and disease elimination.

DATES: Written comments may be submitted on or before October 5, 1981. This new system of records will be added effective November 2, 1981 without further publication, unless the comments received disclose a need for further consideration.

ADDRESSES: Interested persons may submit written comments to the APHIS Privacy Act Coordinator, Administrative Services Division, USDA/APHIS, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8099.

FOR FURTHER INFORMATION CONTACT: Dr. W. C. Ray, Chief Staff Veterinarian, Cattle Diseases Staff, APHIS, VS, USDA, Federal Building, Room 808, Hyattsville, MD 20782, 301–436–8713.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS), shares responsibility with the various States for the control and eradication of animal diseases. One of these diseases, brucellosis, is prevalent in cattle and swine. This disease is also contracted by other animals, including man (undulant fever). In addition to being a public health hazard, this disease costs the livestock industry and the consumers millions of dollars annually in losses due to aborted calves and pigs, decrease in milk production, and infertility in adult animals.

The Cooperative State-Federal Brucellosis Eradication Program is designed to eradicate brucellosis in cattle and swine. Conversion of the program's records from the present systems to a unified computerized system will allow the State and Federal agencies to more effectively and efficiently perform the cooperative eradication activities of disease detection, confinement, and elimination.

The records maintained in the computer system will include: information on herds and individual animals tested, studied, or restricted under the program; epidemiologic studies; State and Federal personnel; contractual personnel; livestock markets; slaughtering establishments; milk processing plants; livestock dealers (including agents and brokers); and laboratories engaged in or affected by brucellosis program activities.

A new system report was filed for this system with the Director, Office of Management and Budget, the Speaker of the House of Representatives, and the President of the Senate on May 14, 1980. The following is the new system notice which will be added:

USDA/APHIS–6

SYSTEM NAME:

Veterinary Services—Brucellosis Information System

SYSTEM LOCATION:

U.S. Department of Agriculture, Fort Collins Computer Center, Colorado, and each of the various States.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Herd owners whose animals or herds are tested, studied, or restricted because of brucellosis; livestock markets, slaughter establishments; and livestock dealers (including agents and brokers) handling livestock covered by the program; milk processing plants receiving milk or cream from dairy farms; laboratories conducting brucellosis program tests or procedures; State, Federal, and contractual personnel engaged in program activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on herds and individual animals tested, studied, or restricted under the brucellosis program; epidemiologic studies; animals, specimens, or premises sampled, identified, inspected, tested, handled, or restricted under the brucellosis program by State, Federal or contractual personnel; animal identification, health, and movement data of animals covered under program activities for traceback of disease from livestock markets, slaughter plants, and livestock dealers or livestock brokers or commission firms; milk and cream samples and related identification data for brucellosis testing from milk processing plants receiving fresh farm milk; and brucellosis test data from laboratories approved to do brucellosis program testing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 111, 112, 114, 114a–1, 115, 120, 121, 125, 134a–134f and Title 9, Code of Federal Regulations, Part 51 and Part 78.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records maintained in the computer system will be routinely used by the Federal and State government personnel for: (1) detecting the foci of infection to reduce the rate of spread of infection to new herds; (2) evaluating brucellosis program activities of State, Federal, and contractual personnel; (3) preparing mailing labels and preaddressed forms to enhance field activities; (4) evaluating program effectiveness; (5) detecting factors of epidemiologic importance in containing or eliminating foci of infected herds; (6) assuring that brucellosis indemnities are promptly and properly paid; (7) notification of livestock owners with animals at high risk of exposure to brucellosis because of livestock movements or an outbreak of disease or presence of quarantined premises in a community; (8) referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law concerning animal disease control and eradication, or of enforcing or implementing a statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law concerning animal disease control and eradication, whether civil, criminal, or regulatory in nature, and either arising by general statute or particular program statute, or by rule, regulation, or court order issued pursuant thereto; (9) presentation or disclosure to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (10) presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate, or administrative tribunal; (11) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records will be maintained on two mediums depending on how current they are. These are: (1) On-line disk storage and (2) Magnetic Tape.

RETRIEVABILITY:

Under the new system, it will be possible to retrieve and organize data by any of the categories which have been recorded. This will greatly improve the ability to retrieve existing records and to serve the livestock industry in the eradication of brucellosis.

SAFEGUARDS:

The only individuals with access to this system will be Federal and State government employees with a need to know. The data base will be secured on a State-by-State basis. The brucellosis national planning staff will have access to all information in the computerized system without restrictions. The computer files and tapes will be kept in a safeguarded environment with access only by authorized personnel.

RETENTION AND DISPOSAL:

(1) Herd records will be maintained in the data base as follows: (a) Infected herds not depopulated or sold out will always be on-line. (b) Depopulated or sold out herds will be archived. (c) Tested herds but not infected will be kept on-line for 6 months after testing, and then archived on a fiscal year basis. Archived data will be kept for 6 years.

(2) Records pertaining to animals, specimens or premises sampled, identified, inspected, tested, handled, or restricted by State, Federal, or contractual personnel will be kept on-line as long as the individual is working in brucellosis programs. Once employment or accreditation is terminated, the information will be archived by fiscal year for 6 years.

(3) Livestock market, slaughter establishment, livestock dealer, milk processing plant, and laboratory records pertaining to animal or herd information will be retained as described under (1) above.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator, Veterinary Services, USDA/APHIS, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

All inquiries should be addressed to: APHIS Privacy Act Coordinator, Administrative Services Division, USDA/APHIS, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

RECORD ACCESS PROCEDURE:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

CONTESTING RECORD PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

RECORD SOURCE CATEGORIES:

(1) Epidemiologic information for herds and animals is obtained from documents and reports completed by Federal and State employees or contractual personnel as a part of testing a herd or animal(s) or as a part of investigating the source and spread of brucellosis within the livestock population.

(2) Information for work related activities is made available by the appropriate State or Federal office for personnel and contractual employees paid from their funds.

(3) Livestock market, slaughter establishment, livestock dealer, milk processing plant, and laboratory information is acquired in the course of obtaining other program activity information such as where samples were collected, where animal identification was applied, where samples were tested, and how the samples or animals were handled or processed prior to or following collection or testing.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4 p.m., Monday to Friday, except holidays) in a manner convenient to the public business.

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 31st day of August.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-25819 Filed 9-2-81; 8:45 am]

BILLING CODE3410-34-M

Soil Conservation Service

Authorization for Watershed Planning

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of authorization for watershed planning.

FOR FURTHER INFORMATION CONTACT: Concerned State Conservationists of the Soil Conservation Service: Amos I. Garrison, Jr., State Conservationist, Soil Conservation Service, Room 345, 304 North 8th Street, Boise, Idaho 83702, telephone number (208) 334-1601; Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, Springer Federal Building, 301 North Randolph Street, Champaign, Illinois 61820, telephone number (217) 398-5267; Robert L. Eddleman, State Conservationist, Soil Conservation Service, Corporate Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone number (317) 269-6516; Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Building, University of Maine, Orono, Maine 04473, telephone number (207) 866-2132; Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone number (614) 469-6962; and Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624-4360.

Notice.—The concerned State Conservationists of the Soil Conservation Service have been authorized to provide planning assistance to local organizations for the following six watersheds: Hazelton Butte Watershed, Idaho; Ash-Loop Creek Watershed, Illinois; Bruce Lake Watershed, Indiana; Sebasticook Lake Watershed, Maine; Upper Killbuck Creek Watershed, Ohio; and Deer Creek Watershed, Oklahoma. The State Conservationists may proceed with investigations and surveys as necessary to develop the watershed plan under authority of the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and in accordance with requirements of the National Environmental Policy Act of 1969, Pub. L. 91-190.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 25, 1981.

[FR Doc. 81-25785 Filed 9-2-81; 8:45 am]

BILLING CODE 3410-16-M

Lazarus Creek Soil and Water Management for Agricultural-Related Pollution Control RC&D Measures, Minnesota; No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Harry M. Major, State Conservationist, Soil Conservation Service, Room 200, U.S. Courthouse and Federal Building, 316 North Robert Street, St. Paul, Minnesota 55101, telephone 612-725-7675.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lazarus Creek Soil and Water Management for Agricultural-Related Pollution Control

RC&D Measure, Yellow Medicine County, Minnesota.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Harry M. Major, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

Finding of No Significant Impact

The Measure concerns a plan for reducing agricultural related pollution and erosion in the Lazarus Creek Watershed. The planned works of improvement include animal waste management systems and erosion control practices such as terraces, grassed waterways, critical area planting, contour farming, proper grazing use, conservation tillage, field windbreaks, wildlife upland habitat management, and pasture and hayland planting.

The Notice of Finding of No Significant Impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Harry M. Major. The Finding of No Significant Impact has been sent to various Federal, State and local agencies and interested parties. A limited number of copies of the Finding of No Significant Impact are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-25786 Filed 9-3-81; 8:45 am]

BILLING CODE 3410-16-M

Middle Fork, Maple Creek Watershed, Nebr.; Authorization of Federal Assistance

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of authorization of Federal assistance in the installation of works of improvement.

FOR FURTHER INFORMATION CONTACT: Mr. Albert E. Sullivan, State Conservationist, Soil Conservation Service, Federal Building, 100 Centennial Mall, Lincoln, Nebraska 68501, telephone 402-471-5300.

Notice.—Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1008) has been authorized for the Middle Fork, Maple Creek Watershed, Nebraska.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83-566, 16 U.S.C. 1001-1008)

Dated: August 18, 1981.

Norman A. Berg,

Chief.

[FR Doc. 81-25787 Filed 9-3-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

August 27, 1981.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39930, from Transocean Air Lines, Inc., P.O. Box 8154, Newport Beach, California 92660 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application within twenty-one (21) days after publication of this notice in the **Federal Register.** An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25814 Filed 9-2-81; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 1:30 p.m. and will end at 4:30 p.m., on September 21, 1981 at Northwest Open Housing Center, 650 South Lake Street, Gary, Indiana. The purpose of this meeting is to review and comment on the Housing Study data received from Muncie, Terre Haute, Lake and Porter Counties. New business and public comments are also on the agenda.

Persons desiring additional information or planning a presentation to the Committee, should contact the Vice-chairperson, Mrs. Lotte Meyerson, 650 N. Tippecanoe Street, Gary, IN 46403, 219/938-3910 or the Mid-western Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, 312/353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 28, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-25774 Filed 9-2-81; 8:45 am]

BILLING CODE 6335-01-M

Nebraska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12:00 p.m., on September 25, 1981, at the Airport Inn Best Western, Eppley Airfield, Omaha, Nebraska. The purpose of this meeting is to discuss the status of the Omaha police-community relations project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Shirley M. Marsh, 2701 S. 34th Street, Lincoln, Nebraska 68509, (402) 488-2871, or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106, (816) 374-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 20, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-25775 Filed 9-2-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 13-81]

Proposed Foreign-Trade Zone at Bridgeport, Conn.; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Bridgeport, Connecticut (the City), requesting authority to establish a general-purpose foreign-trade zone in Bridgeport, within the Bridgeport Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on August 28, 1981. The applicant is authorized to make this proposal under Public Act No. 76-160 of the Laws of Connecticut.

The City proposes to establish a 3-acre zone within the Foreign-Trade Zone Industrial Park covering 13 acres of City land located at Cedar Creek and Bostwick Avenue in southwestern Bridgeport. The project is one of the City's efforts to rebuild the area's manufacturing base. A 30,000 square feet multi-purpose building is planned to accommodate initial zone users.

The application contains evidence of the need for zone services in the Bridgeport area. According to a City marketing survey a variety of firms have indicated an interest in using zone procedures for the storage, testing, processing, assembly and light manufacturing of molded plastic products, custom rubber products, highway guardrails and barriers, electronic equipment, and artist and drafting supplies.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: David L. Binder (Chairman), Division Director, Import Administration, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner (Operations), Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel C. E. Edgar III, Division Engineer, U.S. Army Engineer Division, New England, 424 Trapeld Road, Waltham, Massachusetts 02154.

As part of its investigation, the examiners committee will hold a public hearing on October 1, 1981, beginning at 9:00 a.m., in the Common Council Chambers, City of Bridgeport City Hall, 45 Lyon Terrace, Bridgeport, Connecticut 06604. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377-2862) by September 23, 1981. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through October 31, 1981. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Customs Service, District Office, 120 Middle Street, Bridgeport, Connecticut 06609.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2006, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: August 31, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-25696 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

University of Arizona; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00151. Applicant: University of Arizona, Institute of Atmospheric Physics, Tucson, Arizona 85721. Article: Carbon Dioxide Laser. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: See Notice on page 22248 in the **Federal Register** of April 16, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides 4 joules/30 milliwatts power with a beam quality of 0.6 milliradians while used with an unstable resonator. The National Bureau of Standards advises in its memorandum dated July 27, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-25801 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-25-M

Duke University Medical Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00105. Applicant: Duke University Medical Center, Department of Anatomy, Box 3011, Durham, North Carolina 27710. Article: Reichert-Jung Cryofract 250 Freeze-Fracture-etch Unit. Manufacturer: Reichert-Jung, France. Intended use of article: See Notice on page 19842 in the Federal Register of April 1, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article operates at a vacuum of about 10^{-9} torr and maintains specimens at liquid Helium temperatures. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-25800 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-25-M

NASA/Goddard Space Flight Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00087. Applicant: NASA/Goodard Space Flight Center, Greenbelt Road, Greenbelt, MD 20771. Article: Exciemer Rare Gas Halide Laser, Model TE-861M with Accessories. Manufacturer: Lumonics Inc., Canada. Intended use of article: See Notice on page 18570 in the Federal Register of March 25, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a pulse rate of 50 Hertz and a pulse width of 9-10 nanoseconds for XeF. The National Bureau of Standards advises in its memorandum dated August 12, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-25797 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-25-M

University of Oregon Health Sciences Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00104. Applicant: University of Oregon Health Sciences Center, 3181 S.W. Sam Jackson Park Road, Portland, Oregon 97201. Article: Counter-Current Distribution Apparatus and Accessories. Manufacturer: University of Lund, Sweden. Intended use of article: See Notice on page 19842 in the Federal Register of April 1, 1981.

Comments: No comments have been received with respect to this application.

Decision: Applicant approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides counter-current thin layer chromatography with its thin layer two-phase polymer system and its precisly machined partitioning plates. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-25799 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-25-M

St. Agnes Medical Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00090. Applicant: St. Agnes Medical Center, Skin Bank, 1900 South Broad Street, Philadelphia, PA 19145. Article: Evaporimeter #EPIC. Manufacturer: Servo-Med AB, Sweden. Intended use of article: See Notice on page 18570 in the Federal Register of March 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States. Reasons: The foreign article has a sterilizable probe and can measure skin surface evaporation rate as well as temperature. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the characteristics of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-25796 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-25-M

Wayne State University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00076. Applicant: Wayne State University, 5050 Cass Avenue, Detroit, Michigan 48202. Article: Gammacell-40 Irradiator with Accessories. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of Article: See Notice on page 18566 in the Federal Register of March 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a dual cesium 137 source which provides a uniform (±5%) dose distribution over a sample tray (30.5 centimeter (cm) inside diameter X 10.2 cm high) centered in the radiation chamber. The Department of Health and Human Services (HHS) advises in its memorandum dated July 9, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-25796 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-25-M

Spirits From Ireland; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration; Department of Commerce.

ACTION: Notice of revocation of countervailing duty order.

SUMMARY: As a result of a request by the Government of Ireland, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on spirits from Ireland would not cause injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise made on or after April 3, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION: On May 25, 1914, in T.D. 34466, the Department of the Treasury imposed countervailing duties on certain classes of spirits imported directly or indirectly from the United Kingdom of Great Britain and Ireland. On June 20, 1935, in T.D. 47753, the Department of the Treasury stated that countervailing duties continued to be applicable to spirits from Ireland, notwithstanding the establishment of the Irish Free State.

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of spirits from Ireland entered, or withdrawn from warehouse, for consumption on or after that date.

On June 25, 1981, the Department published the final results of its administrative review of this order as required by section 751 of the Tariff Act of 1930 (46 FR 32923). The Department determined that a net subsidy on spirits from Ireland of 0.004 Irish pounds per liter of alcohol in plain spirits and 0.008 Irish pounds per liter of alcohol in compounded spirits was being conferred during the period of review and reported that rate to the ITC.

On July 29, 1981, the ITC published its determination that an industry in the United States would not be materially injured, or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reasons of imports of spirits from Ireland covered by the order if the order were revoked (46 FR 38780). As a result, the Department is revoking the countervailing duty order concerning spirits from Ireland (T.A. 47753) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise made on or after April 3, 1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries. Entries, or withdrawals from warehouse, for consumption made prior to April 3, 1980, are subject to countervailing duties as set forth in the final results of the administrative review.

This revocation is in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: August 27, 1981.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-25578 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

Open Meeting of the U.S. Delegation to the International Laboratory Accreditation Conference

The Fifth Annual International Laboratory Accreditation Conference (ILAC/81) will be held in Mexico City, Mexico, October 26–30, 1981. In order to prepare for this Conference and to develop the U.S. position for the ILAC/81 session, including the preparation of any resolutions or comments on the working group documents that are received from the Secretariat ILAC/81, the U.S. Delegation to ILAC will hold a pre-conference meeting at the National Bureau of Standards, Gaithersburg, Maryland, on Tuesday, October 6, 1981, at 10:00 a.m. in Room A–166, Building 225 (Technology).

Copies of documents that are received from the Secretariat may be obtained upon request from Dr. Stanley I. Warshaw, Director, Office of Engineering Standards, Room B–154, Building 225 (Technology), National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921–3751.

The public is invited to attend this meeting on an unreserved, first-come first-served, basis to the limit of available facilities.

Dated: August 28, 1981.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 81-25783 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Hearing and Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the scheduled and proposed agenda of a forthcoming preliminary hearing and meeting of the Legislative, Rules and Regulations Committee of the National Advisory Council on Indian Education concerning the Reauthorization of the Indian Education Act, Pub. L. 92–318, which expires September 30, 1984. Written testimony is required for the hearing. Oral testimony is limited to a 5–10 minute summary of the written testimony. The two-day meeting following the hearing will be to review the Indian Education Act Regulations for the purpose of determining where unnecessary regulations may impede the delivery of services to Title IV grantees.

DATES: Preliminary Hearing: September 15, 1981, 10:30 a.m. to 6:30 p.m. Two-day meeting: September 16, 1981, 9:00 a.m. to 5:00 p.m. and September 17, 1981, 9:00 a.m. to 5:00 p.m.

ADDRESS: Ramada Inn, King Avenue & I–90, Billings, Montana 59101 (406) 248–7151.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004 (202) 376–8882.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92–318 (20 U.S.C. 1221g). The Council is established to:

(1) Submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(2) Advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81–874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92–318 and amended by Pub. L. 93–380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81–874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92–318), and make recommendations to the Secretary with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) Assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81–874) as added by Title IV, Part A, of Pub. L. 92–318;

(7) Submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) Be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92–318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The hearing and meeting will be open to the public. The proposed agenda includes: Preliminary public hearing of the Reauthorization of the Indian Education Act, Pub. L. 92–318 and, a meeting to review the Indian Education Act Regulations for the purpose of determining where unnecessary regulations may impede the delivery of services to Title IV grantees.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

Dated: August 31, 1981. Signed at Washington, D.C.

Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81-25835 Filed 9-2-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Establishment of Performance Review Board; Names of Board Members, and Schedule for Awarding Senior Executive Service Bonuses

Section 4314(c) of title 5 United States Code (as amended by the Civil Service Reform Act of 1978) requires that the Department of Energy establish, in

accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Board(s) to review, evaluate and make a final recommendation on performance appraisals assigned to Departmental members of the Senior Executive Service. The Performance Review Board established for the Department of Energy also makes written recommendations to the Executive Personnel Board or Chairman of the Federal Energy Regulatory Commission regarding Senior Executive Service performance bonuses, awards, and performance-related actions.

Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's achedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid. The Department of Energy intends to award bonuses for the performance rating cycle of August 16, 1980, through July 31, 1981, with payouts scheduled by September 30, 1981.

Section 4314(c)(4) of title 5 United States Code requires that notice of appointment of Performance Review Board members be published in the **Federal Register**. The following persons have been appointed to serve on the performance review board standing register for the Department of Energy:

Walter R. Pettis, Bernard Rusche, Ronald Cochran, Michael T. Kelley, Rebecca Lambert, Matthew Abruzzo, Constance Stuart, James V. DeFrancis, John McKenna, Addison Wilson, Avrom Landesman, Gordon Harvey, Charles E. Williams, Alex J. Fremling, Wray Smith, Robert H. Bauer, Robert J. Hart, John C. Geidl, Yvonne Bishop, Richard Tedrow, Joe B. Lagrone, James K. Wright, Thomas Wieker, Edward L. Heller, Thomas C. Newkirk, Peter T. Johnson, Robert McPhail, Donald L. Bauer, Stephen Greenleigh, Jimmie L. Petersen, William Voight, Elizabeth C. MacRae, Maxine L. Savitz, Thomas Dillion, Melvin Chiogioji, Robert San Martin, Richard Schreiver, James S. Moose, George Jordy, F. Scott Bush, Robert L. Davies, Charles Eddington, Robert E. King, John Shepard, Harry A. Jones, David Newman, Robert J. Cross, Ed Itnyre, Harry F. Wright, Aaron Edmonson, James B. Hammett, Carl W. Guidice, Constantine Tseronis, Anthony L. Liccardi, Edward J. Lievens, Jr., Joseph Olivo, Harry R. Johnson, John H. Chiles, Augustine A. Pitrolo, Sun W. Chun, Sheldon Meyers, Julio L. Torres, Robert T. Duff, Francis C. Gilbert, George Weisz, Robert L. Morgan, Mahlon E. Gates, J. Ronald Young, Antoinette G. Joseph, James S. Kane, James E. Leiss, Edwin E. Kintner, J. Merle Schulman, K. Dean Helms, Raymond G. Romatowski, Richard Hecklinger, Holsey Handyside, John LeBarre, Gene K. Fleming, John W. Polk, Ronald S. Schwartz, David J. Ball, Berton J. Roth, Thomas Anderson, Cleo N. Mitchell, Jr., William G. McDonald, Lawrence R. Anderson, Charles Moore, Kenneth A. Williams, William W. Lindsay, Lynn R. Hargis, Howard Kilchrist, Randolph E. Mathura, Charles A. McManus, Jr., Robert C. Means, Louis Mendosa, Jerome Nelson, Robert E. Anderson, Andrew W. Battese, Raymond A. Beirne, Charles E. Bullock, Robert E. Cackowski, Bernard B. Chew, Marilyn L. Doria, Loren H. Drennan, Jr., Russel E. Faudree, Jr., Jerome M. Feit, Morris R. Fitzgerald, John B. O'Sullivan, Kenneth M. Pusateri, Leon J. Slavin, Joseph J. Solters, Theodore I. Sonde, Robert J. Szekelay, Bernard Wexler.

Issued in Washington, D.C., on August 26, 1981.

William S. Heffelfinger,

Assistant Secretary, Management and Administration.

[FR Doc. 81-25776 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 26, 1981.

OHIO DEPARTMENT OF NATURAL RESOURCES						
-AMERICAN PETROEL INC		RECEIVED: 08/10/81 JA: OH				
8144874	3416725909	107-DV	RUTH KALB #1	INDEPENDENCE	15.6	
-BEREA OIL AND GAS CORPORATION		RECEIVED: 08/10/81 JA: OH				
8144877	3411925542	103	K LEPAGE #2	UNION	0.0	COLUMBIA GAS TRAN
-BERRESFORD ENTERPRISES INC		RECEIVED: 08/10/81 JA: OH				
8144878	3403122669	103	RICK HAWKINS #1	MONROE	0.0	
-BROWN PETROLEUM CORP		RECEIVED: 08/10/81 JA: OH				
8144885	3407522645	103	BRUMME R K #3	RICHLAND	10.0	COLUMBIA GAS TRAN
8144889	3407522884	103	BRUMME R K #5	RICHLAND	10.0	COLUMBIA GAS TRAN
8144891	3407522886	103	BRUMME R K #6	RICHLAND	10.0	COLUMBIA GAS TRAN
8144890	3407522885	103	BRUMME R K #7	RICHLAND	10.0	COLUMBIA GAS TRAN
8144883	3407522520	103	BRUMONE RK #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8144887	3407522830	103	CANTLEBERRY #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8144888	3407522831	103	CANTLEBERRY #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8144886	3407522829	103	FLINTSTONE #4	KILLBUCK	10.0	COLUMBIA GAS TRAN
8144893	3407522903	103	FLINTSTONE #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8144895	3407522979	103	FLINTSTONE #6	KILLBUCK	10.0	COLUMBIA GAS TRAN
8144882	3407522457	103	HUSTON #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8144892	3407522890	103	HUSTON #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8144884	3407522637	103	TOMSIK #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8144894	3407522950	103	TOMSIK #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
-C W RIGGS INC		RECEIVED: 08/10/81 JA: OH				
8144961	3416725293	107-DV	CLARENCE RINARD #2	RENO	10.9	COLUMBIA GAS TRAN
-CHANSE PETROLEUM CORPORATION		RECEIVED: 08/10/81 JA: OH				
8144896	3400721436	103	JEANNE FETTERS #1	DORSET	3.6	
-DORAN & ASSOCIATES INC		RECEIVED: 08/10/81 JA: OH				
8144897A	3412725169	103	SNOOK-KING #1	HOPEWELL	12.0	NATIONAL GAS & OI
8144897B	3412725169	107-TF	SNOOK-KING #1	HOPEWELL	12.0	NATIONAL GAS & OI
-FORTUNE GAS AND OIL INC		RECEIVED: 08/10/81 JA: OH				
8144904	3411522161	107-TF	F FOX #1	BLOOM	30.0	EAST OHIO GAS CO
8144905	3411522169	107-TF	G FOX UNIT #1	BLOOM	15.0	EAST OHIO GAS CO
8144901	3411521859	107-TF	HAMER WILSON #1	BRISTOL	30.0	EAST OHIO GAS CO
8144900	3411521858	107-TF	HAMER WILSON #2	BRISTOL	30.0	EAST OHIO GAS CO
8144902	3411521860	107-TF	HARLAN REX #1	BRISTOL	30.0	EAST OHIO GAS CO
8144898	3411521832	107-TF	KLIES #1	BLOOM	30.0	EAST OHIO GAS CO
8144907	3412122346	107-TF	METTLER-CLARK #1	JACKSON	25.0	EAST OHIO GAS CO
8144906	3411522244	107-TF	PARMITER #1	BLOOM	0.0	EAST OHIO GAS CO
8144899	3411521854	107-TF	ROBERTS #1	BLOOM	30.0	EAST OHIO GAS CO
8144903	3411521855	107-TF	ROBERTS #3	BLOOM	30.0	EAST OHIO GAS CO
-GEO ENERGY INC		RECEIVED: 08/10/81 JA: OH				
8144908	3403124132	103	ELDER #4-1	BETHLEHEM	7.0	
8144908	3403124132	107-TF	ELDER #4-1	BETHLEHEM	7.0	

JOB NO	DATE RCT	API NO	L	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-GIANT PETROLEUM CORPORATION		RECEIVED: 08/10/81 JA: OH							
8144911		3400721660		103		BENTON #1	ORWELL	20.0	EAST OHIO GAS CO
8144909		3400721177		103		PARKER #2	ORWELL	20.0	
8144910		3400721659		103		ZEVCHIK #2	COLEBROOK	20.0	
-HOLMCO PARTNERS		RECEIVED: 08/10/81 JA: OH							
8144912		3407523000		103		K SPURGEON #1	MONROE	12.0	
8144912		3407523000		107-TF		K SPURGEON #1	MONROE	12.0	
-JOHN C MASON		RECEIVED: 08/10/81 JA: OH							
8144931		3407522817		107-TF		EMANUEL RABER #1	BERLIN	15.0	COLUMBIA GAS TRAN
-JONSU CORP		RECEIVED: 08/10/81 JA: OH							
8144913		3403124112		103		R WRIGHT #1	PERRY	5.0	
8144914		3403124125		103		R WRIGHT #2	PERRY	8.0	
-K S T OIL & GAS CO INC		RECEIVED: 08/10/81 JA: OH							
8144915		3415521810		103		GRAND VALLEY ENTERPRISES INC #9	BLOOMFIELD	130.0	
-KENOIL		RECEIVED: 08/10/81 JA: OH							
8144916		3403124295		107-TF		MYRON YOUNG #1-N	CLARK	6.0	COLUMBIA GAS TRAN
8144917		3403124296		107-TF		MYRON YOUNG #1-S		6.0	COLUMBIA GAS TRAN
-L & M OPERATING INC		RECEIVED: 08/10/81 JA: OH							
8144921		3401921401		103		PRICE UNIT #4	ORANGE	7.0	BONANZA GAS LINE
8144921		3401921401		107-TF		PRICE UNIT #4	ORANGE	7.0	BONANZA GAS LINE
8144920		3401921400		103		WENDELL PRICE #3	ORANGE	7.0	BONANZA GAS LINE
8144920		3401921400		107-TF		WENDELL PRICE #3	ORANGE	7.0	BONANZA GAS LINE
8144919		3401921264		103		WENDELL PRICE #5	ORANGE	7.0	BONANZA GAS LINE
8144919		3401921264		107-TF		WENDELL PRICE #5	ORANGE	7.0	BONANZA GAS LINE
-LBJ DRILLING DBA JEFF MORAN		RECEIVED: 08/10/81 JA: OH							
8144918		3408322885		103		HERMAN & PRISCELLA LESCALLEET #1	CLAY	18.0	
-LESLIE OIL & GAS CO INC		RECEIVED: 08/10/81 JA: OH							
8144923		3410322364		103		CLARK WELL #1	SPENCER	4.0	COLUMBIA GAS TRAN
8144924		3410322415		103		CLARK WELL #2	SPENCER	7.0	COLUMBIA GAS TRAN
8144930		3415521657		103		DONALDSON WELL #2	SOUTHINGTON	7.0	COLUMBIA GAS TRAN
8144927		3410322481		103		HANGE WELL #3	SPENCER	10.0	COLUMBIA GAS TRAN
8144926		3410322480		103		HANGE WELL #4	SPENCER	251.2	COLUMBIA GAS TRAN
8144928		3410322483		103		HANGE WELL #7	SPENCER	10.0	COLUMBIA GAS TRAN
8144929		3410322488		103		HANGE-HALE UNIT #1	SPENCER	10.0	COLUMBIA GAS TRAN
8144925		3410322416		103		R SMITH WELL #2	SPENCER	10.0	COLUMBIA GAS TRAN
-MERIDIAN OIL & GAS ENT INC		RECEIVED: 08/10/81 JA: OH							
8144933		3400721501		103		ALVIN R SHARP JR WELL #1	DORSET	10.0	EAST OHIO GAS CO
8144934		3400721502		103		BARBARA J HUFFMAN WELL #1	DORSET	15.0	EAST OHIO GAS CO
8144932		3400721476		103		MAYNARD G SHEFFIELD WELL #1	DORSET	20.0	EAST OHIO GAS CO
8144935		3400721701		103		WILLIAM L SPENCER WELL #1-A	DORSET	15.0	EAST OHIO GAS CO
-MONROE-NOBLE INVESTORS LTD		RECEIVED: 08/10/81 JA: OH							
8144937		3412122515		103		HARRY SMITH #1	ELK	30.0	COLUMBIA GAS TRAN
8144938		3412122522		103		ROBERT SCHOTT #1	ELK	30.0	COLUMBIA GAS TRAN
8144936		3412122513		103		W H MASON #1	ELK	30.0	COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC		RECEIVED: 08/10/81 JA: OH							
8144939		3412725192		103		MARIE REICHLEY #3	READING	0.0	
-NORTHEASTERN ENERGY DEV CORP		RECEIVED: 08/10/81 JA: OH							
8144942		3410322232		103		CONSERVATION LEAGUE WELL #1	WADSWORTH	0.0	EAST OHIO GAS CO
8144942		3410322232		107-TF		CONSERVATION LEAGUE WELL #1	WADSWORTH	0.0	EAST OHIO GAS CO
8144945		3410322859		103		FARNSWORTH WELL #1	WADSWORTH	21.0	EAST OHIO GAS CO
8144945		3410322859		107-TF		FARNSWORTH WELL #1	WADSWORTH	21.0	EAST OHIO GAS CO
8144941		3410322231		103		PARMELEE-CONSERVATION LEAGUE #4	WADSWORTH	21.0	EAST OHIO GAS CO
8144941		3410322231		107-TF		PARMELEE-CONSERVATION LEAGUE #4	WADSWORTH	21.0	EAST OHIO GAS CO

JO KU	JA AI	API No.	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144940		3410322230	103	PARMELEE-HALL #3	WADSWORTH	21.0	EAST OHIO GAS CO
8144940		3410322230	107-TF	PARMELEE-HALL #3	WADSWORTH	21.0	EAST OHIO GAS CO
8144943		3410322335	103	RENSE WELL #1	WADSWORTH	21.0	EAST OHIO GAS CO
8144943		3410322335	107-TF	RENSE WELL #1	WADSWORTH	21.0	EAST OHIO GAS CO
8144944		3410322600	103	SNELL WELL #1	GUILFORD	21.0	EAST OHIO GAS CO
8144944		3410322600	107-TF	SNELL WELL #1	GUILFORD	21.0	EAST OHIO GAS CO
-OHIO PARTNERS OIL CO			RECEIVED: 08/10/81 JA: OH				
8144947		3405921573	107-TF	D MONROE #1	WESTLAND	100.0	EAST OHIO GAS CO
8144948		3405922680	107-TF	D MONROE #2	WESTLAND	100.0	EAST OHIO GAS CO
8144946		3400922130	103	SIMMS #2	YORK	20.0	COLUMBIA GAS TRAN
8144946		3400922130	107-TF	SIMMS #2	YORK	20.0	COLUMBIA GAS TRAN
8144949		3405922740	103	T BROWN #1	WESTLAND	20.0	EAST OHIO GAS CO
8144949		3405922740	107-TF	T BROWN #1	WESTLAND	20.0	EAST OHIO GAS CO
-PAGE P BLAKEMORE			RECEIVED: 08/10/81 JA: OH				
8144880		3416725650	103	HACKATHORNE NO 4 WELL	GRANDVIEW	19.2	
8144879		3416721236	103	WARD-COOPER NO 2	GRANDVIEW	18.3	
8144881		3416725774	103	WORSTELL #4	WEBB	20.5	
-PATRICK T DONNELLY DBA LANDPROVEST			RECEIVED: 08/10/81 JA: OH				
8144922		3411925585	103	WARDEN WEST #5A	SONORA	25.0	
-PENN-OHIO ENERGY CORP			RECEIVED: 08/10/81 JA: OH				
8144951		3407522924	103	ABE MILLER W-2-1	WALNUT CREEK TOWNSHIP	25.0	COLUMBIA GAS TRAN
8144951		3407522924	107-TF	ABE MILLER W-2-1	WALNUT CREEK TOWNSHIP	25.0	COLUMBIA GAS TRAN
8144952		3407523036	103	CECIL MAYNARD SR #3A	KILLBUCK	32.0	COLUMBIA GAS TRAN
8144950		3407522919	107-TF	TILLIE HOCHSTETLER B-3-1	BERLIN	75.0	COLUMBIA GAS TRAN
-PETROLEUM SECURITIES FUND - 80			RECEIVED: 08/10/81 JA: OH				
8144954		3407522941	103	E LASTOMKEIN #1	PRAIRIE-HOLMES POOL	54.0	COLUMBIA GAS TRAN
8144955		3416922380	103	H E DOTTERER #1	MILTON-WAYNE POOL	28.0	COLUMBIA GAS TRAN
8144958		3416922642	103	H G KRABILL TRUST #4	CANAAN-WAYNE POOL	40.5	COLUMBIA GAS TRAN
8144959		3416922643	103	H G KRABILL TRUST #5	CANAAN-WAYNE POOL	9.0	COLUMBIA GAS TRAN
8144953		3403124258	103	HAINES-BASHOOR #5	TIVERTON	30.0	
8144956		3416922568	103	J N SCHAR #1	MILTON-WAYNE POOL	54.0	COLUMBIA GAS TRAN
8144957		3416922583	103	WILBUR C WISE #2	PLAIN-WAYNE POOL	14.0	COLUMBIA GAS TRAN
-PIONEER OIL COMPANY INC			RECEIVED: 08/10/81 JA: OH				
8144960		3407322452	107-DP	#1 C CARSON	STARR	10.0	COLUMBIA GAS TRAN
-R WOLFE OIL & GAS			RECEIVED: 08/10/81 JA: OH				
8144972		3400922028	103	SEEL #3 P 2028	ROME	5.0	COLUMBIA GAS CO
8144973		3400922054	103	SEEL #4 P 2054	ROME	15.0	COLUMBIA GAS CO
8144975		3400922076	103	WEBB #1 P 2076	ROME	5.0	COLUMBIA GAS CO
8144974		3400922058	103	WILLIAMS #1 P 2058	CANAAN	10.0	COLUMBIA GAS CO
-SANDHILL ENERGY INC (OH)			RECEIVED: 08/10/81 JA: OH				
8144962		3416726090	103	HARRY WEDDLE #2	GRANDVIEW	10.0	
8144963		3416726266	103	NORMAN RIDGEWAY #4	GRANDVIEW	15.7	
8144964		3416726448	103	THURMAN ENOCHS #2	LUDLOW	5.0	
-SHY OIL & GAS CO			RECEIVED: 08/10/81 JA: OH				
8144966		3403124221	103	YODER #2	MILLCREEK	25.0	
8144966		3403124221	107-TF	YODER #2	MILLCREEK	25.0	
-SKY PETROLEUM CORP			RECEIVED: 08/10/81 JA: OH				
8144967		3403124138	107-TF	DENNIS & EVELYN HUFF #1	WASHINGTON	0.0	
-STOCKER&SITLER INC			RECEIVED: 08/10/81 JA: OH				
8144968		3408924052	103	NO 2 HUNTER UNIT	GRANVILLE	2.0	BARBCORP INC
-SUNSET PETROLEUM INC			RECEIVED: 08/10/81 JA: OH				
8144969		3407523020	103	MONROE WEAVER #1	SALT CREEK	10.0	COLUMBIA GAS TRAN
8144969		3407523020	107-TF	MONROE WEAVER #1	SALT CREEK	10.0	COLUMBIA GAS TRAN

JC NO	SALES	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-THE BENATTY CORPORATION			RECEIVED: 08/10/81 JA: OH				
8144875		3412122265	103	HUDSON-NOLETTI #1	BUFFALO	30.0	COLUMBIA GAS TRAN
8144875		3412122265	107-TF	HUDSON-NOLETTI #1	BUFFALO	30.0	COLUMBIA GAS TRAN
8144876		3412122268	103	HUDSON-NOLETTI #2	BUFFALO	30.0	COLUMBIA GAS TRAN
8144876		3412122268	107-TF	HUDSON-NOLETTI #2	BUFFALO	30.0	COLUMBIA GAS TRAN
-THUNDERBIRD PETROLEUM CORP			RECEIVED: 08/10/81 JA: OH				
8144970		3416726568	103	HASKEL SWAIN #1	LUDLOW	40.0	
-TIGER OIL INC			RECEIVED: 08/10/81 JA: OH				
8144971		3412122450	107-DV	W CUNNINGHAM #1	ELK	0.0	COLUMBIA GAS TRAN
-W E SHRIDER CO			RECEIVED: 08/10/81 JA: OH				
8144965		3408924153	103	FRANK KREAGER #1	MADISON	3.0	NATIONAL GAS & OI
**********							
OKLAHOMA CORPORATION COMMISSION							
**********							
-AMAREX INC			RECEIVED: 08/04/81 JA: OK				
8144797	10018	3504321121	103	L & E FARMS #1	N W OAKWOOD	0.0	
-AN-SON CORPORATION			RECEIVED: 08/04/81 JA: OK				
8144770	11786	3500722064	102-4	EADES NO 2	IVANHOE	1000.0	NORTHERN NATURAL
8144770	11786	3500722064	103	EADES NO 2	IVANHOE	1000.0	NORTHERN NATURAL
*8144839	11317	3503920420	102-4	STIDHAM #1	EAST CLINTON	986.0	PRODUCERS GAS CO
-ANADARKO PRODUCTION COMPANY			RECEIVED: 08/04/81 JA: OK				
8144824	11657	3513921288	102-4	DIXON A NO 1	HOUGH SOUTH	18.0	PHILLIPS PETROLEU
-ANADARKO PRODUCTION COMPANY			RECEIVED: 08/05/81 JA: OK				
8144853	11875	3500721874	102-4	JUDY B NO 1	MOCANE	36.0	PANHANDLE EASTERN
8144853	11875	3500721874	103	JUDY B NO 1	MOCANE	36.0	PANHANDLE EASTERN
-ANDOVER OIL COMPANY			RECEIVED: 08/04/81 JA: OK				
8144792	11508	3501721800	102-2	E MILLS #28-3		175.0	DELHI GAS PIPELIN
8144792	11508	3501721800	103	E MILLS #28-3		175.0	DELHI GAS PIPELIN
8144791	11507	3501721892	102-2	GLEICHMAN #12-4		100.0	DELHI GAS PIPELIN
8144791	11507	3501721892	103	GLEICHMAN #12-4		100.0	DELHI GAS PIPELIN
8144840	11314	3512521000	102-2	SAUNDERS #29-1		100.0	PUBLIC SERVICE CO
8144840	11314	3512521000	103	SAUNDERS #29-1		100.0	PUBLIC SERVICE CO
8144843	11242	3501721824	102-2	SHEPARD #25-1		100.0	DELHI GAS PIPELIN
8144843	11242	3501721824	103	SHEPARD #25-1		100.0	DELHI GAS PIPELIN
-ANDOVER OIL COMPANY			RECEIVED: 08/05/81 JA: OK				
8144864	09976	3501721833	103	GLEICHMAN #12-3		170.0	DELHI GAS PIPELIN
8144856	11837	3501721882	102-2	SCHUMACHER #22-3		175.0	DELHI GAS PIPELIN
8144856	11837	3501721882	103	SCHUMACHER #22-3		175.0	DELHI GAS PIPELIN
-APOLLO PRODUCTION LTD			RECEIVED: 08/05/81 JA: OK				
8144858	10867	3507322651	102-4	GRELLNER NO 25-14	SOONER TREND	440.7	SID RICHARDSON CA
8144858	10867	3507322651	103	GRELLNER NO 25-14	SOONER TREND	440.7	SID RICHARDSON CA
8144854	11902	3507323087	102-4	RUETER NO 36-1	N E OKARCHE	0.0	SID RICHARDSON CA
8144854	11902	3507323087	103	RUETER NO 36-1	N E OKARCHE	0.0	SID RICHARDSON CA
-BARUCH-FOSTER CORP			RECEIVED: 08/04/81 JA: OK				
8144825	11698	3508121274	102-4	B F COOK A #2	RAVENDALE	60.0	CITIES SERVICE GA
8144826	11699	3511921231	102-4	HARVEY COLLINS #1	RAVENDALE	150.0	CITIES SERVICE GA
8144827	11700	3511921433	102-4	STATE OF OKLAHOMA D #1	RAVENDALE	20.0	CITIES SERVICE GA
-BEARD OIL COMPANY			RECEIVED: 08/04/81 JA: OK				
8144773	09892	3510920396	103	FRANKIE K #1	CHOCTAW	35.0	OKLAHOMA NATURAL
-BEREN CORPORATION			RECEIVED: 08/04/81 JA: OK				
8144832	11343	3500721985	102-4	PYLE NO 1-34	EAST BOYD	164.0	KANSAS-NEBRASKA N
-BOGERT OIL CO			RECEIVED: 08/04/81 JA: OK				
8144758	09933	3508321499	103	WAYNE 1-18	SOONER TREND	105.0	EASON OIL CO

JO NO	JD NO	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BROCK HYDROCARBONS INC			RECEIVED: 08/05/81 JA: OK				
8144867	03272	3504520837	102-A	THURMOND #1-36	GAGE	0.0	PANHANDLE EASTERN
-BURKHART PETROLEUM CORP			RECEIVED: 08/04/81 JA: OK				
8144841	11308	3505320623	102-A	MITCHELL 1-33	S E SALT FORK	350.0	CRA INC
8144841	11308	3505320623	103	MITCHELL 1-33	S E SALT FORK	350.0	CRA INC
-CENTEX OIL & GAS INC			RECEIVED: 08/04/81 JA: OK				
8144762	09879	3505920875	103	RUBLE NO 1-12	N BOILING SPRINGS	186.0	DELHI GAS PIPELIN
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 08/04/81 JA: OK				
8144849	09940	3509321774	103	MILDRED E VOLZ NO 2	EAST CHANEY DELL	90.0	CHAMPLIN PETROLEU
-CLARK RESOURCES INC			RECEIVED: 08/04/81 JA: OK				
8144776	11524	3504722643	102-A	WELLS 13-2	SOONER TREND	170.0	CRA INC
8144776	11524	3504722643	103	WELLS 13-2	SOONER TREND	170.0	CRA INC
8144786	09998	3507322801	103	WITTROCK 18-1	SOONER TREND	109.0	PHILLIPS PETROLEU
-CONOCO INC			RECEIVED: 08/04/81 JA: OK				
8144816	10969	3503920408	102-2	MEACHAM NO 14-1	S CUSTER CITY	98.0	
-COTTON PETROLEUM CORPORATION			RECEIVED: 08/04/81 JA: OK				
8144775	13167	3501521048	107-DP	MANNING NO 1	SOUTH VERDEN	1200.0	SOUTHERN NATURAL
8144794	11768	3501121465	102-A	ROY KEITH BURNS NO 1	SQUAW CREEK	250.0	TRANSOK PIPE LINE
-DAWN ENERGY CO			RECEIVED: 08/04/81 JA: OK				
8144844	11235	3505921011	102-A	HUDSON #1-35	S E MAY	146.0	PANHANDLE EASTERN
-DEMINEX US OIL COMPANY			RECEIVED: 08/04/81 JA: OK				
8144769	09131	3504921367	102-A	GREEN NO 1	S W PAOLI A	72.0	WARREN PETROLEUM
-EARTH ENERGY RESOURCES INC			RECEIVED: 08/04/81 JA: OK				
8144777	11718	3511921290	102-A	MCKENZIE NO 8	MEHAN	200.0	CITIES SERVICE GA
-F C D OIL CORP			RECEIVED: 08/04/81 JA: OK				
8144767	09840	3507322699	103	GRELLNER 2-22.	SOONER TREND	12.8	DALCO PETROLEUM I
-F M BUXTON			RECEIVED: 08/04/81 JA: OK				
8144812	10018	3508321544	103	HERREN 5 NO 1	SOONER TREND	91.0	CONOCO INC
-FUNK EXPLORATION INC			RECEIVED: 08/04/81 JA: OK				
8144764	10893	3500721868	102-A	FOSTER #1-18	DOMBEY	6.0	PANHANDLE EASTERN
-GENIE OIL & GAS CORP			RECEIVED: 08/04/81 JA: OK				
8144768	10055	3508321059	103	GERDEN #1	N E CRESCENT	150.0	EASON OIL CO
-GEORGE RODMAN INC			RECEIVED: 08/05/81 JA: OK				
8144857	10054	3508720522	103	SHOBERT NO 1-23	PAYNE	16.7	SUN GAS CO
-GULF OIL CORPORATION			RECEIVED: 08/04/81 JA: OK				
8144817	11472	3501721685	102-2	J C LODES NO 1-9	OKARCHE SW	23.0	ONG-WESTERN INC
8144809	09893	3501121490	103	RAY OPDENHOFF #1-36	SOUTH OMEGA	3.0	OKLAHOMA NATURAL
-HARPER OIL COMPANY			RECEIVED: 08/04/81 JA: OK				
8144834	11432	3503920378	102-2	KENNEY #1	S LEEDY	290.0	
-HARPER OIL COMPANY			RECEIVED: 08/05/81 JA: OK				
8144859	11431	3504321225	102-A	ELLA #1	S E FONDA	275.0	PHILLIPS PETROLEU
-HELMERICH & PAYNE INC			RECEIVED: 08/04/81 JA: OK				
8144795	11499	3514920110	102-2	FLAMING NO 1-20 (RF)	NORTH COLONY	183.0	MICHIGAN WISCONSI
-HOLDEN ENERGY CORP			RECEIVED: 08/04/81 JA: OK				
8144772	11820	3501922208	102-A	DOANN 18-1	JOINER CITY	32.0	AMINOIL USA INC
8144771	11819	3501922213	102-A	REED 28-2	JOINER CITY	26.0	AMINOIL USA INC
-INTERNORTH INC			RECEIVED: 08/05/81 JA: OK				
8144861	09967	3500721592	103	BECKWITH #1-22	S BALKO	37.0	INTERNORTH INC
-J L THOMAS ENGINEERING INC			RECEIVED: 08/04/81 JA: OK				
8144779	09927	3500320750	103	DALE #1	SOONER TREND	109.5	PANHANDLE EASTERN
8144848	09959	3509321985	103	KIRKENDALL #1	SOONER TREND	73.0	PIONEER GAS PRODU
-JIMMY W GRAY			RECEIVED: 08/04/81 JA: OK				
8144811	10015	3504921429	103	KATHY NO 1 WELL	WHITEHEAD WEST	0.0	WARREN PETROLEUM

JR NO	JA KT	API NO	D	SEC	CAT	WELL NAME	FIELL NAME	PROD	PURCHASER
8144810	10014	3504921403		103		SHAMLEY 1-18	ANTIOCH EAST	0.0	WARREN PETROLEUM
-JONES EXPLORATION CO						RECEIVED: 08/04/81 JA: OK			
8144845	10851	3501922204		102-3		AMERADA-HESS NO 1		108.0	LONE STAR GAS CO
-JOSEPH I ONEILL JR						RECEIVED: 08/05/81 JA: OK			
8144855	10053	3500720961		108		SMITH #1	MOCANE-LAVERNE	12.0	NORTHERN NATURAL
-KAISER-FRANCIS OIL COMPANY						RECEIVED: 08/04/81 JA: OK			
8144847	09964	3501720703		103		EVA PRAIRIE	S E WATONGA	400.0	DELHI GAS PIPELIN
-KEITH F WALKER						RECEIVED: 08/04/81 JA: OK			
8144759	10006	3501966107		103		J B MOORE ESTATE	OIL CITY	36.5	MOBIL OIL CORP
-KEPCO INC						RECEIVED: 08/04/81 JA: OK			
8144831	11496	3503120707		102-4		GLOVER #1-22	SOUTH STERLING	45.0	CITIES SERVICE GA
-L & N EXPLORATION INC						RECEIVED: 08/04/81 JA: OK			
8144765	10114	3508321484		103		LOWE NO 3-24	W LAWRIE	1.0	EASON OIL CO
-L G WILLIAMS OIL COMPANY INC						RECEIVED: 08/05/81 JA: OK			
8144862	09970	3501721720		103		HOWARD NO 8-1	NW MUSTANG	7.3	PHILLIPS PETROLEU
-L O WARD						RECEIVED: 08/04/81 JA: OK			
8144804	10027	3502720443		103		HARLOW ROYALTIES #1	W NORMAN	36.0	SUN GAS CO
8144846	09987	3502720377		103		OKLAHOMA B-16 #2	NW NORMAN	36.0	SUN GAS CO
8144813	10026	3502720469		103		OKLAHOMA C-16 #2	W NORMAN	36.0	SUN GAS CO
-LADD PETROLEUM CORPORATION						RECEIVED: 08/04/81 JA: OK			
8144837	11121	3507322829		102-4		VOGT #2	OKARCHE NORTH	150.5	DELHI GAS PIPELIN
8144837	11121	3507322829		103		VOGT #2	OKARCHE NORTH	150.5	DELHI GAS PIPELIN
-LUBELL OIL CO						RECEIVED: 08/04/81 JA: OK			
8144803	09848	3506321221		103		LUBELL NO 1-16 BARGER	NORTH WETUMKA	200.0	
8144814	09849	3512120760		103		LUBELL NO 1-29 PEARSON	ULAN	150.0	
-MACK OIL CO						RECEIVED: 08/04/81 JA: OK			
8144780	09997	3501700000		103		GLEN #1		75.0	TRANSOK PIPE LINE
-MAJOR OIL CORP						RECEIVED: 08/04/81 JA: OK			
8144850	09939	3509321972		103		VIOLA WOLF 1-20	MENO-RINGWOOD	75.0	PIONEER GAS PRODU
-MAR-BAR ENTERPRISES INC						RECEIVED: 08/04/81 JA: OK			
8144838	11321	3513166429		102-2		EDINGER #1	WEST OOLAGAH	0.0	DIAMOND-S GAS SYS
-MIN-TEX OIL CORP						RECEIVED: 08/05/81 JA: OK			
8144873	11919	3501032053		102-4		LANE NO 1	NW MARATHON	456.0	
-MOBIL OIL CORP						RECEIVED: 08/04/81 JA: OK			
8144761	10017	3513921440		103		GUEST (UNIT 134) NO 2	GUYMON - HUGOTON	85.0	CITIES SERVICE GA
-MOORE OIL & GAS INC						RECEIVED: 08/04/81 JA: OK			
8144819	11290	3514321259		102-2		ALLEN #1	COLLINSVILLE	42.0	DIAMOND S GAS SYS
-MORAN EXPLORATION INC						RECEIVED: 08/05/81 JA: OK			
8144869	09709	3501721801		103		KIRKEGARD #1	YUKON AREA	0.0	PHILLIPS PETROLEU
-MUSTANG PRODUCTION CO.						RECEIVED: 08/04/81 JA: OK			
8144763	11284	3501520994		102-2		LUELLEN #1-5	S E HYDRO	300.0	ARKANSAS LOUISIAN
-NATURAL GAS ANADARKO INC						RECEIVED: 08/04/81 JA: OK			
8144842	11268	3500721923		102-4		VENABLE #1-28	WEST SIX MILE	360.0	INTERNORTH INC
-NORTH AMERICAN ROYALTIES INC						RECEIVED: 08/04/81 JA: OK			
8144778	09937	3501721753		103		WRIGHT #2 (017-65344)	YUKON	365.0	PHILLIPS PETROLEU
-OIL LIFT INC						RECEIVED: 08/04/81 JA: OK			
8144836	11065	3510523273		102-2		OESTMANN #1 (API NO 10523273)	SOUTH COFFEYVILLE	11.0	PELICAN PIPELINE
8144830	11064	3510521453		102-2		OSHEL #1 (API NO A10521453)	SOUTH COFFEYVILLE	45.6	PELICAN PIPELINE
8144830	11064	3510521453		103		OSHEL #1 (API NO A10521453)	SOUTH COFFEYVILLE	45.6	PELICAN PIPELINE
8144829	11063	3510523665		102-2		TITUS #1 (API NO 10523665)	SOUTH COFFEYVILLE	41.6	PELICAN PIPELINE
8144829	11063	3510523665		103		TITUS #1 (API NO 10523665)	SOUTH COFFEYVILLE	41.6	PELICAN PIPELINE
8144807	11062	3510523663		102-2		WILBUR HARDEN #1-15 API 10523663	SOUTH COFFEYVILLE	54.8	PELICAN PIPELINE
8144807	11062	3510523663		103		WILBUR HARDEN #1-15 API 10523663	SOUTH COFFEYVILLE	54.8	PELICAN PIPELINE

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-PACIFIC OIL & GAS CO				RECEIVED: 08/05/81 JA: OK					
8144860	11765	3509321657		102-2		BOSTON #2	E BADO	0.0	PHILLIPS PETROLEU
-PETROLEUM INC				RECEIVED: 08/05/81 JA: OK					
8144868	09708	3508720526		103		WELCHEL #1	N DIBBLE	0.7	SUN GAS CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 08/05/81 JA: OK					
8144866	4514	3513914875		108-ER		BACKHOUSE #1		0.0	MICHIGAN WISCONSI
8144865	10049	3507300000		108		OKLAHOMA NATURAL GAS CO	SOONER TREND	5.5	OKLAHOMA NATURAL
-PIONEER PRODUCTION CORPORATION				RECEIVED: 08/04/81 JA: OK					
8144833	11351	3515121054		102-2		WILBER W MADDOX #1-27	FARRY NE	204.0	PANHANDLE EASTERN
-POST PETROLEUM COMPANY INC				RECEIVED: 08/04/81 JA: OK					
8144774	09908	3507322737		103		OVERLAND-MAXON #2	SW REEDING	0.0	CONOCO INC
-PROVIDENCE ENERGY CORP				RECEIVED: 08/04/81 JA: OK					
8144852	1226	3505920156		108-PB		BAYLIFF #1	CHESTER	0.0	NORTHERN NATURAL
8144802	09731	3505920950		103		SINGER-FLEISCHAKER #1	LAVERNE	400.0	NORTHERN NATURAL
-RESOURCES INVESTMENT CORPORATION				RECEIVED: 08/04/81 JA: OK					
8144801	09969	3502720435		103		JENKINS #2	N W NORMAN	89.6	SUN GAS CO
-RICKS EXPLORATION CO				RECEIVED: 08/04/81 JA: OK					
8144822	11523	3502920249		102-2		MCENTIRE ESTATE 10A	WARDVILLE	313.0	ARKANSAS LOUISIAN
-ROY LAWRENCE DRILLING CO INC				RECEIVED: 08/04/81 JA: OK					
8144805	10278	3511700000		102-2		HALE NO 1	MERAMEC POOL	1.3	PHILLIPS PETROLEU
8144805	10278	3511700000		103		HALE NO 1	MERAMEC POOL	1.3	PHILLIPS PETROLEU
8144806	10279	3511700000		102-2		WICHITA NO 1	MERAMEC POOL	3.5	PHILLIPS PETROLEU
8144806	10279	3511700000		103		WICHITA NO 1	MERAMEC POOL	3.5	PHILLIPS PETROLEU
-SEARCH DRILLING CO				RECEIVED: 08/04/81 JA: OK					
8144785	09997	3500722005		103		BOCKELMAN B #1-5	N E HOLLAND	900.0	EL PASO NATURAL G
-SENECA OIL COMPANY				RECEIVED: 08/04/81 JA: OK					
8144823	11547	3509322166		102-0		STATE 1-36	SOUTHWEST DANE	200.0	PANHANDLE EASTERN
-SENECA OIL COMPANY				RECEIVED: 08/05/81 JA: OK					
8144872	11918	3504321263		102-2		BECKLOFF #2-28	OAKWOOD	450.0	DELHI GAS PIPELIN
8144871	11917	3513921473		102-2		WEHMEIER #2-13	S W DOMBEY	270.0	PANHANDLE EASTERN
8144871	11917	3513921473		103		WEHMEIER #2-13	S W DOMBEY	270.0	PANHANDLE EASTERN
-SERVICE DRILLING CO				RECEIVED: 08/04/81 JA: OK					
8144820	11327	3507122314		102-2		GRAHAM #2-19	W SHIDLER	44.0	CITIES SERVICE GA
-SOUTHPORT EXPLORATION INC				RECEIVED: 08/04/81 JA: OK					
8144828	11168	3504520829		102-4		RICHARDS NO 1-28	SOUTH PODUNK FIELD	146.0	
-SOUTHWESTERN EXPLOR CONSULTANTS INC				RECEIVED: 08/04/81 JA: OK					
8144835	11487	3508321654		102-4		CHAPPELL #1	CRESCENT	0.0	EASON OIL CO
-STEVE JERNIGAN INC				RECEIVED: 08/04/81 JA: OK					
8144768	08472	3507322637		103		WIER #1	SOONER TREND	0.0	PHILLIPS PETROLEU
-SULLIVAN AND CO				RECEIVED: 08/04/81 JA: OK					
8144789	11325	3512521125		102-2		C CALL NO 1	N W TECUMSEH	229.0	
-SULLIVAN AND CO				RECEIVED: 08/05/81 JA: OK					
8144863	09971	3508121231		103		L P CARPENTER NO 2	SOUTHWEST PRAIRIE GEM	1.0	SUN OIL CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 08/04/81 JA: OK					
8144800	08199	3504700000		108		S E FLYNN UNIT NO 45-2	DOVER-HENNESSEY	0.1	EXXON CORP
-SUNDANCE ENERGY CORP				RECEIVED: 08/04/81 JA: OK					
8144788	10002	3504722271		103		RODNEY NO 1	W DOUGLAS	109.0	ONG WESTERN INC
-SUNRISE EXPLORATION INC				RECEIVED: 08/05/81 JA: OK					
8144870	09965	3514920085		103		LEONARD NO 1	ELK CITY	365.0	
-SWALA OIL & GAS CORP				RECEIVED: 08/04/81 JA: OK					
8144808	09881	3513921317		103		GROUNDS NO 1	GUYMON-HUGOTON	55.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED: 08/04/81 JA: OK					
8144766	09279	3509321267		103		CLASSEN #1	BADO EAST	5.5	DELHI GAS PIPELIN

JD NO	JA DAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-TEXACO INC			RECEIVED: 08/04/81 JA: OK				
8144818	11322	3508520450	102-2	COPELAND NO 1	SIMON-NORTH	4.0	AMINOIL USA INC
8144798	09954	3507322768	103	LINCOLN NORTH UNIT TR 20 #2	SOONER TREND	28.0	EXXON CO U S A
8144799	09953	3507322664	103	LINCOLN NORTH UNIT TR 30 #2	SOONER TREND	8.0	EXXON CO USA
8144793	09955	3507322682	103	LINCOLN NORTH UNIT TR 42 #2	SOONER TREND	15.0	EXXON CO U S A
8144796	09952	3507322779	103	LINCOLN NORTH UNIT TR 6 #3	SOONER TREND	41.0	EXXON CO U S A
-THE WIL-MC OIL CORP			RECEIVED: 08/04/81 JA: OK				
8144851	09938	3505320642	103	HULA #1	SW CLYDE	900.0	SUN GAS CO
-TOWNER PETROLEUM CO			RECEIVED: 08/04/81 JA: OK				
8144781	09896	3509321944	103	EDWARDS #7-1	WEST FAIRVIEW	200.0	PHILLIPS PETROLEU
8144790	09895	3509321939	103	JORDAN #6-2	WEST FAIRVIEW	256.0	PHILLIPS PETROLEU
-UNION OIL COMPANY OF CALIF			RECEIVED: 08/04/81 JA: OK				
8144821	11511	3508520417	102-A	HERRING #1-3	N E ORR	75.0	LONE STAR GAS CO
8144821	11511	3508520417	103	HERRING #1-3	N E ORR	75.0	LONE STAR GAS CO
-UNIT DRILLING & EXPLORATION CO			RECEIVED: 08/04/81 JA: OK				
8144782	09990	3500721981	103	KILE NO 1	W ELMWOOD	91.0	PHILLIPS PETROLEU
8144783	09991	3507720219	103	P S O NO 1	HARTSHORNE	292.0	ARKANSAS LOUISIAN
8144784	09992	3507920395	103	RACHEL GAMBLE NO 1	SPIRO	948.0	ARKANSAS LOUISIAN
8144815	09989	3500721915	103	YATES NO 1	W ELMWOOD	29.0	PHILLIPS PETROLEU
-VULCAN ENERGY CORP			RECEIVED: 08/04/81 JA: OK				
8144787	09999	3507322668	103	COMBS #2	SOONER TREND	36.0	PHILLIPS PETROLEU

OTHER PURCHASERS VOLUME NO :496

R144839 NORTHERN NATURAL GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old 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.

[FR Doc. 81–25770 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 26, 1981.

JD NO	JA DKT	API NO	E SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION							
-ANADARKO PRODUCTION COMPANY		RECEIVED: 08/10/81 JA: KS					
8145135	K 81-0199	1512920484	103	HAAP E NO 1	PANOMA COUNCIL GROVE	37.0	PANHANDLE EASTERN
8145127	K81-0160	1512920458	103	INTERSTATE B NO 6	INTERSTATE	18.0	PANHANDLE EASTERN
8145139	K 80-1067	1512920482	103	KNELLER E NO 1	PANOMA	36.5	CIMARRON-QUINGUE
-CHAMPLIN PETROLEUM COMPANY		RECEIVED: 08/10/81 JA: KS					
8145131	K 81-0349	1505520425	103	U I POTTER D-1	PANOMA COUNCIL GROVE	150.0	NORTHERN NATURAL
-DOME PETROLEUM CORP		RECEIVED: 08/10/81 JA: KS					
8145137	K 80-0558	1507520334	103	CHEATUM #2-A	BRADSHAW	1.2	KANSAS-NEBRASKA N
-F G HOLL		RECEIVED: 08/10/81 JA: KS					
8145136	K 81-0953	1515120737	103	HAKANSON NO 1-33	HARDING WEST	54.7	CENTRAL STATES GA
8145138	K 80-0954	1515120724	103	MILLER C NO 1-34	HARDING	54.7	CENTRAL STATES GA
-J MARK RICHARDSON		RECEIVED: 08/10/81 JA: KS					
8145134	K 81-0026	1509720603	103	BRENSING B #1	FRALICK WEST EXT	400.0	PANHANDLE EASTERN
-KANSAS NATURAL GAS INC		RECEIVED: 08/10/81 JA: KS					
8145129	K 81-0456	1509320707	103	CAMPBELL #2-CG-10	PANOMA - COUNCIL GROVE	100.0	KANSAS-NEBRASKA N
8145128	K 81-0455	1509320705	103	FROST #1-CG-5	PANOMA - COUNCIL GROVE	100.0	KANSAS-NEBRASKA N
8145130	K 81-0457	1509302070	103	TATE #2-CG-11	PANOMA - COUNCIL GROVE	100.0	KANSAS-NEBRASKA N
-ZENITH DRILLING CORPORATION INC		RECEIVED: 08/10/81 JA: KS					
8145133	K 81-0318	1515520686	103	LANG #1	ZENITH PEACE CREEK MISSI	37.0	PEOPLES NATURAL G
8145132	K 81-0319	1515520728	103	WEBER C-1	ZENITH PEACE CREEK MISSI	55.0	PEOPLES NATURAL G
MICHIGAN DEPARTMENT OF NATURAL RESOURCES							
-CRYSTAL OIL COMPANY		RECEIVED: 08/11/81 JA: MI					
8145144		2108734112	102-4	AURAND ROSS #1 - 17	MARATHON	91.3	CONSUMERS POWER C
8145142		2104934285	102-4	CHADWELL ET AL #1 - 13	OTTER LAKE	13.5	CONSUMERS POWERS
8145147		2108734141	102-4	CLARK #1 - 16	MARATHON FIELD	63.9	CONSUMERS POWER C
8145143		2108734142	102-4	FLYNN #1 - 17	MARATHON	36.5	CONSUMERS POWER C
8145145		2108732963	102-4	HAROLD & PAULINE FULLER #1	MARATHON FIELD	109.5	CONSUMERS POWER C
8145148		2108732754	102-4	JAMES & DORIS RICHARDSON #1	MARATHON FIELD	59.9	CONSUMERS POWER C
8145146		2108734111	102-4	RICHARDSON - AURAND #1 - 17	MARATHON FIELD	73.0	CONSUMERS POWER C
-DART OIL & GAS CORPORATION		RECEIVED: 08/07/81 JA: MI					
8145140		2106300000	102-3	MASON #10-36 (34293)	AETNA	20.0	CONSUMERS POWER C
-PATRICK PETROLEUM CORP OF MICHIGAN		RECEIVED: 08/11/81 JA: MI					
8145141		2105534280	102-4	HAGGERTY - CONWAY 1-33	GRANT 33	0.0	
OKLAHOMA CORPORATION COMMISSION							
-AMAREX INC		RECEIVED: 08/04/81 JA: OK					
8145121	11393	3512920509	102-2	FARRELL #1	OMEGA WEST (S CHEYENNE P	200.0	
-AMERICAN QUASAR PETROLEUM CO		RECEIVED: 08/07/81 JA: OK					

JD NO	JA DT	API NO	E SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
8145073	13016	3514920167	107-DP TALL BEAR #1-18		0.0	MICHIGAN-WISCONSI
-ANDOVER OIL COMPANY			RECEIVED: 08/04/81 JA: OK			
8145110	09851	3501721664	102-2 MILLER #30-3		180.0	DELHI GAS PIPELIN
8145110	09851	3501721664	103 MILLER #30-3		180.0	DELHI GAS PIPELIN
-ARCO OIL AND GAS COMPANY			RECEIVED: 08/04/81 JA: OK			
8145103	09691	3509300000	108 M F GORANFLO UNIT SP #1	NE CEDARDALE	11.3	MICHIGAN WISCONSI
-ARCO OIL AND GAS COMPANY			RECEIVED: 08/07/81 JA: OK			
8145079	11470	3510321104	102-4 M D ATKINSON NO 1	N W STILLWATER AIRPORT	73.0	
-B & H EXPLORATION CO			RECEIVED: 08/04/81 JA: OK			
8145113	10024	3513120908	103 CONSTIEN #2		19.5	DIAMOND S GAS SYS
8145099	10022	3513120911	103 CONSTIEN #3		1.2	DIAMOND S GAS SYS
8145112	10025	3513121567	103 CONSTIEN #4		3.5	DIAMOND S GAS SYS
-BROCK HYDROCARBONS INC			RECEIVED: 08/07/81 JA: OK			
8145093	08271	3509321818	102-2 KLUCKNER #1-30	SE BADO	0.0	PANHANDLE EASTERN
-CHASE EXPLORATION CORP			RECEIVED: 08/07/81 JA: OK			
*8145092	09808	3507121825	103 BRAWNER #2-18		11.3	CITIES SERVICE GA
*8145097	09798	3507121673	103 CURFMAN #2-6		2.3	CITIES SERVICE GA
*8145090	09806	3507121822	103 EISENHAUER #1-14		0.0	CITIES SERVICE GA
*8145091	09807	3507121824	103 ELLIOTT #2-17		22.1	CITIES SERVICE GA
*8145088	09801	3507121200	103 LESEMANN #1-4		0.0	CITIES SERVICE GA
8145089	09802	3507121745	103 LEVEN #2-33		0.0	CITIES SERVICE GA
-CLARK RESOURCES INC			RECEIVED: 08/07/81 JA: OK			
8145087	09886	3507322744	103 DUFFY 17-1	SOONER TREND	49.0	PHILLIPS PETROLEU
8145080	09887	3507322827	103 LUELLA 3-1	SOONER TREND	57.0	EASON OIL CO
8145075	11808	3507323068	102-4 MERCER 20-2	SOONER TREND	190.0	CITIES SERVICE GA
8145075	11808	3507323068	103 MERCER 20-2	SOONER TREND	190.0	CITIES SERVICE GA
-CURRIE PETROLEUM & GAS CORP			RECEIVED: 08/04/81 JA: OK			
8145120	11178	3510120907	103 BETTY SUE CARTER 3-20	S HASKELL	182.0	PHILLIPS PET CO
-DALCO PETROLEUM INC			RECEIVED: 08/07/81 JA: OK			
8145094	08320	3507322470	103 ERNEST #1	SOONER TREND	91.3	DALCO PETROLEUM U
-DLB ENERGY CORP			RECEIVED: 08/04/81 JA: OK			
8145116	11491	3501721904	102-4 HENTHORN AND HULL	NORTH PIEDMONT	400.0	CONOCO OIL CO
8145116	11491	3501721904	103 HENTHORN AND HULL	NORTH PIEDMONT	400.0	CONOCO OIL CO
-EASON OIL COMPANY			RECEIVED: 08/07/81 JA: OK			
8145095	08441	3501721652	103 TULLOS-HENDERSON #4	YUKON	148.0	DORIC PETROLEUM I
-EBERLY & MEADE			RECEIVED: 08/04/81 JA: OK			
8145123	09770	3507920242	103 EBERLY AND MEADE #2-10 REED	DOG CREEK	0.0	ARKANSAS LOUISIAN
-EL PASO NATURAL GAS COMPANY			RECEIVED: 08/07/81 JA: OK			
8145068	13235	3514920169	107-DP ROGER SPEARS #1	ELK CITY MORROW UPPER	2710.0	EL PASO NATURAL G
-F C D OIL CORP			RECEIVED: 08/07/81 JA: OK			
8145084	9841	3507322613	103 CORA 1-30	SOONER TREND	11.0	EASON OIL CO
8145085	9842	3508321474	103 JACK 2-6	LOVELL	82.9	EASON OIL CO
-GETTY OIL COMPANY			RECEIVED: 08/04/81 JA: OK			
*8145111	09816	3513722449	103 TEMPLES UNIT WELL NO 2 (SYCAMORE)	SHO-VEL-TUM	255.0	OKLAHOMA NATURAL
-HAMILTON BROTHERS OIL CO			RECEIVED: 08/07/81 JA: OK			
8145074	12013	3504520891	102-2 STATE NO 1-36	WILDCAT	1000.0	MICHIGAN WISCONSI
-HARPER OIL COMPANY			RECEIVED: 08/04/81 JA: OK			
8145117	13135	3501500000	107-DP CHADRISTAH #1	WILDCAT	365.0	
-HAWKINS OIL & GAS INC			RECEIVED: 08/04/81 JA: OK			
8145125	09631	3500721927	103 BLAKEMORE 1-35	DOMBEY	50.0	KANSAS NEBRASKA N
-HAZLEWOOD OIL & GAS CO			RECEIVED: 08/04/81 JA: OK			
8145098	10005	3513722317	103 PRESLEY NO 1	SHO-VEL-TUM	5.8	
8145126	10003	3513722514	103 RINGER NO 1	SHO-VEL-TUM	72.0	

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JD NO	JA INT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-JAKE L HAMON						RECEIVED: 08/04/81 JA: OK			
8145122	09755	3504321090		103		LADD NO 1	CESTOS (CHESTER)	274.0	DELHI GAS PIPELIN
-JET OIL COMPANY						RECEIVED: 08/04/81 JA: OK			
8145124	09874	3508121106		103		DONAHOO #1	W RED MOUND	146.0	SUN GAS CO
-KAISER-FRANCIS OIL COMPANY						RECEIVED: 08/07/81 JA: OK			
8145072	12015	3503920367		102-4		HORTON #1	ANTHON	360.0	ARKANSAS LOUISIAN
8145072	12015	3503920367		103		HORTON #1	ANTHON	360.0	ARKANSAS LOUISIAN
-MACKELLAR INC						RECEIVED: 08/04/81 JA: OK			
8145107	10031	3507322765		103		CLARK #1	SOONER TREND	0.0	CITIES SERVICE GA
-MAY PETROLEUM INC						RECEIVED: 08/04/81 JA: OK			
8145106	10670	3505121051		102-2		BARNETT #1 (015-66147)		547.5	MICHIGAN WISCONSI
8145106	10670	3505121051		103		BARNETT #1 (015-66147)		547.5	MICHIGAN WISCONSI
-MILLER & STANLEY OPERATING CO						RECEIVED: 08/07/81 JA: OK			
8145078	10126	3500900000		108		CHICK #1	SOUTH ERICK	11.0	EL PASO NATURAL G
-MUSHROOM OIL CO						RECEIVED: 08/04/81 JA: OK			
8145108	10945	3514721651		102-2		MOORE B NO 4	WILDCAT	72.0	CITIES SERVICE GA
-NIXON-DAVIS ENERGY CO INC						RECEIVED: 08/04/81 JA: OK			
8145109	07847	3508321349		103		NOWLIN #1	WEST MULHALL	50.0	EASON OIL CO
-PETROLEUM INC						RECEIVED: 08/04/81 JA: OK			
8145115	11479	3513921332		102-4		JOLIFFE #35/36	CAMRICK	200.0	PANHANDLE EASTERN
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 08/04/81 JA: OK			
8145102	09956	3501121505		103		CONNELLY TRUST A #1		0.0	OKLA NATURAL GAS
8145100	09958	3505121007		103		FOLSOM A #1		0.0	
8145101	09957	3501721751		103		SCHWEITZER A #1		0.0	
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 08/07/81 JA: OK			
8145086	09875	3501702068		108		NIEMAN C #1		0.0	OKLAHOMA GAS & EL
-RICKS EXPLORATION CO						RECEIVED: 08/07/81 JA: OK			
8145070	12056	3515321096		102-4		BURKHART 11A	N E MOORELAND	1215.0	PANHANDLE EASTERN
8145070	12056	3515321096		103		BURKHART 11A	N E MOORELAND	1215.0	PANHANDLE EASTERN
-ROBERT P MESS						RECEIVED: 08/07/81 JA: OK			
8145096	09510	3511100000		108		REYNOLDS #1	MORRIS	27.0	PHILLIPS PETROLEU
-RODMAN PETROLEUM CORP						RECEIVED: 08/04/81 JA: OK			
8145118	11233	3508321509		102-2		BAKER #27-1	EAST MERIDIAN	151.0	CITIES SERVICE GA
-SANTA FE ENERGY PRODUCTS CO						RECEIVED: 08/07/81 JA: OK			
8145076	13236	3505120995		107-DP		GRAHAM #1		266.0	SOUTHERN NATURAL
-SEARCH DRILLING CO						RECEIVED: 08/04/81 JA: OK			
8145114	09942	3500721909		103		JACKSON #2-24	BALKO	82.8	INTERNORTH INC
-SERVICE DRILLING CO						RECEIVED: 08/04/81 JA: OK			
8145119	10991	3507122203		102-2		GRAHAM #1-19	W SHIDLER	0.0	CITIES SERVICE GA
-TENNECO OIL COMPANY						RECEIVED: 08/07/81 JA: OK			
8145081	10032	3515300000		108		ANTIS 1-20	VICI	4.0	NORTHERN NATURAL
-TEXAS OIL & GAS CORP						RECEIVED: 08/07/81 JA: OK			
8145071	11996	3500721686		102-4		SMYRES #1	E LORENA	199.0	WESTERN GAS INTRA
-THE GHK COMPANY						RECEIVED: 08/07/81 JA: OK			
8145069	13014	3500920365		107-DP		RICE 1-35	EAST ELK CITY	4781.0	
-TOWNER PETROLEUM CO						RECEIVED: 08/04/81 JA: OK			
8145105	09812	3509321943		103		JORDAN #6-3		70.0	PHILLIPS PETROLEU
-UNIVERSAL RESOURCES CORPORATION						RECEIVED: 08/07/81 JA: OK			
8145077	10058	3507322617		103		CHANNEL #1-31	SOONER TREND	167.9	CITIES SERVICE GA
8145082	10037	3507322724		103		LEWIS #1-16	SOONER TREND	102.2	CITIES SERVICE GA
8145083	10038	3507322756		103		PETERS #1-25	SOONER TREND (MISS LIM)	89.4	PHILLIPS PETROLEU
-WHITSON OIL CO INC						RECEIVED: 08/04/81 JA: OK			
8145104	09661	3510120391		108		COOK 1-11 101 56986	COOK	1.6	PHILLIPS PETROLEU

JD NO	JURISDICT	API NO	E SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES							
-BENEDUM INTERESTS			RECEIVED: 08/10/81 JA: PA				
8144977	8412	3706322197	108	C E STRICKLAND #1	INDIANA	9.0	PEOPLES NATURAL G
8144976	8411	3706322300	108	C E STRICKLAND #2	INDIANA	10.0	PEOPLES NATURAL G
8144983	8418	3706320778	108	CLAIR L DUNCAN #1	CRETE	13.0	PEOPLES NATURAL G
8144980	8415	3706322302	108	DONNA L FETTERMAN #1	PARKWOOD	18.0	PEOPLES NATURAL G
8144969	8424	3706322209	108	GLENN E CAMPBELL #1	INDIANA	9.0	PEOPLES NATURAL G
8144978	8413	3706322210	108	JOSEPH NUDGE #1	INDIANA	13.0	PEOPLES NATURAL G
8144985	8420	3706320740	108	L A ANDERSON #1	CRETE	3.0	PEOPLES NATURAL G
8144984	8419	3706320760	108	L A ANDERSON #2	CRETE	6.0	PEOPLES NATURAL G
8144982	8417	3706320878	108	L F MCVITTY #1	CRETE	11.0	PEOPLES NATURAL G
8144988	8423	3706322636	108	NED B GLESSNER #2	INDIANA	10.0	PEOPLES NATURAL G
8144990	8425	3706322262	108	PAUL BAIR #1	PARKWOOD	14.0	PEOPLES NATURAL G
8144986	8421	3706322637	108	PAUL J BAIR #2	PARKWOOD	10.0	PEOPLES NATURAL G
8144979	8414	3706322303	108	ROBERT C BROWN #1	INDIANA	18.0	PEOPLES NATURAL G
8144981	8416	3706322257	108	ROY MILLEN #1	PARKWOOD	14.0	PEOPLES NATURAL G
8144987	8422	3706322296	108	V C L & T C #1	INDIANA	4.0	PEOPLES NATURAL G
-BITTINGER - BARRETT LEASEHOLD			RECEIVED: 08/10/81 JA: PA				
8144991	8469	3706324500	108	DAVID L BONACCI #1	WEST MAHONING	8.0	PEOPLES NATURAL G
8144993	8471	3706323509	108	J ELMER ELKIN #1	WEST MAHONING	8.0	PEOPLES NATURAL G
8144994	8473	3706300000	108	J ELMER ELKIN #3	WEST MAHONING	8.0	PEOPLES NATURAL G
8144992	8470	3706324027	108	R E BARRETT #1	WEST MAHONING	8.0	PEOPLES NATURAL G
-CASTLE GAS CO INC			RECEIVED: 08/10/81 JA: PA				
8144995	8387	3706324614	108	J B COY #1 (C-541) IND-24614	CENTER TOWNSHIP	18.5	COLUMBIA GAS TRAN
8145007	8399	3706323911	108	R&P COAL CO A H MIKESELL #1 (C-445	WHITE TWP	17.6	COLUMBIA GAS TRAN
8144999	8391	3706324657	108	R&P COAL CO D KRIBBS #6 (C-546)	CENTER TOWNSHIP	18.0	COLUMBIA GAS TRAN
8145001	8393	3706323883	108	R&P COAL CO F M LOWRY #1 (C-442)	WHITE TOWNSHIP	16.9	COLUMBIA GAS TRAN
8145002	8394	3706323884	108	R&P COAL CO F M LOWRY #2 (C-443)	WHITE TOWNSHIP	16.9	COLUMBIA GAS TRAN
8145003	8395	3706323909	108	R&P COAL CO F M LOWRY #3 (C-444)	WHITE TOWNSHIP	17.0	COLUMBIA GAS TRAN
8145004	8396	3706323913	108	R&P COAL CO F M LOWRY #4 (C-450)	WHITE TOWNSHIP	16.9	COLUMBIA GAS TRAN
8145005	8397	3706324073	108	R&P COAL CO F M LOWRY #5 (C-471)	WHITE TOWNSHIP	17.1	COLUMBIA GAS TRAN
8145006	8398	3706324074	108	R&P COAL CO F M LOWRY #6 (C-472)	CENTER TWP	17.0	COLUMBIA GAS TRAN
8145000	8392	3706324525	108	R&P COAL CO J O LEWIS #1 (C-523)	WHITE TOWNSHIP	14.3	COLUMBIA GAS TRAN
8145008	8400	3706324198	108	R&P COAL CO J PHILLIPS EST 1 C-496	CENTER TOWNSHIP	13.5	COLUMBIA GAS TRAN
8144997	8389	3706323973	108	R&P COAL CO W J GUTHRIE #2 (C-453)	WHITE TOWNSHIP	16.7	COLUMBIA GAS TRAN
8144998	8390	3706324156	108	R&P COAL CO W J GUTHRIE #3 (C-489)	CENTER TOWNSHIP	15.9	COLUMBIA GAS TRAN
8144996	8388	3706323908	108	W J GUTHRIE #1 (C-445) IND-23908	WHITE TOWNSHIP	16.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 08/10/81 JA: PA				
8145014	8432	3703321063	103	ALDEN BECK WN-1843	BURNSIDE TOWNSHIP	10.6	GENERAL SYSTEM PU
8145013	8301	3706326172	103	GERTRUDE WILLIAMS WN-1841	MONTGOMERY	0.0	GENERAL SYSTEM PU
8145010	8297	3703321039	103	JOSEPH D TONKIN WN-1831	BURNSIDE	1.7	GENERAL SYSTEM PU
8145011	8297	3703321040	103	JOSEPH D TONKIN WN-1832	BURNSIDE	11.1	GENERAL SYSTEM PU
8145015	8433	3703321078	103	PAUL BOWDEN WN-1844	BURNSIDE TOWNSHIP	28.9	GENERAL SYSTEM PU
8145012	8299	3706326180	103	SAMUEL POWELL WN-1840	MONTGOMERY	0.0	GENERAL SYSTEM PU
8145016	1502	3706300000	108	WILLIAM CRAWFORD N-1101	ARMSTRONG 025073	0.8	GENERAL SYSTEM PU
-DELTA DRILLING CO			RECEIVED: 08/10/81 JA: PA				
8145020	8405	3706321762	108	E D CLOWSER #1	MAHONING SOUTH	7.8	PEOPLES NATURAL G
8145018	8403	3706322190	108	FLEMING #2	CREEKSIDE SW	6.7	PEOPLES NATURAL G
8145019	8403	3706322639	108	FYOCK #2	CREEKSIDE SW	21.0	PEOPLES NATURAL G
8145017	8401	3706321954	108	MUSSERS FORESTS #1	CREEKSIDE SW	19.4	PEOPLES NATURAL G
8145021	8406	3706322638	108	NICK ERNICK #1	CREEKSIDE SW	21.5	PEOPLES NATURAL G

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JOB NO	JOB EXT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145023	8438	3706322227		108		R C CHAPMAN #1	CREEKSIDE SW	9.9	PEOPLES NATURAL G
8145022	8407	3706322191		108		R HAWKHURST #1	CREEKSIDE SW	7.0	PEOPLES NATURAL G
8145024	8409	3706322189		108		SAM TRIMARCHI #1	CREEKSIDE SW	8.9	PEOPLES NATURAL G
-EARL M RICHARDS				RECEIVED: 08/10/81 JA: PA					
8145042	8476	3700520940		108		ALTMIRE #1	RORING RUN	6.3	PEOPLES NATURAL G
8145043	8477	3700520118		108		DALE BOYER #1	BLANCO	1.3	PEOPLES NATURAL G
8145049	8486	3700500000		108		IRENE FULTON #1	SPRING CHURCH	2.9	PEOPLES NATURAL G
8145046	8481	3706321523		108		J CLOID RINN	CREEKSIDE	1.9	PEOPLES NATURAL G
8145048	8485	3700500000		108		JAMES S MCMARTNEY	RORING RUN	0.0	PEOPLES NATURAL G
8145045	8480	3712720205		108		MCCAULEY #1	SALTSBURG	4.1	PEOPLES NATURAL G
8145050	8487	3700500000		108		SHULL #1	SPRING CHURCH	1.9	PEOPLES NATURAL G
8145047	8483	3700500000		108		SLOAN #1	RORING RUN	3.8	PEOPLES NATURAL G
8145044	8479	3700520155		108		VERNON BOYER #4	BLANCO	2.1	PEOPLES NATURAL G
-EMPIRE DRILLING CO				RECEIVED: 08/10/81 JA: PA					
8145026	8466	3706322740		108		DIXON #1	DIXON (ORVILLE G DIXON)	7.5	PEOPLES NATURAL G
8145025	8465	3706322579		108		LEISENRING #1	JAMES LEISENRING	0.0	PEOPLES NATURAL G
-FAIRMAN DRILLING CO				RECEIVED: 08/10/81 JA: PA					
8145027	2921	3706324097		108		CARL HENRY NO 1 F-2012	RICHMOND	21.0	CONSOLIDATED GAS
8145029	8493	3700521617		108		JOHN ZACZYK HEIRS NO 1 F-1004	PLUMVILLE	19.0	PEOPLES NATURAL G
8145028	8459	3706324296		108		LAYARD GASTON NO 2 F-1022	RICHMOND	22.0	CONSOLIDATED GAS
-GAIL B CLARE				RECEIVED: 08/10/81 JA: PA					
8145009	8426	3700500000		108		R BOWSER #28118 OUTSIDE WELL	MANOR	2.7	PEOPLES NATURAL G
-GOAL DRILLING CO				RECEIVED: 08/10/81 JA: PA					
8145034	8431	3703120153		108		H R KELLY #52	CLARION	4.3	PEOPLES NATURAL G
8145033	8430	3703120197		108		H R KELLY #53	CLARION	4.3	PEOPLES NATURAL G
8145032	8429	3703120028		108		P WOMELDORF #20	CLARION	3.6	PEOPLES NATURAL G
8145031	8428	3703120048		108		P WOMELDORF #22	CLARION	3.0	PEOPLES NATURAL G
8145030	8427	3703120068		108		P WOMELDORF #31	CLARION	3.0	PEOPLES NATURAL G
-ORVIS A HOLLOBAUGH				RECEIVED: 08/10/81 JA: PA					
8145035	8393	3700520767		108		HOLLOBAUGH NO 1	DISTANT	1.3	COLUMBIA GAS TRAN
8145037	8395	3700520970		108		HOLLOBAUGH NO 2	DISTANT	1.3	COLUMBIA GAS TRAN
8145036	8394	3700520990		108		HOLLOBAUGH NO 3	DISTANT	1.3	COLUMBIA GAS TRAN
-PEOPLES NATURAL GAS CO				RECEIVED: 08/10/81 JA: PA					
8145039	8463	3706325463		103		FRED MUSSER #1 5467	RAYNE TOWNSHIP	0.0	COLUMBIA GAS TRAN
8145038	8462	3706325408		103		H D FAIR #1 (5462)	RAYNE TOWNSHIP	0.0	COLUMBIA GAS TRAN
-PHILLIPS PRODUCTION CO				RECEIVED: 08/10/81 JA: PA					
8145041	8475	3706326243		103		GEORGE L CHRISTY #1	CANOE	35.0	
8145040	8373	3703321084		103		JOHN VINCENT FERGUSON ET UX #1	LUMBER CITY BORE	25.0	
-UNION DRILLING INC				RECEIVED: 08/10/81 JA: PA					
8145054	8340	3706326005		103		GILBERT ZILNER ET AL #1 0732	CHERRYHILL TWP	0.0	COLUMBIA GAS TRAN
8145052	8338	3706325767		103		HENRY DEABENDERFER #1 0727	CHERRYHILL TWP	0.0	COLUMBIA GAS TRAN
8145053	8339	3706325774		103		ROBERT B BARCLAY #1 0726	CHERRYHILL TWP	0.0	COLUMBIA GAS TRAN
-VICTORY DEVELOPMENT CO				RECEIVED: 08/10/81 JA: PA					
8145063	8450	3706321140		108		BEERS #3 IND-1140	BEERS	11.5	PEOPLES NATURAL G
8145062	8449	3700520271		108		BIRDELL ARM-271 #1	BIRDELL	1.5	PEOPLES NATURAL G
8145064	8451	3700520422		108		FRACCHIA #1 ARM-422	FRACCHIA	5.8	PEOPLES NATURAL G
8145065	8452	3706320483		108		FRACCHIA #2 ARM-483	FRACCHIA	6.0	PEOPLES NATURAL G
8145061	8448	3706320348		108		GEORGE #2 IND-348	GEORGE	2.5	PEOPLES NATURAL G
8145056	8441	3706320929		108		GEORGE #3 IND-929	GEORGE	7.0	PEOPLES NATURAL G
8145057	8443	3700520987		108		H K BELL ARM-987	H K BELL	7.0	PEOPLES NATURAL G
8145055	8440	3706320347		108		KERR #1 IND-347	KERR	4.7	PEOPLES NATURAL G
8145060	8446	3700521119		108		MCCULLOUGH #2 ARM-1119 R	MCCULLOUGH	6.0	PEOPLES NATURAL G
8145059	8445	3700521208		108		MCCULLOUGH #3 ARM-1208 R	MCCULLOUGH	6.0	PEOPLES NATURAL G

JD	DA RT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145058	8444	3700521266		108		MCCULLOUGH #4 ARM-1266 D	MCCULLOUGH	5.3	PEOPLES NATURAL G
8145066	8453	3706320710		108		RINN (J F JONES #2) IND-710	RINN (J F JONES #2)	4.0	PEOPLES NATURAL G
-W R TUSTIN				RECEIVED: 08/10/81 JA: PA					
8145051	8439	3705900000		108		W R TUSTIN #1	GILMORE TOWNSHIP	2.2	PEOPLES NATURAL G
-ZENITH EXPLORATION COMPANY				RECEIVED: 08/10/81 JA: PA					
8145067	8454	3712521349		103		AUDREY HILLMAN HILLIARD ET AL #2	SMITH	27.0	

OTHER PURCHASERS

8145088	CHASE GATHERING SYSTEMS
8145090	CHASE GATHERING SYSTEMS
8145091	CHASE GATHERING SYSTEMS
8145092	CHASE GATHERING SYSTEMS
8145097	CHASE GATHERING SYSTEMS
8145111	LONE STAR GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old 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.

[FR Doc. 81–25771 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 26, 1981.

JD. NO.	DA. DKT.	FED. NO.	E SEC CAT	WELL NAME	FIELD NAME	PROD.	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION							
-QUINTANA PETROLEUM CORP			RECEIVED: 08/05/81 JA: CA				
8145153	81-4-C062	0402961915	103	USA #18-1 (PERMITTED AS THE USA #1)	BUENA VISTA	36.5	ARCO OIL & GAS CO
KENTUCKY DEPARTMENT OF MINES & MINERALS							
-ALAN S SMITH			RECEIVED: 08/13/81 JA: KY				
8145198	502300	1605100000	103	BURCHELL 1		0.0	COLUMBIA GAS TRAN
8145199	502301	1605100000	103	CAUDILL & JACKSON 1		0.0	COLUMBIA GAS TRAN
8145200	502302	1605100000	103	JACKSON 1 (G)		0.0	COLUMBIA GAS TRAN
8145197	502299	1605100000	103	KEITH 1		0.0	COLUMBIA GAS TRAN
8145196	502298	1605100000	103	SMITH & HOSKINS 1		0.0	COLUMBIA GAS TRAN
8145195	502297	1605100000	103	STEWART 1 (G)		0.0	COLUMBIA GAS TRAN
-APPALACHIAN NATURAL GAS CORP			RECEIVED: 08/13/81 JA: KY				
8145192	502294	1612700000	107-DV	APPALACHIAN NO 1 - PERMIT 42098	APPALACHIAN NO 1 (RIDGEW	36.0	COLUMBIA GAS TRAN
-BRADCO OIL CO			RECEIVED: 08/13/81 JA: KY				
8145171	500118	1607100000	108	J B BOYD HEIRS #1 PERMIT #11191	APPLACHIAN	12.0	COLUMBIA GAS TRAN
8145169	500110	1607100000	108	L B HOLBROOK #1 PERMIT #33391	APPLACHIAN	10.0	INLAND GAS CO INC
8145206	502308	1607100000	107-DV	L B HOLBROOK #1 PERMIT #33391	APPLACHIAN	10.0	INLAND GAS CO
8145170	500111	1615900000	108	RALPH FITZPATRICK #1 PERMIT #32676	APPLACHIAN	13.0	COLUMBIA GAS TRAN
8145188	502290	1615900000	107-DV	RALPH FITZPATRICK #1 PERMIT #32676	APPLACHIAN	13.0	COLUMBIA GAS TRAN
-BRADLEY DRILLING CO			RECEIVED: 08/13/81 JA: KY				
8145207	502309	1607100000	107-DV	J B BOYD HEIRS #1 PERMIT #11191	APPLACHIAN	12.0	COLUMBIA GAS TRAN
-CONTROLLED RESOURCES OIL & GAS CORP			RECEIVED: 08/13/81 JA: KY				
8145174	501992	1615900000	108	B A RICE ESTATE C70-5 (16305)	BRUSHY CREEK	3.0	COLUMBIA GAS TRAN
8145213	502315	1619500000	108	DEWEY ELKINS HEIRS #34630	PIKE COUNTY KENTUCKY CAR	12.0	COLUMBIA GAS TRAN
8145216	502318	1615900000	103	JAMES S MUNCY 79-1	MEATHOUSE	30.0	COLUMBIA GAS TRAN
8145217	502319	1615900000	103	JAMES S MUNCY 79-2	MEATHOUSE	7.0	COLUMBIA GAS TRAN
8145178	502280	1615900000	103	P P MCCOY 80-15	WOLF CREEK	90.0	COLUMBIA GAS TRAN
8145175	501993	1619500000	108	S WILLIAMSON EX 2	BRUSHY CREEK	3.8	COLUMBIA GAS TRAN
-EQUITABLE LIFE ASSURANCE SOCIETY			RECEIVED: 08/13/81 JA: KY				
8145218	502320	1606142458	107-DV	EQUITABLE/DENVIL JOHNSON #1	SHREWSBERRY GAS FIELD	7.0	MIDWESTERN GAS TR
8145220	502322	1608542469	107-DV	EQUITABLE/HERMAN NASH #2	SHREWSBERRY GAS FIELD	9.0	MIDWESTERN GAS TR
8145187	502289	1608540779	107-DV	EQUITABLE/SHELBY MUDD #1	SHREWSBERRY GAS FIELD	8.0	MIDWESTERN GAS TR
8145219	502321	1608542645	107-DV	EQUITABLE/TRAVIS KERR #2	SHREWSBERRY GAS FIELD	14.0	MIDWESTERN GAS TR
-FALCON ENERGY INC			RECEIVED: 08/13/81 JA: KY				
8145186	502288	1615900000	107-DV	FE #1		28.0	
-GLENN C SPRADLIN			RECEIVED: 08/13/81 JA: KY				
8145204	502306	1619500000	107-DV	GEORGE HARP WELL #1	APPLACHIAN	20.0	COLUMBIA GAS TRAN
8145201	502303	1611900000	107-DV	IDA DAVIS WELL #1	APPLACHIAN	5.0	COLUMBIA GAS TRAN
8145202	502304	1611900000	107-DV	IDA DAVIS WELL #2	APPLACHIAN	5.0	COLUMBIA GAS TRAN
8145203	502305	1611900000	107-DV	MILES HOPKINS #1	APPLACHIAN	9.0	COLUMBIA GAS TRAN

JD NO	JA KY	API NO	T	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-HAR-KEN OIL COMPANY				RECEIVED: 08/13/81 JA: KY				
8145210	502312	1610700000		102-2	BRADBURY ET AL UNIT #1	MT CARMEL CHURCH	0.0	ANACONDA ALUMINUM
8145211	502313	1610700000		102-2	OLIVER HUNT-RICHARD CRICK NO 1	MT CARMEL CHURCH	85.0	ANACONDA ALUMINUM
8145212	502314	1610700000		102-2	VIRGINIA & HARLON NEATHERY NO 2	MT CARMEL CHURCH	85.0	ANACONDA ALUMINUM
-NOXXE CO				RECEIVED: 08/13/81 JA: KY				
8145173	500120	1607100000		108	ROLLA M HALL #1 PERMIT #33150	APPLACHIAN	12.0	COLUMBIA GAS TRAN
8145191	502293	1607100000		107-DV	ROLLA M HALL #1 PERMIT #33150	APPLACHIAN	12.0	COLUMBIA GAS TRAN
8145189	502291	1607100000		107-DV	RUSSELL FRASURE #1	APPLACHIAN	12.0	COLUMBIA GAS TRAN
8145190	502292	1607100000		108	RUSSELL FRAZURE #1	APPLACHIAN	12.0	COLUMBIA GAS TRAN
-PLATEAU RESOURCE DEVELOPMENT CORP				RECEIVED: 08/13/81 JA: KY				
8145194	502296	1615900000		107-DV	DON & KATHERINE CLINE WELL NO PR 5	EASTERN KENTUCKY	3.6	COLUMBIA GAS TRAN
8145193	502295	1615900000		107-DV	J E JUDE ET AL WELL NO PR-4	EASTERN KENTUCKY	11.0	COLUMBIA GAS TRAN
-R E RILEY & THADEUS SCOTT				RECEIVED: 08/13/81 JA: KY				
8145214	502316	1619500000		107-DV	CITY PARK WELL #1	PIKE	11.0	CITY OF PIKEVILLE
8145215	502317	1619500000		107-DV	MAUD CLINE YOST WELL #1		28.0	CITY OF PIKEVILLE
-S F BRADLEY				RECEIVED: 08/13/81 JA: KY				
8145172	500119	1615900000		108	Z FANNIN #2 PERMIT #15042	APPLACHIAN	3.0	COLUMBIA GAS TRAN
8145205	502307	1615900000		107-DV	Z FANNIN #2 PERMIT #15042	APPLACHIAN	3.0	COLUMBIA GAS TRAN
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 08/13/81 JA: KY				
8145209	502311	1617500000		107-DV	LOWELL HOPKINS #1	WILDCAT	36.0	
8145208	502310	1617500000		107-DV	WALTER MCCLAIN #1	WILDCAT	22.0	
-W W LINDSEY				RECEIVED: 08/13/81 JA: KY				
8145185	502287	1611900000		107-DV	FIELDIX KING (KING-BREEDING WELL)		17.0	KENTUCKY WEST VIR
-W W LINDSEY & W E ELLIOTT				RECEIVED: 08/13/81 JA: KY				
8145184	502286	1619500000		108	CHARLES H ELLIOTT (ELLIOTT-HOBBS)		6.0	KENTUCKY WEST VIR
8145182	502284	1619500000		107-DV	GUS KEATHLEY (ARMSTRONG-KEATHLEY)		6.0	KENTUCKY WEST VIR
8145183	502285	1619500000		108	JOE WRIGHT WELL		3.0	KENTUCKY WEST VIR
8145179	502281	1613300000		107-DV	JOSEPH GILLESPIE ETAL #2 (DEANE #2)		2.0	KENTUCKY WEST VIR
8145180	502282	1613300000		107-DV	LETCHER COUNTY COAL & IMPROVEMENT		5.0	KENTUCKY WEST VIR
8145181	502283	1619500000		107-DV	MYRTLE HOWARD (HUGHES-HOWARD WELL)		7.0	KENTUCKY WEST VIR
-WHITELAND PETROLEUM CORP				RECEIVED: 08/13/81 JA: KY				
8145176	502232	1612700000		107-DV	FITCH #1	JERRY LEE FITCH	12.0	COLUMBIA GAS TRAN
8145177	502233	1612700000		107-DV	WALBRIDGE #1	WALBRIDGE #1	12.0	COLUMBIA GAS TRAN
**********								
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
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-ADOBE OIL & GAS CORPORATION				RECEIVED: 08/13/81 JA: PA				
8145222	8512	3706325024		103	HARRY RAY #1	CLYMER	25.0	COLUMBIA GAS TRAN
8145221	8511	3706325026		103	HARRY W RAY ESTATE 1-A	CLYMER	22.0	COLUMBIA GAS TRAN
-C & C TROYER BROTHERS				RECEIVED: 08/13/81 JA: PA				
8145227	8508	3704920972		102-2	BRICE MILLER #1 (#20)	WATERFORD	12.0	NATIONAL FUEL GAS
8145224	8504	3704921173		102-2	C AUSTIN #1 (#33)	EDINBORO	12.0	NATIONAL FUEL GAS
8145226	8506	3704921125		102-2	I O MURPHY #1 (#31)	EDINBORO	25.0	NATIONAL FUEL GAS
8145225	8505	3704921169		102-2	P WALKER #1 (#32)	EDINBORO	16.0	NATIONAL FUEL GAS
8145223	8503	3704921331		102-2	WILLIAM & DONALD KUHN #1 (36)	EDINBORO	15.0	NATIONAL FUEL GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 08/13/81 JA: PA				
8145253	8559	3703320662		103	A J PALUMBO WN-1647	HUSTON	5.8	GENERAL SYSTEM PU
8145231	8626	3703321063		102-2	ALDEN BECK WN-1843	BURNSIDE	0.0	GENERAL SYSTEM PU
8145270	8536	3706521070		108	ANTHONY J DESTEFAN WN-1348	HENDERSON TOWNSHIP	0.1	GENERAL SYSTEM PU
8145234	8540	3703320861		103	ARMAND D ELLINGER WN-1749	BRADY	12.4	GENERAL SYSTEM PU
8145256	8562	3706521656		103	AUGUST WERNER WN-1632	MCCALMONT	36.8	GENERAL SYSTEM PU
8145255	8561	3706521581		103	CLAIR G LONDON WN-1634	YOUNG	11.0	GENERAL SYSTEM PU
8145252	855R	3703320689		103	CLARENCE A KEISER JR ET AL WN-1650	PENN	10.1	GENERAL SYSTEM PU

JOB NO	JA/PA/KT	API NO	T	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145257	8563	3704720488		103		CONSOLIDATED GAS SUPPLY WN-1623	FOX	8.7	GENERAL SYSTEM PU
8145236	8542	3706521732		103		CORA D SCHAFFER WN-1742	HENDERSON	19.4	GENERAL SYSTEM PU
8145242	8548	3706521688		103		D W HENRY WN-1711	PERRY	14.6	GENERAL SYSTEM PU
8145263	8569	3703320626		103		DUBOIS DEPOSIT NATL BANK WN-1573	BRADY	32.4	GENERAL SYSTEM PU
8145239	8545	3703320847		103		EFFIE GRAPE WN-1738	BRADY	33.5	GENERAL SYSTEM PU
8145247	8553	3706324058		103		FLOYD E SCHROCK WN-1685	NO MAHONING	17.9	GENERAL SYSTEM PU
8145254	8560	3706521555		103		FRANCIS J KOELLER WN-1642	MCCALMONT	5.3	GENERAL SYSTEM PU
8145238	8544	3703320848		103		FRANK A KNARR WN-1739	BELL	110.0	GENERAL SYSTEM PU
8145258	8564	3706521443		103		G W PHILLIPS WN-1611	MCCALMONT	5.1	GENERAL SYSTEM PU
8145260	8566	3706521408		103		IDILO CATIVERA WN-1606	WINSLOW	65.7	GENERAL SYSTEM PU
8145233	8510	3703321081		103		J L DUMM WN-1847	BURNSIDE	19.4	GENERAL SYSTEM PU
8145264	8570	3706521412		103		JACKSON H SHEPLER WN-1572	HENDERSON	7.6	GENERAL SYSTEM PU
8145235	8541	3703320862		103		JAMES MITCHELL EST WN-1746	BELL	8.8	GENERAL SYSTEM PU
8145251	8557	3706521514		103		JOE B LONDON WN-1654	MCCALMONT	12.4	GENERAL SYSTEM PU
8145229	8580	3702120099		102-2		JOHN BAKER WN-1846	SUSQUEHANNA	0.0	GENERAL SYSTEM PU
8145248	8554	3706521525		103		JOHN MASLOWSKI WN-1670	MCCALMONT	16.1	GENERAL SYSTEM PU
8145237	8543	3706521718		103		JOHN R MASLOWSKI WN-1740	MCCALMONT	4.3	GENERAL SYSTEM PU
8145232	8469	3706325826		103		JOSEPH VEMOVIC WN-1836	PINE	47.5	GENERAL SYSTEM PU
8145261	8567	3706521402		103		JOYCE L REDDING WN-1605	BELL	9.7	GENERAL SYSTEM PU
8145262	8568	3703320631		103		LOIS G SQUIRES WN-1585	BLOOM	2.0	GENERAL SYSTEM PU
8145228	8579	3703321083		102-2		P DUMM WN-1845	BURNSIDE	0.0	GENERAL SYSTEM PU
8145309	8460	3703321083		103		P DUMM WN-1845	BURNSIDE	64.6	GENERAL SYSTEM PU
8145230	8625	3703321078		102-2		PAUL BOWDEN WN-1844	BURNSIDE	0.0	GENERAL SYSTEM PU
8145259	8565	3703320630		103		PIRL DUSH WN-1609	BRADY	10.7	GENERAL SYSTEM PU
8145266	8572	3706521658		103		R & P COAL CO WN-1564	MCCALMONT	8.8	GENERAL SYSTEM PU
8145250	8556	3706521499		103		R & P COAL UNIT WN-1657	MCCALMONT	18.8	GENERAL SYSTEM PU
8145245	8551	3706521662		103		R&P COAL CO WN-1700	MCCALMONT	18.4	GENERAL SYSTEM PU
8145240	8546	3706521703		103		RICHARD LINGENFELTER WN-1715	OLIVER	8.8	GENERAL SYSTEM PU
8145246	8552	3703320832		103		ROBERT A MILLS WN-1696	BELL	18.4	GENERAL SYSTEM PU
8145269	8490	3706521761		108		ROBERT V MAINE WN-1703	GASKILL TOWNSHIP	10.8	GENERAL SYSTEM PU
8145265	8571	3706521445		103		ROCHESTER & PITTSB COAL CO WN-1566	MCCALMONT	41.5	GENERAL SYSTEM PU
8145241	8547	3703320834		103		ROSE M BARNES WN-1712	PENN	3.7	GENERAL SYSTEM PU
8145243	8549	3703320851		103		RUTH ZEITLOW WN-1710	BRADY	3.8	GENERAL SYSTEM PU
8145244	8550	3703320843		103		VICTOR D SCHINDLEY WN-1709	BRADY	5.3	GENERAL SYSTEM PU
8145249	8555	3706521523		103		WALTER G DAUGHENBAUGH WN-1668	PERRY	9.0	GENERAL SYSTEM PU
8145267	8573	3706521392		103		WALTER G DAUGHENBAUGH 1562	PERRY	2.1	GENERAL SYSTEM PU
8145268	8574	3706521292		103		WARD B KOUGHER WN-1523	WINSLOW	8.4	GENERAL SYSTEM PU
-DELTA DRILLING CO				RECEIVED: 08/13/81 JA: PA					
8145272	8585	3706326098		103		H WOLFE #1 IND 26098	BRADFORD SHALLOW	0.0	PEOPLES NATURAL G
8145273	8586	3706326037		103		K J MCCRACKEN #1 IND 26034	BRADFORD SHALLOW	0.0	PEOPLES NATURAL G
8145275	8588	3706326043		103		M GRESKO #1 IND 26043	BRADFORD SHALLOW	0.0	PEOPLES NATURAL G
8145274	8587	3706326085		103		W E MURDICK #1 IND 26085	BRADFORD SHALLOW	0.0	PEOPLES NATURAL G
8145271	8584	3706326108		103		W KOPCZYK #1 IND 26108	BRADFORD SHALLOW	0.0	PEOPLES NATURAL G
-DORAN & ASSOCIATES INC				RECEIVED: 08/13/81 JA: PA					
8145276	8630	3703320963		103		HARRIS UNIT #1 KM-5	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
8145277	8631	3703320994		103		R SEYLER #2 KM-6	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
-EARL M RICHARDS				RECEIVED: 08/13/81 JA: PA					
8145305	8482	3700520490		108		HAAS WELL #1	SPRING CHURCH	2.1	PEOPLES NATURAL G
8145307	8488	3700500000		108		RICHARDS - AMENT #2	SPRING CHURCH	2.0	PEOPLES NATURAL G
8145306	8484	3700500000		108		VERNON BOYER #2	BLANCO	1.0	PEOPLES NATURAL G
8145304	8478	3700520189		108		VERNON BOYER #5	BLANCO	1.0	PEOPLES NATURAL G
-ENVIROGAS INC				RECEIVED: 08/13/81 JA: PA					
8145278	8676	3704921222		102-4		L MORTON #1	WILDCAT	18.0	NATIONAL FUEL GAS

JOB #	JA FT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-EPSILON 1980 S T JOINT VENTURE			RECEIVED: 08/13/81 JA: PA				
8145279	8530	3706522293	103	1ST NATIONAL BANK REYNOLDSVILLE #1		0.0	NATIONAL FUEL GAS
-FAIRMAN DRILLING CO			RECEIVED: 08/13/81 JA: PA				
8145286	8516	3706321939	108	ARTHUR J PETERMAN NO 1 F-756	CREEKSIDE	4.0	PEOPLES NATURAL G
8145287	8517	3706321940	108	ARTHUR J PETERMAN NO 2 F-757	CREEKSIDE	4.0	PEOPLES NATURAL G
8145288	8518	3706321933	108	C ANDERSON NO 1 F-752	CREEKSIDE	6.0	PEOPLES NATURAL G
8145282	8494	3712920701	108	CHARLES MELENYZER NO 1 F-1051	WEBSTER	3.0	PEOPLES NATURAL G
8145285	8515	3706322331	108	HOWARD MANDIGO JR #1 F-935	CREEKSIDE	12.0	PEOPLES NATURAL G
8145284	8514	3706322375	108	JIMMY MANDELL NO 1 F-945	CREEKSIDE	9.0	PEOPLES NATURAL G
8145283	8513	3706322410	108	JOHN J CEROVICH NO 1 F-955	CREEKSIDE	12.0	PEOPLES NATURAL G
8145289	8519	3706321932	108	M LYDICK NO 1 F-753	CREEKSIDE	3.0	PEOPLES NATURAL G
8145280	8491	3706321988	108	RICHARD FLICKINGER NO 1 F-781	PLUMVILLE	3.0	PEOPLES NATURAL G
8145281	8492	3706322504	108	RICHARD FLICKINGER NO 2 F-1016	PLUMVILLE	3.0	PEOPLES NATURAL G
-H D HOUGH AGENT			RECEIVED: 08/13/81 JA: PA				
8145291	8578	3700522460	103	H D HOUGH DRILL PROJ 6 PATTERSON 3	RURAL VALLEY	12.0	PEOPLES NATURAL G
8145290	8577	3700522459	103	H D HOUGH DRILL PROJ 6 PATTERSON 4	RURAL VALLEY	15.0	PEOPLES NATURAL G
8145292	8575	3700521980	108	S C PATTERSON WELL NO 1	RURAL VALLEY	7.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC			RECEIVED: 08/13/81 JA: PA				
8145308	7817	3706324422	103	R & P COAL CO #1	YOUNG	200.0	T W PHILLIPS GAS
-MID-EAST OIL CO			RECEIVED: 08/13/81 JA: PA				
8145299	8609	3712921510	108	ANDREW STROSKO #1	MOUNT PLEASANT	6.7	PEOPLES NATURAL G
8145298	8608	3712921511	108	ANDREW STROSKO #2	MOUNT PLEASANT	6.7	PEOPLES NATURAL G
8145297	8612	3706325764	103	BLAINE MCADOO #2	ROCHESTER MILLS	13.0	PEOPLES NATURAL G
8145296	8610	3706324546	103	REED SPENCE #2	ERNEST	20.4	T W PHILLIPS GAS
8145300	8611	3706324547	108	REED SPENCE #3	ERNEST	12.0	T W PHILLIPS GAS
-P & G EXPLORATION INC			RECEIVED: 08/13/81 JA: PA				
8145301	8474	3706326034	103	DARRELL EVANS INC-26034	BRUSHVALLEY	15.0	COLUMBIA GAS TRAN
-PHILLIPS PRODUCTION CO			RECEIVED: 08/13/81 JA: PA				
8145302	6879	3706324771	108	WILLIAM A GEORGE ET AL #1	CENTER	7.0	COLUMBIA GAS TRAN
8145303	693R	3703320828	108	WILSON S HOYT ET AL #1	CENTER	18.0	CONSOLIDATED GAS
-ROBERT K MCGAHA			RECEIVED: 08/13/81 JA: PA				
8145293	8520	3700300000	108	D D STURGEON NO 1	BRADDOCK QUAD	1.3	PEOPLES NATURAL G
8145295	8522	3712900000	108	D D STURGEON NO 3	IRWIN QUAD	2.6	PEOPLES NATURAL G
8145294	8521	3700300000	108	UNION RAILROAD COMPANY NO 1	BRADDOCK QUAD	1.3	PEOPLES NATURAL G
-ZETA S T JOINT VENTURE 80			RECEIVED: 08/13/81 JA: PA				
8145311	8532	3706522188	103	GEORGE DAY #1		25.0	NATIONAL FUEL GAS
8145310	8531	3703321009	103	LEE #1		25.0	NATIONAL FUEL GAS
8145312	8533	3703321007	103	MUTH #1		25.0	NATIONAL FUEL GAS
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WEST VIRGINIA DEPARTMENT OF MINES							
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-NRM PETROLEUM CORPORATION			RECEIVED: 07/06/81 JA: WV				
8145149		4709701972	103	STORESTREET #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRAN
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** U.S. GEOLOGICAL SURVEY - DENVER,CO							
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-ARCO OIL AND GAS COMPANY			RECEIVED: 08/10/81 JA: CO 1				
8145157	CD 0242-81	0506706375	103	SOUTHERN UTE 32-2 33-8 (DK)	IGNACIO BLANCO	136.0	NORTHWEST PIPELIN
-COSEKA RESOURCES (USA) LIMITED			RECEIVED: 08/10/81 JA: CO 1				
8145161	CD 0247-81	0504506173	108	FEDERAL 2-T-2	WILDCAT	1.7	NORTHWEST PIPELIN
8145162	CD 0249-81	0510308184	108	TIAGA FEDERAL #12-J-22	THUNDER	10.9	NORTHWEST PIPELIN
8145160	CD 0246-81	0510308238	108	TIAGA FEDERAL #6-I-9-4S-102W	WILDCAT	4.0	NORTHWEST PIPELIN
8145164	CD 0250-81	0510308156	108	TIAGA FEDERAL 1-P-22	WILDCAT	2.7	NORTHWEST PIPELIN

8145163	CD 0248-81	0510308111	108		TIAGA FEDERAL 20-M-15-4S-102W	WILDCAT	9.0	NORTHWEST PIPELIN
8145165	CD 0251-81	0510308241	108		TIAGA FEDERAL 4-E-9-4S-102W	WILDCAT	1.8	NORTHWEST PIPELIN
-MITCHELL ENERGY CORPORATION			RECEIVED: 08/10/81 JA: CO 1					
8145158	CD 0235-81	0507708306	103		PERSIGO WASH UNIT #4-33-9-100	WILDCAT	55.0	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 08/10/81 JA: CO 1					
8145155	CD 0255-81	0506705715	108		NORTHWEST CEDAR HILLS 32-10 17	IGNACIO BLANCO MESAVERDE	21.0	NORTHWEST PIPELIN
-TENNECO OIL COMPANY			RECEIVED: 08/10/81 JA: CO 1					
8145159	CD 0068-81	0504506154	108		FEDERAL #21-3	SOUTH CANYON	14.0	WESTERN SLOPE GAS
8145167	CD0069-81	0504506160	108		FEDERAL #8-3	SOUTH CANYON	18.0	COLORADO INTERSTA
-TEXAS GAS EXPLORATION CORP			RECEIVED: 08/10/81 JA: CO 1					
8145168	CD 0216-81	0507708234	102-#		FEDERAL 14-24 WELL	BAR X	0.0	
-BELCO PETROLEUM CORPORATION			RECEIVED: 08/10/81 JA: UT 1					
8145156	UD 0244-81	4304730657	103		STAGECOACH 19-33	STAGECOACH	0.0	MOUNTAIN FUEL SUP
-CONOCO INC			RECEIVED: 08/10/81 JA: UT 1					
8145166	UD0051-80	4304730726	103		CONOCO JENKS ET AL 5 NO 11	OURAY	330.0	MOUNTAIN FUEL SUP
8145154	UD0057-80	4304730666	103		CONOCO UTE TRIBAL 35 NO 16	OURAY	200.0	MOUNTAIN FUEL SUP
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** DEPARTMENT OF ENERGY								
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-NAVAL PETROLEUM RESERVES IN CALIFOR			RECEIVED: 08/10/81 JA: CA 9					
*8145151		0402900000	102-2		4G - #353A	NAVAL PETROLEUM RESERVES	73.0	CHEVRON USA INC
*8145152		0402900000	102-2		4G - #365	NAVAL PETROLEUM RESERVES	73.0	CHEVRON USA INC
*8145150		0402900000	103		7R - #376	NAVAL PETROLEUM RESERVES	329.0	CHEVRON USA INC

OTHER PURCHASERS

8145150 GETTY OIL CO
8145151 GETTY OIL CO
8145152 GETTY OIL CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the follwing codes:

Section 102–1: New OCS lease
- 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25772 Filed 9–2–81, 8:45 am]
BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 26, 1981.

JD NO	JA UNT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-COQUINA OIL CORPORATION						RECEIVED: 08/17/81 JA: NM			
8145409		3001523675		102-2		NYMEYER #1	UNDESIGNATED NORTH LOVIN	185.0	EL PASO NATURAL G
-DOYLE HARTMAN OIL OPERATOR						RECEIVED: 08/17/81 JA: NM			
8145412		3002527098		103		STATE UTP NO 2	RHODES-YATES	3.6	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY						RECEIVED: 08/17/81 JA: NM			
8145413		3003922411		103		SAN JUAN 29-7 UNIT #32E	BASIN DAKOTA	110.0	EL PASO NATURAL G
-HNG OIL COMPANY						RECEIVED: 08/17/81 JA: NM			
8145411		3002500000		103		BELL LAKE 2 STATE #1	VACA DRAW (MORROW)	315.5	
8145414		3002527178		107-DP		BELL LAKE 2 STATE #1	VACA DRAW (MORROW)	315.5	
8145410		3001523729		102-2		LOVING 1 STATE #1	LOVING NORTH MORROW	464.0	
OKLAHOMA CORPORATION COMMISSION									
-APOLLO PRODUCTION LTD						RECEIVED: 08/12/81 JA: OK			
8145393	12130	3507322905		102-4		AHLDEN NO 14-11	NE OKARCHE	0.0	SID RICHARDSON CA
8145393	12130	3507322905		103		AHLDEN NO 14-11	NE OKARCHE	0.0	SID RICHARDSON CA
8145392	12129	3507322780		102-4		GRELLNER NO 25-12	NE OKARCHE	0.0	SID RICHARDSON CA
8145392	12129	3507322780		103		GRELLNER NO 25-12	NE OKARCHE	0.0	SID RICHARDSON CA
-CLARK RESOURCES INC						RECEIVED: 08/12/81 JA: OK			
8145405	11809	3504721566		102-4		WELLS 13-3	SOONER TREND	200.0	CRA INC
8145405	11809	3504721566		103		WELLS 13-3	SOONER TREND	200.0	CRA INC
-ELMER G HALSTEAD						RECEIVED: 08/12/81 JA: OK			
8145395	09562	3510120578		103		MANGRUM - CHEZ #1	BALDHILL	360.0	PHILLIPS PETROLEU
-GETTY OIL COMPANY						RECEIVED: 08/12/81 JA: OK			
*8145408	11979	3513722444		102-4		STIEFEL B WELL NO 1-X	SHO-VEL-TUM	300.0	OKLAHOMA NATURAL
-KENNEDY & MITCHELL INC						RECEIVED: 08/12/81 JA: OK			
8145404	11791	3515300000		102-4		CLIFFORD #27-445	UNDESIGNATED (C NE SEC 6	400.0	NORTHERN NATURAL
-MCBRIDE EXPLORATION INC						RECEIVED: 08/12/81 JA: OK			
8145399	11449	3511921540		102-2		STATE NO 16-2	PARADISE	65.0	
-RENAISSANCE RESOURCES INC						RECEIVED: 08/12/81 JA: OK			
8145402	11674	3503722937		102-2		GREENWOOD #1	GREENWOOD #1	2800.0	COLORADO GAS COMP
8145403	11675	3503700000		102-2		WORTMAN A-1	WORTMAN A-1	2800.0	COLORADO GAS COMP
8145401	11673	3503723134		102-2		WORTMAN 1	WORTMAN 1	2800.0	COLORADO GAS COMP
8145400	11672	3503723134		102-2		WORTMAN 2	WORTMAN 2	280.8	COLORADO GAS COMP
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 08/12/81 JA: OK			
8145396	10074	3505920986		103		F STINSON -A- UNIT #3L	MOCANE-LAVERNE GAS AREA	894.0	COLORADO INTERSTA
8145397	10076	3505920980		103		L F MOORE UNIT #4L	MOCANE-LAVERNE GAS AREA	310.0	COLORADO INTERSTA
8145398	10077	3505920980		103		L F MOORE UNIT #4U	MOCANE-LAVERNE GAS AREA	377.0	COLORADO INTERSTA
-THE GHK COMPANY						RECEIVED: 08/12/81 JA: OK			
8145394	13298	3500920385		107-DP		THORNTON 2-30	CARPENTER	416.1	PANHANDLE EASTERN
-TOWNER PETROLEUM CO						RECEIVED: 08/12/81 JA: OK			

8145407	11888	3501721836	102-2	NITZEL #30-1	FORT RENO	6.0	PHILLIPS PETROLEU
-TRANS-WESTERN EXPLORATION INC		RECEIVED: 08/12/81 JA: OK					
8145406	11859	3504321233	102-4	DAVIS 3-10	N OAKWOOD	85.0	PHILLIPS PETROLEU
8145406	11859	3504321233	103	DAVIS 3-10	N OAKWOOD	85.0	PHILLIPS PETROLEU
-UNION OIL COMPANY OF CALIF		RECEIVED: 08/12/81 JA: OK					
8145390	12120	3501922217	102-4	KITTRELL #1-35	SOUTH RECK	27.0	
8145390	12120	3501922217	103	KITTRELL #1-35	SOUTH RECK	27.0	
-WOODS PETROLEUM CORPORATION		RECEIVED: 08/12/81 JA: OK					
8145391	12062	3504321153	102-4	KUNC TRUST #27-1	PUTNAM	208.0	
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WEST VIRGINIA DEPARTMENT OF MINES							
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-APPALACHIAN ENERGY INC		RECEIVED: 08/13/81 JA: WV					
8145371		4703322218	103	V KELLS A-E-162	TENNILE	30.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC		RECEIVED: 08/13/81 JA: WV					
8145358		4703902061	108	EASTERN GAS & FUEL #48 - 042390	PAINT CREEK	15.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION		RECEIVED: 08/13/81 JA: WV					
8145367		4710721097	107-DV	C DAVIS #5	UNION	1.9	CONSOLIDATED GAS
-CARSON PETROLEUM CORP		RECEIVED: 08/13/81 JA: WV					
8145383		4701702908	103	CATHOLIC CHURCH #1	ST CLAIR	25.0	CONSOLIDATED GAS
8145382		4701702907	103	GEELHAAR #1	ST CLAIR	25.0	CONSOLIDATED GAS
8145384		4701702929	103	GEELHAAR #2	ST CLAIR	25.0	CONSOLIDATED GAS
8145380		4701702896	103	H SCHMIDT #4	ST CLAIR	25.0	CONSOLIDATED GAS
8145386		4701702931	103	KREEN #1	ST CLAIR	30.0	CONSOLIDATED GAS
8145387		4701702958	103	KREEN #2	ST CLAIR	20.0	CONSOLIDATED GAS
8145388		4701702961	103	KREEN #3	ST CLAIR	25.0	CONSOLIDATED GAS
8145378		4701702861	103	RASTLE #1	ST CLAIR	25.0	CONSOLIDATED GAS
8145385		4701702930	103	RASTLE #3	ST CLAIR	40.0	CONSOLIDATED GAS
8145381		4701702906	103	V HAUGHT #1	ST CLAIR	25.0	CONSOLIDATED GAS
8145379		4701702889	103	WYSONG #3	ST CLAIR	25.0	CONSOLIDATED GAS
8145377		4701702890	103	WYSONG #4	ST CLAIR	25.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 08/13/81 JA: WV					
8145372		4703302377	103	A G SWIGER 12538	EAGLE	22.7	GENERAL SYSTEM PU
8145361		4703301027	103	I N BURNSIDE 12320	UNION	7.2	GENERAL SYSTEM PU
8145369		4703301046	103	I N BURNSIDE 12321	UNION	3.5	GENERAL SYSTEM PU
8145370		4703301087	103	L J AYERS 12313	UNION	18.4	GENERAL SYSTEM PU
8145374		4701701856	103	L M STOUT 12257	SOUTHWEST	7.9	GENERAL SYSTEM PU
8145349		4704700595	108	MCDOWELL-POCAHONTAS COAL 104 TO	PINEVILLE FIELD AREA A-5	13.0	GENERAL SYSTEM PU
8145348		4704700727	108	POCAHONTAS LAND 12363	PINEVILLE FIELD AREA A-5	20.0	GENERAL SYSTEM PU
8145364		4703301045	103	TAYLOR WARD 12295	SARDIS	25.3	GENERAL SYSTEM PU
8145360		4703301011	103	W A LAW 12309	UNION	7.8	GENERAL SYSTEM PU
8145363		4703301043	103	W B MAXWELL 12291	UNION	27.4	GENERAL SYSTEM PU
8145362		4703301031	103	WALLO BROWN 12253	UNION	5.1	GENERAL SYSTEM PU
-D C MALCOLM INC		RECEIVED: 08/13/81 JA: WV					
8145366		4703903598	107-DV	ALDERSON #1	BLUE CREEK	45.0	COLUMBIA GAS TRAN
-DENNIS D BLAUSER		RECEIVED: 08/13/81 JA: WV					
8145353		4700700906	108	C W KNIGHT #1	SALTLICK	8.0	EQUITABLE GAS CO
8145351		4708523581	108	NATHAN DOLL #1	CLAY	0.5	EQUITABLE GAS CO
8145352		4708523582	108	NATHAN DOLL #2	CLAY	0.4	EQUITABLE GAS CO
-DORAN & ASSOCIATES INC		RECEIVED: 08/13/81 JA: WV					
8145373		4703322493	103	W MCCARTY #1 K-2-12	EAGLE	30.0	CONSOLIDATED GAS
-GLENN L HAUGHT & SONS		RECEIVED: 08/13/81 JA: WV					
8145365		4708504744	107-DV	NATHANIEL HENDRICKS H-919	GRANT DISTRICT	20.0	CONSOLIDATED GAS

JL NC	JA NT	API NO	D SEC CAT WELL NAME	FIELL NAME	PROD	PURCHASER
-GULF OIL CORPORATION			RECEIVED: 08/13/81 JA: WY			
8145389		4702103192	108 KELLER #1	VADIS	0.3	EQUITABLE GAS CO
-HANLEY & BIRD			RECEIVED: 08/13/81 JA: WY			
8145376		4701702866	103 #1 F G WISE ETAL	FLINT - SEDALIA	18.5	CONSOLIDATED GAS
-JIM EMES PETROLEUM CO			RECEIVED: 08/13/81 JA: WY			
8145354		4709500683	108 CLAIR STARKEY #1		15.0	CONSOLIDATED GAS
8145356		4709500688	108 CLAIR STARKEY #2		6.0	CONSOLIDATED GAS
8145355		4709500684	108 CLAIR STARKEY #3		2.0	CONSOLIDATED GAS
8145357		4709500689	108 CLAIR STARKEY #4		0.6	CONSOLIDATED GAS
-PATTY R RICHNER			RECEIVED: 08/13/81 JA: WY			
8145368		4710900844	102-4 BUZZO #1	BEAR HOLE	0.0	ROARING FORK GAS
-PLAUGER OIL & GAS CO			RECEIVED: 08/13/81 JA: WY			
8145375		4701702783	103 F M WILLIAMS #1	MEATHOUSE FORK - BRISTOL	25.0	COLUMBIA GAS TRAN
-ROY G HILDRETH ET AL			RECEIVED: 08/13/81 JA: WY			
8145350		4701300305	108 LOGAN-MCDONALD #1	SHERMAN DISTRICT	7.7	CONSOLIDATED GAS
-WACO OIL AND GAS CO INC			RECEIVED: 08/13/81 JA: WY			
8145359		4702103678	103 WALTER JONES 1A	ELLIS	15.0	CONSOLIDATED GAS
**********						
WYOMING OIL & GAS CONSERVATION COMMISSION						
**********						
-AMOCO PRODUCTION CO			RECEIVED: 08/13/81 JA: WY			
8145336	NG 105-81	4904120260	102-2 BURTON HOLLOW NO 3	YELLOW CREEK	527.0	MOUNTAIN FUEL SUP
8145322	NG 91-81	4902320295	107-RT CHAMPLIN 149 AMOCO I NO 1	BRUFF	300.0	CITIES SERVICE GA
8145330	NG 99-81	4902320284	107-RT CHAMPLIN 186 AMOCO E WELL NO 1	VERNE	90.0	CITIES SERVICE GA
8145323	92-81	4902320294	107-RT CHAMPLIN 186 AMOCO G NO 1	BRUFF	175.0	CITIES SERVICE GA
8145332	NG 101-81	4903721226	107-RT CHAMPLIN 285 AMOCO D WELL NO 1	FABIAN DITCH	350.0	CITIES SERVICE GA
8145337	NG 106-81	4904120248	102-2 CHAMPLIN 323 AMOCO B NO 1	WHITNEY CANYON	18.3	NATURAL GAS PIPEL
8145338	NG 107-81	4900720507	107-TF CHAMPLIN 337 AMOCO G NO 1	STANDARD DRAW	118.7	CITIES SERVICE GA
8145333	NG 102-81	4903720953	107-RT CHAMPLIN 449 AMOCO A NO 1		35.0	CITIES SERVICE GA
8145334	NG 103-81	4903720953	102-2 CHAMPLIN 449 AMOCO A NO 1	WAMSUTTER	35.0	CITIES SERVICE GA
8145331	NG 100-81	4902320305	107-RT SEVEN MILE GULCH NO 8	SEVEN MILE GULCH	657.0	CITIES SERVICE GA
8145327	NG 96-81	4902320288	107-RT WHISKEY BUTTES UNIT NO 16	WHISKEY BUTTES	300.0	CITIES SERVICE GA
8145335	NG 104-81	4902320371	107-TF WHISKEY BUTTES UNIT NO 37	WHISKEY BUTTES UNIT	109.0	CITIES SERVICE GA
8145324	NG 93-81	4902320358	107-TF WHISKEY BUTTES UNIT NO 39	WHISKEY BUTTES	250.0	CITIES SERVICE GA
8145325	NG 94-81	4902320289	107-RT WHISKEY BUTTES UNIT WELL #20	WHISKEY BUTTES	200.0	CITIES SERVICE GA
8145326	NG 95-81	4902320261	107-RT WHISKEY BUTTES UNIT WELL NO 18	WHISKEY BUTTES UNIT	200.0	CITIES SERVICE GA
8145328	NG 97-81	4902320242	107-RT WHISKEY BUTTES UNIT WELL NO 9	WHISKEY BUTTES	600.0	CITIES SERVICE GA
8145329	NG 98-81	4902320377	107-TF WILSON RANCH UNIT NC 19	WILSON RANCH	73.0	CITIES SERVICE GA
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 08/13/81 JA: WY			
8145313	NG77-81	4903721087	103 #9A WAMSUTTER CSW 33-21N-94W	WAMSUTTER	420.0	COLORADO INTERSTA
8145345	NG 117-81	4900720547	102-2 CHAMPLIN 1-9 UPRR	JOHNSON SPRINGS	126.0	
-CHEVRON U S A INC			RECEIVED: 08/13/81 JA: WY			
8145341	NG 112-81	4904120278	102-2 PAINTER RESERVOIR UNIT 23-29B	PAINTER RESERVOIR	825.0	INTERNORTH
-CITIES SERVICE COMPANY			RECEIVED: 08/13/81 JA: WY			
8145321	NG 88-81	4900525616	102-2 CHRISTENSEN 6-1	PUMPKIN BUTTES	36.5	
8145320	NG 87-81	4900525639	102-2 PFISTER D-1	PUMPKIN BUTTES	36.5	
-DAVIS OIL COMPANY			RECEIVED: 08/13/81 JA: WY			
8145319	NG 86-81	4900921617	102-2 MORTONS SCOTT #2	SCOTT	51.8	PHILLIPS PETROLEU
-FELMONT OIL CORPORATION			RECEIVED: 08/13/81 JA: WY			
8145343	NG 114-81	4900921808	102-4 W C STATE 16-1	SCOTT	15.0	PHILLIPS PETROLEU
8145344	NG 115-81	4900902180	102-4 W C STATE 16-2	SCOTT	18.0	PHILLIPS PETROLEU
-INTERNORTH INC			RECEIVED: 08/13/81 JA: WY			
8145317	NG 84-81	4900921640	103 DONNELLY NO 1-7	SCOTT FIELD	36.0	PHILLIPS PETROLEU

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JC NO	AS CT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-LARIO OIL & GAS COMPANY			RECEIVED: 08/13/81 JA: WY				
8145342	NG 113-81	4904521452	103	KEELINE #1		56.0	PHILLIPS PETROLEU
-MWJ PRODUCING CO			RECEIVED: 08/13/81 JA: WY				
8145339	NG 110-81	4900900000	103	SPRACKLEN A 3-6	MANNING	13.0	MIGC INC
8145340	NG 111-81	4900900000	103	SPRACKLEN 34-15	MANNING	18.0	MIGC INC
-SAMEDAN OIL CORPORATION			RECEIVED: 08/13/81 JA: WY				
8145315	NG 80-81	4900500000	103	ANNIE HINES NO 1	KITTY	275.0	MCCULLOCH GAS PRO
8145314	NG 79-81	4900500000	103	ANNIE HINES NO 2	KITTY	75.0	MCCULLOCH GAS PRO
-TEXACO INC			RECEIVED: 08/13/81 JA: WY				
8145318	NG 85-81	4903721827	103	TABLE ROCK UNIT NO 46	TABLE ROCK	86.7	COLORADO INTERSTA
-UNION OIL COMPANY OF CALIF			RECEIVED: 08/13/81 JA: WY				
8145316	NG 83-81	4902521219	107-DP	WEST POISON SPIDER UNIT #35-D11	WEST POISON SPIDER	424.0	
**********							
** U.S. GEOLOGICAL SURVEY - DENVER,CO							
**********							
-TENNECO OIL COMPANY			RECEIVED: 08/11/81 JA: CO 1				
8145346	CC221-G	0504506156	103	LEWIS USA 25-15		600.0	SOUTHWEST GAS COR
8145347	CC 222-G	0504506164	103	LEWIS USA 36-1	PRAIRIE CANYON	500.0	SOUTHWEST GAS COR

OTHER PURCHASERS

8145346 LONE STAR GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old 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.

[FR Doc. 81-25773 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RM79–34 and ST81–342]

Transportation Certificates for Natural Gas Displacement of Fuel Oil; Self-Implementing Transactions

August 31, 1981.

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 "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 Commissions 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 Section 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 peson may file a complaint concerning such transactions pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interestate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HT)" 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	Dated filed	Part 284 subpart	Expiration date [1]	Transportation rate (c/mmBtu)
ST81-342	Natural Gas Pipeline Co. of America	El Paso Natural Gas Co	7/2/81	G		
ST81-343	Tennessee Gas Pipeline Co	Orange and Rockland Utilities, Inc	7/1/81	F		
ST81-344	Louisiana Intrastate Gas Corp	Trans Louisiana Gas Co., Inc	7/6/81	C	12/3/81	$20.00
ST81-345	El Paso Natural Gas Co	Northern Natural Gas Co	7/2/81	G		
ST81-346	Transcontinental Gas Pipe Line Corp	Delmarva Power and Light Co	7/6/81	B		
ST81-347	Natural Gas Pipeline Co. of America	El Paso Natural Gas Co	7/6/81	G		
ST81-348	Mountain Fuel Supply Co	Pacific Gas and Electric Co	7/7/81	B		
ST81-349	Michigan Wisconsin Pipe Line Co	Michigan Consolidated Gas Co	7/6/81	B		
ST81-350	Michigan Wisconsin Pipe Line Co	Michigan Consolidated Gas Co	7/6/81	B		
ST81-351	Valero Transmission Co	Texas Eastern Transmission Corp	7/2/81	C	11/29/81	15.00
ST81-352	Columbia Gas Transmission Corp	Consolidated Gas Supply Corp	7/6/81	G		
ST81-353	Texas Eastern Transmission Corp	Public Service Electric and Gas Co	7/7/81	B		
ST81-354	Tennessee Gas Pipeline Co	Transcontinental Gas Pipe Line Corp	7/7/81	G		
ST81-355	Texas Eastern Transmission Corp	Public Service Electric and Gas Co	7/7/81	F		
ST81-356	Tennessee Gas Pipeline Co	Fitchburg Gas and Electric Light Co	7/9/81	B		
ST81-357	Northern Illinois Gas Co	United Gas Pipe Line Co	7/10/81	G(HS)		
ST81-358	Northern Illinois Gas Co	Delhi Gas Pipeline Corp	7/13/81	B		
ST81-359	Tennessee Gas Pipeline Co	United Gas Pipe Line Co	7/14/81	G		
ST81-360	United Gas Pipe Line Co	Transcontinental Gas Pipe Line Corp	7/15/81	G		
ST81-361	Louisiana Intrastate Gas Corp	Columbia Gas Transmission Corp	7/14/81	C	12/11/81	27.00
ST81-362	Tennessee Gas Pipeline Co	Manchester Gas Co	6/3/81	B		
ST81-363	Tennessee Gas Pipeline Co	Connecticut Natural Gas Corp	6/3/81	B		
ST81-364	Tennessee Gas Pipeline Co	Haverhill Gas Co	6/3/81	B		
ST81-365	Tennessee Gas Pipeline Co	Valley Gas Co	6/3/81	B		
ST81-366	Tennessee Gas Pipeline Co	The Connecticut Gas Co	6/3/81	B		
ST81-367	Tennessee Gas Pipeline Co	Gas Service, Inc	6/3/81	B		
ST81-368	Tennessee Gas Pipeline Co	Southern Connecticut Gas Co	6/3/81	B		
ST81-369	Tennessee Gas Pipeline Co	Fitchburg Gas and Electric Light Co	6/8/81	B		
ST81-371	Panhandle Eastern Pipe Line Co	West Lake Arthur Distribution Co	7/17/81	B		
ST81-372	Tranecontinental Gas Pipe Line Corp	United Gas Pipe Line Co	7/17/81	G		
ST81-373	Tennessee Gas Pipeline Co	Channel Industries Gas Co	7/20/81	G		
ST81-374	Northern Illinois Gas Co	Trans Louisiana Gas Co., Inc	7/20/81	G(HS)		
ST81-375	Texas Eastern Transmission Corp	Mississippi River Transmission Corp	7/20/81	G		
ST81-376	Tennessee Gas Pipeline Co	Columbia Gas Transmission Corp	7/22/81	G		
ST81-377	Consumers Power Co	West Lake Arthur Distribution Co	7/23/81	G(HT)		
ST81-378	Southern Natural Gas Co	Tennessee Gas Pipeline Co	7/23/81	G		
ST81-379	Southern Natural Gas Co	United Gas Pipe Line Co	7/23/81	G		

Docket No.	Transporter/seller	Recipient	Dated filed	Part 284 subpart	Expiration date [1]	Transportation rate (¢/mmBtu)
ST81-380	Natural Gas Pipeline Co. of America	United Gas Pipe Line Co	7/24/81	G		
ST81-381	Louisiana Intrastate Gas Corp	Southern Natural Gas Co	7/23/81	C	12/20/81	27.00
ST81-382	United Gas Pipe Line Co	Natural Gas Pipeline Co. of America	7/24/81	G		
ST81-383	United Gas Pipe Line Co	Southern Natural Gas Co	7/24/81	G		
ST81-384	Delhi Gas Pipeline Corp	United Gas Pipe Line Co	7/24/81	D	12/21/81	39.07
ST81-385	Delhi Gas Pipeline Corp	United Gas Pipe Line Co	7/24/81	C		
ST81-386	Trunkline Gas Co	Tennessee Gas Pipeline Co	7/29/81	G		
ST81-387	Transcontinental Gas Pipe Line Corp	Southern Natural Gas Co	8/5/81	G		
ST81-388	Michigan Wisconsin Pipe Line Co	Michigan Consolidated Gas Co	7/30/81	B		
ST81-389	Michigan Wisconsin Pipe Line Co	Trans Louisiana Gas Co., Inc	7/30/81	B		
ST81-390	Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	7/30/81	F		
ST81-391	Transcontinental Gas Pipe Line Corp	Northern Natural Gas Co	7/30/81	G		
ST81-392	Transcontinental Gas Pipe Line Corp	Texas Eastern Transmission Corp	7/30/81	G		
ST81-393	Northwest Pipeline Corp	Moutain Fuel Resources, Inc	7/30/81	G		
ST81-394	Columbia Gulf Transmission Co	Natural Gas Pipeline Co. of America	7/31/81	G		

[1] The Intrastate Pipeline has sought Commission approval of its transportation rate.

Pursuant to § 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. 81-25769 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-13746-004, et al.]

Mobile Oil Exploration & Producing Southeast Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

August 26, 1981.

Take notice that each of the Applicants listed herein has filed an 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 September 11, 1981, 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 1.8 or 1.10). 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. 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.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf	Pressure Base
G-13746-004, D, Aug. 17, 1981	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corporation, Ship Shoal 72 Field, Offshore Louisiana.	(3)	
CI67-1095-000, D, Aug. 10, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	El Paso Natural Gas Company, Hamon Field, Reeves County, Texas.	(3)	
CI77-517-003, C, Aug. 17 1981	Exxon Corporation, Post Office Box 2180, Houston, Texas 77001.	Mid-Louisiana Gas Company, East Cameron Block 335, Offshore Louisiana.	(3)	15.025
CI79-873-002, C, Aug. 17, 1981 [1]	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corporation, Ship Shoal 72 Field, Offshore Louisiana.	(13)	15.025
CI81-458-000, B, Aug. 14, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Phillips Petroleum Company, State 668 Lease, Lea County, New Mexico.	(3)	
CI81-459-000, B, Aug. 17, 1981	Hondo Oil & Gas Company, Post Office Box 2819, Dallas, Texas 75221.	Tipperary Corporation, Denton Gasoline Plant, Lea County, New Mexico.	(3)	
CI81-460-000, A, Aug. 17, 1981	Pennzoil Producing Company P.O. Box 2967, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company High Island Block A-325, East, Addition, South Extension, Offshore Texas.	(3)	14.65
CI81-461-000, A, Aug. 17, 1981	Pennzoil Oil & Gas Inc., P.O. Box 2967, Houston, Texas 77001.	do	(3)	14.65
CI81-462-000, A, Aug. 17, 1981	Union Oil Company of California, P.O. Box 7600, Los Angeles, California 90051.	Transcontinental Gas Pipe Line Corp., Block A-442, South Addition, High Island Area, Offshore Texas.	(3)	14.65
CI81-463-000 (G-15471), B, Aug. 18, 1981.	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Oklahoma 74004.	Trunkline Gas Company, Chocolate Bayou Field, Brazoria County, Texas.	(3)	
G-2599-000, D, Aug. 3, 1981	Conoco Inc., P.O. Box 2197, Houston, Texas 77001	Trunkline Gas Company, McAllen Field, Hidalgo County, Texas.	(13)	
CI64-1285-000, C, Aug. 3, 1981	do	do	(13)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf	Pressure Base
CI64-1291-000, D, Aug. 3, 1981	do	El Paso Natural Gas Company Blanco-Pictured Cliffs Field, San Juan and Rio Arriba Counties, New Mexico.	(14)	
CI75-585-004, C, Aug. 19, 1981	Coastal Oil & Gas Corporation, Nine Greenway Plaza, Houston, Texas 77046.	Colorado Interstate Gas Company, Natural Buttes Unit, Uintah County, Utah.	(15)	15.025
CI77-483-004, C, Aug. 19, 1981	CIG Exploration Inc., Nine Greenway Plaza Houston, Texas 77046.	Colorado Interstate Gas Company, Natural Buttes Unit, Uintah County, Utah.	(15)	15.025
CI64-1288-000, C, Aug. 3, 1981	Conoco Inc., P.O. Box 2197, Houston, Texas 77001	El Paso Natural Gas Company, Blanco-Pictured Cliffs Field, San Juan and Rio Arriba Counties, New Mexico.	(14)	15.025

[1] The certificate in Docket Nos. G-13746 and CI79-673 are related certificates.
[2] Ship Shoal 72 Field is to be deleted from G-13746 and added to the certificate issued in Docket No. CI79-673, under the rollover contract dated July 15, 1981.
[3] Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.
[4] Applicant agrees to accept a permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.
[5] There is longer any production from acreage covered by this contract and none is planned. Contract has been terminated according to its terms effective as of July 15, 1980.
[6] Contract was terminated effective May 12, 1980. Hondo no longer has any interest in the properties covered by this contract.
[7] Applicant is willing to accept a certificate of public convenience and necessity conditioned in price to the applicable ceiling rates as established by the Natural Gas Policy Act of 1978.
[8] Applicant is filing under Gas Purchase Contract dated July 23, 1981.
[9] Contract is being terminated by its own terms and contractual authority and gas is unavailable for this sale.
[10] Under rollover contract dated July 15, 1081, Ship Shoal 72 Field is to be added to the certificate in Docket No. CI79-673 from the certificate in Docket No. G-13746.
[11] The certificate applications in Docket No. CI64-1285-000 and G-2599-000 are related certificates.
[12] The acreage covered under Docket No. G2599 duplicates acreage covered under the certificate issued in Docket No. CI64-1285. Conoco proposes to consolidate acreage under Docket No. G-2599 into CI64-1285.
[13] The certificate applications in Docket No. CI64-1288-000 and CI64-1291-000 are related certificates.
[14] The acreage covered under Docket No. CI64-1291-000 duplicates acreage filed by Conoco in a supplement to the certificate issued in CI64-1288. Conoco proposes to consolidate acreage under Docket No. CI64-1291 into CI64-1288.
[15] Applicant is filing under Gas Purchase Agreement dated February 3, 1981.
[16] Applicant is filing under Gas Purchase Agreement dated June 29, 1981.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession

[FR Doc. 81-25719 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS81-101-000, etc.]

Cookson Hills Gas Corp., et. al.; Applications for "Small Producer" Certificates [1]

August 28, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications 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 September 9, 1981, 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 1.8 or 1.10). 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. 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 procedures herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No.	Date filed	Applicant
CS81-101-000	7/2/81	Cookson Hills Gas Corp., Suite 1900, 5444 Westheimer, Houston, Texas 77056.
CS81-102-000	7/6/81	EADS Operating Co., P.O. Box 36448, Houston, Texas 77036.
CS81-103-000	7/1/81	Pat Legan, 4402 Vance Jackson, San Antonio, Texas 78230.
CS81-104-000	7/24/81	Bryan H. Hillstrom, 467 Oak St., San Francisco, California 94102.
CS81-105-000	7/24/81	KV Oil & Gas Inc., P.O. Box 597, Danville, Kentucky 40422.
CS81-106-000	8/12/81	Comanche Production Inc., 4121 W. 83rd Street, Prairie Village, Kansas 66208.
CS81-107-000	8/13/81	Petroglen Company, Inc., 213 Susanne Drive, Amite, Louisiana 70422.
CS81-108-000	8/17/81	Marilyn A. Fulsaas, 2440 Bryant St., Palo Alto, California 94301.
CS81-109-000	8/17/81	Russell A. Fulsaas, Estate, 4865 Lowry Rd., Oakland, California 94605.
CS81-110-000	8/17/81	Donald S. Fulsaas, 4865 Lowry Rd., Oakland, California 94605.
CS81-111-000	8/17/81	St. Joint Venture 1981A, P.O. Box 5061, Westport, Connecticut 06880.
CS79-343-001	[1] 8/3/81	A. L. Parker, P.O. Box 1191, Sherman, Texas 75090.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Applicant requests that the effective date of its Small Producer Certificate shown be made retroactive to January 1, 1975, or in the alternative, it should be determined that the Small Producer Certificate issued to Walter H. Gant in Docket No. CS72-586 covers the interest of Applicant in the natural gas produced and sold by Gant from the subject well from January 1, 1975 to February 26, 1979.

[FR Doc. 81-25729 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP77-62-017, *et al.*]

Alabama-Tennessee Natural Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

August 28, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street,

NE., Washington, D.C. 20426, on or before September 10, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
8/3/81	Alabama-Tennessee Natural Gas Co.	RP77-62-017	Report.
8/5/81	Texas Gas Transmission Corp.	RP81-102-001 [1]	Report.
8/10/81	Southern Natural Gas Co.	RP78-36-011	Report.
8/17/81	Columbia Gas Transmission Corp.	RP81-122-000	Report.
8/17/81	East Tennessee Natural Gas Co.	RP81-112-000	Report.
8/17/81	Midwestern Gas Transmission Co.	RP81-113-000	Report.

[1] All future LFUT flow-through refunds will retain the same by-company docket number.

[FR Doc. 81-25711 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5146-000]

City of Allentown, Pa.; Application for Preliminary Permit

September 1, 1981

Take notice that the City of Allentown, Pennsylvania (Applicant) filed on July 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5146 to be known as the Hamilton Street Dam Project located on the Lehigh River in Lehigh County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Frank Fischl, City Hall, 435 Hamilton Street, Allentown, Pennsylvania 18101.

Project Description—The proposed project would consist of: (1) The proposed Hamilton Street Dam, a 20-foot-high, 490-foot-long concrete gravity dam, whiich would be built at the site of an existing crib dam; (2) an existing 98-acre reservoir; (3) a proposed 2,000-foot-long power canal; (4) a proposed powerhouse with an installed generating capacity of 2,490 kW; and (5) appurtenant works. The Hamilton Street Dam would be owned and built by the Commonwealth of Pennsylvania and operated by the Applicant. The project would have an average annual generation of 12,670,000.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d))1980)] or notice of intent [See 18 CFR 4.33 (b) and (c))1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25759 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5114-000]

American Hydro Power Co.; Application for Preliminary Permit

September 1, 1981

Take notice that the American Hydro Power Co. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5114 to be known as the Peterborough, Hydroelectric Project located on the Nubanusit Brook at Peterborough, in Hillsborough County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Peter A. McGrath, American Hydro Power Co., Two Aldwyn Center, Villanova, Pennsylvania 19085.

Project Description—The proposed project would utilize the existing Verney Mill dam, a concrete gravity structure 253 feet long and 11.5 feet high, owned by the U.S. Army Corps of Engineers with a reservoir of negligible storage capacity and a surface area of about 1.9 acres at spillway crest elevation 900 feet m.s.l. Applicant proposes to modify the dam to increase the spillway crest to 904 feet m.s.l. thereby increasing the surface area of the reservoir to 4 acres and the storage capacity to 10 acre-feet (pool surface elevation will rise to 905.7 feet m.s.l. when the flow is 650 c.f.s.). The project would consist of: (1) A new intake structure; (2) a new penstock 2,700 feet long and 4.5 feet in diameter; (3) a new powerhouse with an installed capacity of 700 kW; (4) a new transmission line about 2,300 feet long; (5) a new tailrace about 40 feet long; and (6) other appurtenances. Applicant estimates annual generation would be 2,480,000 kWh. Project energy would be sold to the Public Service Company of New Hampshire.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 12 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the

outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before November 1, 1981.

Filing and Service or Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25756 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5074-000]

L. Maurice Baker; Application for Preliminary Permit

August 27, 1981.

Take notice that L. Maurice Baker (Applicant) filed on July 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 5074 to be known as the Mill Creek Project located on Mill Creek in Douglas County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Maurice Baker, Suite 1211 Oregon Bank Building, 319 SW. Washington, Portland, Oregon 97204.

Project Description—The proposed project would consist of: (1) A 9-foot high small diversion structure; (2) a 300-foot long and 6-foot diameter penstock; (3) a powerhouse containing a total installed capacity of 8,590 kW; and (4) a transmission line. The average annual energy generation is estimated to be 26 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $140,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specifed in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25628 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1618-000]

William R. Bisson; Application

August 27, 1981

The filing individual submits the following:

Take notice that on August 20, 1981, William R. Bisson filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President and Director, Blackstone Valley Electric Company

Vice President and Director, Montaup Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25628 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2361-000]

Blandin Power Co.; Application for Transfer of License

August 26, 1981.

Public notice is hereby given that an application was filed jointly and severally on July 9, 1981, under the Federal Power Act, 16 U.S.C 791(a)–825(r), by the Blandin Power Company (Licensee) and the Minnesota Power & Light Company (Transferee) for transfer of license for the Prairie River Project No. 2361 to the Minnesota Power & Light Company. The Prairie River Project No. 2361 is located on the Prairie River near Grand Rapids, in Itasca County, Minnesota. Correspondence with Licensee should be directed to: Mr. W. J. Licke, General Counsel, Blandin Power Company, Grand Rapids, Minnesota 55744. Correspondence with Transferee should be directed to: Mr. Philip R. Halverson, Attorney, Minnesota Power & Light Company, 30 West Superior Street, Duluth, Minnesota 55802.

Project No. 2361 has an installed hydroelectric capacity of 1,084 kW. The energy from this project would be used in the transferee's own power system.

Minnesota Power & Light Company is an investor-owned public utility, organized in and domesticated under the laws of the State of Minnesota. The transferee will submit certified copies of all instruments of conveyance upon the completion of such conveyance when the Commission has given its approval for transfer of license.

Transferee proposes to continue to operate the Prairie River Project No. 2361 in the same manner and for the same purpose for which it is now operated, namely, as a source of power and energy for the public in central and northeastern Minnesota.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protests, or petitions to intervene must be received on or before October 7, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25725 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5088-000]

California Lumber; Application for Preliminary Permit

August 27, 1981.

Take notice that California Lumber (Applicant) filed on July 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5088 to be known as the West Branch Feather River Hydroelectric Project located on West Branch Feather River in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Roy D. Berridge, Manager, California Timber and Lands, Diamond International, P.O. Box D, Red Bluff, California 96080.

Project Description—The project would consist of: (1) A 5-foot high, 40-foot long concrete diversion structure; (2) a 13,000-foot long, 42-inch diameter low pressure pipe; a 9,000-foot long, 27-inch diameter low pressure pipe; a 7,000-foot long, 30-inch diameter low pressure pipe and a 9,000-foot long, 42-inch diameter penstock; (3) A powerhouse with total installed capacity of 8.9 MW and (4) a 2.5-mile long, 12-kV transmission line which would connect the powerhouse to an existing 12-kV transmission line of Pacific Gas and Electric Company. The Applicant estimates that the average annual energy production would be 47 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO

INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25830 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5087-000]

California Lumber; Application for Preliminary Permit

August 27, 1981.

Take notice that California Lumber (Applicant) filed on July 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5087 to be known as the Butte Creek Hydroelectric Project located on Butte Creek in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Roy D. Berridge, Manager, California Timber and Lands, Diamond International, P.O. Box D, Red Bluff, California 96080.

Project Description—The project would consist of: (1) A 5-foot high, 40-foot long concrete diversion structure; (2) a 20,000-foot long, 36-inch diameter low pressure pipe; a 16,000-foot long, 36-inch diameter penstock; (3) a powerhouse with total installed capacity of 7.2 MW and (4) a 5.7-mile long 12-kV transmission line which would connect the powerhouse to an existing 12-kV transmission line of Pacific Gas and Electric Company. The Applicant estimates that the average annual energy production would be 38 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25831 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5085-000]

California Lumber; Application for Preliminary Permit

August 27, 1981.

Take notice that California Lumber (Applicant) filed on June 26, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5085 to be known as the Long Ravine Hydroelectric Project located on Long Ravine Creek in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Roy D. Berridge, Manager, California Timber and Lands, Diamond International, P.O. Box D, Red Bluff, California 96080.

Project Description—The project would consist of: (1) A 5-foot high concrete diversion structure; (2) a 4,000-foot long, 48-inch diameter penstock; (3) a powerhouse with total installed capacity of 1.0 MW; and (4) a 0.5-mile long, 12-kV transmission line which would connect the powerhouse to an existing 12-kV transmission line of Pacific Gas and Electric Company. The Applicant estimates that the average annual energy production would be 5.3 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25693 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4620-000]

Carrasan Power Co.; Application for Preliminary Permit

August 26, 1981.

Take notice that the Carrasan Power Company (Applicant) filed on May 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4620 known as the Horse Pasture River Power Project located on the Horse Pasture River in Transylvania Co., North Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard Bean, P.O. Box 1406, Brevard, North Carolina 28712.

Project Description—The proposed project would consist of: (1) A concrete diversion structure that is approximately 250 feet long by 5 feet high and 8 feet wide; (2) a proposed powerhouse to include generating facilities capable of obtaining an installed capacity of 12.3 MW; (3) a proposed transmission line approximately 1.2 miles north of the site; and (4) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 79.6 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $196,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25726 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-466-000]

Columbia Gas Transmission Corp; Application

August 28, 1981.

Take notice that on August 17, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-466-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell on a best-efforts basis up to 50,000 dekatherms (dt) equivalent of natural gas per day to Con Ed through October 31, 1981, pursuant to a limited-term interruptible gas sales agreement dated August 10, 1981. Applicant states that it has agreed that on any day when it has additional surplus gas volumes available for sale an additional 50,000 dt equivalent may be made available to Con Ed if it desires to purchase such volumes.

Applicant proposes to deliver the gas sold to Con Ed hereunder at the interconnection between the pipeline facilities of Applicant and Consolidated System LNG Company at or near Applicant's Loudoun compresssor station in Loudoun County, Virginia, and/or such other points of interconnection between Applicant and other interstate pipeline companies which have the capability of delivering gas to Con Ed as may be agreed upon by Applicant and Con Ed.I11Applicant asserts that the natural gas to be purchased by Con Ed hereunder would be used in its electric and steam generation system to replace distillate and residual fuel oil. Applicant states that it would not be necessary for Applicant to construct any facilities to accomplish the sale and delivery of gas proposed herein. Applicant further asserts that the has it proposes to sell to Con Ed is in excess of its current market requirements.

Applicant states that Con Ed would pay for the gas purchased hereunder at the higher of Applicant's Zone 2 SR (Surplus Interruptible Service) Rate at the time of Con Ed's purchase or the price determined and published by the Commission pursuant to Section 102 of the Natural Gas Policy Act of 1978 in effect at the time of Con Ed's purchase.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 petition 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 petition 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 petition 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. 81-25645 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-335, CP81-376, CP81-381 and CP81-396]

Columbia Gas Transmission Corp., Informal Conference

August 28, 1981.

Take notice that on September 10, 1981, at 10:00 a.m. an informal conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. among the parties in the above referenced proceedings.

The informal conference is being held at the request of Petitioner and certain Interveners in Docket Nos. CP81-335 and CP81-381 to discuss concerns expressed by the interveners and to consider the appropriate resolution of the applications.

Although the above referenced proceedings are not consolidated, they all concern applications by Petitioner for certificates of public convenience and necessity under section 7(c) of the Natural Gas Act authorizing certain limited-term, off-system sales.

The informal conference is open to the public; however, attendance or participation at the informal conference will not serve to make the attendees parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the Petitioner's filings are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25741 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP81-117-000, et al.]

Columbia Gas Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

August 26, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also known on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 10, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
Aug. 14, 1981	Columbia Gas Transmission Corporation	RP81-117-000 [1]	Report.
Do	Consolidated Gas Supply Corporation	RP81-114-000 [1]	Report.
Aug. 17, 1981	Florida Gas Transmission Company	RP81-124-000 [1]	Report.
Do	Mid Louisiana Gas Company	RP81-106-000 [1]	Report.
Aug. 14, 1981	Natural Gas Pipeline Company of America	RP81-120-000 [1]	Report.
Aug. 12, 1981	Northern Natural Gas Company	RP81-110-000 [1]	Report.
Aug. 14, 1981	Michigan Wisconsin Pipe Line Company	RP81-123-000 [1]	Report.
Do	Panhandle Eastern Pipe Line Company	RP81-109-000 [1]	Report.
Do	Sea Robin Pipeline Company	RP81-116-000 [1]	Report.
Aug. 10, 1981	Southern Natural Gas Company	RP81-105-000 [1]	Report.
Aug. 14, 1981	Texas Eastern Transmission Corporation	RP81-121-000 [1]	Report.
Do	Trunkline Gas Company	RP81-118-000 [1]	Report.
Do	United Gas Pipe Line Company	RP81-115-000 [1]	Report.

[1] All future LFUT flow-through refunds will retain the same by-company docket number.

[FR Doc. 81-25712 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-111-000]

Colorado Interstate Gas Co.; Proposed Changes in FERC Gas Tariff

August 26, 1981.

Take notice that Colorado Interstate Gas Company (Applicant), on August 13, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 2. The proposed changes will cancel Rate Schedule X-11 which provides for the incremental additional cost to Applicant for providing

increased delivery pressures at the Hugo, Colorado delivery point for gas volumes tendered to Peoples Natural Gas Company, Division of InterNorth Inc. (Peoples).

The Applicant states that the provisions under Rate Schedule X–11 have not been exercised during the past few seasons and Applicant and Peoples believe that there is no further need for such rate schedule. The proposed termination date is October 1, 1981.

Authority for the transactions under Rate Schedule X–11 was granted in Docket No. RP75–112.

Copies of this filing have been mailed to Peoples.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25729 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4625–000]

Delta Utilities Corp.; Application for Preliminary Permit

September 1, 1981.

Take notice that Delta Utilities Corporation (Applicant) filed on May 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4625 to be known as the Wallahatch Water Power Project located on the Tallapoosa River in Tallapoosa and Elmore Counties, Alabama. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert L. Harris, 139 Lee Street, Montgomery, Alabama 36104.

Project Description—The proposed project would consist of: (1) A proposed concrete gravity dam approximately 980 feet long and 79 feet high; (2) a proposed spillway 470 feet long with a crest elevation of 154 feet m.s.l.; (3) a proposed reservoir with a surface area of approximately 10 acres and a storage capacity of 26 acre-feet at a normal pool elevation of 197 feet above m.s.l.; (4) a proposed powerhouse to include 3 generating units with a combined capacity of 22.3 MW; (5) an existing transmission line one half of a mile from the project; and (6) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 79 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $400,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before Novermber 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c)

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25790 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–687–000]

Duke Power Co.; Filing

August 27, 1981.

Take notice that on August 17, 1981, Duke Power Company ("Duke") filed with the Commission pursuant to Section 35.12 of the Commission's Regulations an interconnection Agreement with Piedmont Municipal Power Agency ("PMPA"). Under the terms of the Agreement, Duke will interconnect its generation and transmission system with the Catawba Nuclear Station, presently being constructed, and wheel electric power and energy to the members of PMPA.

Duke states that the Interconnection Agreement is one of three agreements between it and PMPA which are concerned with the sale of PMPA of a 25 percent undivided interest in Unit No. 2 of the Catawba Nuclear Station. The other two agreements between Duke and PMPA are a Purchase, Construction and Ownership Agreement and an Operating and Fuel Agreement.

In addition to the interconnection of facilities and the wheeling by Duke of electric power and energy to the members of PMPA, the Interconnection Agreement provides for the following:

(1) Determination of amount of power and energy to be supplied from Catawba to members of PMPA.

(2) Determination of amount of power and energy sold from Catawba to Duke.

(3) A reliability exchange between the Catawba Units, and between the Catawba Units and the McGuire Nuclear Station owned by Duke.

(4) Determination of amount of supplemental capacity and energy to be supplied by Duke to fulfill electric requirements of members of PMPA.

(5) Determination of reserves required by PMPA, deficiency energy and unused supplemental energy when needed by PMPA to supply their electric needs when Catawba Unit No. 2 is not running.

(6) Sales by PMPA of surplus energy.

(7) Transmission services and deliveries.

(8) Metering.

(9) Billing and payments.

(10) Default and resolution of disputes.

(11) Formulas to compute rates and charges of Duke and PMPA for all services.

Duke further states that it expects to initiate service to PMPA under the interconnection agreement on or after March 1984, with the commencement of the commercial operation of either Units No. 1 or No. 2 of the Catawba Nuclear Station. Duke requests a waiver of the notice requirement to permit the agreement to go into effect upon the initiation of service in March 1984.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-75713 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2761]

El Dorado County Water Agency and El Dorado Irrigation District; Public Meeting

August 28, 1981.

El Dorado County Water Agency and El Dorado Irrigation District (joint applicants), of Placerville, California filed on November 14, 1979 an application to construct a conventional hydroelectric and water supply project with an installed generating capacity of 110.4 MW on the South Fork American River and tributaries in El Dorado County, California. The action would require (1) two major diversion structures (dams), one each on the upper South Fork American River and the Silver Fork American River; (2) seven minor diversion structures on tributaries of the South and Silver forks of the American River; (3) a major diversion structure (dam) and storage reservoir on Alder Creek, a tributary of the South Fork American River; (4) approximately 34 miles of water conveyance structures; (5) three powerhouses; (6) approximately 29 miles of transmission lines; (7) three new access roads; (8) new and improved recreational facilities; and (9) other appurtenant facilities. Construction would commence subsequent to issuance of a license.

A final environmental impact statement has been prepared by the staff of the Federal Energy Regulatory Commission and was issued in May, 1981.

A public meeting will be held on October 1 and 2, 1981 in Placerville, California in order to provide a further opportunity for the public to express their views on this proposed project. Members of Commission staff will be present to conduct the meeting and listen to opinions expressed. A stenographer will be present to transcribe the oral presentations. Speakers will not be sworn under oath nor will there be cross-examination of those offering comments.

The meetings will take place at 7 p.m. on October 1, 1981 in the auditorium of the El Dorado High School, 561 Canal, Placerville, California and at 9:30 a.m. on October 2, 1981 in the Veterans Building on the El Dorado County Fairgrounds, also in Placerville.

If you are unable to attend the meeting or send a representative or if there is insufficient time to offer your comments verbally, you are encouraged to mail written comments to the Commission staff. The record of the meeting will be held open until October 13, 1981 to receive such submittals. They will be included in the record of the meeting as though given orally.

Questions should be directed to Mark Robinson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426 at (202) 376-9060.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25634 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4690-000]

Fall River Rural Electric Cooperative, Inc.; Application for Preliminary Permit

August 26, 1981.

Take notice that Fall River Rural Electric Cooperative, Inc. (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 4690 known as the North Fremont Gravity Irrigation Hydroelectric Power Project located on the Falls River, a tributary to Henry's Fork of the Snake River, near the City of Ashton in Fremont County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Calvin H. Wickham, Fall Rural Electric Cooperative, Inc., P.O. Box 617, Ashton, Idaho 83420.

Project Description—The proposed project would affect lands of the United States within the Targhee National Forest and would consist of: (1) a 10-foot high and 150-foot long overflow-type dam with crest elevation 5,760 m.s.l. replacing an existing 4-foot high and 100-foot long dam owned by the Yellowstone Canal Company; (2) a reservoir with negligible storage capacity; (3) a 10.5-mile long buried steel pipeline varying in diameter from 144 to 96 inches replacing an existing open irrigation canal owned by the Marysville Canal Company; (4) the Upper Development comprising: (a) a powerhouse containing a generating unit having a rated capacity of 3,500-kW at a 150-foot head and a 323 cfs flow; (b) appurtenances to direct the discharge flow into the proposed North Fremont Gravity Pressure Irrigation System or to the proposed Lower Development; (5) the Lower Development comprising: (a) a 0.5-mile long 96-inch diameter steel penstock; (b) a powerhouse containing a generating unit having a rated capacity of 2,200-kW at a 95-foot head; (c) a tailrace along the Falls River; (6) a 0.5-mile long 12.47-kV transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 25,200 MWh from the Upper Development and 11,500 MWh from the Lower Development. Project energy would be

used by Applicant locally within its system.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare a feasibility report, conduct geotechnical, engineering, economic, financial, and environmental studies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $130,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 2, 1981, either the competing application itself [See 18 CFR § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency dose not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before, November 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE" as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25714 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4691-000]

Fall River Rural Electric Cooperative, Inc.; Application for Preliminary Permit

August 27, 1981.

Take notice that Fall River Rural Electric Cooperative, Inc. (Applicant) filed on May 18, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4691 known as the Warm River Project located on the Warm River, a tributary to Henry's Fork of the Snake River, near the City of Ashton in Fremont County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Calvin H. Wickham, Fall Rural Electric Cooperative, Inc., P.O. Box 617, Ashton, Idaho 83420.

Project Description—The proposed run-of-river project would affect lands of the United States within the Targhee National Forest and would consist of: (1) A 10-foot high and 80-foot long overflow-type dam with crest elevation 5,760 m.s.l., (2) a reservoir with negligible storage capacity; (3) a 4,500 foot long 10-foot diameter steel penstock; (4) a powerhouse containing a generating unit having a rated capacity of 4,500-kW at a 200-foot head; (5) a short tailrace; (6) a switchyard; (7) a 3,000-foot long 12.47–kV underground transmission line; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 25,000 MWh. Project energy would be used by Applicant locally within its system.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare reconnaissance and feasibility reports, conduct geotechnical, engineering, economic, financial, and environmental studies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $150,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 24, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency dose not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before, October 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25633 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP80-481-001 and CP80-300-001]

Florida Gas Transmission Co., etc.; Petition To Amend

August 27, 1981.

Take notice that on August 20, 1981, Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 254, Houston, Texas 77002, filed in Docket No. CP80-481-001 a joint petition to amend the order issued June 10, 1981, in Docket No. CP80-481-000 so as to reduce FGT's ownership interest in certain facilities offshore Texas and Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that by order issued June 10, 1981, in Docket No. CP80-481-000 FGT and Tennessee were authorized to construct and operate certain onshore and offshore pipeline and appurtenant facilities extending from the Sabine Pass Area, offshore Texas and Louisiana, to points of interconnection with FGT's and Tennessee's existing onshore pipeline facilities in Calcasieu Parish, Louisiana (Phase I facilities). It is further submitted that the capacity of the Phase I facilities was estimated to be 470 billion Btu of natural gas per day (156 billion Btu for FGT with the balance to Tennessee).

Petitioners state that pursuant to a July 20, 1981, agreement FGT reduced its participation in the Phase I facilities while Tennessee increased its participation by the same percentage and, therefore, FGT's capacity through the Phase I facilities would be 117 billion Btu of gas per day with the balance of the available capacity allocated to Tennessee.

Petitioners assert that pursuant to such agreement FGT would own an undivided 21.5 percent and Tennessee would own an undivided 78.5 percent of the following Phase I facilities:

(a) 20.2 miles of 30-inch pipeline from the proposed pipeline central gathering platform in Sabine Pass Block 18 to the onshore compressor station site indicated in (d) below;

(b) 4.7 miles of 24-inch pipeline extending from a subsea connection in Sabine Pass Block 10 to the proposed central gathering platform in Sabine Pass Block 18;

(c) a central gathering platform located in Sabin Pass Block 18;

(d) a 1,100 horsepower compressor station with dehydration for up to 470,000 Mcf of gas per day located in Cameron Parish, Louisiana; and

(e) certain miscellaneous facilities appurtenant to the foregoing.

It is also asserted that FGT would own an undivided 76.2 percent and Tennessee would own an undivided 23.8 percent of the following Phase I facilities:

(a) Metering facilities on the producer-owned platform in Sabine Pass Block 17; and

(b) 3.0 miles of 10-inch pipeline extending from the Sabine Pass Block 17 platform to the Sabine Pass Block 10 platform.

Petitioners also assert that FGT would own an undivided 71.5 percent and Tennessee would own an undivided 28.5 percent of the necessary metering and compression facilities as part of the Phase I facilities on the Sabine Pass Block 10 platform, and FGT would own an undivided 75 percent and Tennessee would own an undivided 25 percent of one-tenth of a mile of 24-inch pipeline as part of the Phase I facilities such pipeline to extend from the Sabine Pass Block 10 plaftform to a subsea connection with the 4.7 miles of 24-inch pipeline described above.

Petitioners further assert that Tennessee would own 100 percent of the following Phase I facilities:

(a) A meter station on each of the producer-owned production platforms in Sabine Pass Blocks 11, 13 and 18;

(b) 1.5 miles of 16-inch pipeline extending from Platform 18-C to a subsea tie-in near Platform 18-A;

(c) 0.5 mile of 16-inch pipeline from Platform 18-A to the proposed pipeline central gathering platform in Sabine Pass Block 18;

(d) 9.7 miles of 16-inch pipeline extending from the Sabine Pass Block 13-A Platform to the jointly owned facilities; and

(e) 2.2 miles of 12-inch pipeline extending from Platform 11-A to a subsea tie-in with the aforementioned 9.7 miles of 16-inch pipeline.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) 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 petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25742 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-50-000]

Inter-City Minnesota Pipelines Ltd., Inc.; Application for Adjustment

August 27, 1981.

Take notice that on July 6, 1981, Inter-Ciy Minnesota Pipelines Ltd., Inc. (Inter-City), 1004 Cloquet Avenue, Cloquet, Minnesota 55720, in Docket No. SA81-50-000 filed an application for an adjustment under the regulations implementing the natural gas curtailment policy for essential agricultural uses (Priority 2) pursuant to Section 401 of the Natural Gas Policy Act of 1978. Inter-City seeks exemption from all fiing requirements imposed by 18 CFR §§ 281.204(b)(2), 281.205(c)(2) and 281.212 (b) and (c). In support of its application Inter-City states that it has no end-users classified in curtailment priority 2 and has never experienced supply deficiencies.

The procedures applicable to the conduct of this adjustment proceeding are found in Section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the provisions of § 1.41. All petitions to intervene must be filed by September 18, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25715 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-72-000]

Iowa Power & Light Co.; Application

August 27, 1981.

Take notice that on August 19, 1981, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed

an application, pursuant to Section 204 of the Federal Power Act to issue on or before December 31, 1983, bank notes maturing not more than one year after date of issue and commercial paper notes maturing not more than nine months after the date of issue in principal amounts not exceeding $175,000,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25636 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-71-000]

Iowa Power & Light Co.; Application

August 27, 1981.

Take notice that on August 19, 1981, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed an application, pursuant to Section 204 of the Federal Power Act, seeking authority to negotiate for the placement of up to $60 million of First Mortgage Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25637 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5136-000]

University of Iowa; Application for Preliminary Permit

August 31, 1981.

Take notice that the University of Iowa (Applicant) filed on July 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)-825(r)] for Project No. 5136 to be known as the Burlington Street Dam Hydroelectric Project located on the Iowa River in Johnson County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ray Mossman, 114 Jesup Hall, University of Iowa, Iowa City, Iowa 52242.

Project Description—The proposed project would consist of: (1) an existing concrete overflow dam 20-foot high and 284-foot long; (2) an existing reservoir with a surface area of approximately 110 acres and an estimated normal storage capacity of 640 acre-feet; (3) an existing powerhouse to include generating facilities capable of obtaining an installed capacity of 2.0 MW; (4) proposed transmission lines to connect the generators to the existing distribution system; and (5) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 8.76 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time studies would be made to determine the engineering, environmental, and economic feasbility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR § 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in a all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each respresentative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25753 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-693-000]

Jersey Central Power and Light Co.; Filing

August 27, 1981.

The filing company submits the following:

Take notice that on August 20, 1981, Jersey Central Power and Light Company (Jersey Central) tendered for filing a revised fuel cost adjustment clause for service under Jersey Central's FERC Electric Tariff, Original Volume No. 1. The revision provides for the replacement of Jersey Central's lagging fuel clause with one that recovers for actual fuel costs on a current basis.

Jersey Central requests a waiver of the advance notice requirement to permit an effective date of October 19, 1981 for the rate schedule revision.

Copies of this filing have been sent to Allegheny Electric Co-Operative, Inc., the Boroughs of Butler, Lavellette, Madison, Pemberton and Seaside

Heights, and the New Jersey Board of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25718 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4703-000]

City of Kalispell, Montana; Application for Preliminary Permit

August 28, 1981.

Take notice that the City of Kalispell (Applicant) filed on May 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 4703 to be known as the Lower Crow Dam Project located on Lower Crow Reservoir on Crow Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert Grisley, 1485 S. 300 W., Salt Lake City, Utah 84115.

Project Description—The proposed project would consist of: (1) A 1,600-foot long and 5-foot diameter penstock through the outlet works of the existing Bureau of Indian Affairs' 84-foot high earth-filled Crow Creek Dam; (2) a powerhouse containing two generating units, each rated at 1,000 kW; and (3) a transmission line. The Applicant estimates that the average annual energy output would be 10.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $66,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 9, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25726 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4543-000]

City of Kalispell, Montana; Application for Preliminary Permit

September 1, 1981

Take notice that the City of Kalispell (Applicant) filed on April 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4543 known as the Tongue River Dam Water Power Project located at the existing Tongue River Dam on the Tongue River in Big Horn County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert Grisley, 1485 South 300 West, Salt Lake City, Utah 84115.

Project Description—The proposed project would utilize the existing Tongue River Dam owned by the Montana Department of Natural Resources and Conservation Water Resources Division. Project works would consist of: (1) An existing earth-fill dam with a concrete spillway, (2) an existing reservoir with an active storage capacity of 68,040 acre-feet, (3) a proposed 8-foot penstock; (4) a proposed powerhouse with two 1,000-kw generating units, and (5) appurtenant facilities. The estimated annual generation is 13,200,000 kWh. The Applicant states that the Tongue River Electric Cooperative, the Bonneville Power Administration, and The Montana Power Company are the most probable potential purchasers of the project power.

Proposed Scope of Studes Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental and economic feasibility of the project. The cost of studies is estimated to be $152,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent

allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25758 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1290-000.]

Kanawha Valley Power Co.; Application for New Major License

August 27, 1981.

Take notice that the Kanawha Valley Power Company filed on January 14, 1981, and most recently revised on June 22, 1981, an application for a new major license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for the continued operation of a constructed water power project known as the Winfield Project No. 1290. The project is located on the Kanawha River in Kanawha and Putnam Counties, West Virginia. The original license for Project No. 1290 will expire on January 16, 1984. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John W. Vaughan; Kanawha Valley Power Company; 301 Virginia Street, East; Charleston, West Virginia 25327.

Project Description—The existing constructed project utilizes the U.S. Army Corps of Engineers Winfield Lock and Dam and consists of: (1) a forebay area protected by a log boom 410.0 feet long; (2) a screened intake 150.0 feet wide; (3) a concrete powerhouse 50' by 230' containing 3 turbine/generator units with a total rated capacity of 19,000 kW; (4) a tailrace which extends 410 feet downstream; (5) a substation containing a generator step-up bank of three transformers and three auxiliary transformers; (6) a 69–kV transmission line 9.5 miles long; and (7) appurtenant works. The average annual amount of energy produced at this project site is 110,860,000 kWh. A portion of project energy generated is provided to the U.S. Government to operate the Winfield Lock with the remainder being sold to the Appalachian Power Company.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25638 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. CP81-454-000]

Kentucky West Virginia Gas Co.; Application

August 28, 1981.

Take notice that on August 7, 1981, Kentucky West Virginia Gas Company (Applicant), P.O. Box 1388, Ashland, Kentucky 41101, filed in Docket No. CP81-454-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to make deliveries of natural gas to its corporate parent, Equitable Gas Company (Equitable), for resale to 23 right-of-way grantors in the state of Kentucky, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate minor facilities and to make deliveries of natural gas to Equitable for resale to 23 right-of-way grantors. It is stated that the estimated domestic usage by each of these right-of-way grantors would be approximately 250 Mcf per year on the average. Applicant states that the average cost of each tap would be $254.75 which would be financed from cash on hand.

Applicant proposes to construct and operate facilities for the following right-of-way grantors:

1. Applicant's 2-inch Line No. W-1728. Georgia Blackburn, Beckley, West Virginia. Bill C. Burchett, Pikeville, Kentucky.
2. Applicant's 2-inch Line No. W-KF50. James D. Burchett, Prestonburg, Kentucky.
3. Applicant's 2-inch Lines W-1690 & W-1699. Lawrence E. Cook, Ashcamp, Kentucky.
4. Applicant's 2-inch Line No. W-333. Billy Samuel Nelson, Dwale, Kentucky.
5. Applicant's 2-inch Line No. W-5474. Wallace R. Collins, Van Lear, Kentucky.
6. Applicant's 3-inch Line No. 53-1E. Astor Whittaker, Hallie, Kentucky.
7. Applicant's 6-inch Line No. 575C. Bonnie Madden, Hazard, Kentucky Benton Campbells, Hallie, Kentucky.
8. Applicant's 4-inch Line No. N-520. Clyde E. Sanders, Ashcamp, Kentucky. Edwin A. Morris, Ashcamp, Kentucky. Cornelius Wallace, Ashcamp, Kentucky. Kenneth J. Cook, Ashcamp, Kentucky.
9. Applicant's 4-inch and 6-inch Line No. 9C. Enoch Combs, Garrett, Kentucky.
10. Applicant's 3-inch Line No. N-521. Henry Ison, Skyline, Kentucky. Bobby Ray Ison, Charlestown, Indiana. Maude E. Bolling, Cumberland, Kentucky. Jeanette Day Owens, Clinton, Tennessee.
11. Applicant's 2-inch Line No. W-1727. Eston Sexton, Leburn, Kentucky.
12. Applicant's 2-inch Line No. W-7. Frank DeRossett, Prestonsburg, Kentucky. Robert DeRossett, Prestonsburg, Kentucky. Ollie Lafferty, Prestonsburg, Kentucky.
13. Applicant's 16-inch Line No. 42. James Hatcher Estate, Ivel, Kentucky. Denver Collins, Ivel, Kentucky.
14. Applicant's 3-inch Line No. W-5070. Virgil Conley, Garrett, Kentucky.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 petition 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 petition 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 petition 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. 81-25639 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4687-000]

Long Lake Energy Corp.; Application for Preliminary Permit

August 26, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 4687 known as the Hudson River/Champlain Canal Lock 2 Project located on the Hudson River in Saratoga and Rensselaer Counties, New York. The application is on file with the Commission and is avaiable for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017.

Project Description—The proposed project would consist of: (1) The existing Lock 2 Dam, a concrete gravity structure 18 feet high and 1000 feet long; (2) the existing Lock 2; (3) the Lock 2 reservoir having a surface area of 290 acres at a mean surface elevation of 47.0 feet (USGS datum); (4) a new intake structure; (5) a new power canal; (6) a new powerhouse containing new turbine/generator units with a rated capacity of 4,500 kW; (7) a new tailrace; (8) new switchyard equipment; (9) a new transmission line; and (10) appurtenant works. The existing structures are owned by the New York State Department of Transportation. Project energy generated would be sold to the Niagara Mohawk Power Corporation. The Applicant estimates that the average annual energy output be 27,500,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $110,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981 either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consult all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25731 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4685-000]

Long Lake Energy Corp.; Application for Preliminary Permit

August 26, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 4685 to be known as the Oswego River and Canal/Lock No. 7 Project located on the Oswego River and Oswego Canal in Oswego County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Paul J. Elston and Donald E. Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would consist of existing project works including: (1) Oswego Dam, owned by the New York State Department of Transportation, a curved masonry structure 517 feet long and 14 feet high with a 250 foot long side channel spillway; (2) Lock No. 7; (3) a reservoir with a surface area of 47 acres and 650 acre-feet of storage at surface elevation of 268.5 m.s.l.; and new project works to include; (4) an intake structure and low level box culvert penstocks; (5) a powerhouse with an installed capacity of 3,170 kW; (6) a tailrace; (7) a switchyard; (8) a transmission line; and (9) other appurtenances. applicant estimates average annual energy production would be 8,650,000 kWh. Project energy would be marketed to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $110,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25732 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4792-000]

Mac Hydro-Power Company, Inc.; Application for Preliminary Permit

August 26, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on June 3, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4792 to be known as the Aikens Creek Project located on Aikens Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. H. L. Childers, President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Hwy., Auburn, California 95603.

Project Description—The proposed project would consist of: (1) A 20-foot long, 5-foot high diversion structure; (2) a 1,500-foot long, 24-inch diameter diversion conduit; (3) a 600-foot long, 12-inch diameter penstock; (4) a powerhouse with a total installed capacity of 255 kW; and (5) a 300-foot long, 12.5-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. the Applicant estimates that average annual energy production would be 2.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, environmental and economic studies; negotiate with the utility for sale of power generated; and prepare an FERC exemption application. No new roads are required for conducting these studies which are estimated to cost $40,000 to $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25733 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5122-000]

Mac Hydro-Power Company, Inc.; Application for Preliminary Permit

August 27, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on July 22, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5122 to be known as the Mill Creek Project located on Mill Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. H. L. Childers, President, 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The proposed project would consist of: (1) A 5-foot high diversion structure; (2) a 16,000-foot long diversion conduit; (3) a 3,600-foot long and 36-inch diameter penstock; (4) a powerhouse containing one or more generating units with a total installed capacity of 3,000 kW; and (5) a 12.5–kV, 2.5-mile-long transmission line. The average annual energy generation is estimated to be 26 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $40,000 to $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25646 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5020-000]

Mac Hydro-Power Company, Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on June 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5020 to be known as the North Yuba River Power Project located on North Yuba River in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary A. McKnight, Vice President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The proposed project would consist of: (1) a 5-foot high, 30-foot long concrete diversion structure; (2) a 4,600-foot long, 60-inch diameter low pressure conduit; (3) an 800-foot long, 36-inch diameter penstock; (4) a powerhouse with total installed capacity of 2,500 kW and (5) a 300-foot long, 12.5-kV transmission line which would connect the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 22 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct

technical, environmental and economic studies; and prepare an FERC license application. No new roads would be required for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000 to $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25761 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5123-000]

Mac Hydro-Power Company, Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on July 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5123 to be known as the Pauley Creek-Lavezzola Creek Project located on Pauley Creek and Lavezzola Creek in Sierra County, California. The application is on file with the Commission and is avilable for public inspection. Correspondence with the Applicant should be directed to: Mr. H. L. Childers, President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The proposed project would consist of: (1) two 5-foot high diversion structures, one on Pauley Creek and one on Lavezzola Creek; (2) a 7,500-foot long diversion conduit on Lavezzola Creek; (3) a 12,000-foot long diversion conduit on Pauley Creek; (4) a 1,500-foot long and 30-inch diameter penstock on Lavezzola Creek; (5) a 6,500-foot long and 36-inch diameter penstock on Pauley Creek; (6) a powerhouse containing one or more generating units with a total installed capacity of 8,500 kW; and (7) a 1.5-mile-long transmission line. The average annual energy generation is estimated to be 74 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $40,000–$60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25762 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5002-000]

Mac Hydro-Power Co., Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power

Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5002 to be known as the Haypress Creek (Upper Facility) Power Project located on Haypress Creek (Upper Facility) in Sierra County, California. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary A. McKnight, Vice President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The project would consist of: (1) a 5-foot high, 30-foot long concrete diversion structure; (2) a 5,500-foot long, 60-inch diameter low pressure conduit; (3) a 800-foot long, 36-inch diameter penstock; (4) a powerhouse with total installed capacity of 2,500 kW and (5) a 2.5-mile long, 12.5-kV transmission line which would connect the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 22 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000 to $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25763 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5003-000]

Mac Hydro-Power Co., Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5003 to be known as the Haypress Creek Power Project located on Haypress Creek in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary A. McKnight, Vice President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The project would consist of: (1) a 5-foot high, 30-foot long concrete diversion structure; (2) a 6,000-foot long, 60-inch diameter low pressure conduit; (3) a 2,000-foot long, 36-inch, diameter penstock; (4) a powerhouse with total installed capacity of 3,400 kW and (5) a 500-foot long, 12.5-kV transmission line which would connect the powerhouse to an existing Pacific Gas & Electric Company transmission line. The applicant estimates that the average annual energy production would be 30 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000 to $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS" "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those

copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25754 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-691-000]

Montana Light & Power Co.; Filing

August 27, 1981.

The filing company submits the following:

Take notice that Montana Light & Power Company (ML&P) on August 19, 1981, tendered for filing proposed changes in its Rate Schedule FERC No. 2 by adding Supplement No. 6 to said Rate Schedule for nonfirm thermal energy to Pacific Power & Light (PP&L) effective July 1, 1981. Supplement No. 6 increases the rate for nonfirm energy from 16 mills per kWh to 20 mills per kWh for on-peak energy and from 12 mills to 13 mills per kWh for off-peak energy.

Montana Light and Power Rate Schedule FERC No. 2 provides that the rate is determined solely by the buyer, PP&L, and may be altered by PP&L unilaterally seven days after written notice to ML&P.

ML&P further requests that this Commission grant it a Waiver of Notice Requirement to permit an effective date of July 2, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25717 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5165-000]

Modesto Irrigation District; Application for Preliminary Permit

September 1, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on July 31, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5165 to be known as the Frazier Creek Power Project located on Frazier Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 5-foot high, 20-foot long concrete diversion structure; (2) a 60-inch diameter, 8,600-foot long conduit; (3) a 48-inch diameter, 4,800-foot long steel penstock; (4) a powerhouse which will house a single generating unit with a rated capacity of 4,100 kW; and (5) a 1.5 mile long, 12-kV transmission line extending from the powerhouse to an existing Pacific Gas and Electric Company's transmission line. The estimated average annual energy output is 38 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, environmental and economic feasibility studies as well as propare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $45,000.

Competing Applications—This application was filed as a competing application to the Frazier Creek Power Project No. 5021 filed on June 26, 1981, by Mac Hydro-Power Co. under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before October 24, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25765 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2919]

Municipal Electric Authority of Georgia; Surrender of Preliminary Permit

August 26, 1981.

Take notice that Municipal Electric Authority of Georgia (MEAG), Permittee for the U.S. Army Corps of Engineers' New Savannah Bluff Lock and Dam Project No. 2919, has requested that its preliminary permit be terminated. The preliminary permit was issued on December 19, 1979, and would have expired on December 1, 1982. The project would have been located on the Savannah River in Richmond County, Georgia. MEAG cites that after extensive investigation, "it was concluded that at this time the site does not lend itself for hydroelectric development by MEAG."

MEAG filed its request on June 15, 1981, and the surrender of its permit for Project No. 2919 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25718 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-7-001]

Natural Gas Pipeline Co. of America; Extension Reports

August 31, 1981.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1979 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. The letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before September 24, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Comission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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 party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 Subpart	Effective date
ST80-7-001	Southwestern Gas Pipeline, Inc., 2001 Timberloch Place, The Woodlands, TX	Natural Gas Pipeline Co. of America	6/24/81	C	10/1/81
ST80-9-001	Dow Pipeline Co., P.O. Box 4286, Houston, TX 77210	Tennessee Gas Pipeline Co	7/15/81	C	10/15/81
ST80-50/001	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001	El Paso Natural Gas Co	7/27/81	C	10/26/81
ST80-59-001	Oasis Pipe Line Co., P.O. Box 1188, Houston, TX 77001	El Paso Natural Gas Co	7/27/81	C	10/26/81
ST80-127-001	Seagull Pipeline Corp., 1100 Louisiana, Houston, TX 77002	El Paso Natural Gas Co	[1] 7/15/81	C	7/27/81
ST80-307-001	Southwestern Gas Pipeline, Inc., 2001 Timberloch Place, The Woodlands, TX 77380.	Natural Gas Pipeline Co. of America	6/24/81	C	10/1/81

[1] This filing was not received within the time limit prescribed by Part 284 of the regulations, and is the subject of a separate order.

FR Doc. 81-25743 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3059-000; 3119-000; 3120-000]

North Carolina Electric Membership Corporation and the City of Jefferson, North Carolina; Surrender of Preliminary Permits

August 26, 1981.

Take notice that North Carolina Electric Membership Corporation and the City of Jefferson, North Carolina, Permittee for the proposed High Falls Dam, Dallas Lake Dam, and Long Shoals Dam, Projects Nos. 3059, 3119 and 3120, respectively, has requested withdrawal of the aforementioned Preliminary Permits. The Preliminary Permit for Project No. 3059 was issued on March 13, 1981, for a term of 18 months; the Preliminary Permit for Project No. 3119 was issued on March 11, 1981, for a term of 18 months; and the Preliminary Permit for Project No. 3120 was issued on November 3, 1980, for a term of 24 months. Project No. 3059 would have been located on the Deep River in Moore County, North Carolina. Projects Nos. 3119 and 3120 would have been located on the South Fork, Catawba River in Gaston and Lincoln Counties, North Carolina, respectively. The Permittee states that an analysis of the three projects has been completed and that there is not sufficient feasibility to continue further with the studies under the permits.

The Permittee filed the request for withdrawal on March 18, 1981, and the Surrender of the Preliminary Permits for Projects Nos. 3059, 3119 and 3120 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25720 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-688-000]

Northern Indiana Public Service Co.; Filing

August 27, 1981.

The filing Company submits the following:

Take notice that on August 17, 1981, Northern Indiana Public Service Company (NIPSCo) tendered for filing Third Revised Sheet No. 3 to its FERC Electric Service Tariff—Third Revised

Volume No. 1 which has been revised to include an additional delivery point for Wabash Valley Power Association—Kankakee Valley Rural Electric Membership Corporation—Jacob W. Mack. Northern Indiana Public Service Company also tendered for filing the following:

Exhibit B-13, a supplement to the Service Agreement between NIPSCo and Wabash Valley Power Association—Kankakee Valley Rural Electric Membership Corporation, which covers the supply of electric energy for resale at a delivery point located in Porter Township, Porter County, Indiana.

Copies of this filing were served upon all customers receiving electric service under NIPSCO's FERC Electric Service Tariff—Third Revised Volume No. 1 and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25721 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-34-002]

Panhandle Eastern Pipe Line Co.; Petition To Amend

August 28, 1981.

Take notice that on August 4, 1981, Panhandle Eastern Pipe Line Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-34-002 a petition to amend the order issued May 7, 1980, in the instant docket pursuant to Section 7 of the Natural Gas Act so as to authorize Petitioner to implement an amended gas purchase, transportation and exchange agreement dated April 21, 1981, with Colorado Interstate Gas Company (CIG), 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 on December 1, 1978, Petitioner and CIG entered into a gas purchase, transportation and exchange agreement which provides for system-wide transportation by Petitioner of natural gas which has been secured by CIG at locations remote from CIG's transmission system but which are in close proximity to the transmission systems of Petitioner. Petitioner further states that the agreement provides for a transportation service to be rendered by CIG to Petitioner for the purpose of transporting natural gas from supply sources remote from Petitioner's transmission systems but which are located in close proximity to the transmission system of CIG. It is stated that the agreement also provides each party an option to purchase 25 percent of the gas delivered. It is stated that by order issued May 7, 1980, Petitioner was authorized to perform the service contemplated by the subject agreement.

Petitioner proposes herein to increase the level of CIG's transportation and exchange volumes and to abandon the sale of natural gas to CIG.

Petitioner proposes to implement an amendment dated April 21, 1981, to the subject agreement with CIG which provides for the following major changes:

1. Delete the option of both parties to purchase up to 25 percent of the delivery volumes by either party;

2. Increase the level of transportation and exchange volumes from 298,371 Mcf per day to 400,000 Mcf per day;

3. Revise the method by which transportation charges are computed. Currently, the transportation charge is based on the net difference of exchange gas multiplied by the jurisdictional rate of the party providing the transportation service. The amendment provides for each party to charge its jurisdictional rate multiplied by the redelivery volumes transported for the other party; and,

4. Provide for a minimum annual bill which Petitioner would pay to CIG basd upon a minimum annual volume which shall be not less than 82.6 percent of the then effective annualized total volumes as listed in Exhibit C of the amendment. In addition, Petitioner would have the option to charge CIG for transporting a minimum annual volume in a manner similar to that charged by CIG. In the event the delivering party does not own or have committed to it sufficient subject gas to meet the minimum annual volume then in effect it may substitute for the deficiency gas committed to or owned by third parties.

It is stated that the subject amendment would not be effective until authorization is received and CIG's facilities are completed and in service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25640 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5052-000]

Plumas County Flood Control and Water Conservation District; Application for Preliminary Permit

August 25, 1981.

Take notice that Plumas County Flood Control and Water Conservation District (Applicant) filed on July 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 5052 to be known as the Mosquito Creek Water Power Project located on Mosquito Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. Brock, Coordinator, PCFC & WCD, Rte. 1, Box 279, Quincy, California 95971.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a 11,000-foot long conduit; (3) a 725-foot long, 42-inch diameter penstock; (4) a powerhouse to contain generating units with a combined rated capacity of 2,900 kW; and (5) a 0.3-mile long, 12.5-kV transmission line. The estimated average annual energy output is 11.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct technical, environmental and economic feasibility studies as well as, consult with Federal, State, and local agencies

to prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an FERC license application is $50,000.

Competing Applications—This application was filed as a competing application to the Mosquito Creek Project No. 4381 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25723 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5047-000]

Village of Poland, Ohio; Application for Preliminary permit

September 1, 1981.

Take notice that the village of Poland (Applicant) filed on July 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a) 825(r)] for Project No. 5047 known as the Muskingum River Lock & Dam No. 3 Project located on the Muskingum River in Washington County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Merle Madrid, 308 S. Main Street, Poland, Ohio 44514, and Mr. Frank Lyman, Attorney, LeBoeuf, Lamb, Leiby, & MacCrae, 1333 New Hampshire Avenue, NW, Washington, D.C.

Project Description—The proposed run-of-the-river project would consist of: (1) the existing Lowell Lock and Dam No. 3 which includes a rockfill crib and concrete capped dam 20 feet high and 900 feet long and a lock structure 35 feet wide, and 20 feet high. The Lock and Dam are owned by the State of Ohio; (2) an existing canal 5,400 feet long, 75 feet wide and 4 feet deep; (3) an impoundment extending upstream approximately 10 miles at surface elevation 607.64 feet m.s.l.; (4) a new powerhouse below the south (right) abutment of the dam with an installed capacity of up to 5,400 kW; (5) electrical facilities; and (6) other appurtenances. An alternative location for the powerhouse will be considered immediately upstream of the lock chamber utilizing the canal as a raceway. Applicant estimates annual generation would be 25,000,000 kWh. Project energy will be sold to the American Electric Power System or wheeled to another utility system.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit would be $100,000.

Competing Applications—This application was filed as a competing application to the Lowell Lock and Dam No. 3 Project No. 4291 filed on March 4, 1981, by W. M. Lewis & Associates, Inc. under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25755 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-235-001]

Public Service Company of New Mexico; Filing

August 26, 1981.

The filing company submits the following:

Take notice that on August 6, 1981, Public Service Company of New Mexico (PNM) tendered for filing a motion to reppen this proceeding and accept for filing the agreement originally tendered pursuant to the Commission's order issued September 4, 1980.

By order dated September 4, 1980, the FERC denied PNM's request for waiver of the notice requirement, but provided in paragraph (B) that approval of the docket was deferred and held in abeyance, without prejudice, for PNM to request the proceeding to be reopened one year in advance of the expected in service date of its San Juan Unit 4.

The agreement between PNM and San Diego Gas and Electric Company (SDGE), initially filed in February of 1980, provides for PNM to sell power and energy to SDGE for an approximate six-year period in the amount of 236 megawatts. This sale is of contingent capacity from PNM's San Juan Generation Station Unit No. 4. San Juan Unit 4 is expected to go in service in May 1982. Thereafter the proposed agreement would continue until April 30, 1988.

Copies of the motion to reopen have been mailed to the New Mexico Public Service Commission and the Attorney General of the State of New Mexico.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25734 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2114-007]

Public Utility District No. 2 of Grant County, Washington; Application for Amendment of License

August 27, 1981.

Take notice that on December 5, 1980, the Public Utility District No. 2 Grant County (Licensee) filed an application for amendment of its license for the existing Priest Rapids Project No. 2114, located on the Columbia River in Yakima, Kittitas and Grant Counties, Washington. Correspondence concerning the application should be sent to Mr. Larry D. Peterson, Manager, Public Utility District No. 2 of Grant County, P.O. Box 878, Ephrata, Washington 98832.

The existing Priest Rapids Project for which the Commission issued a 50-year license on November 4, 1955, consists two developments—Priest Rapids and Wanapum—each comprising a dam, a reservoir and a ten-generating unit powerhouse. The total installed capacity of the project is 1,620 MW.

The Licensee seeks authorization to: (1) Extend the existing powerhouse, within the Priest Rapids Dam, eastward and install four generating units with a total rated capacity of 320 MW; (2) extend the existing powerhouse within the Wanapum Dam southward and install four generating units with a total rated capacity of 320 MW; (3) raise the normal maximum operating level of the Priest Rapids Reservoir from elevation 486.5 feet (msl) to elevation 491.5 feet (msl); and (4) construct 230 kV transmission links between the new generating facilities and the existing Bonneville Power Administration Switchyards at Midway in the case of Priest Rapids Powerhouse, and Vantage, in the case of Wanapum Powerhouse.

The Licensee estimates the capital cost of the proposed action at $539 million, assuming that the constuction starts in October 1981, and the new units are in commercial operation by late 1984 to early 1985.

Project energy is and will be used to serve the Licensee's loads, with excess energy to be sold to other utilities.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any protest or petition to intervene must be filed on or before October 5, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25841 Filed 9-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-127-000]

Public Works Commission of the City of Fayetteville, North Carolina; Application for Exemption

August 27, 1981

Take notice that Public Works Commission of the City of Fayetteville, North Carolina (PWC) filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in §§ 290.403 and 290.404.

In its application for exemption, PWC states that it should not be required to file the specified data for the following reason:

An alternate program for compliance with the goals of PURPA is proposed.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW, Washington, D.C. 20426, on or before October 19, 1981. Within that 45-day period such person must also serve a copy of such comments on: Public Works Commission, 508 Pearson St., P.O. Drawer 1089, Fayetteville, North Carolina 28302.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25722 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4055-002]

Vernon F. Ravenscroft; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 31, 1981

Take notice that on July 24, 1981, Vernon F. Ravenscroft (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. Sections 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 4055-002 would be located on the Malad River in Gooding County, Idaho. Correspondence with the Applicant should be directed to: Vernon F. Ravenscroft, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

Project Description—The proposed project would consist of: (1) a small diversion structure; (2) a 50-foot long and 30-inch diameter penstock; (3) a powerhouse containing four generating units, each rated at 175 kW; and (4) a transmission line. The Applicant estimates that the average annual energy output would be 3.0 million kWh.

Purpose of Project—The energy produced by the proposed project would be sold to a local utility.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Dept. of Fish & Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 10, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc., are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedures, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 N. Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-25744 Filed 9-2-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4229-000 and Project No. 4457-000]

City of Redding, California Trinity Power, Inc., Applications for Preliminary Permit

September 1, 1981.

Take notice that the City of Redding and Trinity Power, Inc. (Applicants) each filed on February 20, 1981, and March 31, 1981, respectively, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Projects Nos. 4229 and 4457 known as the Lewiston Dam Power Project located at the base of the existing U.S. Bureau of Reclamation's (USBR) Lewiston Dam in Trinity County, California. The applications are on file with the Commission and are available for public inspection. Correspondence with the City of Redding should be directed to: City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001. Correspondence with Trinity Power, Inc. should be directed to: Mr. David Frase, President, Trinity Power, Inc., P.O. Box 1192, Waverville, California 96093.

Project Description—Each proposed project would consist of: (1) A powerhouse to contain a Francis-type, turbine-generating unit with a rated capacity of 2.2 MW; (2) a tailrace channel; and (3) a 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company line.

A 740-kW powerhouse is presently being operated by USBR at the Lewiston Dam.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Each Application seeks issuance of a 36-month preliminary permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980) or a notice of intent [See 18 CFR 4.33(b)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described applications. (A copy of each application may be obtained by agencies directly from the Applicants.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Projects Numbers of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of each Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25757 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-54-000]

Rio Blanco Natural Gas Company, Equity Oil Company, et al.; Application for Staff Adjustment

August 27, 1981.

Take notice that on August 7, 1981, Rio Blanco Gas Company and Equity Oil Company filed with the Commission an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. sections 3101 *et seq.*, and § 1.41 of the Commission's rules of practice and procedure. The applicants request, on behalf of themselves and all other parties with an interest in certain specified wells,[1] an adjustment from § 274.205(e)(2) of the Commission's regulations (as it implements § 271.703(b)(3)) which provides that where a well had been drilled prior to July 16, 1979, in order for natural gas produced from the well to qualify as recompletion tight formation gas, the well must not have been completed for production from the tight formation prior to July 16, 1979. The applicants seek an adjustment from this requirement so that natural gas produced from the specified wells can qualify as recompletion tight formation gas and be eligible for the maximum lawful price set for such gas.

In support of their request, the applicants presented the following facts. The four specified wells were drilled by the applicants prior to July 16, 1979 in the Rio Blanco Unit in Rio Blanco County, Colorado. The wells were completed for production from the designated tight formation at that time, but there was no market for the gas produced from these wells. The applicants further state that the only available market was a transmission line (which itself was not available to all four wells) with an operating pressure of 400 PSI. The line pressure would have required that the individual well compressors be installed, but this was not economically feasible at the market price then available for the gas ($1.62 per Mcf plus a severance tax of 5.1% which reduced the value to $1.54 per Mcf).

The applicants state that these wells characteristically make small amounts of water, and because of the low flow rates experienced by these wells, the wells will load up with water and die when producing into back pressure caused by sales line pressure. Therefore, applicants maintain that pumping equipment is necessary to economic and continuous operation of these wells. For the Boise No. 1 Well, the nearest pipeline was 5½ miles away and a gathering line would have had to have been installed.

The applicants therefore assert that the cost of the installation of all facilities required for each of four wells to have actually commenced production as of July 16, 1979 would not have been justified in view of the rate of return that would have been realized. The applicants further state that without the tight formation incentive price, such investments are still not economically feasible.

Applicants therefore request that the Commission rule that the four subject wells qualify as recompletion tight formation gas wells under Order No. 99, which adopted § 271.703 and § 274.205(e) of the Commission's regulations, on the ground that these wells were not "completed for production" in the designated tight formation prior to July 16, 1979.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's rules of practice and procedure. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25724 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[1] The wells specified in the application are in the Rio Blanco Unit in Rio Blanco County, Colorado, and are the Sulphur Creek No. 1 Well, the Sulphur Creek No. 5 Well, the Sulphur Creek No. 7 Well, and the Boise No. 1 Well.

[Project No. 4956-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 27, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 4956 known as the Devils Canyon Creek, Trinity Project located on Devils Canyon Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The project would consist of: (1) A 165-foot long, 5-foot high diversion structure; (2) a 8,400-foot long diversion conduit; (3) a 1,150-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 3,900 kW; and (5) a 12-mile long transmission line. The average annual energy generation is estimated to be 15.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, is issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would

conduct engineering, environmental, and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Devils Canyon Creek, Trinity Project No. 4405 filed on March 24, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any comments, protests or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filing must also state that it is made in response to this notice of application for preliminary permit for Project No. 4956. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25632 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5134-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 31, 1981.

Take notice that Rust Hydro Generation Company (Applicant) filed on July 27, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5134 to be known as the Duzel Creek Hydroelectric Project located on Duzel Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terrance A Rust, 2315 N. Bechelli Lane, Redding, CA 96002.

Project Description—The project would consist of: (1) A 5-foot high, 60-foot long diversion structure on Duzel Creek; (2) a 60-inch diameter, 3400-foot long diversion conduit; (3) a 48-inch diameter, 300-foot long penstock; (4) a powerhouse with a total installed capacity of 900 kW; and (5) a 1.5-mile long, 12-kV transmission line from the powerhouse to an existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 6.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare a FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.00.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25745 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5143-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 27, 1981.

Take notice that Rust Hydro Generation Company (Applicant) filed on July 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5143 to be known as the Kelsey Creek Hydroelectric

Project located on Kelsey Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002.

Project Description—The project would consist of: (1) A 5-foot high, 50-foot long diversion structure; (2) a 32-inch diameter, 5,000-foot long diversion conduit; (3) a 24-inch diameter, 550-foot long penstock; (4) a powerhouse containing a total installed capacity of 900 kW, and (5) a 2-mile long, 12-kV transmission line from the powerhouse to an existing Pacific Power & Light transmission line. The applicant estimates that the annual average energy output would be 7.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies; and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (see 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitons to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb

Secretary.

FR Doc. 81-25647 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5139-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 27, 1981.

Take notice that Rust Hyrdo Generation Company (Applicant) filed on July 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5139 to be known as the Tomkins Creek Hydroelectric Project located on Tomkins Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terrence A. Rust, 2315 N. Bechelli Lane, Redding, CA 96002.

Project Description—The project would consist of: (1) A 5-foot high, 50-foot long diversion structure on Tomkins Creek; (2) a 50-inch diameter, 3500-foot long diversion conduit; (3) a 40-inch diameter, 850-foot long penstock; (4) a powerhouse with a total installed capacity of 900 kW; and (5) a 3-mile long 12-kV transmission line from the powerhouse to an existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 7.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct technical, environmental and economic studies, and also prepare an FERC license. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.00.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing,

Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25648 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5133-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 27, 1981.

Take notice that Rust Hydro Generation Company (Applicant) filed on July 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5133 known as the Sugar Creek Hydro-electric Project located on Sugar Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002.

Project Description—The project would consist of: (1) A 5-foot high, 90-foot long diversion structure on Sugar Creek; (2) a 5-foot high, 80-foot long diversion structure on South Fork Sugar Creek; (3) 30-inch and 36-inch diameter diversion conduits; (4) a 50-inch diameter, 940-foot long penstock; (5) a powerhouse with an installed capacity of 900 kW; and (6) a two-mile long 12-kV transmission line from the powerhouse to an existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 7.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, evenironmental and economic studies; and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be &45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25649 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5135-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 27, 1981.

Take notice that Rust Hydro Generation Company (Applicant) filed on July 27, 1981 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5135 to be known as the Horse Range Creek Hydro-Electric Project located on Horse Range Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002.

Project Description—The project would consist of: (1) A 6-foot high, 60-foot long diversion structure on Horse Shoe Creek; (2) a 20-inch diameter, 4500-foot long penstock; (3) a powerhouse with an installed capacity of 1100 kW; and (4) a 2-mile long, 12-kV transmission line from the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 10 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC License application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit

comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25650 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3177-002]

Sacramento Municipal Utility District; Application for a New Major License

September 1, 1981.

Take notice that on December 22, 1980, the Sacramento Municipal Utility District (Applicant) filed an application with the Federal Energy Regulatory Commission under the Federal Power Act, 16 U.S.C. 791(a)—825(r) for new major license for the constructed Rock Creek-Cresta Project No. 3177 located on the North Fork Feather River in the counties of Plumas, Butte, Yuba and Sutter, California. The existing license for this project (Licensee: Pacific Gas and Electric Company) will expire on September 30, 1982. Correspondence with the Applicant should be directed to: Mr. William C. Walbridge, General Manager, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

The existing Rock Creek-Cresta Project with a total installed capacity of 180,800 kW would consist of:

A. Rock Creek Development comprising: (1) the Rock Creek Reservoir with a gross storage capacity of 4,400 acre-feet and a surface area of 118 acres at elevation 2,216.2 feet; (2) the Rock Creek Dam, a concrete gravity overflow structure, 126 feet high (from stream bed to the top of spillway gates), with a crest elevation of 2,230.2 feet and crest length of 567 feet; (3) a main spillway at elevation 2,188.2 feet containing two 124-foot wide bays, controlled by hydraulically operated drum gates; (4) a 22.5-foot wide supplementary spillway at elevation 2,210.2 feet, located to the west of the drum gates, controlled by a radial gate; (5) an intake structure within the reservoir about 100 feet upstream of the dam near the western abutment; (6) a 25/19-foot diameter, 34,110-foot long tunnel; (7) a surge chamber; (8) two 12/9.75-foot diameter penstocks, 906 and 938 feet long; (9) a powerhouse containing two generating units with total installed capacity of 113,400 kW; and (10) a switchyard, adjacent to the powerhouse, containing two 13.8/230-kV transformer units.

B. Cresta Development comprising: (1) the Cresta Reservoir with a gross storage capacity of 4,140 acre-feet and a surface area of 95 acres at elevation 1,681.2 feet; (2) the Cresta Dam, a concrete gravity overflow structure, 114 feet high (from stream bed to the top of spillway gates) with a crest elevation of 1,690.2 feet and crest length of 377.4 feet; (3) a main spillway at elevation 1,653.2 feet containing two 124-foot wide bays, controlled by hydraulically operated drum gates; (4) a 22.5-foot wide supplementary spillway at elevation 1,666.2 feet, located to the east of the drum gates, controlled by a radial gate; (5) an intake structure within the reservoir, about 100 feet upstream of the dam near the eastern abutment; (6) a $^{25}/_{19}$-foot diameter, 21,080-foot long tunnel; (7) a surge chamber; (8) two 12-foot diameter penstocks, 800 and 775 feet long; (9) a powerhouse containing two generating units with a total installed capacity of 67,400 kW; and (10) a switchyard adjacent to the powerhouse containing two 11.5/230-kV transformer units.

C. Two 230-kV transmission lines, Rock-Rio Oso Nos. 1 and 2, each about 72 miles long, extending from Rock Creek Switchyard to Rio Oso Substation, with Line No. 2 making a 1.4 mile loop into and out of Cresta Switchyard.

Applicant proposes to increase the installed capacity of the project by approximately 14 percent by modifying the project as follows:

A. Rock Creek Development: (1) modifying the existing penstock rocktrap to accommodate greater bed volume; (2) uprating the capacity of the two existing turbines to a new rating of 85,000 HP each by replacing the existing runners; (3) rewounding and reinsulating the existing generator units to accommodate additional power output resulting in a new rating of 63,900 kW each; (4) constructing a power plant (developing the fish water releases) to be notched into the existing dam downstream of the Center pier containing a single generating unit with a rated capacity of 747 kW; (5) a switchyard located on the Rock Creek dam; (6) a transmission line to tie into the existing Pacific Gas & Electric Company transmission line.

B. Cresta Development: (1) modifying the existing penstock rocktrap to accommodate greater bed volume; (2) uprating the capacity of the existing turbines to a new rating of 53,000 HP each by replacing the existing runners; (3) rewounding and reinsulating generating units to accommodate additional power output resulting in a new rating of 38,700 kW each; (4) constructing a new power plant (developing the fish water releases) to be notched into the existing dam downstream of center pier, housing a single generating unit with a rated capacity of 369 kW; (6) a switchyard located on the Cresta Dam; and (7) a transmission line tying into the existing Pacific Gas & Electric Company transmission line.

Applicant estimates the cost of the proposed modifications at $11.5 million. Applicant would utilize the project energy to meet the load demands of its service area.

Competing Applications—This application was filed as a competing application to the Pacific Gas and Electric Company's application for license for the Rock Creek-Cresta Project No. 1962 on the North Fork Feather River in the Counties of Plumas, Butte, Yuba, and Sutter, California, under 18 CFR 4.33 (*as amended*, 44 FR 61328, October 25, 1979), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to

take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 25, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25706 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4951-000]

City and County of San Francisco; Application for Preliminary Permit

August 27, 1981.

Take notice that The City and County of San Francisco (Applicant) filed on July 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 4951 known as the South Fork Tuolumne Water Power Project located on Middle Fork and South Fork Tuolumne Water River in Tuolumne County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dean W. Coffey, General Manager, Hetch Hetchy Water and Power, City and County of San Francisco, 693 Vermont Street, San Francisco, California 94107.

Project Description—The project would consist of: (1) A 220-foot high, 420-foot long concrete gravity dam; (2) a reservoir with 30-acre surface area and 1,600-acre foot storage capacity; (3) a 4,500-foot long, 8-foot diameter tunnel; (4) a 1,100-foot long, 48-inch diameter steel penstock; (5) a powerhouse with total installed capacity of 15.2 MW; and (6) a 1-mile long, 230-kV transmission line which would connect the powerhouse to an existing 230-kV transmission line. The Applicant estimates that the average annual energy production would be 59.9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $300,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25643 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4950-000]

City and County of San Francisco; Application for Preliminary Permit

August 27, 1981.

Take notice that the City and County of San Francisco (Applicant) filed on June 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4950 known as the Harden Flat Water Power Project located on Middle Fork and South Fork Tuolumne River in Tuolumne County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dean W. Coffey, General Manager, Hetch Hetchy Water and Power, City and County of San Francisco, 693 Vermont Street, San Francisco, California 94107.

Project Description—The project would consist of: (1) A 20-foot high concrete dam on the Middle Fork Tuolumne River; (2) a 1,600-foot long open canal and a 2,500-foot long flume; (3) a 235-foot high, 750-foot long earthfill dam and a reservoir with 430-acre surface area, 42,000-acre foot storage capacity on the South Fork Tuolumne River; (4) a 42,000-foot long open canal, a 2,000-foot long flume and a 2,000-foot long inverted siphon; (5) a forebay with 25-acre surface area, 50-acre foot storage capacity; (6) a 3,400-foot long steel penstock with 54-inch inlet and 42-inch outlet diameter; (7) a powerhouse with total installed capacity of 22 MW; and (8) a 1-mile long, 230-kV transmission line which would connect the powerhouse to an existing 230-kV transmission line. The applicant estimates that the average annual energy production would be 90.7 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $500,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent

allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no commenters.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25644 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5184-000]

San Juan Hydro Inc.; Application for Preliminary Permit

August 31, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5184 to be known as the Fall River Project located on the Fall River in the town of Fredonia, Greenwood County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The project would utilize the existing U.S. Army Corps of Engineers' Fall River flood control dam and reservoir and would consist of a new powerhouse containing turbine generator units with a total rated capacity of 3 MW, a tailrace channel and a transmission line. Energy produced at the project would be sold to Kansas Power and Light Company. The project would generate up to 6,000,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, coordination with the Corps to determine appropriate operating schedules, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25784 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5190-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

August 31, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Project No. 5190 to be known as the Toronto Project located on the Verdigris River in the town of Toronto, Woodson County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Toronto Lake flood control dam and reservior and would consist of a new powerhouse containing turbine generator units with a total rated capacity of 4 MW, a tailrace channel and a transmission line. Energy

produced at the project would be sold to Kansas Power and Light Company. The project would generate up to 7,000,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, coordination with the Corps to determine appropriate operating schedules, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Numer of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25747 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5191-000]

San Juan Hydro, Inc.; Applications for Preliminary Permit

August 31, 1981.

Take notice that San Juan Hydro, Inc. (Applicants) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Projects Nos. 5191 to be known as the Elk City Project located on the Elk River in Elk City, Montgomery County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers Elk City flood control dam and reservoir and would consist of a new powerhouse containing turbine generator units with a total rated capacity of 2 MW, a tailrace channel and a transmission line. Energy produced at the project would be sold to Kansas Power and Light Company. The project would generate up to 5,000,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, coordination with the Corps to determine appropriate operating schedules, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described applications. (A copy of each application may be obtained by agencies directly from the Applicants). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Projects Numbers of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of each Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25748 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5188-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

August 31, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Project No. 5188 to be known as the Council Grove Project located on Neosho River in Council Grove, Morris County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Council Grove flood control dam and reservoir and would consist of a new powerhouse containing turbine generator units with a total rated capacity of 1.25 MW, a tailrace channel and a transmission line. Energy produced at the project would be sold to Kansas Power and Light Company. The project would generate up to 2,000,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, coordination with the Corps to determine appropriate operating schedules, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25749 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5183-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

August 31, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Project No. 5183 to be known as the Cheney Project located on the North Fork Ninnescah River in the town of Cheney, Sedgwick County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Cheney flood control dam and reservoir and would consist of a new powerhouse containing turbine generator units with a total rated capacity of 2 MW, a tailrace channel and a transmission line. Energy produced at the project would be sold to Kansas Power and Light Company. The project would generate up to 1,900,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, coordination with the Corps to determine appropriate operating schedules, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all

protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25750 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4849-000]

Saranac Energy Corp.; Application for Preliminary Permit

August 28, 1981.

Take notice that Saranac Energy Corporation (Applicant) filed on June 10, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(4)) for Project No. 4849 to be known as the Inglis Dam Hydropower Project located on the Withlocoochee River in Levy County, Florida. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles B. Mierek, Saranac Energy Corporation, 838 Arlington Drive, Tucker, Georgia 30084.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers' Dam and Reservoir. Project No. 4849 would consist of: (1) A proposed powerhouse located downstream of the spillway structure with an estimated installed capacity of 2.5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 16 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 10, 1981, either the competing application itself [see 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitons to intervene must be received on or before October 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb

Secretary.

FR Doc. 81-25735 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5167-000]

Scott Paper Co.; Application for Preliminary Permit

August 31, 1981.

Take notice that Scott Paper Company (Applicant) filed on August 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)-825(r)] for Project No. 5167 to be known as the Boulder Creek Project located on Boulder Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James Short, Scott Paper Company, P.O. Box 925, Everett, Washington 98206.

Project Description—The proposed project would consist of: (1) A 5-foot high, 40-foot long reinforced concrete diversion weir; (2) a 3,000-foot long pipeline extending from the diversion weir to the surge tank; (3) a 5,500-foot long penstock extending from the surge tank to the powerhouse; (4) a powerhouse to contain a single generating unit with a rated capacity of 3,500 kW; (5) a switchyard adjacent to the powerhouse; and (6) a 1,500-foot long, 55-kV transmission line extending from the powerhouse to an existing transmission system. The estimated average annual energy output is 15 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorized construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct technical, environmental and economic feasibility studies, as well as prepare an application for an FERC license. No new roads would be required to conduct these studies. The estimated cost of conducting these studies and preparing

an application for an FERC license is $150,000.

Competing Applications—This application was filed as a competing application to the Boulder Creek Water Power Project No. 4270 filed on February 27, 1981, by Mountain Rhythm Resources under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25751 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 5142-000]

City of Searcy, Arkansas and Little Red Power Developers; Application for Preliminary Permit

August 31, 1981.

Take notice that the City of Searcy, Arkansas and the Little Red Power Developers (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5142 to be known as the Lower Dam Project located on the Little Red River in White County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Glenn N. Sink, Little Red Power Developers, P.O. Box 1052, Searcy, Arkansas 72143.

Project Description—The proposed project would consist of: (1) An existing City-owned dam, now 5 feet high and 200 feet long, to be raised to a height sufficient to provide a 10-foot power head; (2) a small reservoir with negligible storage; (3) a new powerhouse containing turbine/generator units with a combined capacity of 1,494 kW; (4) a new switchyard; (5) a new low-voltage transmission line leading to a nearby Arkansas Power & Light substation and (6) appurtenant facilities. The 5.6 million kWh of generated energy would be sold to the Arkansas Power & Light Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $14,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25740 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4920-000]

Siskiyou County Flood Control and Water Conservation District; Application for Preliminary Permit

August 27, 1981.

Take notice that Siskiyou County Flood Control and Water Conservation District (Applicant) filed on June 19, 1981 an application for preliminary

permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4920 known as the East Fork Indian Creek Project located on East Fork Indian Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David A. Gravenkamp, District Engineer, Siskiyou County Flood Control and Water Conservation District, 305 Butte Street, Yreka, California 96097.

Project Description—The proposed project would consist of: (1) a 5-foot high concrete diversion structure; (2) a 1,600-foot long steel penstock; (3) a powerhouse containing one generating unit rated at 2100 kW; (4) a 3.5-mile long transmission line. The average annual energy generation is estimated to be 7.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, feasibility, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the East Fork Indian Creek Project No. 4075 filed on January 29, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 27, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25691 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-692-000]

Southern California Edison Co.; Filing

August 28, 1981.

The filing Company submits the following:

Take notice that on August 19, 1981, Southern California Edison Company ("Edison") tendered for filing a firm emergency transmission service agreement with the Department of Water and Power of the City of Los Angeles ("Los Angeles").

Under the terms and conditions of the agreements, Edison will make available to Los Angeles firm emergency transmission service from Midway Substation in Central California to the Sylmar Receiving Station in Los Angeles, California.

Edison states that transactions have occurred under the Agreement and, therefore, requests waiver of the Commission's notice requirement and assignment of an effective date of August 21, 1980, for the Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the Department of Water and Power of the City of Los Angeles.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25752 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-689-000]

Southwestern Electric Power Co.; Filing

August 27, 1981.

The filing Company submits the following:

Take notice that on August 17, 1981, Southwestern Electric Power Company (SWEPCO) tendered for filing an interconnection agreement between SWEPCO and Oklahoma Gas and Electric Company (OGE). SWEPCO indicates the agreement provides for the parties to obtain mutual benefits in planning and operation and opportunities from time to time to purchase, sell and/or exchange power and energy.

SWEPCO requests waiver of the prior notice requirement to allow an effective date of April 30, 1981.

A copy of the filing was furnished to the Oklahoma Corporation Commission, the Arkansas Public Service Commission and Oklahoma Gas & Electric Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25708 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5070-000]

Sunnyside Valley Irrigation District; Application for Preliminary Permit

August 26, 1981.

Take notice that Sunnyside Valley Irrigation District (Applicant) filed on July 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5070 to be known as the Little Naches Hydroelectric Project located on Little Naches River in Yakima & Kittitas Counties, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Howard Frye, Manager, Sunnyside Valley Irrigation District, P.O. Box 239, Sunnyside, Washington 98944.

Project Description—The project would consist of: (1) A 270-foot high, 1,000-foot long earth-fill dam; (2) a reservoir with 1,300-acres surface area and 125,000 acre-foot storage capacity; (3) a 1,140-foot long, 8-foot diameter pensock; (4) a powerhouse with a total installed capacity of 10,000 kW; and (5) a 1.5-mile long, 12.5-kV transmission line which would connect the powerhouse to the existing Pacific Power and Light transmission line located near Naches. The Applicant estmates that the average annual energy production would be 57 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical environmental and economic studies; and prepare an FERC license application. No new roads or temporary access would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $500,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25736 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-462-000]

Texas Eastern Transmission Corp.; Application

August 28, 1981.

Take notice that on August 12, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-462-000 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 Consolidated Edison Company of New York, Inc. (Con Ed), 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 natural gas on behalf of Con Ed which Con Ed has arranged to purchase from Columbia Gas Transmission Corporation (Columbia Gas). Applicant states Con Ed has arranged to make quantities of natural gas available to Consolidated Gas Supply Corporation (Consolidated) for delivery to Applicant via transportation arrangements. Applicant proposes to receive up to 100,000 dekatherms (dt) equivalent of natural gas per day from Consolidated for the account of Con Ed at an existing point of interconnection located at Applicant's meter station 1744 in Juniata County, Pennsylvania, meter station 1745 in Franklin County, Pennsylvania, or at other mutually agreeable existing delivery points in Applicant's Zone D and to redeliver equivalent quantities, less applicable shrinkage, to Con Ed at the existing point of interconnection between Applicant and Con Ed located at Applicant's meter station 058 in Richmond County, New York, or at other mutually agreeable existing points of delivery.

Applicant further proposes in the alternative as agreed to by Applicant and Con Ed to transport and deliver the stated quantities of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Con Ed at the existing point of interconnection between Applicant and Transco at Skippack, Pennsylvania, for redelivery to Con Ed at the existing point of interconnection located at Transco's meter station 249 in Montgomery County, Pennsylvania, or at other mutually agreeable existing points of delivery.

Applicant states that the proposed transportation service is for a term beginning on the date of initial deliveries and ending on October 31, 1981. Applicant asserts that the transportation would be interruptible and would be subordinate to existing transportation arrangements on Applicant's system and is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers.

Applicant proposes to charge Con Ed 6.99 cents per dt equivalent under Applicant's Rate Schedule TS-1 for the

proposed transportation service provided, however, for quantities transported and delivered by Applicant which when added to the quantities delivered to Con Ed under Applicant's Rate Schedules TS–1 and SS–II and other transportation agreements exceed the combined total curtailment of natural gas sales to Con Ed under all of Applicant's firm sales rate schedules. Applicant would charge Con Ed the presently applicable effective TS–1 excess rate of 8.01 cents per dt equivalent. Applicant further proposes to retain 3.0 percent of the gas transported for shrinkage from April 16 through November 15 of each year and 6.0 percent of all gas received for transportation from November 16 through April 15 of each year.

Applicant proposes to retain all revenues resulting from the transportation of natural gas for Con Ed.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 protestants parties to the proceeding. Any person wishing to become a party must file a petition 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 petition 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 petition 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 duty 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. 81–25662 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5079–000]

Trinity Hydro, Inc.; Application for Preliminary Permit

August 26, 1981.

Take notice that Trinity Hydro, Inc. (Applicant) filed on July 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5079 to be known as the Cow Creek #1 Hydroelectric Project located on Old Cow Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. C. Donald Nelson, 50 Wilshire Drive, Redding, California 96002.

Project Description—The project would consist of: (1) A 4-foot high, 35-foot long concrete diversion structure; (2) a 6,000-foot long, 42-inch diameter low pressure pipeline; (3) a 700-foot long, 42-inch diameter steel penstock; (4) a powerhouse with total installed capacity of 800 kW; and (5) a 800-foot long, 12.5-kV transmission line which would connect the powerhouse to the existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy production would be 4.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24-months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) 1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 and 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25737 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–450–000]

Union Electric Co.; Filing

August 26, 1981.

Take notice that on July 30, 1981, Union Electric Company (Union) tendered for filing a compliance report pursuant to the Commission's Order of July 2, 1981. According to Union, the compliance report reflects a reduction of the rates proposed by Union's May 8 tariff filing to reflect summary

disposition of three elements of the rate case.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 9, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25738 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5081-000]

Utah Board of Water Resources; Application for Preliminary Permit

August 31, 1981.

Take notice that the Utah Board of Water Resources (Applicant) filed on July 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5081 to be known as the White River Hydroelectric Power Project located on the White River in Uintah County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lloyd H. Austin, Utah Division of Water REsources, 231 East 400 South, Suite 300, Salt Lake City, Utah 84111.

Project Description—The proposed unconstructed project would affect lands of the United States under the jurisdiction of the Bureau of Land Management and would consist of: (1) a 129.5-foot high, 2,700-foot long earth and rock dam having spillway crest elevation 5,017 feet m.s.l.; (2) a reservoir having a surface area of 1,890 acres and a gross storage capacity of 109,000 acre-feet at normal pool elevation 5,017 feet m.s.l.; (3) a gated intake control structure; (4) a 10-foot diameter penstock and a 42-inch diameter bypass outlet through the dam; (5) a powerhouse containing three generating units having a total rated capacity of 15,000 kW; (6) a 5.5-mile long, 138-kV transmission line; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 30 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has concluded that the White River Project is engineering and economically feasible. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would proceed with studies, design, and obtaining the permits necessary for the construction of the project.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25754 Filed 9/2/81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-121-000]

Virginia Electric & Power Co.; Order Granting Rehearing and Vacating Condition to Approval of Settlement

August 26, 1981.

This order is in response to applications for rehearing of a letter order issued on July 20, 1981, in this docket. The order approved a settlement agreement between Virginia Electric and Power Company (VEPCO) and its affected wholesale customers, subject to the condition that the settlement rates would remain subject to refund pending the Commission's action on any findings arising form its investigation of VEPCO's practices in Docket Nos. IN80-14 and ER78-522.

On March 31, 1981, VEPCO filed proposed rates to supersede those it had submitted in this docket. These new proposed rates were suspended for three months by order of the Commission on May 28, 1981, to go into effect subject to refund on September 1, 1981. As a result, the settlement rates in this docket will be in effect for a locked-in period of approximately 7 and ½ months.

All of VEPCO's wholesale customers that signed the settlement agreement with VEPCO have filed applications for rehearing of the Commission's letter order.[1] VEPCO, in turn, filed a notice of withdrawal of the settlement agreement. However, VEPCO expressed its willingness to reinstate the settlement agreement if the Commission approves the agreement unconditionally. Because this order grants rehearing to vacate the previously imposed condition and because the settlement agreement already has been filed and is before the Commission, we shall deem the settlement agreement to have been resubmitted.

Discussion

The order approving the settlement found that based upon the facts available to the Commission on the record in Docket No. ER81-121-000, the proposed settlement and the rates involved were in the public interest. This conclusion was supported by our

[1] These were ElectriCities of North Carolina, Old Dominion Electric Cooperative, Prince William Electric Cooperative, North Carolina Electric Membership Cooperatiave, and Albemarle Electric Membership Corporation.

overall analysis of the settlement provisions and rate level, without reference to the merits of unresolved issues in other dockets. However, in order to account for the possibility that any ultimate findings in Docket No. IN80-14 would affect the justness and reasonableness of VEPCO's rates for the period encompassed by the settlement, we conditioned our acceptance upon the outcome of that investigation and a continuing refund obligation. This provision in the letter order was intended to provide maximum protection to VEPCO's affected customers.

In their applications for rehearing, VEPCO's wholesale customers state that as part of the overall settlement, they voluntarily gave up the right to any further refunds in Docket No. ER81-121-000 that might have arisen as a result of Docket No. IN80-14. Since the customers have shown their willingness to waive the protection afforded by our earlier order, the settlement applies to a relatively short, locked-in period at rates which are otherwise in the public interest, and we are addressing a settlement agreement that carries no weight as precedent, we have determined that good cause exists to grant the applications for rehearing and approve the settlement agreement unconditionally.

The Commission orders:

(A) The applications for rehearing are granted and the refund condition imposed by the Commission's letter order of July 20, 1981, is hereby vacated.

(B) The last two paragraphs of the Commission's letter order of July 20, 1981, shall be amended to read as follows:

In accordance with the terms of the settlement agreement, all revenues recovered in excess of the revenues under the proposed settlement rates shall be refunded with interest at rates prescribed by § 35.19a of the regulations on or before September 15, 1981. Within 15 days after refunds have been made, the company shall file with this Commission a compliance report showing the monthly interest computed together with a summary of such information for the total refund period. In addition, the company shall furnish a copy of such report to the state commissions within whose jurisdictions the customers distribute and sell electric energy at retail.

This order is without prejudice to any claims or contentions which have been made or which will hereinafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Virginia Electric and Power Company.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25654 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5004-000]

Walker River Irrigation District; Application for Preliminary Permit

September 1, 1981.

Take notice that Walker River Irrigation District (Applicant) filed on June 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5004 known as the Bridgeport Dam Water Project located on The East Fork of the Walker River in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jim Weishaupt, Manager, Walker River Irrigation District, P.O. Box J, Yerington, Nevada 89447

Project Description—The proposed project would consist of: (1) a 50-foot high, 900-foot long existing earthfill dam; (2) an existing reservoir with 2914-acre surface area, 42,455-acre foot storage capacity; (3) a 350-foot long, 36-inch diameter proposed supply siphon; (4) a proposed powerhouse with installed capacity of 1000 to 1200 kW and (5) a 3.5-mile long transmission line which would connect to the existing Southern California Edison transmission line. The Applicant estimates that the average annual energy production would be 4.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36-months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new access roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Porject Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25768 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5120-000]

West Dudley Power Co.; Application for Preliminary Permit

September 1, 1981.

Take notice that West Dudley Power Company (Applicant) filed on July 22, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5120-000 to be known as the West Dudley Project located on the Quinebaug River in the town of Dudley, Worcester County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John H. Wasserlein, Division General Manager, Boise Cascade, Specialty Paperboard Division, P.O. Box 498, Brattleboro, Vermont 05301.

Project Description—The proposed project would utilize existing structures owned by the Applicant and would consist of: (1) a 17-foot high, 199-foot long concrete dam built in two sections; (2) a reservoir with a total storage capacity of 201 acre-feet; (3) a powerhouse located midstream between the two dam sections containing a new 230-kW turbine-generator; (4) a 100-foot, long 4.16-kV transmission line; and (5) appurtenant facilities. The project would generate up to 900,000 kWh annually. Energy produced at the project would be sold to Massachusetts Electric Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plan, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The cost of the studies under the preliminary permit has been estimated by the Applicant to be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 2, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If a agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petition to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25767 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-52-003 (PGA81-2)]

Western Gas Interstate Co.; PGA Rate Adjustment (Revised)

August 26, 1981.

Take notice that on August 14, 1981, Western Gas Interstate Company ("Western") filed herein Substitute Seventeenth Revised Sheet No. 3A to its FERC Gas Tariff, Original Volume No. 1. Said tariff sheet is proposed to become effective May 1, 1981.

The above described tariff sheet reflects a net decrease from those rates tendered for filing on May 19, 1981, of 4.13¢ per Mcf for Rate Schedule G-S.

Western states that Commission's order dated June 15, 1981 conditionally accepted the PGA rate adjustment filed by Western on May 19, 1981, subject to the filing of revised rates to reflect the adjustments detailed in such order.

Western states that copies of this filing were served upon Western's transmission system customers and the interested state regulatory commissions.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25739 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4506-000]

City of Westernport, Md.; Application for Preliminary Permit

August 26, 1981.

Take notice that the City of Westernport, Maryland (Applicant) filed on April 10, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 4506 known as the Bloomington Dam Project located on the North Branch of the Potomac River in Garrett County, Maryland and Mineral County, West Virginia. The applicant is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Honorable James H. Wills; Mayor of Westernport; P.O. Box 266; Westernport, Maryland 21562.

Project Description—The proposed project would utilize the proposed U.S. Army Corps of Engineers' Bloomington Dam and would consist of: (1) An intake structure; (2) a concrete lined tunnel; (3) a control valve to divert water to; (4) a 40-foot long penstock; leading to (5) a powerhouse containing new generators with a rated capacity of 10,000 kW; (6) a tailrace; (7) a transmission line and

switchyard equipment; and (8) appurtenant works. The Applicant estimates that the average annual energy output would be 40,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. The Applicant estimates the cost of studies under the permit would be $45,000.

Competing Applications—This application was filed as a competing application to FERC Project No. 4011 filed January 11, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 22, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4506. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Room 208 RB, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25727 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-690-000]

Wisconsin Power & Light Co.; Filing

August 27, 1981.

The filing company submits the following:

Take notice that on August 18, 1981, Wisconsin Power and Light Company, (WPL) tendered for filing an amendment to the wholesale power contract, dated July 15, 1981, between the City of Broadhead, Wisconsin Water and Light Commission and WPL. The amendment updates the existing wholesale power contract originally signed on April 29, 1970 and designated FPC Rate Schedule No. 83, Supplement 12.

The amendment provides for a division of the municipality's existing load between two substation facilities, the newest of which will be energized in early August, 1981.

WPL requests a waiver of the notice requirements to allow an effective date of August 10, 1981.

Copies of the amendment have been provided to the City of Brodhead Water and Light Commission and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25709 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-347]

Wisconsin Power & Light Co.; Refund Report

August 27, 1981.

Take notice that on August 14, 1981, Wisconsin Power and Light Company (WPL) filed a refund report in compliance with the Commission's Order dated July 2, 1981.

WPL states that a copy of the refund report has been sent to each W-3 customer, the attorney for the Municipal Wholesale Power Group and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 15, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25710 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5116-000]

Yakima-Tieton Irrigation District; Application for Preliminary Permit

August 27, 1981.

Take notice that Yakima-Tieton Irrigation District (Applicant) filed on July 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5116 known as the Tieton Canal Drop Project located on the Tieton River and Yakima-Tieton Irrigation District Canal in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Warren E. Dickman, Yakima-Tieton Irrigation District, Rt. 6, Box 193, Yakima, Washington 98908.

Project Description—The proposed project would consist of: (1) A diversion structure to be built on the existing Yakima-Tieton Irrigation District Canal; (2) a 900-foot long and 17-foot diameter

penstock; (3) a powerhouse containing two generating units with a total installed capacity of 10,500 kW; and (4) a 3.5-mile long transmission line. The average annual energy generation is estimated to be 26.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. The cost of the work to be done under the preliminary permit is estimated to be $85,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25653 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[TSH-FRL-1927-6; OPTS-51311]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMN's and provides a summary of each.

DATE: Written comments by:

PMN 81-401, 81-402, 81-403 and 81-404, October 19, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51311]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice Manager	Telephone	Room No.
81-401	Richard Green,	202-426-2601	E-208.
81-402	Richard Green,	202-426-2601	E-208.
81-403	Richard Green,	202-426-2601	E-208.
81-404	Richard Green,	202-426-2601	E-208.

Mail address of notice manager: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-401

Close of Review Period. November 18, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: C. I. Disperse Red 332 (Impurity of).

Use. The manufacturer states that the PMN substance will be used as a dye for polyester and acetate fibers.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
1st year	0	10,000
2d year	0	15,000
3d year	0	20,000

Physical/Chemical Properties

Appearance—Red paste
Purity—6 percent
Solubilities to water—Below 1 part per million (ppm)
To ethanol—500 ppm
To acetone—3,000 ppm
To acetonitril—2,500 ppm
To chloroform—15,000 ppm
To n-hexane—Below 10 ppm

Toxicity Data

TLm_{48} (orange medaka), 190 ppm

Exposure. No data were submitted.

Environmental Release/Disposal. Do data were submitted.

PMN 81-402

Close of Review Period. November 18, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: C. I. Disperse Yellow 226.

Use. The manufacturer states that the PMN substance will be used as a dye for polyester and acetate fibers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance, Yellow paste
Purity, 18 percent
Solubilities

To water, Below 1 ppm
To ethanol, 200 ppm
To acetone, 8,000 ppm
To acetonitril, 10,000 ppm
To chloroform, 50,000 ppm
To n-hexane, Below 10 ppm

Toxicity Data

TLm_{48} (orange medaka), 155 ppm
Exposure. No data were submitted.
Environmental Release/Disposal. No data were submitted.

4PMN 81–403

Close of Review Period. November 18, 1981.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: C. I. Disperse Red 332.
Use. The manufacturer states that the PMN substance will be used as a dye for polyester and acetate fibers.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	0	10,000
2d year	0	15,000
3d year	0	20,000

Physical/Chemical Properties

Appearance, Red paste
Purity, 6 percent
Solubilities,
To water, below 1 ppm
To ethanol, 500 ppm
To acetone, 3,000 ppm
To acetonitril, 2,500 ppm
To chloroform, 15,000 ppm
To n-hexane, below 10 ppm

Toxicity Data

TLm_{48} (orange medaka), 190 ppm
Exposure. No data were submitted.
Environmental Release/Disposal. No data were submitted.

PMN 81–404

Close of Review Period. November 18, 1981.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: C. I. Disperse Violet 96.
Use. The manufacturer states that the PMN substance will be used as a dye for polyester and acetate fibers.
Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance, blue paste
Purity, 23 percent
Solubilities,
To water, below 1 ppm
To ethanol, 100 ppm
To acetone, 4,000 ppm
To acetonitril, 2,000 ppm
To chloroform, above 10,000 ppm
To n-hexane, below 10 ppm

Toxicity Data

TLm_{48} (orange medaka), 280 ppm
Exposure. No data were submitted.
Environmental Release/Disposal. No data were submitted.

Dated: August 27, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81–25802 File 9–2–81; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL HOME LOAN BANK BOARD

Senior Executive Service—Performance Awards; Schedule for Awarding Bonuses

In accordance with the Office of Personnel Management directive dated July 21, 1980, the Federal Home Loan Bank Board hereby gives notice that SES bonuses will be awarded on or after September 20, 1981.

For Further Information Contact: Doris H. McGhee, Director of Personnel, Federal Home Loan Bank Board, (202) 377–6050.

J. J. Finn,

Secretary to the Board, Federal Home Loan Bank Board.

[FR Doc. 81–25807 Filed 9–2–81; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Performance Review Board; Membership

Notice is hereby given in accordance with 5 U.S.C. 4314 of the membership of the Federal Mediation and Conciliation Service Performance Review Board for fiscal year 1981. The members are as follows:

Bernard M. O'Keefe, Director, Region 5, Chicago, Illinois, Chair—one year.
John C. Zancanaro, Associate Director of Mediation Services, Washington, D.C., Three years.
Richard D. Williams, Director, Region 7, San Francisco, California, Two years.
Paul Yager, Director, Region 1, New York, New York, Alternate.

Kenneth E. Moffett,

Acting Director, Federal Mediation and Conciliation Service.

[FR Doc. 81–25812 Filed 9/2/81; 8:45 am]

BILLING CODE 6732–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act of 1974

AGENCY: Department of Health and Human Services (HHS); Office for Civil Rights.

ACTION: Addition of routine uses to a Privacy Act system of records notice, 09–90–0051, "Complaint Files and Log", HHS/OS/OCR.

SUMMARY: In accordance with the requirements of the Privacy Act, the Office for Civil Rights (OCR) is publishing notice of a proposal to add routine uses to the notice for the system of records for Complaint Files and Log.

DATES: OCR invites interested persons to submit comments on the proposed routine use changes on or before October 5, 1981. The Office for Civil Rights will adopt the changed routine use notice on October 5, 1981, unless OCR receives comments which would result in a contrary determination.

ADDRESS: Comments may be addressed William van den Toorn, Acting Director, Office of Public Affairs, Office for Civil Rights, 330 Independence Avenue, S.W., Washington, D.C. 20201. Comments received will be available for inspection weekdays at the same address, Room 5156, 9:00 a.m.–5:30 p.m.

FOR FURTHER INFORMATION CONTACT: Larry Velez, address above. Telephone number (202) 245–9470.

SUPPLEMENTARY INFORMATION: The changes in the routine use notice make clear that OCR may have to consult

other Federal and State agencies in making a compliance determination in a particular case. This consultation may involve disclosure of some information from the files. Under the regulation implementing civil rights statutes, OCR often looks to the State agency to assure and secure compliance with respect to its subrecipients. Under block grant legislation OCR is obligated to notify State Governors of violations and provide the States the opportunity to secure compliance with respect to some programs funded by the Department. At the Federal level there may be occasions, because of overlapping jurisdictions, when OCR needs to consult other Federal agencies about the handling of a particular case. In addition, the implementing regulations provide that OCR may refer cases to the Justice Department for enforcement instead of proceeding administratively.

OCR may contract with a private firm for the purpose of collating, aggregating, or otherwise refining records in this system because the volume of such data requires automation and is beyond OCR's capacity to do so.

In addition, data collected for civil rights enforcement purposes may require specialized analysis skills not possessed by OCR staff.

The system notice was last published in the Federal Register on December 22, 1980, P. 84424, and is republished in its entirety below to incorporate the proposed changes in routine uses.

Dated: August 28, 1981.

Betty Lou Dotson,

Director, Office for Civil Rights.

09-90-0051

SYSTEM NAME:

Complaint Files and Log. HHS-OS-OCR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix 1, System 09-90-0050, Federal Register, December 22, 1980, p. 84424.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file complaints alleging discrimination under the statutes identified below (Authority for Maintenance).

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint allegations, information gathered during the complaint investigation, findings, and results of the investigation, and correspondence relating to the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI of the 1964 Civil Rights Act; Sections 799 A and 855 of the Public Health Service Act; Section 504 of the 1973 Rehabilitation Act; the Age Discrimination Act; The Equal Employment Opportunity Provisions of the Public Telecommunications Financing Act of 1978; Title VI and Title XVI of the Public Health Service Act; Title IX of the 1972 Education Amendments; Section 407 of the Drug Abuse Office and Treatment Act; and Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

PURPOSE(S):

This file system is designed to store the results of all OCR regional investigations, for retrieval of information on the resolutions of complaints. Files are maintained to record the results of the complaint investigations so that OCR can determine if there was discrimination as charged in the original complaint.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files may be reviewed by the Department of Justice, the Equal Employment Opportunity Commission, or other Federal and State agencies when necessary to complete an investigation, enforce the statutes, or assure proper coordination.

OCR may contract with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and file cards.

RETRIEVABILITY:

By name for use by OCR staff in complaint investigations.

SAFEGUARDS:

Printed materials are filed in lockable cabinets. The Department's ADP Systems Manual, Part 6, ADP Systems Security, govern the control. Categories of users include OCR investigators, team leaders, branch chiefs, division directors, PRMs unit staff, Office of Compliance and Enforcement staff.

RETENTION AND DISPOSAL:

2 years from date complaint is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Office of Compliance and Enforcement. Office for Civil Rights, 330 Independence Avenue, S.W., Washington, D.C. 20201. And Regional Directors, see Appendix 1 to Case Information Management System HHS OS/OCR System 09-90-0050, Federal Register, December 22, 1980, p. 84424.

NOTIFICATION PROCEDURE:

Contact system manager (above) or Regional Directors (see Appendix 1). Include name and address of complainant, a copy or summary of allegations contained in the original complaint, name of the institution against which the allegation was filed, and the date of the original allegation.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Request should be made to the system manager in the regional office where the record is most likely to be kept (determined by location of the institution or facility against which the allegation was originally filed). When this location is in doubt request should be made to the Deputy Director, Office of Compliance and Enforcement, Washington, D.C. (see above, System Manager).

CONTESTING RECORD PROCEDURES:

Contact the official(s) at the address specified under system manager or Appendix 1, and reasonably identify the record and specify the information to be

contested. (These procedures are in accordance with Department Regulations (45 CFR § 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Complaint and information filed with the Department by or on behalf of the individual complainant, also data provided by the alleged discriminator and other parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-25845 Filed 9-2-81; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-81-1088]

Privacy Act of 1974; System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective October 3, 1981, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-5333. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The system is the Priority Consideration/Special Reassignment Files which will contain information (name, Social Security number, date of birth, home address, home telephone number, job title and occupational group (series), name and title of immediate supervisor, office telephone number, annual salary, date employed by the agency, work experience, training, and related items and correspondence or documents related to priority consideration/special reassignment) on current or former HUD employees who are eligible for priority consideration/special reassignment. Appendix A, which lists the addresses of HUD field offices, was published at 45 FR 67626 (October 10, 1980). A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on July 21, 1981.

HUD/DEPT-75

SYSTEM NAME:

Priority Consideration/Special Reassignment Files.

SYSTEM LOCATION:

Headquarters and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former HUD employees who have been demoted without personal cause: who did not receive proper consideration in an earlier merit staffing action; or who are entitled to grade retention due to a demotion through no personal cause.

CATEGORIES OR RECORDS IN THE SYSTEM:

These files are comprised of copies of the eligible's Personal Qualifications Statement (SF-171); the eligible's current performance evaluation, and where appropriate, an appraisal of potential; certification of the eligible for priority consideration/special reassignment; correspondence both from and to the eligible concerning priority consideration/special reassignment; documentation relating to non-selection of the eligible; and any other correspondence or documentation relating to the priority consideration/special reassignment process.

The following data will be included in the records: name of employee, Social Security number, date of birth, home address, home telephone number, job title and occupational group (series), name and title of immediate supervisor, office telephone number, annual salary, and date employed by the agency, work experience, training, and related items.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301; 5 U.S.C. 5364.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Merit Systems Protection Board, the Federal Labor Relations Authority, and the Equal Opportunity Commission, when requested in performance of authorized duties for examination of effectiveness of HUD priority consideration and special reassignment procedures; to the Office of Personnel Management for personnel inspections of the Department.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Individual name and occupational grouping (series).

SAFEGUARDS:

Files are kept in a secured area, with access limited to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with officially approved mandatory standards contained in HUD Handbooks 2225.6 (HUD Records Schedules), and 2228.2 (General Records Schedules).

SYSTEM MANAGER AND ADDRESS:

Director, Employment Planning and Standards Division, Office of Personnel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appeals initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Participating individual; Department personnel files and records.

Authority: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C. August 28, 1981.

Robert F. Fagin,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 81-25704 Filed 9-2-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-27285]

Alaska, Publication; Alaska Native Claims Selection

Correction

In FR Doc. 81-22215, appearing on page 39044, in the issue of Thursday, July 30, 1981, make the following change:

On page 39040, in the first column the line beginning Sec. 32, remove the comma at the end of the line.

BILLING CODE: 1505-01-M

[AA-8489-A]

Alaska Native Claims Selection

On September 30, 1980, a Decision to Issue Conveyance (DIC) was issued to Chickaloon Moose Creek Native Association, Inc. The DIC reserved an easement (EIN 1a D9) for an access trail affecting Secs. 18 and 19, T. 18 N., R. 3 E., Seward Meridian. The easement was described as follows: *25 Foot Trail*—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. (EIN 1a D9) An easement for an existing access trail, twenty-five (25) feet in width located on the right bank of Wolverine Creek, from Sec. 13, T. 18 N., R. 2 E., Seward Meridian, easterly through the selection. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

On October 31, 1980, Chickaloon Moose Creek Native Association, Inc., filed an appeal with the Alaska Native Claims Appeal Board (ANCAB), VLS 80-53, taking issue with the above easement as stated in their "Statement of Reasons and Interests Affected" presented to ANCAB February 18, 1981. Subsequent proceedings have resulted in ANCAB remanding Secs. 18 and 19, for possible relocation of that portion of EIN 1a D9 lying within those sections.

The decision is hereby amended to change the above easement as follows:

a. (EIN 1a D9) An easement twenty-five (25) feet in width for an existing access trail: Beginning in Sec. 19, T. 18 N., R. 3 E., Seward Meridian, northeasterly to Wolverine Creek; then easterly paralleling Wolverine Creek to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Anchorage Times.*

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solocitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 5, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Chickaloon Moose Creek Native Association, Inc., 2600 Fairbanks Street, Anchorage, Alaska 99503

Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501

Except as amended by this decision, the decision of September 30, 1980, stands as written.

Barbara A. Lange,

Acting Chief, Branch of Adjudication.

[FR Doc. 81-25769 Filed 9-2-81; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Multiple Use Advisory Council Meeting

Notice is hereby given in accordance with Public Law 92-463, that a meeting of the Cedar City District Multiple Use Advisory Council will be held on September 24 and 25, 1981.

The meeting will begin at 9:30 at the Cedar City District Office 1579 North Main, Cedar City, Utah. The agenda will consist of a field tour and discussion of planning issues in the Pinyon Planning Unit. Those wishing to make the tour must provide their own transportation and sleeping arrangements.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 9:30 a.m. on the 24th at the District Office or file written statements for the Council's consideration. Anyone wishing to make oral statements must notify the District Manager, P.O. Box 724, Cedar City, Utah 84720 by September 23, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager or Council Chairman.

Dated: August 28, 1981.

Morgan S. Jensen,

District Manager.

[FR Doc. 81-25793 Filed 9-2-81; 8:45 am]

BILLING CODE 4310-84-M

[Sale CA-10683]

California Realty Action; Public Lands in El Dorado County

The following described land has been identified as suitable for disposal by sale under Sec. 203 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2743, 43 U.S.C 1713, at no less than the fair market value shown. Legal description: Lot 6 in sec. 20, T. 10 N., R. 12 E., Mount Diablo Meridian, California, containing 3 acres; value, $12,500. The sale will not be held until 60 days after the date of this notice. Robert and Gail Anderson own adjoining property on the west side of the subject land. The property on the

east side of the subject land is owned by Carl and Jean Alf. The purpose of this sale is to resolve the unauthorized use of the subject land by the Andersons and the Alfs who have homes which are partially located on the subject land. It has been determined that the most equitable way to resolve this matter would be by a direct sale to one of these landowners. Both parties have indicated that the land should be sold to Robert and Gail Anderson; however, a notarized written agreement between the Andersons and the Alfs indicating that a satisfactory resolution has been reached concerning their improvements on the subject land must be presented to the Bureau's Area Manager, Folsom Area Office, before the land is offered to the Andersons; otherwise there will be no direct sale. Because of the unauthorized structures on the subject land, it is difficult and uneconomic to manage as part of the public lands, and the presence of the structures makes it unsuitable for management by another Federal agency. The sale is consistent with the Bureau's planning system for the subject land. The public interest would be served by offering this land for sale. The land will be sold subject to: (1) a right-of-way thereon for ditches or canals constructed by the authority of the United States, 43 U.S.C. 945, (2) a right-of-way or easement more particularly described in an instrument recorded in the California State Office, Bureau of Land Management, under serial number CA 4032, Act of December 5, 1924, 43 Stat. 704, 43 U.S.C. 417; and (3) a reservation to the United States of all minerals in the land so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary of the Interior may prescribe. Detailed information concerning the sale, including the land report and enviornmental assessment report, is available for review at the California State Office, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, at the above address. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: August 27, 1981.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-25810 Filed 9-2-81; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 31716]

Colorado: Realty Action—Correction and Amendment; Non-Competitive Sale of Public Lands in Garfield County

August 28, 1981.

In FR Doc. 81-20758, appearing on pages 36951, 36952 of the Thursday, July 16, 1981 issue the legal description reading sec. 28, lot 19, is corrected to read sec. 27, lot 19.

The first sentence of the third paragraph is amended to read: "The sale of this land will be held on approximately the 20th day of October, 1981".

George C. Francis,

State Director.

[FR Doc. 81-25809 Filed 9-2-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Realty Action; Non-Competitive Sale of Public Lands in Lander County

The following described lands have been identified as suitable for disposal by direct sale under Sections 203 (a) and (f) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at fair market value:

Mount Diablo Meridian

T. 20 N., R. 43 E.,
Sec. 11, lots 11, 12, 13 and 15;
Sec. 14, N½NW¼.

The above-described land, comprising 151.31 acres, is being offered by direct sale to Mr. James Gallagher, the owner of the improvements (ranch buildings, alfalfa fields and fences) existing thereon. Mr. Gallagher bought an 80-acre parcel of private land which was located in the 1920's based upon an 1867 contract survey. This survey was shown to be incorrect by a 1978 Cadastral Survey re-survey. All the improvements connected with the ranch were shown to be on public lands. These lands are being sold under the authority of section 203(a) of Pub. L. 94-579, as the disposal of these lands serves an important public objective. The lands are being sold without competitive bidding under section 203(f) of Pub. L. 94-579 as a special consideration to the adjoining landowner, whose improvements were unintentionally placed on public lands.

The proposed sale is consistent with the Bureau planning objectives for the area which include the statement that public lands are to be transferred "into private ownership that meet the requirements of the Unintentional Trespass Act." Although this act is no longer the authority for disposal, the above lands meet the disposal criteria.

The sale of this tract has been discussed with the Board of Lander County Commissioners. They have no objections to the proposed sale. The public interest would be served by offering these lands for direct sale to Mr. Gallagher.

The terms and conditions applicable to the sale are:

1. All minerals will be reserved to the United States.

2. A right-of-way for ditches and canals will be reserved to the United States.

3. The sale of these lands will be subject to valid existing rights.

4. An easement 30 feet in width will be reserved to the United States for public and Government use along existing roads in the N½NW¼ of Sec. 14 and in Lot 11 of Section 11 of T. 20 N., R. 43 E., MDM.

The decision to conduct the sale is based on information contained in the environmental assessment and land report written for this case. These documents are available for inspection at the Bureau of Land Management, Battle Mountain District Office, Second and Scott Streets, P.O. Box 194, Battle Mountain, Nevada 89820.

The land will not be offered for sale for at least 60 days after the date of this notice.

For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, Nevada State Office (N-943), P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81-25808 Filed 9-2-81; 8:45 am]

BILLING CODE 4310-84-M

Montana and North Dakota; Intent To Prepare Regional Environmental Statement (EIS) For Proposed Leasing of Federal Coal In Fort Union Coal Region; Establishment of Preliminary Leasing Target

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an EIS, establishment of a preliminary leasing target, notice of proposed tract ranking subfactors, and related matters.

SUMMARY: Notice is hereby given in accordance with the National Environmental Policy Act and the Council on Environmental Quality Regulations (43 CFR 1508.22) that the Bureau of Land Management (BLM) will prepare an EIS to address potential effects of new competitive coal leasing in the Fort Union region of Montana and North Dakota. The proposed action is the leasing of a combination of tracts within the Fort Union region to meet a regional leasing target. Alternatives to the proposed action include leasing different combinations of tracts, no leasing of additional federal coal (no action), and leasing at alternative levels to those designed to meet the above target. Prior to the preparation of the EIS, the tracts identified in accordance with the Federal Coal Management regulations (43 CFR 3420.4) will be ranked, selected, and scheduled by the Fort Union Regional Coal Team. The preliminary leasing target, established by the Assistant Secretary, Land and Water, on August 24, 1981, for the Fort Union Coal Region is a range of leasing from .8 to 1.2 billion tons of recoverable federal coal. This target will be the subject of further evaluation and public comment, including hearings noted below, before a final leasing target is established late in 1981.

SUPPLEMENTARY INFORMATION: This proposed leasing is needed to meet a Department of Interior Federal coal leasing target, in accordance with the Federal Coal Management Program as announced by the Secretary of the Interior on June 4, 1979 (43 CFR Part 3400). Twenty-four potential lease tracts have been delineated by U.S. Geological Survey from land found acceptable for further consideration for coal development during BLM land use planning. The Miles City District in Montana identified acceptable areas for eastern Montana in the Redwater Management Framework Plan and the Dickinson District in North Dakota identified acceptable areas in the Golden Valley Management Framework Plan and the West Central North Dakota Management Framework Plan. Preparation of the EIS is scheduled to begin in January 1982. A draft EIS should be available for public review and comment by July 1982. A final EIS is scheduled to be filed with the Environmental Protection Agency in January 1983. The Secretary of the Interior is tentatively scheduled to make the leasing decision in March 1983. A lease sale is scheduled for June 1983.

Public envolvement is invited to determine the scope and the significant issues to be analyzed in the EIS. Public participation will be sought by direct contact and mailings to interested and affected parties, announcements in local media, and review of the EIS and decision documents. Initial public meetings are now scheduled in areas that would be directly affected. These meetings are a part of the overall scoping process. In addition, these initial meetings will solicit comments on proposed tract ranking sub-factors (see below) and views on the findings in the individual tract analyses now being completed, and will provide specific periods for formal testimony on the preliminary leasing target for the Fort Union region.

The meetings, where individuals may ask questions or discuss matters individually with RCT members and project staff personnel, will consist of an open house session from 7:00–8:00 p.m., followed by a group meeting beginning at 8:00 p.m. to solicit comments. The meeting schedule is as follows:

October 7—Hazen, North Dakota, City Hall
October 8—Garrison, North Dakota, City Auditorium
October 13—Wibaux, Montana, Wibaux County Courthouse
October 14—Killdeer, North Dakota, Basement of the County building
October 15—Dickinson, North Dakota, Stark County Court House Auditorium
October 19—Circle, Montana, Vets Club
October 20—Sidney, Montana, Public Library, 121 Third Avenue NW
October 21—Glendive, Montana, Dawson County Courthouse

Any individual, company, group, or agency who wishes to be included in the mailing list for notifications, to submit information that would be useful in preparing the EIS, or to provide comments and suggestions should contact the Fort Union Coal Project Manager, Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107. Telephone inquiries should be directed to David Darby, Project Manager, at the following numbers: (406) 656–6632 (commercial phone) or 585–6632 (Federal Telecommunications System).

Proposed Tract Ranking Sub-Factors

At its meeting in Bismarck, North Dakota on May 28, 1981, the Fort Union Regional Coal Team proposed the following sub-factors as those which would be used to rank potential leasing tracts in the Fort Union region.

Comments will be sought at the above public meetings on the sub-factors, and wirtten comments may be submitted to the Fort Union Coal Project Manager, address above.

Category: Coal Economics

Coal quality
Coal quantity
Coal conservation and maintenance of production
Energy production
Liklihood of leasing and development

Category: Impacts to the Natural Environment

Air quality
Minerals other than coal
Water
Wildlife
Cultural features
Amenity values
Special management areas/unique resource impacts
Other land uses and transportation
Reclamation potential
Unsuitability criteria

Category: Social and Economic Effects

Economic changes
Community service assessment
Agricultural operations
Public attitudes
Life style and social structure
Consistency with other plans and policies
Major agency or group recommendations

At 8:00 p.m. during the meetings in Dickinson, North Dakota and Glendive, Montana, formal hearings will be convened, a major purpose of which is to solicit testimony on the Secretary of the Interior's preliminary leasing target for the Fort Union region in compliance with 43 CFR 3420.3. However, comments may also be offered at the hearings on matters dealing with the scope of the EIS, the proposed ranking sub-factors, and the individual tract evaluations.

Michael J. Penfold,
BLM Montana State Director.
August 25, 1981.

[FR Doc. 81-25511 Filed 9-2-81; 8:45 am]
BILLING CODE 4310-84-M

Geological Survey

Outer Continental Shelf (OCS) Oil and Gas Information Program; Availability of OCS Summary Report 2 for Gulf of Alaska and Lower Cook Inlet

SUMMARY: A second OCS Summary Report for the Gulf of Alaska and Lower Cook Inlet has been published by the U.S. Geological Survey, Department of the Interior. The objective for issuing the report is to provide information on Outer Continental Shelf oil and gas activities and resulting onshore impacts so that affected States may plan accordingly.

The "Gulf of Alaska and Lower Cook Inlet Summary Report 2" is a revision and follow-up of the initial report, "Outer Continental Shelf Oil and Gas Activities in the Gulf of Alaska

(including Lower Cook Inlet) and their Onshore Impacts: A Summary Report, September 1980." It focuses on current oil and gas resource estimates, reserves, and production levels; the magnitude and timing of OCS exploration, development, and production; strategies for transporting oil and gas; and the nature and location of onshore facilities.

A Summary Report is in progress for the Arctic (Beaufort Sea) area and is projected to be published by November 1981.

EFFECTIVE DATE: Immediately.

ADDRESSES: Copies of the report may be obtained upon request from the Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Nystrom, Chief, Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092, (703) 860–7166.

Richard B. Krahl,

Acting Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81–25839 Filed 9–2–81; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) (5 U.S.C. App. 1 Section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, October 2, 1981.

The Commission was established pursuant to Pub. L. 91–383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Advisory Commission are as follows:

Dexter M. Keezer, Truro
Francis R. King, Wellfleet
Nathan Malchman, Provincetown
Barbara S. Mayo, Provincetown
Joshua A. Nickerson, Chatham
David F. Ryder, Chatham
Sherrill B. Smith, Jr., Orleans
Clifford H. White, Wrentham
Elizabeth F. Worthing, Eastham
Paul F. Nace, Jr., Woods Hole

At the meeting at 1:30 pm the Commission will consider the following matters: Presentation of Pheiffer Report on Historic Structures of the Seashore; Interim Report on the Archeological Survey of Seashore; and Status of Wellfleet Landfill.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663, Telephone 617–349–3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: August 27, 1981.

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

[FR Doc. 81–25818 Filed 9–2–81; 8:45 am]

BILLING CODE 4310–70–M

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission wil be held beginning 7:30 p.m. (EDT), on Thursday, September 24, 1981, at Happy Days Visitor Center located on State Route 303 (Streetsboro Road), 1 mile west of State Route 8 near Peninsula, Ohio. Parking is on the north side of Route 303 and a pedestrian tunnel leads to the building on the south side of the highway.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff–4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Tommie Patty (Chairperson)
Mr. John Craig
Mr. Norman A. Godwin
Mrs. William Hutchison
Mr. James S. Jackson
Mrs. George Klein
Mr. Stanley Mottershead
Mr. C. W. Eliot Paine
Mr. Melvin J. Rebholz
Mr. F. Eugene Smith
Ms. Robbie Stillman
Mr. Barry K. Sugden
Dr. Robert W. Teater

Matters to be discussed at this meeting include:

1. Proposed sanitary landfill in the city of Independence.
2. Presentation of the activities of the Cuyahoga Valley Communities Council.
3. Update on Park operations.

The meeting will be open to the public. It is expected that about 200 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone (216) 650–4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: August 27, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81–25816 Filed 9–2–81; 8:45 am]

BILLING CODE 4310–70–M

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 10:30 a.m. (PST) on Saturday, September 26, 1981, at the West Marin School, Point Reyes, California.

The Advisory Commission was established by Pub. L. 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the Natonal Park Service systems in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margo Patterson Doss
Mr. Jerry Friedman
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Duane "Doc" Mattison

Mr. John Mitchell
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda items for this meeting will be staff briefings, Committee Reports, new Committee assignments, a commendation for Lisa Dapprich and a presentation by the Point Reyes Committee on the proposed Bear Valley Visitor Center at Point Reyes National Seashore.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact William J. Whalen, General Superintendent of the Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123; telephone (415) 556-2920.

Minutes of the meeting will be available for public inspection by October 26, 1981 in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: August 28, 1981.

John H. Davis,

Acting Regional Director, Western Region.

[FR Doc. 81-25817 Filed 9-3-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Oil Shale Lease Detailed Development Plan; Public Hearings

Pursuant to Section 10(a) of the U.S. Department of the Interior Oil Shale Lease, the Department announces the availability of the Detailed Development Plan, submitted September 1, 1981, for Oil Shale Lease Tracts U-a, Serial No. Utah 25918 and U-b, Serial No. Utah 26194.

Prior to commencing any operations on the leased lands, under the Detailed Development Plan, the lessees must obtain the approval of the USGS Deputy Conservation Manager-Oil Shale.

Notice is is hereby given that public hearings will be held for the purpose of receiving comments relating to the Tracts U-a and U-b Detailed Development Plan on the following dates and at the following locations:

October 21, 1981: Uintah County Courthouse, 147 East Main Street, Vernal, Utah

October 28, 1981: Ramada Inn, 999 South Main Street, Alta Rooms 3 and 4, Salt Lake City, Utah

Hearings at both locations will begin in the afternoon at 1:00 p.m. and continue until all present are heard, or 3:00 p.m., whichever comes first. In the evening, hearings at both locations will begin at 7:00 p.m. and continue until all present are heard, or 9:00 p.m. whichever comes first. The Salt Lake City hearing will be in conjunction with a meeting of the Oil Shale Environmental Advisory Panel in which the plan will be under review.

Interested individuals, representatives of organizations and public officials wishing to appear at the hearings should contact the U.S. Geological Survey, Oil Shale Office, 131 North 6th Street, Grand Junction, Colorado 81501, no later than October 16, 1981. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings must be received at the above address on or before November 2, 1981.

All written statements received pursuant to this notice will be included in the hearing record. Oral statements at the hearings will be limited to a period of ten minutes. To the extent that time is available after presentation of oral statements by those who have given advance notice, the Hearing's Officer will give others present an opportunity to be heard.

Notice is also given that copies of the Tracts U-a and U-b Detailed Development Plan and related reports are available for public inspection during regular business hours at the following locations:

U.S. Geological Survey, Oil Shale Office, 131 North Sixth, Grand Junction, Colorado
U.S. Geological Survey, Conservation Division, Building 85, Denver Federal Center, Denver, Colorado
U.S. Geological Survey, Conservation Division, Reston, Virginia
Oil Shale Environmental Advisory Panel, Building 67, Denver Federal Center, Denver, Colorado
Bureau of Land Management, Colorado State Office, 2000 Arapahoe, Denver, Colorado
Bureau of Land Management Area Office, Meeker, Colorado
Bureau of Land Management, Utah State Office, 125 South State, Salt Lake City, Utah
Bureau of Land Management District Office, 170 South 500 East, Vernal, Utah
Bureau of Land Management Wyoming State Office, Federal Center, 2120 Capitol Avenue, Cheyenne, Wyoming
Mesa College Library, Grand Junction, Colorado
Mesa County Public Library, Grand Junction, Colorado
Rangley Public Library, Rangely, Colorado
Moffat County Library, Craig, Colorado
Colorado Mountain College Library, Glenwood Springs, Colorado
Rifle Public Library, Rifle, Colorado
Uintah County Public Library, Vernal, Utah
Salt Lake City Public Library, Salt Lake City, Utah
Colorado State Library, 1362 Lincoln, Denver, Colorado
Library, Department of the Interior, Main Interior Building, Washington, D.C.
Colorado State University Library, Fort Collins, Colorado
Colorado School of Mines Library, Golden, Colorado
U.S. Geological Survey Library, National Center, Reston, Virginia
U.S. Geological Survey Library, Denver, Colorado
Denver Public Library, Conservation Library, Denver, Colorado
Utah State University Library, Logan, Utah
Brigham Young University Library, Provo, Utah
University of Utah Library, Salt Lake City, Utah
University of Wyoming Library, Laramie, Wyoming

David C. Russell,

Assistant Secretary of the Interior.

[FR Doc. 81-25823 Filed 9-3-81; 8:45 am]

BILLING CODE 4310-10-M

Oil Shale Environmental Advisory Panel; Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will be held October 28 and 29, 1981, at the Ramada Inn, 999 South Main Street in Salt Lake City, Utah. The meeting will begin at 8:30 a.m. on Wednesday, October 28, in the Alta Rooms 3 and 4 and conclude at 4:00 p.m., Thursday, October 29.

The Panel was established to assist the Department of the Interior in the performance of its functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program.

The purpose of this meeting is to review the Detailed Development Plan for Lease Tracts U-a and U-b which has been submitted by White River Shale Project. It is being held in conjunction with a public hearing on the same matter. The Panel will begin its review on Wednesday morning, October 28, and recess at noon for the hearing which will begin at 1:00 p.m. in the same

meeting room with an evening session at 7:00 p.m. The Panel will reconvene at 8:30 a.m. on Thursday, October 29, to complete its review and adopt appropriate advice to the U.S. Geological Survey on the plan.

The Panel will also receive reports from Interior officials, from various workgroups, discuss panel operations and annual reports of the prototype lease projects and any other matters which have come before it.

The meeting is open to the public. It is expected that space will permit at least 100 persons to attend the meeting in addition to the panel members. Interested persons may make brief presentations to the Panel on Thursday morning, October 29, or file written statements with the Chairman. Requests to speak to the Panel should be made to Mr. Henry O. Ash, Chairman, Office of the Oil Shale Environmental Advisory Panel, Department of the Interior, Room 690, Building 67, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234–3275.

Further information concerning this meeting may be obtained from Mr. Ash's office. Minutes of the meeting and the public hearing record will be available for public inspection 30 days after the meeting at the panel office.

David C. Russell,

Assistant Secretary of the Interior.

[FR Doc. 81–25821 Filed 9–2–81; 8:45 am]

BILLING CODE 4310–10–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. 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. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and 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 become 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.

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 the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–248

Decided: August 27, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier. Member Fortier not participating in part.

MC 157801, filed August 20, 1981. Applicant: SCOTT & SONS MOVING & STORAGE, INC., 2472 So. Santa Fe Ave., Vista, CA 92083. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036 (202) 785–0024. (1) As a *broker* of *general commodities* (except household goods), between points in the U.S.; and (2) Transporting (a) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); (b) *used household goods*, for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense; and (c) *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.

Volume No. OPY–4–345

Decided: August 26, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 118527 (Sub-7), filed August 17, 1981. Applicant: SOURDOUGH EXPRESS, INC., P.O. Box 73398, 600 Driveway Street, Fairbanks, AK 99707. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055 (206) 235–4730. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–5–141

Decided: August 26, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 114098 (Sub-58), Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, D.C. 20004 (202) 628–4600. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 118789 (Sub-2), filed August 19, 1981. Applicant: MAIL DELIVERY SERVICE, INC., P.O. Box 473, Buffalo, NY 14240. Representative: Michael R. Werner, 423 Edgewood Ave., Teaneck, NJ 07666 (202) 575–8660. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 157258 (Sub-1), filed August 17, 1981. Applicant: GERALD F. ROZEK d.b.a. METROPOLITAN TRAFFIC ASSOCIATES, 703 Foster Avenue,

Bensenville, IL 60106. Representative: Gerald F. Rozek (same address as applicant) (312) 766–6770. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 157759, filed August 18, 1981. Applicant: BILLY C. HAWKINS, Mount Carmel Rd., Rt. 4 Box 287, Asheville, NC 28806. Representative: Norman Q. Blakely (same address as applicant) (704) 253–6616. 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.

MC 157769, filed August 18, 1981. Applicant: L. W. BEASLEY, 10422 Fox Hollow, San Antonio, TX 78217. Representative: L. W. Beasley (same address as applicant.) (512) 653–4531. 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.

MC 157779, filed August 19, 1981. Applicant: JAMES M. LAWRENCE, d.b.a. L.D.T. TRUCKING CO., 1712 Neville Lane, Rocky Mount, NC 27801. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, DC 20036 (202) 223–5900. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–155

Decided: August 26, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 153124, (Sub-2) filed August 20, 1981. Applicant: COMPANIES TRANSPORT, INC., P.O. Box 186, Lincoln Park, NJ 07035. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202 (716) 845–6066. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons or munitions), between points in the U.S., (2) *shipments weighing 100 pounds or less,* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., and (3) as a *broker of general commodities* (except household goods), between points in the U.S.

MC 157674, filed August 12, 1981. Applicant: T D EXPRESS, INC., 2434 52nd Ave. Court, Greeley, CO 80634. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203 (303) 839–5856. Transporting *food and other edible products and byproducts intended for human consumption* (except alchoholic 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25778 Filed 9-2-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and 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 dully noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and 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 take 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.

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 inquires to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–247

Decided: August 27, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier. Member Fortier not participating in part..

MC 78400 (Sub-102), filed August 21, 1981. Applicant: BEAUFORT TRANSFER COMPANY, a corporation, Hwy. 50 (P.O. Box 151), Gerald, MO 63037. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221–1464. Transporting *hazardous waste,* between Jefferson City, MO, on the one hand, and, on the other, St. Louis, MO. Condition: The certificate issued in this proceeding shall expire 5 years from the date of issuance.

MC 117201 (Sub-57), filed August 20, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228–3807. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Gerber Products Company, of Fremont, MI.

MC 117940 (Sub-371), filed August 21, 1981. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359 (612) 479–1984. Transporting *general commodities*

(except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Mills, Inc., of Minneapolis, MN.

MC 120880 (Sub-5), filed August 20, 1981. Applicant: RONALD B. PEARSON d.b.a. PEARSON'S EXPRESS, P.O. Box 274, Lincoln, RI 02865. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103 (203) 728-0700. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, and RI, on the one hand, and, on the other, points in ME, NH, VT, CT, MA, RI, NY, NJ, PA, OH, IL, IN, MO, KY, TN, MD, OK, TX, VA, NM, AZ, CA and DC.

MC 133221 (Sub-45), filed August 20, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Hwy., Lawrenceville, GA 30245. Representative: W. D. Beaver (same address as applicant) (404) 963-6212. Transporting *plastic articles and materials,* between the facilities of Amoco Foam Plastic Products Company, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 135231 (Sub-63), filed August 21, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457-6889. Transporting *paper and paper products,* between points in St. Croix County, WI, Kenton County, KY, Hillsborough County, FL, Cameron County, TX, and Wayne County, MI, on the one hand, and, on the other, points in the U.S.

MC 143250 (Sub-8), filed July 13, 1981, previously published in the **Federal Register** on August 3, 1981. Applicant: WILDCAT CONSTRUCTION COMPANY, INC., P.O. Box 145, St. Albans Bay, VT 05481. Representative: Samuel L. Watts, TDS, Inc., 54 Middlesex Turnpike, Burlington, MA 01803 (617)729-7449. Transporting *general commodities* (except classes A and B explosives), having a prior or subsequent movement by rail, between points in CT, MA, ME, NH, NJ, NY, RI and VT, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the territorial description.

MC 145950 (Sub-96), filed August 20, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001-4594. Transporting (1) *leather and leather products, rubber and plastic products, electrical machinery, and textile mill products,* between points in Webb, Val Verde, and Tom Green Counties, TX, on the one hand, and, on the other, points in Walker County, GA, and Wayne and Burke Counties, NC, (2) *chemicals and related products,* between the facilities used by Agrandi, Ltd., at points in the U.S., on the one hand, and, on the other, points in the U.S., and (3) *clay, concrete, glass or stone products,* between points in Adams County, PA, on the one hand, and, on the other, points in the U.S.

MC 146820 (Sub-17), filed August 21, 1981. Applicant: B & G TRUCKING, INC., 579 High St., Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215 (614) 228-1541. Transporting *plastic products,* between points in the U.S., under continuing contract(s) with Mobile Chemical Company, of Macedon, NY.

MC 146890 (Sub-38), filed August 21, 1981. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001 (202) 628-9243. Transporting *chemical and related products,* between Baltimore, MD, Philadelphia, PA, and points in Greenville County, SC, Dallas County, TX and Nassau County, NY, on the one hand, and, on the other, points in the U.S.

MC 147671 (Sub-2), filed August 21, 1981. Applicant: R & R TRUCKING, a corporation, 2211 E. 72nd St., Tacoma, WA 98404. Representative: Richard T. Kassuhn (same address as applicant) (206) 535-5568. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Brady International Hardwoods Co., Coastcraft, Lilyblad Petroleum, Inc., Fred Tebb & Sons, Inc., Traffic Control Signs Company, and Woodlam, Inc., all of Tacoma, WA, Pacific Roof Structures, of Orange, CA, Norris Paint Co., of Salem, OR, and United States Rock Co., of San Mateo, CA.

MC 147891 (Sub-1), filed August 20, 1981. Applicant: W. E. FERGUSON, d.b.a. FERGUSON TRUCKING, Route 5, Box 340-A, Hillsboro, MO 63050. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105 (314) 727-0777. Transporting *metal containers,* between points in the U.S., under continuing contract(s) with United Nesco Container Company, of Granite City, IL.

MC 149020 (Sub-3), filed August 21, 1981. Applicant: MYERS MEN, INC., 4429 Hamilton Blvd., Allentown, PA 18103. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 South 12th St., Philadelphia, PA 19107 (215) 922-1400. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Air Products and Chemicals, Inc., of Allentown, PA.

MC 151471 (Sub-10), filed August 20, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203 (303) 839-5856. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Superior Packing Company, Inc., of Ellensburg, WA and John Morrell & Co., of Chicago, IL.

MC 151841, filed August 21, 1981. Applicant: R. L. HARRISON TRUCKING COMPANY, INC., 1107 Airlane Drive, Benton, AR 72015. Representative: Allan Gates, 400 Gaines Place, 3rd & Gaines St., Little Rock, AR 72201 (501) 376-3151. Transporting *alcoholic beverages,* between Lynchburg and Tullahoma, TN, on the one hand, and, on the other, Denver, CO, Salt Lake City, UT, Las Vegas and Reno, NV, and points in CA.

MC 152460, filed August 19, 1981. Applicant: ROW-DOM, INC., 1 Washington St., Cumberland, MD 21502. Representative: John H. LeSeur, 1224 Seventeenth St., NW., Washington, DC 20036 (202) 347-7170. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Celanese Fibres Company, of Charlotte, NC.

MC 156310, filed August 20, 1981. Applicant: CECIL R. HAWKINS d.b.a. HAWKINS TRUCKING, P.O. Box 542, Pagosa Springs, CO 81147. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203-1670 (303)-861-8046. Transporting *coal and coal products,* between points in AZ, CO, NM and UT.

MC 157771, filed August 17, 1981. Applicant: J. CUSMANO & SON STEEL TRANSPORTATION, INC., 110 Mt. Elliott St., Detroit, MI 48207. Representative: Frank J. Kerwin, P.O. Box 319, St. Clair Shores, MI 48080 (313) 777-0400. Transporting *metal products,* between points in the U.S.

Volume No. OPY-3-154

Decided: August 26, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 32775 (Sub-21), filed August 19, 1981. Applicant: HERMANN FORWARDING COMPANY, a

corporation, P.O. Box 1, North Brunswick, NJ 08902. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. N.W., Washington, D.C. 20005 (202) 783–7900. Transporting *general commodities* (except classes A and B explosives), between points in NY, PA, VA, MD, WV, ME, VT, NH, CT, RI, MA, DE, NJ, and DC.

MC 144115 (Sub-28), filed August 11, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 6670 11th Ave. SW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095 (414) 677–2586. Transporting *general commodities* (except classes A and B explosives), between the facilities of Alberto Culver Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148445 (Sub-5), filed August 20, 1981. Applicant: WLD TRUCKING COMPANY, a corporation, 4527 N. 16th St., Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, 85012 (602) 266–2224. Transporting *printed matter*, between points in the U.S. under continuing contract(s) with Danner Press Corporation, of Canton, OH.

MC 152915 (Sub-2), filed August 18, 1981. Applicant: SUNNYDALE DISTRIBUTING CORPORATION, Airport Road, P.O. Box 688, Jamestown, ND 58401. Representative: Daniel J. Sweeney, 1750 Pennsylvania Ave., NW., Washington D.C. 20006 (202) 393–5710. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) North Pacific Canners and Packers, and (2) Lamb-Weston, Inc., both of Portland, OR, (3) The Gillette Company, of Boston, MA, (4) The J. B. Williams Company, Inc., of Cranford, NJ, (5) Carter-Wallace, Inc., of Cranbury, NJ, (6) Knouse Foods, of Peach Glen, PA, (7) White Drug Enterprises, Inc., of Jamestown, ND, (8) Jovan, Inc., of Bensenville, IL, (9) Helene Curtis Industries, Inc., of Chicago, IL, (10) PATCO Products, of Kansas City, MO, and (11) Abbott Laboratories, of North Chicago, IL.

MC 155004 (Sub-2), filed August 20, 1981. Applicant: JOSEPH LAND AND CO., INC., West Central Avenue, P.O. Drawer 3310, Lake Wales, FL 33853. Representative: M. Craig Massey, 215 East Lime St., P.O. Drawer 1109, Lakeland, FL 33802 (813) 682–1178. Transporting *such commodities* as are dealt in or used by food chains, between points in the U.S., under continuing contract(s) with Acme Markets, Inc., of Philadelphia, PA.

MC 157705, filed August 14, 1981. Applicant: ELDEN REUTER TRUCKING, INC., Route 3, Box 254, Centralia, IL 62801. Representative: Delmar O. Koebel, 109 West St. Louis St., P.O. Box 70, Lebanon, IL 62254 (618) 537–4468. Transporting (1) *farm equipment and parts*, (2) *tires*, and (3) *household appliances*, between St. Louis, MO, on the one hand, and, on the other, points in Marion and Clinton Counties, IL, and Jamesway, WI.

MC 157675, filed August 10, 1981. Applicant: INTERMOUNTAIN TRANSPORT & HOT SHOT SERVICE, P.O. Box 335, Cleveland, UT 84518. Representative: Irene Warr, Suite 280, 311 South State St., Salt Lake City, UT 84111 (801) 531–1300. Transporting *machinery* and *metal products*, between Carbon and Emery Counties, UT, on the one hand, and, on the other, points in CO, WY, NM, ID, and AZ.

MC 157764, filed August 18, 1981. Applicant: A&B MOVING & STG. d.b.a. BAKER MOVING & STG., 12000 Ironton Rd., Little Rock, AR 72206. Representative: Marion G. Baker (same address as applicant) (501) 888–2525. Transporting *household goods*, between points in the U.S.

MC 157804, filed August 20, 1981. Applicant: GOLDCOAST, INC., 6570 S.W. 47th Ct., Ft. Lauderdale, FL 33314. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166 (305) 592–0036. Transporting *such commodities* as are ordinarily transported in dump vehicles, between points in and south of Brevard, Seminole, Orange, Polk, and Pasco Counties, FL.

Note.—The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control of Team 3, Room 2158.

MC 157805, filed August 20, 1981. Applicant: TRANS-BAY EXPRESS, INC., P.O. Box 34296, San Francisco, CA 94134. Representative: Marshall G. Berol, 601 California St., Suite 1900, San Francisco, CA 94108 (415) 986–4812. Transporting *general commodities* (except classes A and B explosives), between points in Mendocino, Colusa, Glenn, Butte, Tehama, Shasta, Lake, Sonoma, Napa, Yolo, Sutter, Yuba, Nevada, Placer, El Dorado, Sacramento, Solano, Marin, San Francisco, Contra Costa, San Joaquin, San Mateo, Alameda, Santa Cruz, Santa Clara, Stanislaus, Monterey, San Benito, Merced, Fresno, Madera, Kings, Tulare, San Luis Obispo, Kern, Santa Barbara, Ventura, Los Angeles, Orange and San Diego Counties, CA.

Volume No. OPY–4–344

Decided: August 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

MC 98047 (Sub-2), filed August 10, 1981. Applicant: ALEXANDER NAHIGIAN d.b.a. ALEXANDER TRANSPORT, 31 Middleby Road, Lexington, MA 02173. Representative: Alexander Nahigian (same address as applicant) (617) 862–4901. Transporting *general commodities* (except classes A and B explosives) between points in MA, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, PA, and RI.

MC 105367 (Sub-6), filed August 10, 1981. Applicant: THE HALL TRUCK LINE, INC., P.O. Box 188, Olathe, Kansas 66061. Representative: Everett J. Sellers (same address as applicant) (913) 782–0850. Transporting *general commodities* (except classes A and B explosives) (1) from Garett, KS to Coffeyville, KS over U.S. Hwy. 169 serving all intermediate points and off-route points within 25 miles of route, (2) from Stanley, KS to Baxter Springs, KS over U.S. Hwy. 69 to Crestline, KS, then over Hwy. 26, to Hwy. 66 then over Hwy. 66 to Baxter Springs, KS. serving all intermediate points and off-route points within 25 miles of route.

Note.—Applicant intends to tack this authority with existing authority and to interline.

MC 118937 (Sub-2), filed August 18, 1981. Applicant: FRANK E. MARES d.b.a. MARES SERVICE, 4611 West 33rd Street, Cicero, IL 60650. Representative: John J. Grevenites, 4611 West 33rd Street, Cicero, IL 60650. Transporting *wrecked and disabled motor vehicles* and *replacement vehicles* therefor, by use of wrecker equipment only, between points in the U.S.

MC 145797 (Sub-15), filed August 12, 1981. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Dr., Chesterfield, MO 63017. Representative: R. Thomas Grasso, 111 Hilltown Village Center, Chesterfield, MO 63017 (314) 532–7035. Transporting (1) *chemicals and related products*, (2) *diagnostic products*, (3) *food and related products*, (4) *laboratory instruments and supplies*, and (5) *toilet preparations*, between the facilities of Mallinckrodt, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148557 (Sub-1), filed August 14, 1981. Applicant: THE ONPACO

DIVISION OF GEEM TRANSPORT (CANADA) LTD., 7701 West Jefferson Ave., Detroit, MI. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract with The Ontario Paper Company, Limited, of St. Catarines, Ontario, Canada.

MC 149137 (Sub-9), filed August 17, 1981. Appliant: MASTER TRANSPORT SERVICE, INC., 5000 Wyoming Avenue—Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. restricted to traffic originating at or destined to facilities of Brent Chemical Corporation.

MC 150617 (Sub-5), filed August 14, 1981. Applicant: TRANSCONTINENTAL FREIGHT SYSTEMS, INC., 2559 So. Archer Ave., Chicago, IL 60608. Representative: Edward G. Bazelon, 39 So. La Salle St., Chicago, IL 60603 (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in AL, IL, IN, IA, KY, MA, MI, MO, NJ, NY, OH and PA.

MC 153497 (Sub-1), filed August 17, 1981. Applicant: UNITED AMERICAN FREIGHT, INC., 9324 Harrison Rd., Romulus, MI 48174. Representative: Gordon Disley (same address as applicant) (313) 946–8600. Transporting *such commodities* as are used in the manufacture and distribution of transportation equipment, between points in Michigan, on the one hand, and, on the other, points on the International Boundary line at Detroit and Port Huron, MI.

MC 153557 (Sub-3), filed August 14, 1981. Applicant: MOTOR INDUSTRIES, INC., 1203 Audubon Parkway, Louisville, KY 40213. Representative: William L. Willis, Suite 708, McClure Building, Frankford, KY 40601 (502) 227–7384. Transporting *such commodities as are dealt in the manufacture and distribution of electric and petroleum heaters* between points in Warren County, KY, on the one hand, and, on the other, points in the U.S.

MC 154117, filed August 14, 1981. Applicant: DALCON EXPRESS, INC., P.O. Box 36229, Dallas, TX 75235. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with (1) Burlington Industries, Inc. of Burlington, NC; (2) Reliance Electric Co. of Cleveland, OH; (3) Western Publishing Company, Inc. of Racine, WI; (4) International Playtex, Inc. of Dover, DE; (5) TPS Freight Distributors of Irving, TX; (6) Genesco, Inc. of Nashville, TN; and (7) Dresser Industries, Inc. of Dallas, TX and its subsidiaries.

MC 157687, filed August 13, 1981. Applicant: COUNTY WIDE TRUCKING, INC., 18520 Kishwaukee Valley Road, Woodstock, IL 60098. Representative: G. J. Balek, (same address as applicant) (815) 568–8344. Transporting *clay, concrete, glass, stone and metal products,* between points in CA, IL, IN, MO, NY, PA, WI, on the one hand, and, on the other, points in the U.S.

MC 157717 filed August 14, 1981. Applicant: FRIENDLY FOLKS TOURS, 131 West College Street, Cannonsburg, PA 15317. Representative: Donald J. Balsley, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *broker,* at Cannonsburg, PA in arranging for the transportation of *passengers* and their baggage, between points in the U.S.

Volume No. OPY–4–346

Decided: August 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

MC 4966 (Sub-28), filed August 21, 1981. Applicant: JONES TRANSFER COMPANY, 300 Jones Ave., Monroe, MI 48161. Representative: Thomas M. Hummer (same address as applicant) (313) 241–4120. Transporting *general commodities* (except classes A and B explosives), between points in IN, KY, MI, OH, and TN.

MC 30446 (Sub-20), filed August 20, 1981. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 No. Graham St., P.O. Box 5647, Charlotte, NC 28225. Representative: Leon Thompson (same address as applicant) (704) 376–9101. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Federated Department Stores, of Cincinnati, OH.

MC 120736 (Sub-9), filed August 24, 1981. Applicant: STROTHMAN EXPRESS, INC., 11890 Enterprise Dr., Cincinnati, OH 45241. Representative: Andrew J. Burkholder, 275 East State St., Columbus, OH 43215 (614) 228–8575. Transporting *general commodities* (except classes A and B explosives), between points in IN, IL, MI, OH, and KY.

MC 142956 (Sub-4), filed August 21, 1981. Applicant: M & S TRUCKING CO., INC., Rural Rt. 1, Meadville, MO 64656. Representative: Donald J. Quinn, Commerce Bank Bldg., Suite 232, 8901 State Line, Kansas City, MO 64114 (816) 444–7474. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Hickman Packing Company, of Newark, NJ.

MC 144696 (Sub-10), filed August 20, 1981. Applicant: MEEUWSEN PRODUCE, INC., 9525 Ransom St., Zeeland, MI 49464. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740 (301) 739–4860. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL, and Lotte U.S.A., Inc., of Battle Creek, MI.

MC 145626 (Sub-76), filed August 19, 1981. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul St., Burlington, VT 05401. Representative: L. C. Major, Jr., 6121 Lincolnia Rd., Suite 400, Overlook Office Bldg., Alexandria, VA 22312 (703) 750–1112. Transporting *passengers and their baggage,* in charter and special operations, between points in Cheshire and Sullivan Counties, NH, and points in that part of Grafton County, NH west of U.S. Hwy 3, and points in VT, on the one hand, and, on the other, points in NY, CT, RI, MA, ME, and NH.

MC 145986 (Sub-2), filed August 21, 1981. Applicant: EVERETT P. GLAZE, d.b.a. GLAZE TRUCKING COMPANY, 995 Marion Rd., Columbus, OH 43207. Representative: Richard H. Brandon, P.O. Box 97, Dublin, OH 43017 (614) 889–2531. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 150086 (Sub-2), filed August 3, 1981. Applicant: WADE TRUCK LINES, INC., P.O. Box 156 Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601 (913) 234–0565. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S., under continuing contract(s) with The R. T. French Company, of Springfield, MO.

MC 157776, filed August 19, 1981. Applicant: DEBBI-TOURS, 1414 Garfield, Marquette, MI 49855. Representative: Laurence Bernard Dube, P.O. Box 81, 380 Stoneville Rd., Ishpeming, MI 49849 (906) 486–8697. To engage in operations, in interstate or foreign commerce as a *broker,* at Marquette, MI, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* between points in the Upper Peninsula of MI, on

the one hand, and, on the other, points in the U.S.

MC 157806, filed August 18, 1981. Applicant: INTERCONEX TRANSPORT INTERNATIONAL, INC., 52 Vanderbilt Ave., New York, NY 10017. Representative: Robert L. McGeorge, 1000 Potomac St., N.W., 5th Floor, Washington, DC 20007 (202) 965–6670. As a *broker of household goods*, between points in the U.S.

MC 157816, filed August 20, 1981. Applicant: DANIEL E. KOCH, INC., Star Rt. Box 20, Scappoose, OR 97056. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205 (503) 224–4840. Transporting (1) *metal articles*, (2) *machinery*, (3) *construction materials*, and (4) *non-metal mineral products*, between points in OR, WA, ID, MT, and WY.

Volume No. OPY–5–139

Decided: August 25, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 12538 (Sub-1), filed August 18, 1981. Applicant: LEHIGH VALLEY MOTOR CLUB, 1020 Hamilton St., Allentown, PA 18101. Representative: Neil E. Wenner, 41 North 5th St., P.O. Box 1872, Allentown, PA 18105 (215) 434–1533. To operate as a *broker* at points in PA, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, beginning and ending at points in PA, and extending to points in the U.S.

MC 55889 (Sub-76), filed August 17, 1981. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014 (301) 986–1410. Transporting *general commodities* (except classes A and B explosives), between points in Morgan, Madison, Limestone, Colbert, Lauderdale, Lawrence, and Franklin Counties, AL, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its otherwise authorized regular route operations.

MC 119789 (Sub-734), filed August 14, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant) (214) 579–7110. Transporting *general commodities* (except classes A and B explosives), between the facilities of Norris Industries and its divisions at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 136798 (Sub-8), filed August 17, 1981. Applicant: THE FORTUNE CORPORATION, d.b.a. MAUST TRANSFER CO., 1726 Sixth Ave. South, Seattle, WA 98104. Representative: George S. Holzapfel, 6000 Westland Bldg., 100 South King St., Seattle, WA 98104 (206) 624–1230. Transporting *canned salmon*, between points in the U.S., under continuing contract(s) with the Port of Bellingham, South Terminal, of Bellingham, WA.

MC 149378 (Sub-8), filed August 17, 1981. Applicant: KIRBY TRANSPORT, INC., 8023 E. Slauson Ave., Montebello, CA 90640. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837 (201) 494–8765. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Interstate Freight Service, Inc., of Montebello, CA.

MC 150249 (Sub-2), file August 17, 1981. Applicant: RICHLAND TRUCKING, INC., Route 1, Tillar, AR 71670. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 6444–3337. Transporting (1) *forest products*, (2) *lumber and wood products* and (3) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Potlatch Corporation, of San Francisco, CA.

MC 151269, filed August 17, 1981. Applicant: FRONCKOWIAK, 1476 Harlem Road, Buffalo, NY 14206. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202 (716) 853–0200. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with The Gunlocke Co., Inc., of Wayland, NY.

MC 151318, filed August 18, 1981. Applicant: CALIFORNIA CONTRACT CARRIERS, 2315 Industrial Way, Ceres, CA 95307. Representative: J. R. Fallabel (same address as applicant) (209) 538–4248. Transporting *printing paper*, between the facility used by Simpson Paper Company in San Joaquin County, CA, on the one hand, and, on the other, points in AZ.

MC 151609 (Sub-4), filed August 18, 1981. Applicant: BRIAN KARGMAN d.b.a., B. K. LEASING CO., Dutch Mill Road, Franklinville, NJ 08322. Representative: David Earl Tinker, 1000 Connecticut Avenue, NW., Suite 1112, Washington, DC 20036 (202) 887–5868. Transporting *canned foods*, between points in the U.S., under continuing contract(s) with Minot Food Packers, Inc., of Bridgeton, NJ.

MC 155768, filed August 19, 1981. Applicant: ENVIRONMENTAL INTERNATIONAL, INC., 912 Scott, Kansas City, KS 66105. Representative: Ted T. Topolski, Sr., 7308 Hedges, Raytown, MO 64133 (816) 356–2440. Transporting *toxic and hazardous waste* between points in AL, AZ, AR, CA, CO, FL, ID, IL, IN, IA, KS, LA, MI, MN, MS, MO, MT, NE, NV, NM, OH, OK, TN, TX, UT, WI, and WY.

MC 155779 (Sub-2), filed August 14, 1981. Applicant: DIAMONDHEAD FREIGHT SYSTEM, INC., P.O. Box 462, Decatur IN 46733. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638–1301. Transporting (1) *such commodities* as are dealt in or used by manufacturers of swimming pools and spas, under continuing contract(s) with Ft. Wayne Pools, Inc., of Ft. Wayne, IN. (2) *clothing*, under continuing contract(s) with Jay Garment Co., of Portland, IN, and (3) *steel forgings, under continuing contract(s) with Teledyne Portland Portland Forge, of Portland, IN, between points in the U.S.*

MC 157719, filed August 14, 1981. Applicant: GEORGIA SOUTHERN TRANSPORTATION, INC., Rt. 1, Box 1, Courtland Hwy., Decatur, IL 35601. Representative: Paul M. Daniell, 235 Peachtree St., NE., Atlanta, GA 30303 (404) 522–2322. Transporting (1) *general commodities* (except classes A and B explosives) between Memphis and Chattanooga, TN and points in GA, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, and TN, (2) *textile mill products*, between points in AL, GA, MS, NC, SC, FL, and TN, (3) glassware, between points in DeSoto and Harrison Counties, MS, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, and TN, (4) *automobile pulleys*, between points in Alcorn County, MS and Houston County, AL, on the one hand, and, on the other, points in GA, SC, AL, TN, and FL.

Volume No. OPY–5–140

Decided: August 26, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 136479 (Sub-2), filed August 17, 1981. Applicant: WALBERT TRUCKING INC., P.O. Box 403, Glascow, KY 42141. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *such commodities* as are dealt in or used by a manufacturer of printed matter, between points in the U.S. under continuing contract(s) with R.

R. Donnelley & Sons Co., of Glasgow, KY.

MC 139858 (Sub-40), filed August 19, 1981. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. van Orman, 1729 H St., NW., Washington, D.C. 20006 (202) 337–6500. Transporting *wall coverings and wall panels,* between points in the U.S., under continuing contract(s) with Laminating Services, Inc., of Louisville, KY.

MC 141889 (Sub-17), filed August 17, 1981. Applicant: RONALD DEBOER, d.b.a. RON DEBOER TRUCKING, Rt. 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703 (608) 256–7444. Transporting *paper and paper products,* and *printed material,* between points in Ventura County, CA, on the one hand, and, on the other, points in the U.S.

MC 143739 (Sub-55), filed August 18, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 328, Albert Lea, MN 56007. Representative: Leonard K. Sackson (same address as applicant) (507) 373–1467. Transporting *chemicals and related products* between the facilities of Monsanto Company and its subsidiaries at points in IL, IN, IA, MI, MN, MO, NE, ND, OH, SD, and WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 144268 (Sub-3), filed August 17, 1981. Applicant: HIRSON TRUCKING, INC., 4901 Coliseum Way, Oakland, CA 94601. Representative: Thomas M. Loughran, 100 Bush St., 21st Floor, San Francisco, CA 94104 (415) 986–5778. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, LA, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 149259 (Sub-2), filed August 14, 1981. Applicant: RON BIGLER, INC., 610 Fair Ave., NW., New Philadelphia, OH 44663. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *such commodities* as are dealt in or used by trading stamp companies or retail outlet stores, between points in the U.S., under continuing contract(s) with Top Value Enterprises, Inc., of Kettering, OH.

MC 150008 (Sub-3), filed August 19, 1981. Applicant: KUELLA, INC., Route 2, King City, MO 64463. Representative: Michael A. Knepper and Lee Reeder, 310 Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105 (816) 842–8874. Transporting (1) *animal hides and leather,* under continuing contract(s) with Prime Tanning Co., Inc., of Berwick, ME, (2) *metal products,* under continuing contract(s) with Century Brass Products, Inc., of Waterbury, CT, and (3) *insulating materials,* under continuing contract(s) with Rockwool Industries, Inc., of Denver, Co., between points in the U.S.

MC 157308, filed August 18, 1981. Applicant: TRANS-NATIONAL CARRIERS, INC., 6 Kensington Drive, Lincolnshire, IL 60015. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603 (312) 236–9375. Transporting (1) *metal products,* between points in the U.S., under continuing contract(s) with Scott Forge of Spring Grove, IL, and (2) *concrete products,* between points in the U.S., under continuing contract(s) with Contemporary Pre-Cast, Inc., of Prairie View, IL.

MC 157748, filed August 14, 1981. Applicant: CARRI, INC., RR #2, Box 132, Lebanon, IL 62254. Representative: Delmar O. Koebel, 109 West St. Louis St., P.O. Box 70, Lebanon, IL 62254 (618) 537–4468. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S., under continuing contract(s) with Venture Stores, Inc., a division of May Department Stores Company, of St. Louis, MO. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5, Room 6370.

MC 157768, filed August 18, 1981. Applicant: ROBERT C. EGGLESTON, R.D. 2 Box 36 (c), Corinth, NY 12822. Representative: Richard Rueda, 135 North 4th Street, Philadelphia, PA 19106 (215) 627–1923. Transporting *paper and paper products,* between points in NY, on the one hand, and, on the other, points in ME, VT, NH, MA, RI, CT, PA, NJ, DE, MD, VA, OH, and DC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25781 Filed 9-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-242]

Motor Carriers, Permanent Authority Decisions; Decision-Notice

Decided: July 7, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of these supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which

the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified 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, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically 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 those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification or effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission Review Board Number 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce over irregular routes, except as otherwise noted.

MC 119755 (Sub-5), filed November 27, 1979, previously published in the **Federal Register** issue of March 27, 1980 and March 2, 1981. Applicant: WEST-TRADE TRANSPORT LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B4B6. Representive: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting in foreign commerce only, *machinery* including construction machinery and equipment as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, between ports of entry on the international boundary line between the U.S. and Canada, located in WA, ID, and MT, on the one hand, and, on the other, points in WA, OR, CA, ID, NV, UT, and AZ. Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication.

[FR Doc. 81-25780 Filed 9-2-81; 8:45 am]

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[Volume No. 154]

Motor Carrier; Permanent Authority Decisions; Restriction Removal; Decision-Notice

Decided: August 28, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. 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 undully narrow authority is consistent with 49 U.S.C. 10922(h).

In the absense 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, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF-378 (Sub-1)X, filed August 17, 1981. Applicant: ENGEL STORAGE CORPORATION, 901 Julia St., Elizabeth, NJ 07201. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Applicant seeks to remove restrictions in lead permit to (1) broaden the community description from (a) used household goods to "household goods," and (b) used automobiles to "transportation equipment"; (2) remove the except AK restriction; and (3) remove the export and import restriction.

MC 1977 (Sub-56)X, filed July 31, 1981. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Applicant seeks to remove

restrictions in its Sub-Nos. 12, 14, 15, 19, 21, 23, 25, 26, 28F, 34F, 36F, 38F, 39F, 40F, 41F, 42F, 46, 47F, 51F, and 54 certificates and in those authorities authorized to be issued to it in (a) MC–F–12072 (assigned Sub-No. 43), (b) MC–F–13681 (assigned Sub-No. 44), (c) MC–F–14030F (assigned Sub-No. 45), and (d) MC–F–14245F (no Sub-No. assigned) to (A) broaden the commodity descriptions from (1) general commodities (with the usual exceptions except classes A and B explosives) to "general commodities" in Sub-Nos. 12, 25, 28F, 41F, 42F, 43, and 44, (2) general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)" in Sub-Nos. 12, 14, 15, 19, 21, 23, 34F, 36F, 38F, 39F, 40, 44, 45, 46, 51F, and in authority from MC–F–14245, (3) fiberglass to "clay, concrete, glass or stone products" in Sub-No. 26, (4) chemicals to "chemicals and related products" in Sub-No. 44, and (5) special-purpose trailers to "transportation equipment" in Sub-No. 43, (B) broaden territorial descriptions from (1) Salt Lake City, UT, to Salt Lake and Davis Counties, UT, in Sub-Nos. 12, and 43, (2) Blackfoot, ID, to Bingham County, ID, in Sub-Nos. 23, 28F, and 43, (3) Brigham City, UT, to Box Elder County, UT, in Sub-Nos. 25, and 28F, (4) Mantua, Perry, Willard, Avon, Bert, Lakeside, Hot Springs, Corinne, and Promontory Point, UT, to Box Elder and Cache Counties, UT, and Cheyenne, WY, to Laramie County, WY, in Sub-No. 28F, (5) Cortez, CO, to Montezuma County, CO, in Sub-No. 40F, (6) Broomfield, Littleton, and portions of Jefferson County, CO, to Boulder, Arapahoe, and Jefferson Counties, CO, in MC–F–14245F, (7) Ogden, UT, to Weber County, UT, in Sub-No. 43, (8) Pocatello and Idaho Falls, ID, to Bannock and Bonneville Counties, ID, in Sub-Nos. 23, 28F, and 43, (9) Boise, ID, to Ada County, ID, in Sub-Nos. 23, 25, 28F, and 43, (10) Trinidad, CO, to Las Animas County, CO, in Sub-No. 40, (11) Montrose, Manitou, and Avondale, CO, to Montrose, El Paso, and Pueblo Counties, CO, in Sub-No. 12, (12) Rosario, NM, to Santa Fe County, NM, and Dolores, CO, to Montezuma County, CO, in Sub-No. 15, (13) Pasco, WA, to Franklin County, WA, in Sub-No. 44, (14) Moxee City, WA, to Yakima County, WA, in Sub-No. 39F, (15) Hollister and Salinas, CA, to San Benito and Monterey Counties, CA, Casa Grande, Tucson, and Nogales, AZ, to Pinal, Pima, and Santa Cruz Counties, AZ, in Sub-No. 42F, (16) Richland, White Bluffs, Hanford Engineering Project, Clarkston, Ayer, Wawawai, Brownlee Dam Site, and Ox Bow Dam Site, WA, to Bention, Franklin, Asotin, Washington, Adams, Walla Walla, and Whitman Counties, WA, in Sub-No. 44, (17) Lucky Peak Dam Site and Arco, ID, to Boise, Elmore and Butte Counties, ID, in Sub-No. 44, (18) Yoder, Lagrange, and Huntley, WY, to Goshen County, WY, in Sub-No. 45, (19) within one mile of NE Hwy 29 between Gering and Scottsbluff, NE, to Scotts Bluff County, NE, in Sub-No. 45, and (20) Carson City, NV, Herlong, Yuba City, and Marysville, CA, and Lake Havasu City, AZ, to Carson City County, NV, Lassen, Sutter, and Yuba Counties, CA, and Mohave County, AZ, in Sub-No. 54, (C) remove facility restrictions in Sub-Nos. 26 and 44, (D) expand service to all intermediate points in connection with applicant's regular-route authority in Sub-Nos. 12, 14, 21, 34F, 36F, 38F, 39F, 42F, 44, and 45, and (E) remove originating at or destined to restrictions, specified point exceptions, duplicating authority restrictions, service point excpetions, and specified commodity exceptions in Sub-Nos. 12, 14, 15, 21, 26, 28F, 36F, 38F, 39F, 40F, 41F, and 44.

MC 6801 (Sub-12)X, filed June 26, 1981 and previously noticed in the **Federal Register** of July 27, 1981, republished as corrected this issue. Applicant: G. H. HARNUM, INC., 867 Woburn St., Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 3, 5, 6, 8, 9, 10 and 11 certificates and E2, E3 and E4 letter-notices as previously noticed and, in addition, to replace city-wide with county-wide authority in Sub-No. 11, from Worcester, MA to Worcester County, MA. The purpose of this republication is to correct an inadvertent omission in the prior notice.

MC 16502 (Sub-22)X, filed August 14, 1981. Applicant: ROBINSON TRUCK LINE, INC., P.O. Box 737, West Point, MS 39773. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-No. 21X certificate to (1) broaden off-routes on its regular routes at named plant sites and municipalities to countywide authority as follows: Chickasaw County, MS, from Egypt, MS; Clay County, MS, from Tibbee, MS, and for points on MS Hwy 10 between West Point, MS, and junction MS Hwy 10 and Alt U.S. Hwy 45, not including West Point; Kemper County, MS, for facilities at Lynville, MS; Lauderdale County, MS; for facilities near Meridian, MS; Lowndes County, MS, for Artesia, Bent Oak, Billups, Columbus, Columbus Air Base, Mayhew, and facilities at Columbus, MS; Monroe County, MS, for Gibson, Hamilton, and Prairie, MS; Noxubee County, MS, for Brookville, MS; and Oktibbeha County, MS, for Sessums and State College, MS.

MC 41347 (Sub-13)X, Filed August 19, 1981. Applicant: DE BACK CARTAGE COMPANY, INC., 4841 West Burnham Street, Milwaukee, WI 53219. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5 and 11F permits to (1) broaden the commodity descriptions from (a) metal shipping containers, metal stampings and products manufactured therefrom, builders' hardware, luggage hardware, frames, and trimmings, toilet, lavatory, and dressing-room steel stall partitions, and steel shower stalls, to "metal products" in the lead and Sub-No. 5; and (b) fire brick shapes, furnace lining cement, crushed fire brick, fire brick plastic, and high-temperature mortar to "clay, concrete, glass or stone products" in Sub-No. 11F; and (2) broaden the territorial descriptions to "between points in the U.S.", under continuing contract(s) with a class of shippers, in the lead, and named shippers, in Sub-Nos. 5 and 11F.

MC 48958 (Sub-225)X, filed August 14, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189. Applicant seeks to remove restrictions in its Sub-No. 215F certificate by removing all exceptions from its general commodities authority.

MC 86423 (Sub-5)X, filed August 13, 1981. Applicant: SMITH TRANSPORT (INTERNATIONAL), LIMITED, 227 Eugene St. East, Windsor, Ontario, CD. Representative: William J. Hirsch, 1125 Covention Tower, 43 Court St., Buffalo, NY 14202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3 and 4 certificates to (1) broaden its commodity descriptions from general commodities (with exceptions) to general commodities (except classes A and B explosives)", in the lead and Sub-Nos. 3, and 4 part 2; (2) replace its cities with county-wide authority (a) in the lead, Detroit, MI and points within 8 miles of Detroit, with Wayne, Oakland, Macomb, Monroe, and Washtenaw Counties, MI, (b) in Sub-No. 3, facilities at Romeo, MI, with Macomb County, MI, and (c) in Sub-No. 4, Buffalo, NY, with Erie and Niagara Counties, NY; and (3) expand ports of entry at Detroit, MI, to all ports of entry in MI, in the lead and Sub-No. 3; and at the Peace Bridge, to all points in NY, in Sub-No. 4.

MC 97068 (Sub-25)X, filed August 14, 1981. Applicant: H. S. ANDERSON TRUCKING COMPANY, P.O. Box 3656, Port Arthur, TX 77640. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-Nos. 6, 7, 9, 10, 15, 18F, 20F, 21 and 22F certificates to (A) broaden the commodity description (1) to "Metal products" from (a) iron and steel articles in Subs 6, 9, 10, and 20F, (b) iron and steel articles, iron and steel tanks, aluminum articles, aluminum tanks, and parts, attachments and accessories related to the named commodities in Sub-No. 15, and (c) to "metal products and materials equipment and supplies used in the manufacture and distribution of metal products" from iron and steel articles and materials, equipment and supplies used in the manufacture and distribution thereof in Sub 22F; (2) to "metal products, machinery, and those commodites which because of their size or weight require the use of special handling or equipment," from structural and plate steel, reinforcing steel, and tank steel, contractors' machinery, equipment and supplies, and such commodities as require the use of special equipment by reason of size or weight, and parts thereof, and such ship building, ship repair, ship maintenance and marine equipment, materials, and supplies as require the use of special equipment because of size or weight in Sub-No. 7; (3) to "lumber and wood products, pulp, paper and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery, transportation equipment, instruments and photographic goods, and waste or scrap materials identified by industry producing," from pipe, fittings, valves, hydrants, castings, parts and accessories therefor, and materials and supplies used in the installation thereof, and metal articles in Sub-No. 18F; and (4) to "lumber and wood products, pulp, paper and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products, transportation equipment, and waste or scrap materials not identified by industry producing," from tubing and iron and steel articles in Sub-No. 21; (b) broaden the territorial description from facilities or city-wide authority to county-wide authority: Nueces and San Patricio Counties, TX, for Corpus Christi, TX, and Galveston County, TX, for Galveston, TX, in Sub-No. 6; Mobile County, AL, for Mobile, AL, in Sub-No. 7; Jefferson County, TX, for Port Arthur, TX, in Sub-No. 9; Harris County, TX, for Baytown, TX, in Sub-No. 10; Jefferson County, AL, for Bessemer and Birmingham, AL, in Sub-No. 18F; Harris County, TX, for Baytown, TX, in Sub-No. 20F; Montgomery County, TX, for Conroe, TX, in Sub-No. 21; and Leon County, TX, for a plantsite near Jewett, TX, in Sub-No. 22F; and (c) authorize radial authority to replace existing one-way authority between points in various southern States, in Sub-Nos. 6, 9, 10, 15, and 20F.

MC 106451 (Sub-22)X, filed August 6, 1981. Applicant: COOK MOTOR LINES, INC., P.O. Box 370, Akron, OH 44309. Representative: John P. McMahon, 100 East Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in the lead and Sub-Nos. 5, 6, 7, 8, 9, 13G, 14, 15, 16, 18F, 19F, 20F, and 21 certificates to (1) remove all exceptions to general commodity authority (except classes A and B explosives) in the lead and Sub-Nos. 5, 6, 7, 8, 9, 13G, 14, 15, 16, 18, 19, and 21; (2) remove the restriction to service at Dover, OH for purpose of joinder only in the regular-route portion of the lead; (3) remove the restriction against service to portions of named counties in WV in Sub-Nos. 5, 8, 13G, 14, and 16; (4) remove restriction to service at Parkersburg, WV for purpose of joinder only in Sub-No. 9; (5) remove restriction to traffic moving on freight forwarder bills of lading in Sub-No. 21; (6) remove restriction to traffic moving to and from and points west of routes between (a) Wellesille, OH and Salineville, OH and (b) Salem, OH and Columbiana, OH, in connection with service to Lisbon, OH as an off-route point in Sub-No. 21; (7) broaden off-route points to county-wide authority from Hubbard, Poland, Petersburg, Middletown and Struthers, OH, New Kensington and Beaver Falls, PA to Trumbull and Mahoning Counties, OH and Westmoreland and Beaver Counties, PA in Sub-No. 21; (8) remove facility limitation and replace Burnaugh, KY with Boyd County, KY as an off-route point in Sub-No. 6; (9) remove facilities limitation in Sub-Nos. 7 and 13G and replace New London, OH with Huron County, OH; (10) remove the originating at and destined to named plantsite restriction in Sub-Nos. 7 and 13G; (11) allow service at all intermediate points in connection with regular routes between (a) junction unnumbered highway and US Hwy 40, (b) Caldwell, OH and Malta, OH, (c) Beverly, OH and named plantsites, in Sub-No. 15; (12) broaden the commodity description from rolling mill equipment to "metal products and machinery"; from used or scrap rolling mill rolls to "waste or scrap materials not identified by industry producing" and from earthenware to "clay, concrete, glass or stone products"; (13) change one-way to radial authority in the regular-route portion of Sub-No. 15, and the irregular-route portion of Sub-No. 21.

MC 110325 (Sub-180)X, filed August 4, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome E. Biniasz (same address as above). Applicant seeks to remove restrictions in Sub-Nos. 95, (authority acquired in MC-F-13525), 154 (authority acquired in MC-F-13902F), and 159 (authority acquired in MC-F-11411) in which service is authorized in CO, IL, IA, MN, MO, MT, NE, OH, OR, VA, WA, WI and WY to: In its regular-route authority (1) remove all exceptions from its general commodity authority except "classes A and B explosives"; (2) remove territorial restrictions which limit service to some intermediate points, no intermediate points, exclude specific intermediate points, or which provide for service for joinder purposes only, to authorize service to all intermediate points; (3) change facility limitations and service to named off-route points to provide county-wide authority as follows: In Sub-No. 154, Bettendorf, IA, with Scott County, IA; Delaware and Masonville, IA, with Delaware County, IA; Peosta, IA with Dubuque County, IA; Pecatonica and Winnebago, IL, with Winnebago County, IL; Ridott, Lena and Pearl City, IL, with Stephenson County, IL; Hanover, IL, with Jo Daviess County, IL; Robbinsdale, St. Louis Park, Hopkins, Edina and Fort Snelling, MN, with Hennepin County, MN; Invergrove and South St. Paul, MN, with Dakota County, MN; Newport, MN, with Washington County, MN; North St. Paul, MN, with Ramsey County, MN; Columbia Heights, MN, with Anoka County, MN; in Sub-No. 159, points within 12 miles of central post office of Des Moines, IA, with Polk and Warren Counties, IA; Fairfax and Rockport, MO, with Atchison County, MO; Forest City, Maitland and Bigelow, MO, with Holt County, MO; Joliet, IL with Will County, IL; points within 15 miles of Ice Harbor Dam, WA, with Benton, Franklin and Walla Walla Counties, WA; Dorchester, NE, with Saline County, NE; Albin, WY, with Laramie County, WY; Lagrange and Yoder, WY, with Goshen County, WY; Gering, NE, with Scottsbluff County, NE; Moore, MT, with Fergus County, MT; sites within 5 miles of Rocky Reach Dam, with Chelan and Douglas County, WA; Ronald, Roslyn, South CleElum, Thorp, Kittitas, Tieton and points within 3 miles of Wenatchee, WA, with Kittitas County, WA; Naches, Selah, Wiley City, Moxee City, Tampico, Wapato, Harrah, White Swan, Toppenish, Granger,

Emerald, Mabton and Outlook, WA, with Yakima County, WA; facility near Malaga, WA, with Chelan County, WA; points within 20 miles of Chief Joseph Dam with Douglas and Okanogan County, WA; Superior, MT and points within 10 miles, with Mineral County, MT; Lind, WA, with Adams County, WA; Connell and Pasco, WA, with Franklin County, WA; Kennewick, WA, with Benton County, WA; facility near Quadlok, WA, with Thurston County, WA; Casper, WY, with Natrona County, WY; Yoder, WY, with Goshen County, WY; Red Bird, WY, with Niobrara County, WY. Applicant also seeks in its irregular-route authority in Sub-Nos. 95 and 159, which authorizes service in IL, IA, OH and VA to (1) remove all exceptions from general commodities, except "classes A and B explosives", and (2) delete the originating at, destined to restriction which appears in its Sub-No. 159.

MC 113981 (Sub-18)X, filed August 13, 1981. Applicant: VEGAS TRUCKING CO., 2853 Cedar Street, Las Vegas, NV 89104. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. Applicant seeks to remove restrictions in its Sub-No. 14F certificate (1) broaden the commodity description to "general commodities, except classes A and B explosives" from general commodities (with usual exceptions and petroleum products, in bulk); and (2) authorize service at all intermediate points to replace existing authority to serve a specified intermediate point, on its described regular route between Los Angeles, CA and Las Vegas, NV.

MC 119226 (Sub-128)X, filed August 3, 1981. Applicant: LIQUID TRANSPORT CORP., R.R. 10, Box 100B, Greenfield, IN 46140. Representative: Robert W. Loser II, 1101 Chamber of Commerce Building, 320 North Meridan Street, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-Nos. 1, 12, 13, 16, 17, 20, 21, 24, 25, 26, 28, 31, 33, 35, 36, 37, 38, 40, 41, 42, 45, 47, 50, 52, 55, 58, 61, 65, 68, 70, 74, 75, 76, 79, 81, 84, 86, 87, 89, 90, 91, 93, 94, 95, 97, 99, 100, 103F, 104F, 107F, 110F, 111F, 113, 114, 117, 118F, 120F, and 123F certificates and E–1 letter notice. It seeks to (A) broaden commodity descriptions as follows: Sub-No. 1, to "food and related products" from liquid sugar and blends, corn syrup, lard, animal fats, tallow, oils and greases, soybean oil, molasses, dry sugar, wine and corn steepwater; "chemicals and related products" from liquid chemicals, grain fermentation residue, and vinyl pyridine; "metal products" from fly ash; "petroleum, natural gas and their products" from petrolatum and lubricating oil, coal tar products and coal tar and pitch; Sub-No. 12, "chemicals and related products" from liquid toilet preparations; Sub-No. 13, "chemicals and related products, and food and related products" from varnishes and lacquers, and animal fats and oils and greases; Sub-Nos. 16, 17, 21, 33, 36, 38, 42, 45, 47, 50, 65, 70, 90, 93, 97, 100, 113, 117, and 123, to "chemicals and related products" from varnishes, lacquers, enamels, finishing materials, paints, thinners, dry fertilizer and compounds and ingredients, grain neutral spirits, liquid sequestrants, chemicals, polyvinyl acetate, liquid adhesives, trifluralin solution, acetic acid, liquid weed killing compounds, alcohol, dry plastic, and liquid chemicals; Sub-Nos. 20, 25, 26, 28, 31, 35, 37, 40, 41, 52, 55, 58, 61, 68, 74, 75, 76, 79, 81, 84, 86, 87, 89, 94, 95, 99, 103, 104, 107, 110, 114, 118, 120, and E–1, to "food and related products" from inedible animal fats, greases, tallow, lard and tallow oil, lecithin, liquid corn products and blends, lards, vegetable oils and blends, syrups, sweetners, starch, dextrim, steepwater, corn oil, corn flour, liquid foodstuff, sugar products, soybean products, and sorbitol; Sub-No. 24, "food and related products, and petroleum, natural gas and their products" from edible and inedible oils; Sub-No. 91, "food and related products, and clay, concrete, glass or stone products" from soybean products, and limestone; and Sub-No. 111, "chemicals and related products, and food and related products" from chemicals, vegetable oils, animal fats, and products of these commodities; (B) remove the "in bulk, in tank, hopper-type, or specially-built vehicle" restrictions in all certificates, and remove the "in liquid form" limitation in Sub-No. 1; (C) remove exceptions restricting the transportation of certain named commodities in Sub-Nos. 1, 24, 38, 41, 47, 68, and restricting the transportation of named commodities on service from and to specified points in Sub-Nos. 20 and 75; (D) replace named facilities and points with city-wide or county-wide authority as follows: Sub-Nos. 1, 13, 16, 17, 21, 81, 84, 89, 95, 99, 100, and 114, Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan and Hendricks Counties, IN (Indianapolis, IN); Sub-Nos. 1, 110, and 117, Vigo County, IN and Clark and Edgar Counties, IL (facilities at Terre Haute, IN); Sub-Nos. 1 and 40, Peoria, Tazewell and Woodford Counties, IL (Peoria, IL); Sub-Nos. 1 and 114, Jefferson, Oldham and Bullitt Counties, KY and Floyd, Clark and Harrison Counties, IN (Louisville, KY); Sub-Nos. 1 and 31, Bartholomew County, IN (Columbus, IN); Sub-Nos. 1 and 79, Clinton County, IA and Whiteside County, IL (Clinton, IA); Sub-Nos. 12, 38, 70, and 111, Hamilton County, OH (facilities at St. Bernard, OH); Sub-Nos. 1 and 13, Daviess County, KY and Spencer County, IN (Owensboro, KY); Sub-Nos. 20, 84, and 103 (part 3), Ford and McLean Counties, IL (facilities near Gibson City, IL); Sub-Nos. 33 and 79, Muscatine County, IA and Rock Island County, IL (Muscatine, IA); Sub-Nos. 50, 55, 86, 90, 93, 94, 113, and 123, Tippecanoe County, IN (facilities near Lafayette, IN); Sub-Nos. 24, 47, and 120, Franklin, Delaware, Licking, Fairfield, Pickaway, Madison and Union Counties, OH (Columbus, OH); Sub-Nos. 25 and 52, Johnson, Bartholomew and Shelby Counties, IN (Edinburgh, IN); Sub-Nos. 74, 84, and 103 (part 2), Adams County, IN (plantsite near Decatur, IN); Sub-Nos. 87 and 97, Macon County, IL (facilities near Decatur, IL); Sub-No. 1, Summit, Medina, Portage and Stark Counties, OH (Akron, OH); East Baton Rouge and West Baton Rouge Parishes, LA (Baton Rouge, LA); Tazewell and Peoria Counties, IL (Argo and Pekin, IL); New London County, CT (Groton and New London, CT); Butler County, PA (Karns City, PA); McKean County, PA and Cattaraugus County, NY (Bradford, PA); Suffolk, Norfolk, Plymouth, Middlesex and Essex Counties, MA (Boston and Charlestown, MA); Orleans, St. Bernard, Plaquemines, Jefferson, St. Charles, St. John the Baptist and St. Tammany Parishes, LA and Hancock County, MS (New Orleans, LA); Henderson County, KY and Vanderburgh County, IN (Henderson, KY); Champaign, Madison and St. Clair Counties, IL and St. Louis County, MO (Champaign and Granite City, IL); Washentaw County, MI (Ann Arbor, MI); Cuyahoga, Lake, Lorain, Medina and Summit Counties, OH (Cleveland, OH); Bulter and Hamilton Counties, OH (Hamilton, OH); Marion County, WV (Fairmont, WV); Ontario, Chautauqua and Ulster Counties, NY (Canandaigua, Fredonia, and Highland, NY); Middlesex and Somerset Counties, NJ (New Brunswick, NJ); and Bedford County, TN (Shelbyville, TN); Sub-No. 12, Vermilion County, IL and Vermillion and Warren Counties, IN (Danville, IL); Sub-No. 13, Marshall County, AL (Albertville, AL); Sub-No. 16, Guilford, Randolph and Davidson Counties, NC (High Point, NC); Worcester County, MA (Templeton and Gardner, MA); and Shelby, Fayette and Tipton Counties, TN and Crittenden County, AR and DeSoto County, MS (Memphis, TN); Sub-No. 20, Allegheny, Westmoreland and Washington Counties, PA (Pittsburgh and Carnegie, PA); Sub-No. 26,

Vanderburgh, Warrick and Posey Counties, IN and Henderson County, KY (Evansville, IN); Sub-No. 36, Lake County, IL (Waukegan, IL); Sub-No. 37, Ogle County, IL (plantsite at Rochelle, IL); Sub-No. 38, Hamilton County, OH (Fernald, OH) and Johnson County, IA (Iowa City, IA); Sub-No. 40, Kankakee County, IL (Bradley, IL); Cerro Gordo County, IA (Mason City, IA); Woodbury and Plymouth Counties, IA, Dakota County, NE and Union County , SD (Sioux City, IA); Leavenworth and Wyandotte Counties, KS and Platte County, MO (Leavenworth, KS); Dodge, Douglas and Saunders Counties, NE (Fremont, NE); Douglas and Sarpy Counties, NE and Pottawattamie County, IA (Omaha, NE); Washington, Rammsey and Dakota Counties, MN (South St. Paul, MN); Winona County, MN and Buffalo County, WI (Winona, MN); and Dane County, WI (Madison, WI); Sub-No. 41, Shelby, Johnson, Tipton and Fayette Counties, TN (Memphis, TN); Sub-No. 42, Dearborn County, IN and Hamilton County, OH (Lawrenceburg, IN); Sub-No. 45, St. Joseph County, IN and Berrien and Cass Counties, MI (South Bend, IN); Sub-No. 50, Pulaski County, AR (plantsite near North Little Rock, AR); Sub-No. 61, Tulsa, Osage, Creek, Wagoner and Rogers Counties, OK (Tulsa, OK); and Dallas County, TX (Irving, TX); Sub-No. 65, Elkhart and St. Joseph Counties, IN and Cass County, MI (Elkhart, IN); and Lucas, Ottawa and Wood Counties, OH and Monroe County, MI (Toledo, OH); Sub-No. 68, Wayne County, OH (Orrville, OH); and Kent, Ottawa, Calhoun and Kalamazoo Counties, MI (Battle Creek and Grand Rapids, MI); Sub-No. 70, Iowa City, IA and Kansas City, KS (plantsites at Iowa City, IA and Kansas City, KS); Sub-No. 75, Will County, IL (plantsite in Will County, IL); Sub-No. 79, Linn, Benton, Johnson and Lee Counties, IA and Hancock County, IL and Clark County, MO (Cedar Rapids and Keokuk, IA); Sub-No. 84, Allen, Van Wert, Putnam, Huron, Seneca, Sandusky, Erie and Marion Counties, OH (Delphos, Bellevue, and Marion, OH); Sub-No. 91, Cass County, IN (facilities near Logansport, IN); Sub-No. 104, Cincinnati, OH (facilities at Cincinnati, OH); Sub-No. 107, Shelby County, OH (facilities near Sidney, OH); Sub-No. 111, Hamilton County, OH (facilities at Ivorydale, OH); and Sub-No. 114, Park County, IN (Clinton, IN); (E) replace one-way authority with radial authority; (F) remove restrictions limiting traffic to that originating at or destined to the facilities of a named company in Sub-Nos. 37, 55, 58, 70, 75, 79, 86, 87, 89, 91, 94, 95, 99, and 103; (G) remove restrictions against service at: Sub-No. 1, Decatur and Bloomington, IL (sheet 2), Indianapolis, IN (sheet 3), and Memphis, TN (sheet 4); Sub-No. 40, Knoxville, TN; Sub-No. E-1, Memphis, TN; Sub-Nos. 55, 75, 79, 86, 87, 94, 118, and 123, AK and HI; Sub-No. 89, AK, HI, and IN; and Sub-No. 97, IL, AK and HI; (H) remove restrictions against: tacking "on intransit traffic only"; "interlining at Bradley, IL"; and "foreign commerce originating at or destined to points in Canada moving through specific ports of entry in NY and MI" in Sub-No. 40; tacking to permit origin of traffic at Jacksonville, IL and points in its commercial zone in Sub-No. 41; transportation of shipments destined to points in Canada in Sub-No. 42; and transportation of traffic from the terminal of a named company in Sub-No. 100.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.10.

MC 127602 (Sub-29)X, filed August 10, 1981. Applicant: DENVER-MIDWEST MOTOR FREIGHT, INC., P.O. Box 1774, Litchfield Park, AZ 85340. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its MC-127602 (Sub-Nos. 10, 15 and 20) certificates to (1) broaden the commodity descriptions to "food and related products" from meat, meat products, and meat by-products, and articles distributed by meat packinghouses; (2) remove the facilities restriction in Sub-No. 10; (3) replace city with county authority as follows: Sioux Center, IA with Sioux County, IA in Sub-No. 10; Fort Morgan, CO with Morgan County, CO in Sub-Nos. 15 and 20; Greeley, CO with Weld County, CO in Sub-No. 15; and Sterling, CO with Logan County, CO in Sub-Nos. 15 and 20; (4) remove "originating at and destined to" restrictions in Sub-Nos. 10 and 15; (5) remove restrictions "hides, skins, and pieces thereof, and liquid commodities, in bulk" (Sub-No. 10); "hides and commodities in bulk" (Sub-No. 15); and "commodities in bulk, in tank vehicles" (sub-No. 20; and (6) authorize two-way authority (Sub-Nos. 10, 15, and 20) in place of one-way authority.

MC 133037 (Sub-8)X, filed August 17, 1981. Applicant: MILE-HI EXPRESS, INC., 1335 E. 40th St., Denver, CO 80205. Representative: Jack B. Wolfe, 1600 Sherman St. #665, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 2, 5F, and 6F certificates to (1) broaden its commodity description in all Subs to "food and related products" from foodstuffs and meat, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B and C of Appendix I to the Report in the *Descriptions* case, 61 M.C.C. 209 and 766; (2) remove the restriction prohibiting the transportation (a) of specified commodities in vehicles equipped with mechanical refrigeration, and (b) traffic destined to a named point in Sub-No. 2; (3) replace city-wide authority with county-wide authority: Denver, CO in all Subs, with Denver, Adams, Arapahoe, Jefferson and Douglas Counties, CO; and (4) expand one-way authority to radial authority between points in 3 western States, in all Subs.

MC 134133 (Sub-4)X, filed August 24, 1981. Applicant: C & J TRAVEL, INC., 163 Central Avenue, Dover, NH 03820. Representative: Mary E. Kelley, 22 Stearns Avenue, Medford, MA 02155. Applicant seeks to remove restrictions in its Sub-Nos. 1, 2, and 3 certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in all three Sub-Nos.; (2) broaden named facilities and cities to counties; Logan International Airport located in Boston, MA, to Suffolk, Middlesex, Norfolk, Essex, and Plymouth Counties, MA, in all three Sub-Nos.; Seabrook, Hampton, Newmarket, Newington, Rochester, Durham, Exeter, Somersworth, Portsmouth, and Dover, NH, to Rockingham, and Strafford Counties, NH, in Sub-No. 1; and (3) delete restriction limiting transportation to traffic weighing not more than 200 pounds in the aggregate from one consignor at one location to one consignee at one location during a single day in all Sub-Nos.

MC 136818 (Sub-132)X, filed August 10, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 West Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Applicant seeks to remove restrictions from its certificate in MC-136818, Sub-Nos. 2, 6, 17, 21, 28, 34, 35, 36, 37, 39, 40, 45, 51, 52, 53, 55, 66, 67, 68, 69, 72, 73, 75, 76, 82, 86, 93, 94, 95, 98, 99, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 115, 120, 122, 123 and 126 and its permits in MC-136897 and Sub-Nos. 4, 5, 6, 13, 16, 23, 24, 25, 26, 27, 28, and 30 to (1) broaden the certificate commodity descriptions as follows: Sub-No. 2, from iron and steel scrap, compressed auto bodies and reinforcing iron and steel bars to "metal products"; Sub-No. 6, from scrap metal and flattened automobile bodies to "metal products";

Sub-No. 17, from frozen foods to "food and related products"; Sub-No. 35, from petroleum and petroleum products to "petroleum natural gas and their products"; Sub-No. 36, part (1), from glass, glass spheres, and thermo plastic marking materials to "clay, concrete, glass or stone products, rubber and plastic products"; Sub-No. 37, from iron and steel articles to "metal products"; Sub-No. 40 from (1) general commodities (except articles of unusual value and Classes A and B explosives) and (2) used containers, used trailers and used trailer chassis to "general commodities, except Classes A and B explosives"; Sub-No. 51, from laminated wood beams to "building materials"; Sub-No. 53, from lime to "building materials"; Sub-No. 55, from iron and steel articles to "metal products"; Sub-No. 66, from non-frozen canned goods to "food and related products"; Sub-No. 67, from foodstuffs to "food and related products"; Sub-No. 68, from petroleum products to "petroleum, natural gas and their products"; Sub-No. 72, from frozen foods to "food and related products"; Sub-No. 76, from (1) paper and paper products (except in bulk) and (2) commodities produced or distributed by manufacturers and converters of paper and paper products (except in bulk) to "pulp, paper and related products"; Sub-No. 93, from sugar to "food and related products"; Sub-No. 94, from bananas to "food and related products"; Sub-No. 95, from bastnasite ore to "ores and minerals"; Sub-No. 99, from insulation materials to "building materials"; Sub-No. 103, from foodstuffs and canned goods to "food and related products"; Sub-No. 104, from foodstuffs to "food and related products"; Sub-No. 105, from scrap paper to "pulp, paper and related products"; Sub-No. 106, from cheese products and synthetic cheese to "food and related products"; Sub-No. 107, from alcoholic liquors, Sub-No. 111, from (1) furniture, (2) furniture parts and (3) materials, equipment and supplies used in the manufacture of the commodities in (1) and (2) above to "furniture and fixtures"; Sub-No. 113, from cheese and cheese products, and materials, equipment and supplies used in the manufacture of cheese to "food and related products"; Sub-No. 120, from iron and steel articles to "metal products"; Sub-No. 122, and 123 from alcoholic beverages to "food and related products"; Sub-No. 126, from salt and salt products to "food and related products"; (2) replace one way with radial authority in Sub-Nos. 2, 17, 21, 28, 34, 35, 36, 37, 45, 51, 52, 53, 55, 66, 67, 68, 69, 72, 73, 75, 76, 93, 94, 95, 98, 99, 103, 105, 106, 109, 111, 112, 113, 115, 120; (3) remove facility restrictions or originating at and destined to restrictions in Sub-Nos. 2, 21, 28, 51, 52, 73, 76, 82, 95, 98, 99, 103, 104, 106, 107, 109, 110, 111, 112, 120; (4) remove in bulk in tank vehicles, in packages in vehicles equipped with mechanical refrigeration, in containers or in trailers, in mixed loads restrictions in Sub-Nos. 21, 28, 34, 35, 39, 40, 45, 52, 67, 68, 69, 73, 76, 82, 86, 93, 104, 107, 109, 110, 111, 112; (5) remove and/or replace named facilities limitations with county-wide authority in Sub-No. 2, Phoenix and Tempe, AZ, with Maricopa County, AZ; Sub-No. 17, Ontario, OR, Burley, ID, Phoenix and Tempe, AZ, with Malheur County, OR, Cassia County, ID, and Maricopa County, AZ; Sub-No. 21, Springfield, MO, with Greene County, MO; Sub-No. 28, Pocatello, ID, with Bannock County, ID; Sub-No. 36, Jackson, MS, with Hinds County, MS; Sub-No. 39, Searcy, AR, with White County, AR; Sub-No. 45, Golden, CO, with Jefferson County, CO; Sub-No. 51, Magna, UT, with Salt Lake County, UT; Sub-No. 52, Carroll, Denison, Iowa Falls, Cherokee, Des Moines, Fort Dodge, Sioux City, IA, and Crete, Lincoln, Omaha, NE, with Carroll, Crawford, Harding, Cherokee, Polk, Webster, Woodbury Counties, IA, and Saline, Lancaster, Douglas Counties, NE; Sub-No. 53, Dolomite, UT, with Tooele County, UT; Sub-No. 66, Belledeau, St. Francisville, LA, and Hoopeston and Princeville, IL, with Rapides, West Feliciana Parishes, LA, and Vermillion, Peoria Counties, IL; Sub-No. 68, Maryland Heights, MO, with St. Louis County, MO; Sub-No. 69, Branson, MO, Pachuta, MS, Waupaca, WI, Dickinson, ND, White City, OR, Ocala, FL, with Taney County, MO, Clarke County, MS, Waupaca County, WI, Stark County, ND, Jackson County, OR, Marion County, FL; Sub-No. 72, Ontario, OR, Burley, ID, with Malheur County, OR, Cassia County, ID; Sub-No. 75, Meta, MO, with Osage County, MO; Sub-No. 93 Reserve, LA, with St. John Baptist Parish, LA; Sub-No. 94, Gulfport, MS, Galveston, TX, with Harrison County, MS, Galveston County, TX; Sub-No. 95, Mountain Pass, CA, Beverly, Philo and Circleville, OH, York, PA, with San Bernardino County, CA, Washington, Muskigum and Pickaway Counties, OH, and York County, PA; Sub-No. 98, McPherson, KS, Hillsboro and Waco, TX, with McPherson County, KS, McLennan and Hill County, TX; Sub-No. 99, Fruita, CO, with Mesa County, CO; Sub-No. 103, Delta, CO, with Delta County, CO; Sub-No. 104, Weslaco, TX, with Hidalgo County, TX; Sub-No. 107, FT. Smith, AR, Bardstown and Louisville, KY, Plainfield, IL, with Sebastian County, AR, Jefferson and Nelson Counties, KY, and Will County, IL; Sub-No. 109, Tracy, CA, with San Joaquin County, CA; Sub-No. 110, Newark, CA, with Alameda County, CA; Sub-No. 111, Tempe and Phoenix, AZ, with Maricopa County, AZ; Sub-No. 112, Holcomb, KS with Finney County, KS; Sub-No. 115, Phoenix and Tolleson, AZ, with Maricopa County, AZ; Sub-No. 120, Plymouth, UT, with Box Elder County, UT; (6) Sub-No. 40, remove the restriction requiring traffic to have an immediately prior or subsequent movement by water; Sub-No. 107, remove the exceptions of AK and HI and Denver and Pueblo, CO. Sub-Nos. 10, 111, 115, remove the exceptions of AK and HI; (6) broaden the permit commodity descriptions as follows: lead permit MC-136897 and Sub-No. 4, from printing paper to "pulp, paper and related products"; Sub-No. 24, from tires and tubes to "rubber and plastic products"; Sub-No. 26, from automatic storage and retrieval systems to "metal and machinery proudcts"; Sub-No. 16 and 28, from iron and steel articles (with exceptions) to "metal products"; Sub-No. 30, from plastic containers to "rubber and plastic articles"; (7) broaden the territorial description to "between points in U.S.", under continuing contract(s) with the named shippers in the lead permit MC-136897 and Sub-Nos. 4, 5, 6, 13, 16, 23, 24, 25, 26, 27, 28 and 30; and (8) remove except commodities in bulk and hides (lead and Sub-Nos. 6, 25, and 27); except newsprint (lead); other than newsprint (Sub-No. 4); commodities in bulk in tank vehicles (Sub-No. 6); except commodities in bulk; lumber and forest products and commodities which because of size or weight require the use of special equipment (Sub-No. 13 and 25); except wearing apparel loose on hangers (Sub-No. 23).

MC 138875, (Sub-309)X, filed August 13, 1981. Applicant: SHOWMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83709. Representative: David E. Wishney, Attorney at Law, P.O. Box 837, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 39, 53, 54, 58, 81F, 83F, 95F, 102F, 104F, 105F, 117F, 158F, 188F, 197F, 219F, 221F, 265F, 280F, 281F, 287F, 294 and 295 certificates to (1) broaden the commodity description to "such commodities as are dealt in by grocery and food business houses and food and related products" from (a) frozen foods and potato products other than frozen, (except in bulk, and except meats, meat products, and meat by-products, and articles distributed by meat packing houses as described in sections A and C

of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766) in Sub-Nos. 39, 53 and 54; (b) frozen foods in Sub-Nos. 83F, 95F, 104F, and 105F; (c)(1) frozen foods and (2) frozen vegetables in Sub-No. 102F; (d) frozen foods (except commodities in bulk, and except meats, meat products, and meat by-products, and articles distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766) and potato products (except frozen) in Sub-No. 265F; (e) foodstuffs in Sub-Nos. 219F and 280F; (f)(1) foodstuffs and (2) materials and supplies used in the manufacture of (1) above in Sub-No. 287F; (g) foods in Sub-No. 81F; (h) bakery products in 158F; (i) frozen bakery products in Sub-No. 197F; (j) confectionery products in Sub-No. 281F; (k)(1) wines, (2) advertisting materials, racks and supplies related to (1) above in Sub-No. 58; (1) wines in Sub-No. 117F; (m)(1) feed and feed ingredients, and (2) materials and supplies used in the manufacture and distribution of the commodities in (1) above, and (3) commodities the transportation of which is otherwise exempt from economic regulation under the provisions of 49 U.S.C. 10526 (a)(6) (formerly section 203 (b)(6) of the Interstate Commerce Act) in mixed loads with the commodities in (1) and (2) above in Sub-No. 188F; (n) feed, ingredients and feed supplements in Sub-No. 221F; and (o) alcoholic beverages, malt liquors, wine and empty containers in Sub-No. 294 and 295; (2) replace authority to serve specified cities and facilities with county-wide authority: facilities at Plover, WI with Portage County, WI in 81F; facilities at Borah, Burley and Fruitland, ID and Ontario, OR with Boise, Ada, Cassia and Payette Counties, ID and Malheur County, OR in Sub-No. 83F; facilities at Greenville, MI with Montcalm County, MI in Sub-No. 95F; facilities at Wethersfield, CT with Hartford County, CT in Sub-No. 104F; facilities at Greenville, MI with Montcalm County, MI in Sub-No. 105F; facilities at McComb, OH with Hancock County, OH in Sub-No. 158F; facilities at Lake City, PA and Massillon, OH with Erie County, PA and Stark County, OH in Sub-No. 197F; and facilities at Muscatine and Iowa City, IA, Holland, MI, Fremont and Toledo, OH, Pittsburgh, PA and Tracy, CA with Muscatine and Johnson Counties, IA, Ottawa County, MI; Sandusky and Lucas Counties, OH, Allegheny County, PA and San Joaquin County, CA in Sub-No. 280F; (3) eliminate bulk restriction in Sub-Nos. 39, 53, 54, 58, 81F, 95F, 105F, 117F, 158F, 188F, 219F, 221F, 265F, 280F, 281F, and 287F; (4) change all one-way to radial authority; and (5) remove the equipment restrictions in Sub-Nos. 58, 117, and 188F, and remove the originating at and destined to restrictions in Sub-Nos. 58, 81F, 83F, 104F, 105F, 117F, 197F, 280F, and 287F.

MC 140615 (Sub-68)X, filed August 20, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 55 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) delete restriction limiting transportation from the facilities of named shippers associations located at Chicago, IL, Philadelphia, PA, and Hoboken, NJ; and (3) authorize radial authority in place of existing one-way authority between the cities listed above, and points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 140902 (Sub-18)X, filed August 7, 1981. Applicant: DPD, INC., 3600 NW 82nd Avenue, Miami, FL 33166. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 6F, and 11F permits to (1) change the commodity descriptions to: Sub-No. 3, "transportation equipment" from such commodities as are dealt in or used by manufacturers and dealers of automobile parts; Sub-No. 6, "rubber and plastic products, and metal products" from tires and tire parts, inner tubes and inner tube parts, and wheels; and Sub-No. 11, "lumber and wood products, pulp, paper and related products, clay, concrete, glass or stone products, and metal products" from prefabricated buildings, and parts of buildings; and (2) broaden the territorial description in each permit to authorize service between points in the U.S., under continuing contract(s) with named shippers (Chrysler Corporation, Service and Parts Division, of Highland Park, MI, in Sub-No. 3).

MC 141700 (Sub-4)X, filed August 12, 1981. Applicant: KENNETH SCHUCK TRUCKING, INC., R. D. #8, Box 392, Allentown, PA 18104. Representative: Robert J. Brooks, Suite 1115, 1828 L Street NW., Washington, D.C. 20036. Applicant seeks to remove restriction in its lead permit to (A) broaden the commodity description to: "rubber and plastic products, and materials, equipment, and supplies used in their installation, manufacture, and distribution" form plastic pipe, ducts, tubes, fittings and attachments, and materials and supplies used in the installation, of manufacture, and distribution of plastic pipe, ducts, and tubes and (B) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 144622 (Sub-211)X, filed July 13, 1981 and noticed in the **Federal Register** of July 30, 1981, republished as corrected in this issue. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J.B. Stuart, P.O. Box 179, Bedford, TX 76021. Applicant seeks to remove restrictions in its Sub-Nos. 27F, 42F, 85, 119F, 121F, 148F, 151F, 169, 171F, 176F, 186, 188, and 189 certificates to (1) broaden the commodity descriptions from (a) foodstuffs, rubber articles, plastic articles, and drugs to "food and related products, rubber and plastic products, and chemicals and related products" in Sub-Nos. 27F and 42F; (b) household products, dessert preparations, milk food liquid, beverage preparations noncarbonate water, hair care toiletries and hair care equipment, shampoo, drugs, soap, and toilet articles to "household products, food and related products, and chemicals and related products" in Sub-No. 119F; (c) chemical products to "chemicals and related products" in Sub-No. 121F; (d) household applicances and parts and accessories for household applicances to "machinery and household appliances and parts and accessories" in Sub-No. 148F; (e) television sets and recorders to "machinery" in Sub-No. 169; (f) petroleum products, chemicals and plastic materials to "petroleum, natural gas and their products, chemicals and related products, and rubber and plastic products" in Sub-No. 176F; (g) canned frozen citrus juice concentrate and canned juices, and canned foodstuffs to "food and related products" in Sub-No. 186; (h) drugs, toilet preparations, health care items, alumina hydroxice, magnesium hydroxide, and bottles to "chemicals and related products, rubber and plastic products, and clay, concrete, glass or stone products" in Sub-No. 188; and (i) chemicals, petroleum products and cleaning products to "chemicals and related products, and petroleum, natural gas and their products" in Sub-No. 189; (2) delete the "except in bulk, size and weight, frozen, and vehicle restrictions" in Sub-Nos. 85, 151F, 171F, 176F, and 186; (3) delete the facilities restrictions in Sub-Nos. 27F, 42F, 85, 119F, 121F, 148F, 151F, 169, and

171F; (4) remove the "originating at" restriction in Sub-Nos. 27F and 42F; (5) broaden cities to counties as following: (a) Columbus, OH to Franklin County, OH and Altavista, VA to Campbell County, VA in Sub-No. 27F; (b) Columbus, OH to Franklin County, OH in Sub-No. 42F; (c) Cleveland, OH to Cuyahoga County, OH in Sub-No. 121F; (d) Little Rock, AR to Pulaski County, AR, Louisville, KY to Jefferson County, KY, Chicago, IL to Cook County, IL, Milwaukee, WI to Milwaukee County, WI, Columbia, MD to Howard County, MD, Columbia, TN to Maury County, TN, Decatur, AL to Morgan County, AL, and Bloomington, IN to Monroe County, IN in Sub-No. 148F; (e) Little Rock, AR to Pulaski County, AR in Sub-No. 169; (f) Opeliko, AL to Lee County, AL; Menlo Park and Torrance, CA to San Mateo and Los Angeles Counties, CA, Eatonton and Waycross, GA to Putnam and Ware Counties, GA, Dunkirk and Eaton, IN to Jay and Delaware Counties, IN, Elizabeth, NJ to Union County, NJ, Bedford Heights, Columbus, Coshocton, Jackson, Lancaster, Leesburg, Massillon, Mt. Sterling, Roseville, Sandusky, and Wapakoneta, OH to Cuyahoga, Franklin, Coshocton, Jackson, Fairfield, Highland, Stark, Madison, Muskingum, Erie and Auglaize Counties, OH, and Fort Worth, TX to Tarrant County, TX in Sub-No. 171F; and (g) Big Spring, TX to Howard County, TX, Calumet City, IL to Cook County, IL, Orange, CA to Orange County, CA, Hammond, IN to Lake County, IN, and Windsor and Trenton, NJ to Mercer County, NJ in Sub-No. 176F; (6) eliminate the exception of service to AK and HI in Sub-Nos. 85, 171F, and 176F; and (7) authorize radial service in lieu of one-way authority between the cities and counties named above and points throughout the U.S. in Sub-Nos. 27F, 42F, 119F, 121F, 148F (part 2), 151F, and 169. The purpose of this republication is to correct the docket number in this proceeding as noticed in the FR of July 30, 1981, this application was erroneously identified as No. MC-144622 (Sub-No. 22)X.

MC 145102 (Sub-78)X, filed August 12, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 South Union Avenue, Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3F, 9F, 12F, 14F, 17F, 20F, 21F, 22F, 23F, 24F, 25F, 26F, 27F, 30F, 32F, 34F, 36F, 37F, 38F, 40F, 43F, 44F, 45F, 46F, 47F, 48F, 49F, 50F, 52, 53F, 54F, 55, 56F, 57, 58F, 59F, 60, 61F, 62F, 63F, 64F, 65F, 66F, 67F, 68F, 69F, 70, and 72 certificates to (1) remove the following restrictions: (a) "except commodities in bulk" in Sub-Nos. 1, 3F, 9F, 12F, 17F, 20F, 21F, 22F, 23F, 24F, 25F, 26F, 27F, 36F, 38F, 40F, 44F, 46F, 47F, 48F, 50F, 55, 59F, 60, and 63F; (b) except "hides" in Sub-Nos. 3F, 9F, 20F, 21F, 23F, 24F, 26F, 27F, 40F, 44F, 48F, 50F, and 63F; (c) "in vehicles equipped with mechanical refrigeration" in Sub-No. 1; (d) "except AK and HI" in Sub-Nos. 12F, 37F, 47F, 49F, 55, 57, 59F, 63F, and 69F; and (e) the "originating at and/or destined to" restrictions in Sub-Nos. 1, 3F, 9F, 12F, 14F, 20F, 21F, 22F, 23F, 24F, 25F, 26F, 27F, 36F, 37F, 38F, 46F, 48F, 50F, 59F, 60, 61F, 63F, 64F, and 65F; (2) change one-way to radial authority in Sub-Nos. 1, 3F, 9F, 12F, 14F, 17F, 20F, 21F, 22F, 23F, 24F, 25F, 26F, 27F, 30F, 32F, 34F, 36F, 37F, 40F, 43F, 44F, 45F, 47F, 48F, 49F, 50F, 52, 53F, 54F, 55, 56F, 57, 58F, 60, 61F, 62F, 63F, 64F, 65F, 66F, 67F, 68F, 69, and 70; (3) remove the facilities limitations in Sub-Nos. 30F, 44F, 49F, 62F, and 72 (Part 2); (4) change city-wide authority as follows: (Sub-No. 1)-Bismarck and Fargo, ND to Burleigh, Morton, and Cass Counties, ND and Clay County, MN; Champaign, IL to Champaign County, IL; Greensburg, PA to Westmoreland County, PA; Hopkings, MN to Hennepin County, MN; Fort Wayne, IN to Allen County, IN; Indianola, MS to Sunflower County, MS; Green Bay, WI to Brown County, WI; Xenia, OH to Greene County, OH; Anniston, AL to Calhoun County, AL; and Mitchell, SD to Davison County, SD; (Sub-3F)-Esterville, IA to Emmet County, IA and Worthington, MN to Nobles County, MN; (Sub-No. 9F)-Albert Lea, MN to Freeborn County, MN; Cedar Rapids and Cherokee, IA to Linn and Cherokee Counties, IA; Logansport, IN to Cass County, IN; Monmouth, IL to Warren County, IL; and Marshall, MO to Saline County, MO; (Sub-No. 14F)-Appleton and Combined Locks, WI to Outagamie and Winnebago Counties, WI; (Sub-No. 20F)-Mason City and Britt, IA to Cerro Gordo and Hancock Counties, IA; (Sub-No. 21F)-New London, WI to Waupaca and Outagamie Counties, WI; (Sub-No. 22F)-Green Bay, Mosinee, and Columbus, WI to Brown, Marathon, Columbia, and Dodge Counties, WI; (Sub-No. 23F)-Green Bay, WI to Brown County, WI; (Sub-No. 24F)-Sioux City, IA to Woodbury County, IA and Dakota County, NE; (Sub-No. 25)-Appleton, WI to Outagamie and Winnebago Counties, WI; (Sub-No. 26F)-Worthington, MN to Nobles County, MN; (Sub-No 27F)-Denison, Vinton, and Dubuque, IA to Crawford, Benton, and Dubuque Counties, IA and Jo Daviess County, IL; (Sub-No. 32F)-Henderson, KY to Henderson County, KY; Romulus, MI to Wayne County, MI; Frankfort, OH to Ross County, OH; and Clear Lake, Ventura, and Dubuque, IA to Cerro Gordo and Dubuque Counties, IA and Jo Daviess County, IL; (Sub-No. 36F)-Austin and Owatonna, MN to Mower and Steele Counties, MN; (Sub-No. 40F)-Schuyler, NE to Colfax County, NE; (Sub-No. 43F)-Lena, WI to Oconto County, WI; (Sub-No. 44F)-Austin, MN to Mower County, MN; Fort Dodge and Ottumwa, IA to Webster and Wapello Counties, IA; and Fremont, NE to Dodge County, NE; (Sub-No. 45F)-Monroe and Sun Prairie, WI to Green and Dane Counties, WI; (Sub-No. 46F)-Green Bay, Menasha, Kaukauna, Kimberly, and Appleton, WI to Brown, Winnebago, and Outagamen Counties, WI; (Sub-No. 47F)-Paynesville and Rochester, MN to Stearns and Olmsted Counties, MN; (Sub-No. 48F)-Carroll, Cherokee, Denison, Fort Dodge, Iowa Falls, and Sioux City, IA to Carroll, Cherokee, Crawford, Webster, Hardin, and Woodbury Counties, IA and Dakota County, NE; and Crete and Lincoln, NE to Saline and Lancaster Counties, NE; (Sub-No. 49F)-Sheboygan Falls, WI to Sheboygan County, WI; (Sub-No. 50F)-Cherokee, Postville, Storm Lake, and Sioux City, IA to Cherokee, Allamakee, Clayton, Buena Vista, and Woodbury counties, IA and Dakota County, NE; (Sub-No. 52F)-Beaver Dam, WI to Dodge County, WI; (Sub-No. 53F)-Rochester, MN to Olmsted County, MN; (Sub-No. 54F)-Denison, TX to Grayson County, TX; (Sub-No. 55F)-Eau Claire, WI to Eau Claire and Chippewa Counties, WI; (Sub-No. 56F)-Ripon, WI to Fond du Lac County, WI; (Sub-No. 57F)-Waterloo, WI to Jefferson County, WI; (Sub-No. 58F)-St. Francisville, LA to West Feliciana Parish, LA; and Hoopeston and Princeville, IL to Vermilion and Peoria Counties, IL; (Sub-No. 59F)-Hammond, IN to Lake County, IN; Muscatine, IA to Muscatine County, IA; Versailles, KY to Woodford County, KY; Taunton, MA to Bristol County, MA; and Ossining, NY to Westchester County, NY; (Sub-No. 60)-Southgate, CA to Los Angeles County, CA and Marion and London, OH to Marion and Madison Counties, OH; (Sub-No. 61F)-New Hope, MN to Hennepin County, MN; (Sub-No. 62F)-Appleton, WI to Outagamie and Winnebago Counties, WI; (Sub-No. 64F)-Terminal Island, CA to Los Angeles County, CA; (Sub-No. 65F)-LaMars, IA to Plymouth County, IA and Mankato and Wichita, KS to Jewell and Sedgwick Counties, KS; (Sub-No. 66F)-Livingston, WI to Grant and Iowa Counties, WI; and (Sub-No. 72)-Sioux City, IA to Woodbury County, IA and Dakota County, NE; and (5) broaden the commodity descriptions to: (a) "food and related products", in (1) Sub-Nos.

3F, 9F, 20F, 21F, 23F, 24F, 26F, 27F, 40F, 44F, 48F, 50F, and 63F, from meats, meat products, and meat by-products, and articles distributed by meat packing houses as described in *Sections A & C of Appendix I to the Report and descriptions in Motor Carrier certificates, 61 MCC 209 and 766;* (2) Sub-Nos. 12F,43F, 47F, 53F, 66F, from cheese and cheese products; (3) Sub-No. 30F from frozen bakery products; (4) Sub-Nos. 36F, 45F, 52F, 55F, 56F, 57F, 61, and 65F from foodstuffs; (5) Sub-No. 54F, from prepared foodstuffs; (5) Sub-No. 58F canned goods; (6) Sub-No. 64F from canned goods and pet food; (7) Sub-No. 68F from dairy products and synthetic dairy products; (8) Sub-No. 69F from cheese and cheese products and foodstuffs"; (9) Sub-No. 70 from food products; and (10) Sub-No. 72 from meats, meat products, meat by-products and articles distributed by meat packing houses; (b) "pulp, paper, and related products" from paper and paper products in Sub-Nos. 14F, and 34F; (c) "chemicals and related products" from cleaning solutions in Sub-No. 22F; and (d) "transportation equipment" from wheels, rims, spindles, hub caps, grease caps, and brake drums" in Sub-No. 32F.

MC 147323 (Sub-35)X, filed August 13, 1981. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Avenue, Dearborn, MI 48126. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions in its permit No. MC–146146 Sub-No. 7F to (a) broaden the commodity description from (1) iron and steel articles, (2) machinery, (3) contractors' equipment, and (4) materials, equipment, and supplies, used in the manufacture and distribution of the commodities in (1) through (3) above, except commodities in bulk), to "metals, machinery, transportation equipment and those commodities which, because of size or weight, require the use of special equipment or special handling" and materials, equipment, and supplies used in their manufacture and distribution" (b) change the territorial description to between points in the United States under contract w/named shippers.

MC 149137 (Sub-10)X, filed August 20, 1981. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming Ave., Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (A) broaden its commodity description in part (1) to "rubber and plastic products", from plastics and plastic articles; (B) remove facilities restriction and broaden Troy, MI to Wayne, Oakland, and Macomb Counties, MI; and (C) eliminate the AK and HI exception.

[FR Doc. 81-25779 Filed 9-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 45)]

Burlington Northern Railroad Company Exemption for Contract Tariff ICC–BN–C–0016

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and its contract and contract tariff to be filed may be made effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:
Jane F. Mackall
(202) 275–7656.

SUPPLEMENTARY INFORMATION:

The Burlington Northern Railroad Company (BN) filed on August 25, 1981, a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit it to make tariff ICC–BN–C–0016 effective on September 1, 1981.

The contract between the BN and John Deere Company gives farmers in Minnesota, North Dakota, and Montana an opportunity to view and evaluate new agricultural implements transported by the BN. The normal practice of "in the field" demonstrations is not feasible because the agricultural implements to be utilized are prototypes and full scale assembly has not begun. September 1, 1981 was the target date set to effect this contract publication. The contract expires on October 17, 1981.

Under 49 U.S.C. 10713 (e) contracts must be filed to become effective on not less than 30 nor more than 60 day's notice. There is no provision for waiving this requirement. Cf. Former section 10762 (d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

BN shall be granted a waiver and may file its contract and contract tariff on one day's notice to be effective September 1, 1981. It appears that every effort was made to submit this contract on at least 30 days' notice to make the effective date of September 1, 1981. Due to the uniqueness of the movement, however, additional time was required to provide both John Deere and the BN with satisfactory contract provisions. For example, additional time was necessary to coordinate efforts at beneficial stop-offs in conjunction with a workable schedule, to eliminate conflicts with the fall harvest, and to determine what prototype equipment would be available. We thus conclude that this is the type of exceptional circumstance which warrants an exemption.

We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505 (c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: August 28, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commisssioner Taylor did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-25830 Filed 9-2-81; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-64)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council.

DATE AND TIME: September 30, 1981, 9 a.m. to 3:30 p.m.

ADDRESS: NASA Headquarters, Room 7002, 400 Maryland Avenue SW., Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code LB–4, National Aeronautics and Space Administration, Washington, D.C. 20546 (202/755–8383).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Council is chaired by Dr. William A. Nierenberg and is composed of twenty members. Standing committees containing additional members report to the Council and provide advice in the substantive areas of aeronautics, life sciences, space and terrestrial applications, space science, space systems and technology, and history, as they relate to NASA's activities.

Visitors will be admitted to the meeting room up to its capacity, which is approximately 60 persons including Council members and other participants. Visitors will be requested to sign a visitor's register.

TYPE OF MEETING: Open.

Agenda

September 30, 1981.
- 9 a.m.—Introduction.
- 9:15 a.m.—Report of Solar System Exploration Committee.
- 9:45 a.m.—Discussion of Council Report to NASA.
- 1 p.m.—Council Report to NASA.
- 3:30 p.m.—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

August 28, 1981.

[FR Doc. 81-25702 Filed 9-2-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice 81-62]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Transport Aircraft.

DATE AND TIME: September 21, 1981, 9 a.m. to 5:30 p.m.; September 22, 1981, 9 a.m. to 5 p.m.; September 23, 1981, 9 a.m. to 12 Noon.

ADDRESS: NASA Dryden Flight Research Center, Building 4800, Conference Room No. 1, Edwards, CA.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Winblade, National Aeronautics and space Administration, Code RJT–2, Washington, DC 205436, (202/755–3000).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Transport Aircraft has been established to assist the NASA in assessing the current adequacy of transport aircraft technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program in transport advanced aerodynamics, active controls, materials, propulsion, avionics, and safety. The Subcommittee, chaired by Mr. Russell Hopps, is comprised of eight members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and participants).

TYPE OF MEETING: Open.

Agenda

September 21, 1981
- 9 a.m.—Opening Remarks.
- 9:30 a.m.—Overview of Office of Aeronautics and Space Technology (OAST) Aeronautical Programs/ Management.
- 10 a.m.—Update of NASA FY 82 Budget and Outlook.
- 10:30 a.m.—Review of NASA Research & Technology Base Activities Applicable to Transports.
- 5:30 p.m.—Adjourn.

September 22, 1981
- 9 a.m.—Transport Aircraft Composite Structure Program.
- 11 a.m.—Potential All-Electric Transport Program.
- 1 p.m.—Status of Langley Research Center (LRC) National Transonic Facility.
- 1:30 p.m.—Update of Advanced Turboprop Program.
- 2 p.m.—Redefinition of Laminar Flow Programs.
- 5 p.m.—Adjourn.

September 23, 1981
- 9 a.m.—Subcommittee Recommendations.
- 12 Noon—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

August 27, 1981.

[FR Doc. 81-25701 Filed 9-2-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice (81-63)]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on General Aviation Technology.

DATE AND TIME: September 24, 1981, 8:30 a.m. to 5 p.m.; September 25, 1981, 8 a.m. to 3:30 p.m.

ADDRESS: NASA Langley Research Center, Building 1219, Room 225, Langley Field, VA.

FOR FURTHER INFORMATION CONTACT: Mr. Harry W. Johnson, National Aeronautics and Space Administration, Code RJG–2, Washington, DC 20546, (202/755–2380).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on General Aviation Technology was established to assist the NASA in assessing the adequacy of its aeronautics research and technology program to meet the specific needs of general aviation, including commuter transport aircraft, and to recommend any modifications or augmentations of current and planned activities deemed necessary to increase their value and effectiveness in achieving commuter and general aviation program objectives. These objectives include advanced technology for increased safety, energy efficiency, utility, environmental compatibility, and economic usefulness. The program is multidisciplinary in scope, encompassing aerodynamics and flight dynamics, propulsion, materials and structures, avionics, controls and human factors. The Subcommittee, chaired by Mr. John W. Olcott, is comprised of seven members. The meeting will be open to the public up to the capacity of the room (approximately 50 persons including Subcommittee members and participants).

TYPE OF MEETING: Open.

Agenda

September 24, 1981
8:30 a.m.—Introductory Remarks.
9 a.m.—Status of Current Program.
2 p.m.—Identification and Discussion of Issues.
5 p.m.—Adjourn.
September 25, 1981
8 a.m.—Continuation of Discussion of Issues.
1 p.m.—Formulation of Conclusions and Recommendations.
3:30 p.m.—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

August 27, 1981.

[FR Doc. 81-25700 Filed 9-2-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-36]

Reports, Recommendations, Responses; Availability

• **Highway Accident Report:** *East Side Church of Christ Bus Skid and Overturn, U.S. Route 183, Near Luling, Texas, November 16, 1980 (NTSB-HAR-81-4).*—As a result of its investigation of this accident, the Board on August 3 issued these Class II, Priority Action recommendations to—

National Highway Traffic Safety Administration: Accelerate its activity to establish rulemaking action for minimum frictional quality standards for commercial vehicle tires **(H-81-33).** Advise State Motor Vehicle Inspection agencies of the problems associated with operating vehicles equipped with tires worn to noncontinuous tread groove depths **(H-81-34).** Issue model inspection criteria to prohibit the use of tires worn to noncontinuous tread groove depths **(H-81-35).** Reevaluate its Federal Motor Vehicle Safety Standard No. 119 to eliminate tire designs that produce noncontinuous tread grooves before the tire is worn to the tread wear indicators **(H-81-36).**

Federal Highway Administration: Revise 49 CFR 393.75(b) and (c) to prohibit the use of tires worn to noncontinuous tread groove depths on any axle of a commercial interstate vehicle **(H-81-37).** Issue an On-Guard Bulletin to advise owners, operators, maintenance personnel, and State commercial vehicle inspectors of the problems associated with operating vehiclesequipped with tires worn to noncontinuous tread groove depths **(H-81-38).** Evaluate Pennsylvania Department of Transportation policies for the placement of "slippery when wet" signs and the detection and correction of potential wet pavement problem locations for national policy purposes **(H-81-39).**

Texas Department of Public Safety: Revise its tire tread depth inspection criteria to prohibit the use of tires worn to noncontinuous tread groove depths **(H-81-40).** Reevaluate its tire tread depth inspection criteria that limits the tread depth criteria to only one tire in each set of dual wheels while permitting that tire to have less than $\frac{2}{32}$ inch of tread depth in the shoulder grooves at the same time **(H-81-41).**

Texas Department of Highways and Public Transportation: Post "slippery when wet" with flashing lights at the accident location until the pavement surface is repaired and its skid resistance qualities are improved **(H-81-42).** Repair and improve the skid resistance qualities of the pavement surface at the accident location after those locations with high accident histories and low frictional quality are improved **(H-81-43).**

• **Pipeline Accident Report:** *Williams Pipe Line Company, Gasoline Explosion and Fire, Roseville, Minnesota, April 16, 1980 (NTSB-PAR-81-3).*—Class II recommendations resulting from this accident investigation were issued by the Board on July 28 to —

Williams Pipe Line Company: Revise its equipment installation procedures to include hydrostatic tests in accordance with the provisions of 49 CFR 195.302, General Requirements, and 49 CFR 195.304, Testing of Components **(P-81-17).** Evaluate its existing facilities to determine the need for explosion-proof electrical equipment **(P-81-18).** Provide appropriate written instructions to its employees covering precautionary measures to be taken in a hazardous atmosphere, particularly in regard to emergency shutdown procedures **(P-81-19).**

American Petroleum Institute, American Gas Association, and Interstate Natural Gas Association of America: Advise its member companies of the circumstances of this accident and urge that they review the adequacy of their explosion-proof electrical systems and their hydrostatic test procedures **(P-81-20).**

• **Safety Recommendation Letters:** Class II, issued to the Federal Aviation Administration, August 26:

Review the approval of Supplemental Type Certificate SA 1596 CE and the effect of the installation of the STC in Lockheed JetStar Model 1329 aircraft **(A-81-92).**

Evaluate the adequacy of the electrical system fault protection devices on Israel Aircraft Industries 1124 aircraft to ensure that the protective devices will minimize hazards to the aircraft when short circuits occur **(A-81-93)**

• **Responses to Recommendations:**

A-77-16 and -17, from the Federal Aviation Administration (August 12).—**A-77-16:** Amending 14 CFR 139.45 to require retroactive application of extended runway safety area criteria to all certificated airports would unreasonably burden airport operators; FAA may amend Part 139 to require extended safety areas in new airports, new runways, and major runway extensions; Advisory Circular 150/5335-4, emphasizing extended safety areas, was issued June 11, 1980. **A-77-17:** FAA now has an extensive program to retrofit approach landing system structures with frangible materials. (42 FR 21676, 4-28-77)

A-81-61 and -62, from the Federal Aviation Administration (August 13).—**A-81-61:** 14 CFR 121.417(b)(2)(iv) and (c)(1) require each crewmember to be trained on, and actually operate, each type of emergency exist in normal and emergency modes. Apr. 16, 1980, letter reminded all FAA Regional Flight Standards Division Chiefs of ventral exits on certain B-727 aircraft. **A-81-62:** An Airworthiness Directive which requires design change or revised placarding concerning location of emergency operating control for the ventral airstair door is not sufficiently justified. (46 FR 35588, 7-9-81)

H-81-24, from the National Association of County Engineers (July 21).—To protect natural resources, some States prohibit removal of trees without regard for highway safety; however, local agencies exert every effort to make highway systems safe within funding restraints. (46 FR 35588, 7-9-81)

M-80-93 through -96, from Shell Oil Company/Shell Chemical Company (August 7).—Shell does not concur, concluding that its actions were prudent in view of U.S. Coast Guard instructions, weather conditions, etc., prevailing at the time of the incident. (45 FR 75028, 11-13-80)

M-81-18 through -22, from the Federal Highway Administration (August 14).—**M-81-18 and -19:** FHWA's Dec. 8, 1980, memorandum to regional administrators, providing guidance for the design and warrants for span failure warning systems, states that most practical is an electrical conductor system attached to the bridge which will activate warning systems when its continuity is disrupted by span failure or collapse. **M-81-20:** A recent study, "The State of the Art of Bridge Protective Systems and Devices," in response to earlier Board recommendation H-78-2 and a nearly completed followup study to laboratory-test bridge protection models apply equally to pier protection above or below the water surface; FHWA and Coast Guard will recommend design criteria to the American Association of State Highway and Transportation Officials and the American Railway Engineers Association. **M-81-21:** A prospectus, "Ship Collisions with Bridges," has been prepared by the Marine Board, National Research Council, Assembly of Engineering, but formal requests for proposals have not yet been sent out. **M-81-22:** When results of the Marine Board study are available, FHWA will advise State highway agencies of results and recommendations; Federal-aid highway funds may be used for installing systems on bridges on Federal-aid highways. (46 FR 28772, 5-28-81)

P-81-11 and-12: from the American Gas Association (August 13).—There are serious objections to transmitting these recommendations to member companies. **P-81-11:** Indiscriminate shutdown of a system can result in greater hazards than no shutdown at all; each emergency is unique and onsite conditions must be considered. **P-81-12:** Alternatively, AGA recommends that unrestrained compression couplings be checked for proper installation *in conjunction*

with other regularly scheduled maintenance. (46 FR 34734, 7–2–81)

R–78–39, from National Railroad Passenger Corporation (Amtrak) (August 7).—All new locomotives and self-propelled equipment purchased to Amtrak specifications are equipped with cab signal and automatic train control Amtrak has asked for information regarding use of cab signal and automatic train control on equipment which it operates, but does not own; this equipment performs extensive commuter service in the Northeast Corridor, and prohibiting its use or restricting it beyond provisions of Amtrak timetable Order 1562–A1 could significantly disrupt service. (45 FR 81695, 12–11–80)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Dated: August 28, 1981.

Margaret L. Fisher,

Federal Register Liaison Officer.

[FR Doc. 81–25593 Filed 9–2–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–364]

Alabama Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. NPF–8 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit No. 2 (the facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The ammendment redefines a group of containment cooling fans to be one fan instead of two fans. Analysis has shown one fan in each of two fan groups (originally defined as two fans per group) is required.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 24, 1981, supplemented August 25, 1981 and August 27, 1981, (2) Amendment No. 7 License No. NPF–8, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama. 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of August, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–25603 Filed 9–2–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–335]

Florida Power Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR–67, issued to Florida Power and Light Company, which revised Technical Specifications for operation of the St. Lucie Plant, Unit No. 1 (the facility) located in St. Lucie County, Florida. The amendment is effective as of its date of issuance and expires October 1, 1981.

The amendment modifies the Technical Specifications to reduce the number of incore detectors which must be operable for the incore detection system to be considered operable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 13, 1981 as supplemented August 20, 1981, (2) Amendment No. 41 to License No. DPR–67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of August, 1981.

For the Nuclear Regulatory Commission.

Eben L. Conner,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81–25604 Filed 9–2–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–331]

Iowa Electric Light and Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR–49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications which pertain to (1) inservice inspection requirements

for snubbers and (2) several changes of an administrative nature.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 7, 1981, (2) Amendment No. 71 to License No. DPR-49, and (3) the Commission's letter to Iowa Electric Light and Power Company dated August 26, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 26th day of August 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No., 2 Division of Licensing.

[FR Doc. 81-25805 Filed 9-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-305]

Wisconsin Public Service Corp., et al. Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Plant (the facility) located in Kawaunee, Wisconsin. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications in respect to power distribution limits consequent upon extended burn up for fuel supplied by Exxon Nuclear Company.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement of negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 7, 1981, as supplemented August 21, 1981, (2) Amendment No. 36 to License No. DPR-43 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of August, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-25806 Filed 9-2-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

August 31, 1981

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working

days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Food and Nutrition Service
Work Registration Forms Job Search Reporting
ES–511, 511C, & work search plan
Annually
Individuals or households/State or local governments
Food stamp applicants and participants
SIC: 881, 943
Food and nutrition assistance: 3,666,180 responses; 1,047,428 hours; $1,276,105 Federal cost; 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Is needed to (1) require certain members of food stamp households to register for work, inquire about employment, and report the results of this inquiry and (2) provide for a management plan to detail operational guidelines of work registration and job search.

Revisions

• Economics and Statistics Service
December Enumerative Survey
Annually
Farms
Farmers in selected tracts
SIC: 011, 013, 021, 024, 025
Small businesses or organizations
Agricultural research and services: 22,870 responses; 8,760 hours; $1,700,000 Federal cost; 2 forms; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

Provides national and state indication of wheat and rye acreage seeded in the fall. As a subsampale of the June enumerative survey (40–R2766) area frame used to measure incompleteness of various commodity lists, also used to prepare other statistical estimates. Estimates used throughout Government and agriculture in production and marketing decisions.

Extensions (Burden Change)

• Food and Nutrition Service
ATP Reconciliation Report—Food Stamp Program
FNS 46
Monthly
State or local governments
State welfare agencies
SIC: 943
Food and nutrition assistance: 6,324 responses; 6,324 hours; $43,930 Federal cost; 1 form; not applicable under 3054(h)
Charles A. Ellett, 202–395–8340

Food stamp regulations part 273.8 requires each state agency operating an authorization to participate card (ATP) issuance system for food stamp households to report monthly to FNS on the reconciliation of the transacted ATP's against the master file of those households actually authorized to participate. The result of this process identifies State agency liability for losses reduces waste and regulate program abuse.

Reinstatements

• Food and Nutrition Service
Food Stamp Mail Issuance Report
FNS–259
Quarterly
State or local governments
State agencies and project area
SIC: 943 Food and nutrition assistance: 10,800 responses; 8,100 hours; $23,293 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

In order to conform with the food stamp regulations, this form is required. The form provides management information on the number and dollar amounts of mail issuance, the replacement of mail losses, and the action(s) taken to reduce the occurrence of such losses.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Bureau of the Census
January 1982 CPS Supplement—Foreign-Born Population Survey
CPS–1
Nonrecurring
Individuals or households
Interviewed Households in the January 1982 CPS sample
Other advancement and regulation of commerce; 58,000 responses; 970 hours; $100,000 Federal cost; 1 form, not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

The data obtained on the foreign-born population will assist in formulating immigration policy and improve the accuracy of our postcensal population estimates.

• Bureau of the Census
1981 (Additional Questions To Obtain Data on Persons With New Jobs To Begin Within 30 Days)
Addition CPS–1
Nonrecurring
Individuals or households
Interviewed hsehlds in ¼ of the November 1981 CPS
Other advancement and regulation of commerce; 14,800 responses; 123 hours; $20,000 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

This question will provide data on individuals who have new jobs which are scheduled to begin within 30 days. These data are needed to determine the impact the inclusion of this item could have on the unemployment rate if it were included in the redesigned CPS.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

· Departmental and Others
Champus/Champva Claim Form
Champus 500
On occasion
Individuals or households/businesses or other institutions
Other prof. providers of medical care
SIC: 801, 809, 832

Small businesses or organizations
Department of Defense—military: 2,200,000 responses; 550,000 hours; $1,417,400 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 203–395–3785

Collection is necessary to evaluate eligibility for civilian health benefits authorized by 10 U.S.C., chapter 55, and to issue payment upon establishment of eligibility and determination that medical care received is authorized by law. Used to control and process medical claims.

Reinstatements

- Departmental and Others
Police Record Check
DD 369
On occasion
State or local governments
Law enforcement agencies (10,000)
SIC: Multiple
Department of Defense—military: 1,776,000 responses; 59,200 hours; $1,152,032 Federal cost; 1 form; $236,000 public cost; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

- Office of Postsecondary Education
Application for Grants Under the Challenge Grant Program
ED 853
Annually
State of local governments/businesses or other institutions
Institutions of higher education
SIC: 822
Higher education: 25 responses; 8,650 hours; $200,000 Federal cost; 1 form; $86,500 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The attached application form must be completed by all institutions applying for grants under the challenge grant program, title III of the Higher Educaton Act of 1965, as amended by Pub. L. 96–374. The application will enable the secretary to evaluate the needs of the applicants to determine which applications should be funded and the total amount of any grant that may be awarded.

- Office of Elementary and Secondary Education
Title I, Elementary and Secondary Education Act, Migrant
Education program, Financial Status Report
ED 361–1
Annually
State or local governments
State educational agencies
SIC: 822
Elementary, secondary, and vocational education: 51 responses; 255 hours; $510 Federal cost; 1 form; $1,020 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Grantees are required to file a financial status report annually in accordance with the education department grants administrative regulations and the Department of Education's general administration regulations. The information collected will be used for future programmatic decisions.

- Office of Postsecondary Education
Guarantee Agency Request for Reimbursement for Claims Paid
Request for Reimbursement Under Agreement for Fed.
Reinsurance—Request for Reimburse. on Death/Disability
ED 1189, 1189–1, 1189–3
Monthly
Businesses or other institutions
Guarantee agencies
SIC: 822
Higher education: 600 responses; 1,050 hours; $58,000 Federal cost; 3 forms; $8,400 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

ED form 1189 is used by the guaranteed agency to request reimbursement on claims paid and should always accompany the Ed 1189–1 and 1189–3. The 1189–1 is used for reimbursement on death and disability claims prior to Dec. 15, 1968 and for all bankruptcy claims. The 1189–3 is for reimbursement of death and disability claims after Dec. 15, 1968.

Revisions

- Office of Special Education and Rehabilitative Services
Fiscal year 1982 Financial Status and Performance Report, P.I. 94–142
9039–1 9039–2
Annually
State of local governments
State educational agencies
SIC: 821
Elementary, secondary, and vocational education: 174 responses; 464 hours; $5,000 Federal cost; 2 forms; $5,600 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Edgar (34 CFR 76.720) requires that grantees for State-administered programs submit financial performance reports on an annual basis. OSE uses the data/information for program management, compliance, and in the Pub. L. 94–142 annual report to the Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

- National Institutes of Health
East Boston
Annually
Individuals or households
Res. of East Boston, Mass., aged 65 years of age or older
Health: 5,220 responses; 8,717 hours; $550,000 Federal cost; 1 form; $87,170 public cost; not applicable under 3504(h)
Gwendlolyn Pla, 202–395–6880

This project will conduct epidemiologic investigations in East Boston, Mass. in order to develop new knowledge concerning the medical and social factors in health and diseases of the aged. The community setting from which the population is to be drawn is representative of real conditions encountered by the elderly.

- Health Care Financing Administration
301–Requiring add'l info. with phys. therapy claims
HCFA–298
On occasion
Business on other institutions
Medicare providers—home health agencies
SIC: 808
Small businesses or organizations
Health: 3,480 responses; 580 hours; $13,442 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

HCFA's Office of Direct Reimbursement uses this information to determine whether physical therapy services billed are covered under part B medicare requirements.

- Social Security Administration
State Plan for Title IV–A of the Social Security Act: Financial Assistance Aid to Families With Dependent Children
SSA–1346 (*8–81)
On occasion
State or local governments
State agencies administering AFDC program
SIC: 944
Other income Security: 54 responses; 4,158 hours; $80,000 Federal Cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

States are required as a condition to receiving funds under the AFDC program to enter into certain agreements and supply certain data to HHS. These preprints represent the mode for such activity.

• Social Security Administration
State Plan for Child Support Collection and Establishment of Paternity Under Title IV–D of the Social Security Act
OCSE–100
On occasion
State or local governments
States receiving Federal funds for social programs
SIC: 944
Other income security: 54 responses; 1,620 hours; $21,825 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Participation in the child support program requires states to have a plan approved. This plan describes the State's program and is a comment to operate in conformity with Federal law and regulations. These preprinted forms provide a mechanism for obtaining approval of the initial plan and subsequent amendments.

• Alcohol, Drug Abuse, and Mental Health Administration
Supplemental Instructions: Research Scientist Development/Award Program
Nonrecurring
Individuals or households
Individuals applying for research scient. dev./award grants
Health: 150 responses; 1,500 hours; $2,500 Federal cost, 1 form; $15,000 public cost; not applicable under 3504(h)
Gwedolyn Pla, 202–395–6880

Supplementary information is needed on applicants for this program to enable a review committee and program staff to make decisions on merit and award.

• Health Care Financing Administration
329 Proper Documentation of Patients Medical Records
HCFA–296
On occasion
Businesses or other institutions
Home Health agen. serviced by office of direct reimbursement
SIC: 808
Small Businesses or organizations
Health: 4,222 responses; 1,407 hours; $15,165 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

In order for the Office of Direct Reimbursement to make a medical determination of home health visits that are medicare-covered it is necessary to review medical records. The medical records should contain narrative notations on patients condition, drug give, patient reactions, and treatment. This direct dealing letter requires home health provides to include this narrative in their medical records.

Revisions

• Centers for Disease Control
Development and Evaluation of Sex Education Programs
On occasion
Individuals or households
Teenagers and parents of teenagers in sex ed. programs
Health: 24,315 responses; 4,863 hours; $88,000 Federal cost 9 forms; $48,630 public cost; not applicable under 3504 (h)
Gwendolyn Pla, 202–395–6880

To provide formative evaluation necessary to further improvement of locally developed sex education programs sponsored by schools, youth organizations, churches, and family planning organizations. Clearance is being requested to complete project started in fiscal year 1981.

Extensions (burden change)

• Food and Drug Administration
Request for Certification or Testing of FD 1677 an Antibiotic Batch
On occasion
Businesses or other institutions
Antibiotic manufacturers
SIC: 283
Consumer and occupational health and safety; 18,000 responses; 18,000 hours; $5,646,000 public cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880
Used for requesting certification or release of an antibiotic batch.

Certification or release is mandated for every such batch by the FD&C Act unless the product is exempted by Regulation.

Extensions (no change)

• Social Security Administration
Statement of Employer
SSA–7011
Businesses or other institutions
Employer who has wages to report for an employee
Small businesses or organizations
General retirement and disability insurance: 850,000 responses; 283,333 hours; $1,589,500 Federal cost; 1 form not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is needed to obtain wage data for workers who have alleged receipts of wages (other than agricultural wages) which do not appear on SSA's earnings record. The information is used to process claims for social security benefits.

• Social Security Administration
Statement of Agriculture Employer
SSA–1002
On occasion
Farms, businesses or other instructions
Agriculture employers having knowledge of wages paid
SIC: multiple
Small businesses or organizations
General retirement disability insurance: 200,000 responses; 33,333 hours; $374,000 Federal cost; 1 form not applicable under 3504(h)
Robert Neal, 202–395–6880

Form is needed to resolve cases involving farm workers who have alleged that their employer had either not reported their wages or reported them incorrectly. It is completed by agricultural employers having knowledge of wages paid to agricultural employees.

Reinstatements

• Alcohol, Drug Abuse, and Mental Health Administration
Annual Census of Patient Characteristics—1979 State and County Mental Hospital Inpatient Services
ADM: 45–1
Annually
State or local governments
State and County Mental Hospitals and St. Mental Hlth. Statist.
SIC: 943
Health: 103 responses; 206 hours; $10,125 Federal cost; 1 form; $2,460 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Data derived from the census are invaluable for studying changes in the utilization patterns of State hospitals by different age-sex-diagnosis over time. These data, the only available patient characteristics by State, are useful in measuring how utilization patterns are effected by State administration programs and hospitals closure.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Extensions (No change)

• Housing Programs
Application for mobile home appraisal 92802
On occasion
Businesses or other institutions
Mobile home purchaser
Sic: 953
Small businesses or organizations
Mortgage credit and thrift insurance: 1,200 responses; 250 hours; $5,000

Federal cost: 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Authority for this report is Section 210 of the National Act (P. 479, 48 Stat 1246, 12 U.S.C. 1701 et seq.). Submitted by the lender as a claim for reimbursement for losses on loans made under the HUD Mobile Home Loan Program. The form gives HUD the information necessary to review.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Land Management
Test Packet Questionnaire for Automated Simultaneous Oil and gas Lease Application
Nonrecurring
Individuals or households
Prospective applicants in simult. oil and gas leasing prgrm.
Conservation and land management: 1,000 responses; 166 hours; 1 form: not applicable under 3504(h)
Robert Shelton, 202–395–7340

Proposed test packet to be used in conjunction with introduction of "Automated Simultaneous Oil and Gas Lease Application," BLM form 3112–6(A) and (B). The test is being conducted to determine the suitability of the form.

• Bureau of Land Management
Automated Simultaneous Oil and Gas Lease Application 3112–6 (A) and (B)
Other—See SF83
Individuals or households/farms/businesses or other institutions
Participants in simultaneous oil and gas leasing program
SIC: 131
Small Businesses or organizations
Conservation and land management: 300,000 responses; 75,000 hours; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

BLM form 3112–6 (A) and (B) is the revised machine readable application form through which winners are selected to available parcels of land in the simultaneous oil and gas leasing program (see 43 CFR, subpart 3112).

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Employment and Training Administration
Statement of Selected Workloads and Expenditures of Federal Funds for Unemployment Compensation for Federal Employment Agencies
ETA 191
Quarterly
State or local governments
State employment security agencies
SIC: 944
Training and employment: 212 responses; 636 hours; $8,268 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Data reported on this form will be used to bill Federal agencies for reimbursement of unemployment compensation benefits paid to employees and former employees of a particular agency.

• Pension Benefit Guaranty Corporation
Variances for Sale of Assets—Procedures for Individual and Class Variances for Exemptions
Nonrecurring
Businesses or other institutions
Purchasers or sellers seeking an exemption from PBGC
SIC: multiple
Small businesses or organizations
General retirement and disability insurance: 50 responses; 100 hours; $25,000 Federal cost; 0 form; $200 Public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The information required by this regulation is necessary and is not otherwise available to PBGC. Under the statute, PBGC may grant variances or exemptions from certain statutory requirements that would otherwise be imposed when an employer ceases work under a multiemployer plan as a result of a sale of assets. In order to make such determinations, the PBGC needs certain information from the party who applies for the exemption.

Extensions (no change)

• Employment Standards Administration
Employment Information Form (English and Spanish Version)
WH–3
On occasion
Individuals or households
Other labor services: 40,000 responses; 13,333 hours; $124,400 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This form is used to obtain information from individuals about alleged violations under the laws enforced by wage-hour. In addition to obtaining information about compliance with labor standards this form is also used as a screening device to determine whether the division has jurisdiction in handling an alleged violation.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Estate Tax Notice of Installment Due
249C/SC
Annually
Businesses or other institutions
Estate of deceased individuals
SIC: All
Central fiscal operations: 6,512 responses; 3,256 hours; $12,227 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The letter is used to inform an estate that an annual payment of estate tax is due. This applies to those estates which pay tax under an extended payment election. The executor is also required to certify the status of the estate by signing a copy of the letter.

• Internal Revenue Service
517 Notice to file Form 1120S
"C" LTR 517
Nonrecurring
Farms/businesses or other institutions
All taxpayers who elect to be taxed as a small business
SIC: All
Small businesses or organizations
Central fiscal operations: 6,688 responses; 13,376 hours; $44,182 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

As prescribed in 26 U.S.C. 1371, this letter notifies a tax payer that they need to file form 11205 (rather than form 1120) because they previously elected to be taxed as small business.

• Internal Revenue Service
Questionnaire—Alien Status
IO–565
On occasion
Individuals or households
Aliens residing in the United States
Central fiscal operations: 2,000 responses; 1,000 hours; $50 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Tax Law provides significant differences in the tax treatment of resident and nonresident aliens. Aliens residing in the United States are requested to provide details of their alien status so that the Service can determine whether the appropriate tax treatment has been applied.

• Internal Revenue Service
Understanding Taxes—Student Evaluation

5618
Other—see SF83
Individuals or households/State or local governments/ businesses or other ins jr./sr. high sch. students who taught high sch. tax course
SIC: 821, 822, 823, 824, 866
Central fiscal operations: 10,000 responses; 1,667 hours; $7,600 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

A triennial student evaluation is conducted to review the understanding taxes course from the student's viewpoint. Teachers are asked to forward three student questionnaires per class to the IRS data center along with their evaluation. Necessary changes to the student text are made based on the responses.

• Internal Revenue Service
Communication Control
ROWR 1443
On occasion
Individuals or households/farms/ businesses or other institutions
Individual taxpayers, businesses, and organizations
SIC: All
Small businesses or organizations
Central fiscal operations: 92,534 responses; 46,267 hours; $334,238 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Intelephone inquiries to IRS concerning tax accounts, ROWR form 1443 is used to obtain and record social security numbers, employer indentification numbers, or other information necessary to research our records and reply to the inquiries. ROWR form 1443 is also used as a history sheet to record all actions taken.

• Internal Revenue Service
Request for Payment
CP Notice 14 form 3446
On occasion
Individuals or households
Individual taxpayers having a balance due after tax return
Central fiscal operations: 3,998,655 responses; 999,664 hours; $23,626,042 Federal cost; 1 form not applicable under 3504(h)
Kevin Broderick, 202–395–6880

CP 14 is used to advise the taxpayer that there is a balance due on their account. The bottom portion of the CP is to be used for making payment or inquiry.

• Internal Revenue Service
Employer Summary of Form W–2 Magnetic Media
Form 6560
Annually
State or local governments/farms/ businesses or other institutions
All employers making wage or other compensation payments
SIC: All
Small businesses or organizations
Central fiscal operations: 6,500 responses; 1,625 hours; $17,125 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

Employers are required to file wage and other compensation information with the Social Security Administration (SSA). If they elect to do this on magnetic media, they are required to submit form 6560 information to provide balancing totals to ensure that all records were processed.

• Internal Revenue Service
Computation of Net Operating Loss and/or Unused Credit Carryback from Single (etc.) to Joint Year
MSC TA–22
On occasion
Individuals or households/separated/ unmarried head of household filers
Central fiscal operations: 2,000 responses; 4,000 hours; $15,557 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

If taxpayers who file as single, married filing separately, or unmarried head of household are carrying back certain losses and/or credits to a year they filed jointly, special computations for the carryback year must be made. MSC Form TA–22 is used to ensure accurate tax adjustments.

• Internal Revenue Service
Letter Requesting Specific Material Necessary To Complete Action on Return
F1841 (rev 3–81)
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
All taxpayers
SIC: All
Small businesses or organizations
Central fiscal operations: 88,000 responses; 264,000 hours; $149,992 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The F1841 letter is needed to obtain additional information from taxpayers (e.g., when a return is incomplete or unsigned, or when the wrong return or form is filed). The Service uses the information to complete action on the return.

• Internal Revenue Service
Application for Magnetic Media Reporting of Information Returns
Form 4419
Nonrecurring
State or local governments/farms/ businesses or other institutions
Filers of IRS required income information
SIC: All
Small businesses or organizations
Central fiscal operations: 1,000 responses; 1,000 hours; $7,561 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6041 and 6042 and the regulations thereunder require all persons making certain payments in excess of certain specified amounts to file information returns with IRS. Payers who wish to file these returns on magnetic media instead of paper documents must complete form 4419 to receive authorization for filing on tape.

• Internal Revenue Service
Information Requested To Determine Filing Status, Exempt Organizations
F1594
Nonrecurring
Businesses or other institutions
Tax exempt organizations and ogan. that may qual. for te stat.
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 1,000 responses; 250 hours; $2,248 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This letter is used to request information to determine if an organization has received tax-exempt status so that correct filing requirements and employment code may be established. The publication 557 that is enclosed provides needed information if the taxpayer has not yet applied for exemption.

• Internal Revenue Service
Form 1178 Not Received From Taxpayer, Follow-up Letter FL752
On occasion
Farms/businesses or other institutions
Taxpayers who have paid for preparation of tax returns
SIC: All
Small businesses or organizations
Central fiscal operations: 100 responses; 30 hours; $456 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Letter F1752 gathers information needed to determine if a penalty under IRC, sec. 6060 should be assessed. We use this information to assure that paid tax preparers comply with the law.

Without this information the penalty may not be able to be assessed, even when called for.

• Internal Revenue Service
Request Denied for Extension of Time to File Corporate Tax Return Explanation
194 (C/SC)
On occasion
Farms/businesses or other institutions
All taxpayers doing business as corporations
Sic: All
Small businesses or organizations
Central fiscal operations: 231 responses; 58 hours; $11,420 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This letter is used to advise a taxpayer that their request for extension of time to file their corporation tax return has been denied because they did not request the extension by the deadline date.

• Internal Revenue Service
Application for Approval of Prototype or Employer Sponsored Individual Retirement Account
Form 5306
Nonrecurring
Farms/businesses or other institutions
Banks and insur. co. any emp. wishing to estab. an IRC., etc.
Sic: Multiple
Small businesses or organizations
Central fiscal operations: 600 responses; 296 hours; $23,267 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This application is used by employers who want to establish an individual retirement account trust to be used by their employees. The application is also used by persons who want to establish approved prototype individual retirement accounts or annuities. The data collected is used to determine if plans may be approved.

• Bureau of Government Financial Operations
First Letter to Payee Requesting a Collection Refund When a Double Payment Exists
TFS 1022
Nonrecurring
Individuals or households
Private households
Central fiscal operations: 4,590 responses; 382 hours; $66,798 Federal cost; 1 form; $10,695 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Initiating a collection action when a payee has been paid twice for one obligation by cashing both the original and substitute checks. Request for overpayment to be refunded.

• Internal Revenue Service
Questionnaire—Rental Income and Expenses
IO–87
On occasion
Individuals or households
U.S. citiz. res. and nonres. aliens who own rental property
Central fiscal operations: 200 responses; 150 hours; $50 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The form requests detailed information on rental income and expenses to support those shown on an individual's tax return. During an examination, the Service uses the information to determine whether such income and expenses have been properly computed and reported.

• Internal Revenue Service
Duplicate of Refund Return Requested
109C 109SC
On occasion
Individuals or households
Individual taxpayers who file returns expecting a refund
Central fiscal operations: 8,052 responses; 4,026 hours; $57,145 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6011 and 6012 require individuals to file tax returns under certain requirements. When a taxpayer writes about a refund he/she is expecting and IRS cannot locate the return, letter 109C is sent requesting the taxpayer to file another return and complete the statement at the end of the letter.

• Internal Revenue Service
Letter to Taxpayer Requesting Partnership Reconciliation Information
SWR E–2427
On occasion
Individuals or households / farms / businesses or other institutions mbrs of a partnership whose partnersp ret. is being exam.
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 10,000 responses; 5,000 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Examiners send this letter to members of a partnership when the amount reported on the partnership return and the amount reported on the income tax return of the partner(s) (for the partner's share of the partnership's income [or net loss) do not agree. The information is used to reconcile the differences, and to determine the correct tax liability.

• Internal Revenue Service
Additional Information Needed to Process Tax Return 179 (C) Letter
On occasion
Individuals or households / farms / businesses or other institutions
All taxpayers (indiv. or bus.) who are req. to file tax ret.
SIC: All
Small businesses or organizations
Central fiscal operations: 5,468 responses; 912 hours; $4,869 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Letter 179(C) is used to advise the taxpayer that the tax period shown on the tax return does not match our records. This information is necessary to properly process the tax return per 26 U.S.C. 441.

• Internal Revenue Service
Information Needed to Perfect Applications for Exemption From Excise Tax-Form 637
FL–1566
On occasion
Farms / businesses or other institutions
Mfgs of art. buyers of cert. art. for resale or furt. mfgr.
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 300 responses; 150 hours; $50 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used to secure additional information on a taxpayer's application for exemption from excise tax—Form 637. If we do not receive this information, taxpayers may be assessed taxes even though they may qualify for exemption under one of the five criteria.

• Internal Revenue Service
Questionnaire—Taxes 4743
On occasion
Individuals or households
Individual taxpayers
Central fiscal operations: 150,000 responses; 75,000 hours; $176,400 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4743 provides the taxpayers with a simple format for presenting information to support their tax deduction for items such as real estate taxes, State and local income taxes, sales taxes, etc. The information is used during an examination to determine whether the claimed deduction should be allowed.

• Internal Revenue Service

Multiple payer transmittal for magnetic media reporting forms 4802, 4802 PR and 4802 SS
Annually
State or local governments/farms/businesses or other institutions
Filers of IRS required income information returns
SIC: All
Small businesses or organizations
Central fiscal operations, 68,500 responses; 13,700 hours; $75,986 Federal cost; 3 forms, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Forms 4802, 4802 PR and 4802 SS are used by filers of information returns required by 26 U.S.C. 6041-6043, 6047, 6049, and 6109 to provide balancing information for files submitted via magnetic media.

• Internal Revenue Service
Requests for information to adjust taxpayers' accounts
FL-27 Spanish
On occasion
Individuals or households/farms/businesses or other institutions
Individual taxpayers, farms and businesses
SIC: All
Small businesses or organizations
Central fiscal operations, 75 responses; 38 hours; $19 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

After receipt of a bill a taxpayer may allege the bill is incorrect and an adjustment is needed. The form FL-27 is sent to the taxpayer to request documents needed to initiate an adjustment of his account. The service uses this information to verify the balance due or abate any excess tax liability.

• Internal Revenue Service
Statement of annual income (corporation)
3439-A
On occasion
Businesses or other institutions
Corporate taxpayers who submit an offer in compromise
SIC: All
Small businesses or organizations
Central fiscal operations, 8,000 responses; 4,000 hours; $96,600 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick 202-395-6880

Form 3439-A is used by corporate taxpayers to report their annual income and compute the amount due under a future income collateral agreement. Information is used to determine whether to accept the corporation's offer to compromise their tax liability.

• Internal Revenue Service
Statement of tax due IRS
6335
On occasion
Individuals or households/State or local governements/farms/businesses or other institutions
Any taxpaying entity that has an outstanding tax with IRS
SIC: All
Small businesses or organizations
Central fiscal operations, 238,152 responses; 119,076 hours; $1,233,239 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

This form is a notice and demand for payment of assessed tax. The taxpayer must permit payment or provide identifying information to help us trace payment if payment was previously made. Payment is mandated under section 6155(A) of the Internal Revenue Code.

• Internal Revenue Service
Questionnaire—Exemption claimed for dependent
2038
On occasion
Individuals or households
Individuals
Central fiscal operations, 301,000 responses; 301,000 hours; $537,400 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick 202-395-6880

Form 2038 is used as an aid to taxpayers under examination when dependent exemptions are being reviewed. Data is needed to determine whether claimed exemption should be allowed.

• Interanl Revenue Service
Questionnaire—Casualty or theft loss
4748
On occasion
Individuals or households
Individual taxpayers
Central fiscal operations, 10,000 responses; 5,000 hours; $50,500 Federal cost; 1 form, not applical be under 3504(h)
Kevin Broderick, 202-395-6880

Form 4748 provides taxpayer with a simple format for presenting information needed to support their deduction claim for a casualty loss or theft. This information is used to determine whether the claimed deduction should be allowed.

• Internal Revenue Service
Initial contact letter
566 (SC)
On occasion
Individuals or households
Individual taxpayers
Central fiscal operations, 110,000 responses; 55,000 hours; $781,660 Federal cost; 1 form, not applicable under 3504(h)
Kevin Brodrick, 202-395-6880

This contact letter is sent to taxpayers to initiate examination of Federal income tax returns by correspondence. It requests the information necessary to support various items reported on the return.

• Internal Revenue Service
Statement of annual income (individual)
On occasion
Individuals or households
Individuals taxpayers who submit an offer in compromise
Central fiscal operations, 50,000 responses; 25,000 hours; $210,000 Federal cost; 1 form, not applicable under 3504(h)
Kevin Brodrick, 202-395-6880

Form 3439 is used by individual taxpayers to report their annual income and compute the amount due under a future income collateral agreement. Information is used to determine whether to accept the taxpayers' offer to compromise their tax liability.

• Internal Revenue Service
Contact letter for estate tax examination
Letter 1028(DO)
On occasion
Individuals or households/businesses or other institutions
Individual/executors of estates
SIC: All
Central fiscal operations, 25,000 responses; 50,000 hours; $52,960 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

To determine an estate's tax, it is necessary that its valuation be known to the IRS. Letter 1028(DO) is used to notify the estate representative that an appointment has been scheduled to determine the estate's tax liability. Also, indicated are the records required to complete the examination.

• Internal Revenue Service
Extension of time to file form 1040
582C 582SC
On occasion
Individuals or households
Individual taxpayers requesting extension to file tax
Central fiscal operations, 24 responses; 12 hours; $38 Federal cost; 2 forms, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. 6081(A) provides the taxpayer with an extension of time for filing his/her tax return. Form 4868 is used to request the automatic two month extension and letter 582C is used to advise the taxpayer that the application is either accepted or denied.

If denied, the taxpayer is given instructions as to what they need to do.

• Internal Revenue Service
Questionnaire—Cost of living differential
IO–668
Annually
Individuals or households
U.S. citizens residing in foreign countries (physically)
Central fiscal operations: 3,000 responses; 1,500 hours; $150 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form to be completed by taxpayer to support his claim for a deduction for a cost of living differential. To claim the deduction, the taxpayer must be either physically present in or a bona fide resident of a foreign country.

• Internal Revenue Service
Application for Reward for Original Information
211
On occasion
Individuals or Households
Informants
Central fiscal operation: 6,800 responses; 1,133 hours; $23,090 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form 211 is the official claim form used by persons claiming rewards for submitting information concerning alleged violations of the tax laws by other persons. Such rewards are authorized by section 7623 of the IRC. The data is used to determine and pay awards.

• Internal Revenue Service
Tape Label For Form W–4
6468,6469
On occassion
State or local governments/farms/businesses or other institutions
Employers of businesses/organizations submitting W–4
SIC: All
Small businesses or organizations
Central fiscal operations: 150 responses; 37 hours; $631 Federal cost; 2 forms; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

26 U.S.C. 3402 requires all employers making payment of wages to deduct (withhold) tax upon such payment employers are further required by section 37.3402–1 of the temporary I.T. regulations to submit certain withholding certifications (W–4's) to the IRS. Form 6469 (labels) are sent to employers who prefer to file this information on magnetic tape, and form 6468 provides instructions for completing the label.

• Internal Revenue Service
Estimated Tax—Explanation for Failure To Pay Not Acceptable
548C
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers required to make estimated tax payments
SIC: All
Small businesses or organizations
Central fiscal operations: 8,107 responses; 2,702 hours; $56,765 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6654 requires that a penalty be assessed if taxpayers do not make estimated tax payments as required. There are some exceptions to this penalty and this letter requests the information necessary for determining if the taxpayer qualifies under one of the exceptions.

• Internal Revenue Service
Questionnaire—Credit for Child & Dependent Care Expenses
4746
On occasion
Individuals or households
Individual taxpayers claiming child care/expenses
Central personnel management: 10,000 responses; 5,000 hours; $30,688 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form 4746 provides taxpayers with a simple format for presenting information needed to support their claim for credit for child and dependent care expenses upon examination. The information is used to determine whether the claimed expenses should be allowed.

• Internal Revenue Service
Questionnaire—Employee Expenses or Miscellaneous Deductions
4749
On occasion
Individuals or households
Taxpayers claiming employee expenses or misc. deductions
Central fiscal operation: 50,000 responses; 25,000 hours; $147,944 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form 4749 provides taxpayers with a simple format for presenting information to support their deduction for expenses claimed in connection with their employment or miscellaneous deductions. The information is used during the examination of the taxpayer's return to determine whether the claimed expenses should be allowed.

• Internal Revenue Service
Request For Decedent Information
822(C), (DO)
On occasion
Individuals or households/businesses or other institutions
Commercial banks
SIC: 602
Central fiscal operations: 5,000 responses; 5,000 hours; $25,000 Federal cost; 2 forms; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

To determine an estates liabilities, it is necessary that its valuation be known to the IRS. Letters 822(c), (DO) are used to secure certain information relating to the valuations of an estate's assets.

• Internal Revenue Service
Pension, Annuity, or Sick Pay Recipient's Request for Federal Income Tax Withholding
W–4P
Other-see SF83
Individuals or households
Indiv. receiving pensions, annuities, 3rd party sick pay
Central fiscal operations: 517,790 responses; 198,831 hours; $60,166 Federal cost; 1 Form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Section 3402 (O) of the code permits a pension, annuity, or sick pay recipient to request voluntary withholding from pensions, annuities, or third-party sick pay. This information is used to determine the amount to be withheld from each pension, annuity, or third-party sick pay payment.

• Internal Revenue Service
Employee Census
5302
Nonrecurring
Farms businesses or other institutions
Employers wanting qualified pension profit sharing plan
SIC: All
Small businesses or organizations
Central fiscal operations: 52,000 responses; 419,396 hours; $11,606 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used in conjunction with forms 5300, 5301 and 5307 when applying to IRS for a determination letter stating the pension or profit-sharing plan of the employer meets the requirements of section 401(a) of the IRC. The data submitted allows the IRS to determine that the plan does not discriminate in favor of the prohibited group.

• Internal Revenue Service

Letter Providing/Requesting Information Concerning the Non-Receipt of Income Tax Refund
500-6-1 (1-81)
On occasion
Individuals or households
Taxpayers have not received income tax refunds
Central fiscal operations; 192,000 responses; 48,000 hours; $7,200 Federal cost; 1 Form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Inquiries are received from TP'S concerning non-receipt of tax refunds. These require written responses from IRS with information regarding the delay or additional information needed from TP to process. The service uses the information to verify whether a TP is liable for tax and if a correct, complete return has been filed.

• Internal Revenue Service
Request for Information to Process T/P'S Claim for Refund of Federal Excise Tax
LTR 1417
On occasion
Businesses or other institutions
Sole proprietors, partnerships, corporation
SIC: 631 632 633 639
Small businesses or organizations
Central fiscal operations: 1,200 responses; 600 hours; $850 Federal Cost; 1 Form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

This is a request for additional information to process a claim for refund of excise tax on policies issued by foreign insurers covered by the treaty with United Kingdom.

• Internal Revenue Service
Response to Nonresident Aliens Inquiry About Refund of Social Security
LTR 1114C
On occasion
Individuals or households
F or J visa nonresident aliens
Central fiscal operations: 59 responses; 20 hours; $419 Federal costs; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

26 U.S.C. 3121(B) (19) exempts nonresident aliens in the United States under "F" or "J" type visas from paying social security tax. Letter 1114C is used when a taxpayer is requesting a refund of the erroneously withheld social security tax, to obtain additional information so the refund can be issued.

• Internal Revenue Service
Alimony or Separate Maintenance Statement
3559
On occasion
Individuals or households
Individuals—separated or divorced
Central fiscal operations: 47,300 responses; 23,650 hours; $165,908 Federal cost; 1 form not applicable under 3504(h)
Kevin Broderick, 202-395-6880

This form is used ot secure pertinent data from the taxpayer relating to alimony deductions. Verification of the payment, inclusion in income by the payee, evaluation of the nature of payment, and the timeliness of the payment are essential elements for determining the quilifications for deduction.

• Internal Revenue Service
Request Information Re Invalid SSN—Ref Issued
486C 486SC
On occasion
Individuals or households
All individual taxpayers who file tax returns
Central fiscal operations: 741 responses; 247 hours; $6,676 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Correct social security numbers are required on all individual tax returns per 26 U.S.C. section 6109. If the name or social security number reported on the return does not agree with our information, further verification is needed to properly process the return.

• Internal Revenue Service
Additional Information Requested to Complete Adjustment of Tax on Special Tax Return
Letter 396C
Other—See SF83
Businesses or other institutions
Sole proprietors, partnerships and corporations
SIC: 592 518 348 594 208
Small businesses or organizations
Central fiscal operations: 385 responses; 193 hours; $2,627 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Taxpayer has requested an adjustment to his special tax return but there is not sufficient information to process. When information is received, adjustment action is determined.

Extensions (Burden Change)

• Internal Revenue Service
Amended US Individual Income Tax Return
1040X
Annually
Individuals or households/farms/businesses or other institutions
Indivs. who must change the income deductions
SIC: Multiple
Central Fiscal operations: 1,167,699 responses; 2,824,225 hours; $8,172,004 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 1040X is used by individuals to claim a refund of income taxes, pay additional income taxes, or designate a dollar to a Presidential election fund. The information is needed to help verify that the individual has correctly figured his or her income tax.

• Internal Revenue Service
Corporation Application for Quick Refund of Overpayment of Estimated Tax
4466
On occasion
Farms/businesses or other institutions
Corporations
SIC: All
Small businesses or organizations
Central fiscal operations, 15,000 responses; 11,100 hours; $177,397 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 4466 is used by a corporation to file for an adjustment (quick refund) of overpayment of estimated income tax for the tax year. This information is used to process the claim, so the refund can be issued.

• Internal Revenue Service
Statement for recipients of interest on bearer certificates of deposit
1099-BCD
Annually
Businesses or other institutions
Taxpayers carrying on the banking business
SIC: 602, 603, 605, 612, 614, 672
Small Businesses or Organizations
Central fiscal operations, 23,000 responses; 9,453 hours; $8,033 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

This form is used by banks to report interest paid on bearer certificates of deposit under $100,000 where No 1099-INT will be issued the information is used to verify whether the recipient reported the correct amount of interest income.

• Bureau of Alcohol, Tobacco and Firearms
Bonded Dealer's Report of Specially Denatured Spirits
ATF F 1478 (5150.10)
Monthly
Businesses or other institutions
Dealers in denatured alcohol
SIC: 516
Small businesses or organizations

Federal law enforcement activities, 576 responses; 576 hours; $23,850 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

This report serves as an accounting summary of alcohol received and disposed of by authorized dealers. It is used for statistical purposes and to monitor the amount of alcohol usage.

- Bureau of Alcohol, Tobacco and Firearms

Monthly Report of Concentrate Manufacturer
ATF F 1695 (5520.2)
Monthly
Businesses or other institutions
Manufacturers of fruit flavor concentrates
SIC: 203
Small businesses or organizations
Federal law enforcement activities, 684 responses; 228 hours; $1,900 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

On a monthly basis, manufacturers of fruit flavor concentrates account for the production and removal of concetrates. This is for accounting and statistical purposes.

- Bureau of Alcohol, Tobacco and Firearms

User's Report of Denatured Alcohol or Rum
ATF F 1482 (5150.18)
Monthly
Businesses or other institutions
Manufacturers using denatured alcohol
SIC: 208
Small businesses or organizations
Federal law enforcement activities, 2,639 responses; 2,639 hours; $7,000 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Permittees who use specially denatured alcohol account for their usage of the alcohol on this report. This report is used for statistical purposes and also to check on alcohol accountability.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202-377-6025

New

Savings and loan holding company reports
Nonrecurring, on occasion
Businesses or other institutions
Savings and loan holding companies
SIC: 671
Mortgage credit and thrift insurance, 435 responses; 4,216 hours; $5,400 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

To determine a savings and loan holding company's adherence to the statutes, regulations and rules governing savings and loan holding companies and whether any holding company activities would be injurious to the operation of any subsidiary insured institution regarding its financial condition and prospects.

Revisions

- General recordkeeping by savings and loans

On occasion
Businesses or other institutions
Financial institutions that are FHLB members
SIC: 612
Mortgage credit and thrift insurance, 600 responses; 48,000 hours; 0 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

These requirements represent minimum standards for maintenance of records by prudent management operating in a safe and sound manner. Regulations are issued pursuant to "Safe and Sound Operations" provisions in Federal Home Loan Bank, Home Owners Loan, and National Housing Acts. Included are 12 CFR 523.13, 523.29, 545.1-1, 545.1-3, 545.2, 546.6, 545.6-2, 545.6-4, 545.6-13, 545.7-4, 545.9-4, 545.14, 545.15, 545.20, 545.24, 545.29, 552.11, 563.8, 563.9, 563.9-3.

- Contractor Progress Report

Other—See SF83
Individuals or households/businesses or other institutions
Contractors performing research studies
Small businesses or organizations
Mortgage credit and thrift insurance, 120 responses; 240 hours; 1 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Progress reports are used for the purpose of ascertaining that contractor is meeting requirements, project is on schedule and costs are not exceeded (41 CFR 1-1.000).

- Information necessary for contract award

SF18, SF21, SF26, SF35, SF129, SF19, SF25, SF33
Monthly, other—see SF83
Individuals or households/businesses or other institutions
Contractors seeking to do business with the Government
Small businesses or organizations
Mortgage credit and thrift insurance, 12,160 responses; 2,238 hours; 9 forms, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Data from forms used primarily for reporting requirements to sponsor agencies, and adherence to Federal procurement regulations (41 CFR 1-1.000).

- Claim for insurance and assignment of insured account

FHLBB 681, 683, 844, 13L, 927 & 927A
On occasion
Individuals or households
Insured savers of defaulted institutions
Mortgage credit and thrift insurance, 3,250 responses; 3,250 hours; $30,853 Federal cost; 6 form, not applicable under 3504(h)
Kevin Broderick, 202-395-6880

The insurance claim and assignment package is used in the event of an FSLIC payout of insured accounts. The forms are required to allocate money found in several accounts with the same or different co-owners. The purpose of the allocation is to determine the insurance coverage of the accounts in question and to make payment in accordance with the FSLIC regulations.

- Federal Home Loan Bank Board applicant indentification

1233
Nonrecurring
Individuals or households
Job applicants
Mortgage credit and thrift insurance: 1,000 responses; 250 hours; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

The information requested is to be utilized in conjunction with supplemental qualifications statement 1234 to evaluate applicants for the position of savings & loan examiner, GS-570-5/7. The data obtained form this form will help provide required information necessary to process the idividual's application.

- Federal Home Loan Bank Board Supplemental Qualifications Statement Savings and loan Examiner, GS-570-5/7

1234
Nonrecurring
Individuals or households
Job applicants
Mortgage credit and thrift insurance: 1,000 responses; 2,000 hours; $35,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

The information requested is to be utilized to evaluate applicants for the position of savings and loan examiner, GS-570-5/7. The data obtained from the applicant's questionnaire will be used to rank the individual's quailifications for this position.

Extensions (Burden Change)

- Criminal Activity

FHLBB 94, FHLBB 366
On occasion
Businesses or other institutions
FSLIC insured financial institutions
SIC: 612
Mortgage credit and thrift insurance: 6,427 responses; 1,263 hours; $7.000 Federal cost; 2 forms; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

In order to monitor non-employee theft and losses due to employee dishonesty, FSLIC-insured institutions are required to report such incidents to this agency (12 CFR 563a.5 (c) & 563.18(e)). To discourage thefts, institutions are required to establish security programs and to justify variations from minimum standards for security devices (12 CFR 563a.4(a) & 563a.3(c)).

• Annual Disclosure Report
Annually
Businesses or other institutions
FSLIC insured financial institutions
SIC: 612
Mortgage credit and thrift insurance: 375 response; 15,000 hours; 0 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

12 CFR 563.45 requires FSLIC-insured institutions to send an annual report disclosing financial condition, material transactions with "insiders", etc, to voting members (owners). Institutions that make similar SEC disclosures and those meeting certain other criteria are exempted. Small institutions generally disclose only to this agency, not to members.

• Compliance With Approval Resolution
Nonrecurring
Businesses or other institutions
Savings and loan industry
SIC: 612
Mortgage credit and thrift insurance; 304 responses; 304 hours; 0 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

An association is required to submit evidence of its compliance with conditions established by the board in connection with its approval of an application. Compliance materials are reviewed to assure that the materials adequately meet the board's requirements.

• Marketable Certificate of Deposit Form
Nonrecurring
Businesses or other institutions
Savings and loan industry
Mortgage credit and thrift insurance; 462 responses; 1,848 hours; 0 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

12 CFR section 545. 1–4 requires a Federal association to submit a copy of any certificate of deposit form which may be used as a negotiable instrument. This form must be accompanied by an opinion from its counsel that the form complies with applicable law and regulations and the association's charter.

• Request for Modification or Waiver of Condition
Nonrecurring
Businesses or other institutions
Savings and loan industry
SIC: 612
Mortgage Credit and thrift insurance: 17 responses, 68 hours; 0 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Associations may request that the bank board waive or modify specific conditions contained in FHLBB resolutions approving an application. Such request is evaluated to assure that the modification is not contrary to existing statutes, regulations or board policy, and will not adversely affect the safety and soundness of an association.

• Request for Extension of Time
Nonrecurring
Businesses or Other Institutions
Savings and Loan Industry
SIC: 612
Mortgage credit and thrift insurance, 366 responses; 1,464 hours, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This request enables an institution to petition the FHLBB to extend the amount of time established by the board for the association to comply with a condition of a board resolution approving an application.

• Monthly Financial Report (of Savings and Loan Associations)
FHLBB 107
Monthly
Businesses or other institutions
FSLIC-Insured Savings and Loan Associations
SIC: 612
Mortgage credit and thrift insurance, 48,000 responses; 240,000 hours, $130,916 Federal cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Major means of monitoring individual association activities and detecting potential problems between examinations and semi-annual reporting as required by statute. Provides aggregate national and regional data for monitoring industry developments that may require changes in FHLBB credit and regulatory policies.

Extensions (No Change)

• Examination Advance Package
250 863
On occasion
Businesses or other institutions
FSLIC insured financial institutions
SIC: 612
Mortgage credit and thrift insurance, 4,021 responses; 76,399 hours, 19 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

12 CFR 563.17–1 requires FLSIC-insured institutions to be examined periodically and to maintain records of business transacted. We ask institutions to complete these forms prior to each examination to facilitate the examiner's review of financial condition and regulatory compliance.

• Semiannual Report (of Savings and Loan Associations)
Special sections: (g); supplemental data: (H); deposits: I;
Income tax: (J); securities: (K); deposit rate and structure FHLBB 777 FHLBB 778 FHLBB 791 FHLBB 154
Annually, Semiannually
Businesses or other institutions
FSLIC-insured savings and loan associations
SIC: 612
Mortgage Credit and Thrift Insurance, 28,000 responses; 44,800 hours, $120,896 Federal cost, 4 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Provides detail required to monitor association utilization (individually and in the aggregate) of regulatory and statutory authority to invest in various types of securities and mortgages and to offer various types of deposits and the need for changes in such authority. Provides basis for analyzing tax law changes and secondary market activity of associations. Also provides national aggregates used for analyzing financial and mortgage market activity.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202–523–5326

New

• General Order 10—Greenhide Weighing Practices
On occasion
Businesses or other institutions
Water common carriers in U.S. Export foreign commerce
SIC: 441
Water transportation; 80 responses, 40 hours, $200 Federal cost, not applicable under 3504(h)
William T. Adams, 202–395–4814

Section 43 of the Shipping Act, 1916, gives the commission the authority to implement rules. This rule minimizes discrepancies in the weighing of the freight commodity "Green Salted Hides" in the U.S. foreign export trade.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—202–452–2983

New

- Temporary Weekly Survey of Retail Repurchase Agreements[1]

FR 3017
Weekly
Businesses or other institutions
All depository institutions, sample insured commercial banks
SIC: 602 603 605 612
General government; 7,813 responses, 3,907 hours, $200,000 Federal cost, 1 form, $58,605 public cost, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

These data are used by the Federal Reserve Board and the Federal Open Market Committee to construct and interpret the monetary aggregates.

Extensions (No Change)

- Survey of Debits to Demand and Savings Deposits

Accounts
FR 2573
Monthly
Businesses or other institutions
Commercial banks members of Federal Reserve System
SIC: 602
Small businesses or organizations
General government; 3,840 responses, 3,840 hours, $68,963 Federal cost, 1 form, $76,400 public cost, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Report collects information on debits to demand and savings deposit accounts from a sample of member banks. Debits information is used in formulating banking and credit policies. These data are also used in conjunction with other data to interpret money-stock movements and to determine the turnover rate for various sectors of economy.

- Monthly Survey of Loan Commitments

FR 2039
Monthly
Businesses or other institutions
Sample of selected large commercial banks
SIC: 602
General government; 1,500 responses, 9,000 hours, $5,715 Federal cost, 1 form, $135,000 public cost, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Survey provides information on the volume and composition of loan commitments at selected large commercial banks. Data are used in the current analysis of banking developments and credit market condition and can have important implications for monetary policy.

FEDERAL TRADE COMMISSION

Agency Clearance Officer—Carl Hevener—202–523–3373

Extensions (Burden Change)

- Food Distribution Industries Enforcement Policy—Retailers

1859 A & B & Supplemental Form
On occasion
Businesses or other institutions
Grocery stores
SIC: 541
Small businesses or organizations
Other advancement and regulation of commerce; 12 responses, 180 hours, $3,200 Federal cost, 3 forms, not applicable under 3504(h)
Paula Daigneault, 202–395–7340

Special report involving acquisitions or mergers in the food distribution industry, used in antitrust enforcement to identify possible violations by corporate chains pursuant to the Commission enforcement policy statement concerning prevention of increased concentration in food retailing.

- Food Distribution Industries Enforcement Policy—Distributors

1859 A & B & Supplemental Form
On occasion
Businesses or other institutions
Food wholesalers
SIC: 514
Small businesses or organizations
Other advancement and regulation of commerce; 6 responses, 90 hours, $1,500 Federal cost, 3 forms, not applicable under 3504(h)
Paula Daigneault, 202–395–7340

Special report involving acquisitions or mergers in the food distribution industry, used in antitrust enforcement to identify possible violations by wholesalers or food distribution groups pursuant to the Commission enforcement policy statement concerning prevention of increased concentration in food wholesaling

INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—202–523–0267

Revisions

- Importers' Annual Questionnaire—Color Television

Receivers and subassemblies
332–95
Quarterly
Businesses or other institutions
Importers of color television receivers
SIC: 365
Small businesses or organizations
Conduct of foreign affairs; 28 responses, 560 hours, $60,000 Federal cost, 1 form, not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

Pursuant to section 332 of the Tariff Act of 1930, the U.S.I.T.C. is required to periodically provide current statistical information on the color television industry to the President. This data is used to monitor the impact of imports on the industry and/or to assess the impact of tariff relief previously granted to producers of color televisions.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202–633–0204

New

- Waybill transmittal form

OPAD–2
Monthly
Businesses or other institutions
Class I, II and III railroads
SIC: 401
Ground transportation, 1,140 responses; 570 hours; $451 Federal cost; 1 form not applicable under 3504(h)
Donald Arbuckle, 202–395–1340.

Transmittal form OPAD–2 insures that each reporting railroad has adequately sampled and accounted for the waybills for each audit period.

NATIONAL FOUNDATION ON THE HUMANITIES

Agency Clearance Officer—Victor Loughnan—202–724–0308

New

- Workshop participation follow-up evaluation

Nonrecurring
Individuals or households
Postsecondary educators, primarily from 2 year institutions
Research and general education aids, 40 responses; 240 hours; $344 Federal cost; 1 form not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

[1] This survey has already been approved because data are urgently needed to assess the implications for interpretations of the monetary aggregates and flows in financial markets.

To assess and offer support for workshop participants' progress toward the goals stated as reasons for workshop participation.

• Workshop evaluation form
Nonrecurring
Individuals or households
Postsecondary educators, primarily from 2 years institutions
Research and general education aids, 150 responses; 75 hours; $74 Federal cost; 2 forms not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

To assess effectiveness of workshop, both of its specific activities and of its immediate usefulness.

RAILROAD RETIREMENT BOARD

Agency clearance Officer—Pauline Lohens—312–751–4692

New

• Designation of contact officials
G–117A
On occasion
Businesses or other institutions
Railroad Employers
SIC: 401
Small businesses or or organizations
General retirement and disability insurance, 650 responses; 144 hours; $1,000 Federal cost; 1 form not applicable under 3504(h)
Robert Neal, 202–395–6880

To expedite adjustments of Board records and to insure proper addressing of correspondence, the Board maintains a list of designated railroad officals. The collection will obtain the information needed to keep the list current.

Extensions (Burden Change)

• Application for reimbursement for hospital insurance service
In Canada
AA–104
On occasion
Individuals or households
Applicants for Canadian hospital insurance services
General retirement and disability insurance, 175 responses; 29 hours; $23,800 Federal cost; 1 form not applicable under 3504(h)
Robert Neal, 202–395–6880

The Board administers, the medicare program for persons covered by the Railroad Retirment System. The request will obtain information to be used by the Board's agent in Canada, Ontario Blue Cross, to pay for covered medical services in Canada.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

• Self-underwriting by SECO broker-dealer, Rule 15B10–9
Rule 15B10–9 (C)(3)
On occasion
Businesses or other institutions
Broker-dealers that are not members of the NASD, Inc., etc.
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce, 6 responses; 3 hours; $13,000 Federal cost; $132 public cost; 1 form not applicable under 3504(h)
Robert Veeder, 202–395–4814

The proposed amendment would porovide an exception to Rule 15B10–9 (adopted in 1972) for certain SECO broker-dealers that deliver to their customers a disclosure document containing certain facts. The proposed amendment will facilitate compliance with the rule for certaifi SECO broker-dealers and will provide investors with acts of significance in a self-underwritten offering.

• Financial recordkeeping and reporting of currency and foreign transactions
Rule 17A–8
On occasion
Businesses or other institutions
Broker-dealers and exchange members
SIC: 621
Other advancement and regulation of commerce, 1,750,000 responses; 1 hour; $5,063 federal cost; 1 form, not applicable under 3504(H)
Robert Veeder, 202–395–4814

It is anticipated that rule 17A–8 will take effect on November 1, 1981. This rule will require brokers and dealers to make certain reports and records which are useful in regulatory investigations or proceedings and are essential to the commission in its obligation to protect the investing public.

• Regulation B under the 1933 Act, exemption relating to fractional undivided interests in oil and gas rights. Schedules A, B, C (cont'd)
259 4403
On occasion
Businesses or other institutions
Iss. of cert. offr. of fract. undiv. int. in oil & gas right
SIC: 138
Small businesses or organizations
Other advancement and regulation of commerce, 259 responses; 4,403 hours; $61,236 Federal cost; $274,600 public cost; 259 forms, not applicable under 3504(H)
Robert Veeder, 202–395–4814

Regulation B and the schedules and forms thereunder are necessary to provide a basis for the exemtion from registration under the 1933 act of fractional undivided interests in oil and gas rights and, at the same time, to provided protection for investors in such securities.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—Betty Osborne—202–653–7738

New

• Annual report guide (503 Certified Development Company Program)
SBA 1253
Annually
Businesses or other institutions
Develop. Co. Cert. under Sec. 108.503 of SBA's rules & regs.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 250 responses; 250 hours; $36,000 Federal cost; $10,000 public cost; 1 form not applicable under 3504(H)
Edward C. Springer, 202–395–4814

Section 108.503–3 requires the CDE to submit annual reports and data that analyze the impact of its assistance to small business. This is a portion of the data required.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

New

• Compensation, pension and dependency and indemnity program evaluation
Nonrecurring
Individuals or households
VA beneficiaries—compensation or pension programs
Other veterans benefits and services, 2,430 responses; 607 hours; $195,000 Federal cost; 5 forms, not applicable under 3504(H)
Robert Neal, 202–395–6880

The compensation, pension and dependency & indemnity programs serve approximately 3.7 million beneficiaries. These programs are closely related and all will be evaluated at the same time for efficiency, effectiveness and impact in part by means of questionnaires mailed to a sampling of beneficiaries.

• Supplemental information for change of program or reenrollment after unsatisfactory progress or conduct
22–8873
On occasion
Individuals or households

Veterans, servicepersons/eligible dependents of survivors
Veterans education, training, and rehabilitation, 55,000 responses; 18,334 hours; $199,700 Federal cost; 1 form not applicable under 3504(H)
Federal Education Data Acquisition Council, 202–426–5030

This form is used to obtan information required for the determination of the suitability of a veteran or other eligible person, who requests a second or subsequent change of his/her training objective, to the new program being requested. Benefit payments cannot be resumed unless the VA finds that the cause of the unsatisfactory progress or conduct has been removed and is not likely to recur. (38 U.S.C. 1674, 1724, & 1791, 38 CFR 21.4234 and 21.4278)

Extensions (No change)

- Application for payment of matured endowment policy 29–5767

On occasion
Individuals or households
Insured veterans
Income security for veterans, 750 responses; 125 hours; $2,560 Federal cost; 1 form, not applicable under 3504(H)
Robert Neal, 202–395–6880

The completed form is required by law, 38 CFR 8.92 and 6.69. The information collected is used to process the insured's request for the payment of the proceeds of a matured endowment in installments.

- Statement of heirs for refund of credits

29–596 FL29–596
On occasion
Individuals or households
Claimant
Income security for veterans, 600 responses; 150 hours; $5,606 Federal cost; 1 form, not applicable under 3504(H)
Robert Neal, 202–395–6880

The completed form is required by law, 38 CFR 6.56 and 8.54. The information collected is used to determine the rightful heir(s) in order to pay the credits due the estate of a deceased veteran.

Arnold Strasser,

Acting Assistant Administrator for Reports Management.

[FR Doc. 81-25854 Filed 9-2-81; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

Privacy Act of 1974; Modification of Notice of System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Modification of notice of system of records.

SUMMARY: The Securities and Exchange Commission is modifying a notice of system of records, Notification of Exemption from Registration uder the Securities Act of 1933 (SEC–3), 41 FR 41552 (Sept 22, 1976), to make clear that that system contains information filed with the Commission pursuant to Rule 146, 17 CFR 230.146, concerning transactions by an issuer deemed not to involve any public offering of securities.

DATES: This amendment will become effective August 28, 1981.

FOR FURTHER INFORMATION CONTACT: Andrew W. Sidman, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2454.

SUPPLEMENTARY INFORMATION: The system of records designated Notification and Exemption from Registration under the Securities Act of 1933 (SEC–3) contains information on officers, directors, principal shareholders, and certain other persons having a relationship or a transaction with a registrant that has utilized one of the exemptions from the registration provisions of that Act. The notice of the system of records, which was published prior to the adoption of Rule 146, enumerates several of those exemptive provisions, but, of course, does not mention Rule 146. The amended system notice is intended to make clear that information filed with the Commission pursuant to Rule 146 is included within SEC–3. The amended notice also makes clear that portions of the records within the system are stored in machine-readable form, and may be retrieved in that manner.

In view of the non-substantive nature of this amendment to the notice of the system of records, the Commission is not required to provide advance notice to Congress and the Office of Management and Budget ("OMB"). *See* Section (o) of the Privacy Act, 5 U.S.C. 552a(o); OMB Circular No. A–108, Transmittal Memorandum No. 1. The amended portion of the notice is italicized.

SEC–3

SYSTEM NAME:

Notification and Exemption from Registration under the Securities Act of 1933—SEC.

SYSTEM LOCATION:

These records are maintained in the Commission's Regional and Branch Offices for the geographical areas covered by those offices. Duplicated copies also may be maintained in the headquarters office in Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records include information on officers, directors, principal shareholders, and certain other persons having a relationship with or a transaction with a registrant that has utilized one of the exemptions, such as Regulations A, B, E *and Rule 146* under the Securities Act of 1933.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records described in the individual's relationship to a registrant and other relevant material business information about the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 15, United States Code, Section 77c(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and the information in the records may be used as follows:

1. By SEC personnel in processing registration statements and periodic reports and other documents required to be filed with the Commission under provisions of the Federal securities laws; may also be used in responding to inquiries from Members of Congress or the public concerning a registrant and in preparing no-action letters.

2. By SEC personnel for purposes of investigating violations of the Federal securities laws. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may br referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the

statute, or rule, regulation or order issued pursuant thereto.

3. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

4. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

5. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

7. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

8. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

9. In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

10. Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws or the Commission's rules of practice, 17 CFR 201.1 *et seq.* or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

11. Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

12. A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for the use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

13. Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

14. Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's rules of conduct, 17 CFR 200.735–1 *et seq.*, and who assists in the investigation by the Commission of possible violations of Federal securities laws, in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

15. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records are maintained in hard copy form and are stored on shelving. *Records or portions of records may be maintained in machine readable form.*

RETRIEVABILITY:

Records are accessed by name and/or file number assigned to applicant. Individual name access is available through the Commission's Name-Relationship Index system.

SAFEGUARD:

Records contain public information and are available through public reference section. Records are maintained in central records office, which is locked at night.

RETENTION AND DISPOSAL:

These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Records Officer, Securities and Exchange Commission, 1100 L Street, NW., Washington, D.C. 20549.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, NW., Washington, D.C. or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

CONTESTING RECORD PROCEDURES:

See Records access procedures above.

RECORD SOURCE CATEGORIES:

Documents and other information required to be filed under Regulation A, B, E, and F, *and Rule 146*, promulgated pursuant to provisions of the Securities Act of 1933.

Dated: August 25, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25777 Filed 9-2-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18067, SR-BSE-81-7]

Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change

August 28, 1981.

On July 1, 1981, the Boston Stock Exchange, Inc. ("BSE"), One Boston Place, Boston, MA 02108, filed with the Commission, pursuant to Section 19)b)(1) of the Securities Exchange Act of 1934, ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change to provide for a paid, full-time Chairman of the Board of Governors who would be designated the Chief Executive Officer of the Exchange, and to make corresponding changes in the definition and responsibilities of the Vice Chairman and President. The rule change also would create a Hearing Committee to conduct disciplinary proceedings and redefine the scope of jurisdiction of the Committee on Business Conduct.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17954, July 20, 1981) and by publication in the **Federal Register** (46 FR 38193, July 24, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25842 Filed 9-2-81; 8:45 am]

BILLING CODE 8010-01-M

National Association of Securities Dealers, Inc., Order Approving Amended Proposed Rule Change

[Release No. 18070; SR-NASD-80-18]

August 28, 1981.

On October 10, 1980, the National Association of Securities Dealers, Inc. (the "NASD") 1735 K Street, N.W., Washington, D.C. 20006, filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would amend Schedule D of the NASD's By-Laws concerning the inclusion of rights and warrants on the NASDAQ System. The proposed rule change would permit rights and warrants to be included on the NASDAQ System only if the total number of rights and warrants issued is not less that 100,000. In addition to a number of technical clarifications, the proposed rule change further provides that, if the underlying security is listed on NASDAQ or on a registered national securities exchange, the number of rights and warrants issued will be considered only at the time of initial authorization. The NASD has indicated that the requirement that a minimum number of rights and warrants be issued is necessary to help ensure that there is a sufficient supply of the securities in the market to deter any potential manipulation.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release 17306, (November 17, 1980)) and by publication in the **Federal Register** (45 FR 77212, November 21, 1980). [1]No comments were received with respect to the proposed rule filing.

The Commission finds that the amended proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and in particular the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned amended proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25843 Filed 9-2-81; 8:45 am]

BILLING CODE 8010-01-M

[1]On December 30, 1980 and on August 21, 1981, the NASD filed technical amendments to the proposed rule change.

[Release No. 22178; 70-6536]

National Fuel Gas Corp., et al.; Proposed Increase in Short-Term Unsecured Debt and Gas Inventory Borrowings; Increase in Authorized Borrowings by One Subsidiary From Money Pool

August 28, 1981.

In the matter of National Fuel Gas Corp., 308 Seneca Street, Oil City, Pennsylvania 16301; Penn-York Energy Corp., 10 Lafayette Square, Buffalo, New York 14203; National Fuel Gas Distribution Corp., 10 Lafayette Square, Buffalo, New York 14203; National Fuel Gas Co., 30 Rockefeller Plaza, New York, New York 10112.

National Fuel Gas Company ("National"), a registered holding company, and three of its subsidiary companies, National Fuel Gas Distribution Corporation ("Distribution"), National Fuel Gas Supply Corporation ("Supply") and Penn-York Energy Corporation ("Penn-York") (collectively "System") have filed a post-effective amendment to their application-declaration previously filed and amended pursuant to Sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42, 43, 45, 50(a)(2), 50(a)(3) and 50(a)(5) thereunder.

By prior order dated February 2, 1981 (HCAR No. 21903) in this proceeding, National was authorized to incur short-term debt up to a maximum principal amount of $138,700,000 through external borrowings. The applicant-declarants were also authorized to institute a System money pool through which the System companies could borrow and lend funds on a short-term basis. By the terms of that order, the maximum principal outstanding amount of unsecured debt authorized for the System from bank borrowings, commercial paper sales, surplus fund loans or any other source is limited to

$92,687,764, which was 20% of the System's consolidated capitalization at September 30, 1980.

The balance of the short-term debt was authorized to be incurred for Supply's gas inventory purposes. That order also authorized Penn-York to borrow up to $40,000,000 from the System money pool.

By post-effective amendment, the System seeks authorization (1) to incur short-term unsecured debt up to a maximum principal amount of $96,244,711, which is equal to 20% of the System's capitalization as of June 30, 1981, (2) to incur up to $42,455,289 of short-term debt for Supply's gas inventory purposes and (3) for Penn-York to borrow up to $50,000,000 from the System money pool. The terms and conditions of the transactions would remain as authorized by the Commission order of February 2, 1981 (HCAR No. 21903).

Penn-York has been incurring short-term debt to finance the development of underground gas storage facilities that it will use to provide gas storage service to non-affiliated utilities. Penn-York is expected to incur this higher level of short-term debt because the price of base-gas that Penn-York is purchasing for injection into its underground storage facilities has risen to a level that was not originally anticipated.

Although external financing will not be increased, the System's unsecured short-term debt and borrowings for Supply's gas inventory may increase to the proposed levels because of the timing of System's long-term financing arrangements.

The application-declaration as amended by the post-effective amendment and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 21, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended by the post-effective amendment or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25644 Filed 9-2-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 770]

Brownsville, Tex. and Cameron County, Tex.; Application for Bridge Permit

Notice is hereby given that the Department of State has received an application for a permit authorizing the construction of a Bridge between Brownsville, Texas and H. Matamoros, Tamaulipas, Mexico. The application has been filed jointly by the City of Brownsville, Texas and the County of Cameron, Texas, which propose to construct, operate and maintain a seven traffic lane, two pedestrian sidewalk bridge for vehicular and pedestrian traffic at the extension of U.S. Highway 77/83, located three river miles east of the existing Gateway International Bridge.

The Department's jurisdiction with respect to this application is based upon Executive Order 11423, dated August 16, 1968, and the International Bridge Act of 1972. (Pub. L. 92-343, 86 Stat. 731, approved September 26, 1972.)

As required by E.O. 11423, the Department of State is circulating this application to concerned agencies for comment. In addition, the Office of Environment and Health of the Department of State is reviewing an assessment of the Environmental effects of the proposal, which has been submitted as part of the application, in order to determine if an environmental impact statement will be required.

Interested persons may submit their views regarding this application in writing by October 1, 1981 to Mr. John R. Crook, Assistant Legal Adviser for Economic and Business Affairs, Room 6420, Department of State, 2201 C Street, NW, Washington, D.C. 20520.

The application and related documents made part of the record to be considered by the Department of State in connection with this application are available for inspection and copying in the Office of the Assistant Legal Adviser for Economic and Business Affairs during normal business hours.

Any questions relating to this notice may be addressed to Mr. Crook at the above address, (202-632-0242) or to Mr. James V. Hackney (202-632-9311).

Dated: August 27, 1981.

John R. Crook,

Assistant Legal Adviser for Economic and Business Affairs.

[FR Doc. 81-25782 Filed 9-2-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-065]

User Fees; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of Informational Meeting on Coast Guard user fees.

SUMMARY: The Department of Transportation will hold a meeting with the public to present information concerning the establishment of user fees for certain Coast Guard services. The meeting will provide an opportunity for the public and Department of Transportation officials to discuss the overall philosophy of user fees, details of the Coast Guard budget process including program cost allocation procedures, and other informational items related to the user fee concept as a basis of future legislation.

DATES: The informational meeting will be held at 9:30 a.m. on September 11, 1981. Written comments will be accepted until October 31, 1981.

ADDRESSES: The informational meeting will be held in Room 2230, Department of Transportation, 400 7th Street, S.W., Washington, D.C. Written comments may be submitted to Commandant (CMC/44 (CGD 81-065)), U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Lt Rebecca L. Feemster, (G-LLX/34), U.S. Coast Guard Headquarters, 2100 Second St., SW, Washington, D.C. 20593, (202) 426-1467, 7 a.m. to 5 p.m., Monday through Thursday, except holidays.

Dated: August 27, 1981.

E. H. Daniels,

Rear Admiral, U.S. Coast Guard, Chief Counsel.

[FR Doc. 81-25580 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Docket No. 21955]

Preliminary Regulatory Evaluation; Metropolitan Washington Airports Policy

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of Document.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Regulations and Enforcement Division, Office of the Chief Counsel, AGC-200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone: (202) 426-3073.

NOTICE: The FAA has completed the Preliminary Regulatory Evaluation of the Proposed Metropolitan Washington Airports Policy (46 FR 36068, July 13, 1981). Any person may obtain a copy of the document by submitting a request to the Federal Aviation Administration, Rules Docket, 800 Independence Avenue, SW., Room 916, Washington, D.C. 20591 or by calling the phone number listed above. A copy of the evaluation is also available for review in the Rules Docket weekdays, except Federal Holidays, between 8:30 a.m. and 5:00 p.m. The closing date for submittal of comments on Notice No. 81-8 is August 31, 1981.

Dated: August 26, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

[FR Doc. 81-25393 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 142—Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 142 on Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment to be held on September 22-23, 1981 in RTCA Conference Room 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Ninth Meeting Held on June 24-26, 1981; (3) Discuss Guidelines for Review of Fourth Draft of Committee Report on DABS Minimum Operational Performance Standards; (4) Review of Fourth Draft of Committee Report; (5) Identification and Assignment of Tasks to Complete Committee Actions; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on August 24, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-25692 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Montgomery County, Pennsylvania

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Montgomery County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: John R. Krause, Division Environmental Engineer, Federal Highway Administration, 228 Walnut Street, P.O Box 1086, Harrisburg, Pennsylvania 17108, Telephone: (717) 782-2276, or Robert L. Rowland, P.E., District Engineer, Pennsylvania Department of Transportation, 200 Radnor-Chester Road, St. Davids, Pennsylvania 19087, Telephone: (215) 687-1600.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation, will be preparing an Environmental Impact Statement (EIS) on a proposal to construct a highwaylink of the Mid-County Expressway (I-476) between its current terminus north of the Schuylkill Expressway (I-76) and the Northeast Extension Interchange of the Pennsylvania Turnpike, Plymouth Township, Montgomery County, Pennsylvania. The proposed 1.5 miles of limited access divided highway would extend from an existing section of the Mid-County Expressway, which is open to traffic from I-76 north to Chemical Road, to a proposed Toll Plaza of the Pennsylvania Turnpike.

A connection to the existing Norristown Interchange of the Pennsylvania Turnpike will also be provided along with ramps to the existing local roads. The remainder of the Mid-County Expressway linking I-95 in Philadelphia to the Pennsylvania Turnpike is either constructed or is in the final design stage. Completion of the expressway will eliminate congestion and delay on the existing routes in Philadelphia and the surrounding counties and provide better north-south access for the surrounding region.

The project has been under consideration for many years and several alignments have been studied. Various alignments were eliminated because of traffic congestions, safety deficiencies, community opposition, potential urban impacts, or consideration of the Plymouth Meeting Historical District. The two alignments now under study pass between the Pennsylvania Turnpike to the north and the Plymouth Meeting Historical District to the south. The no-build alternative and the no-build with low-capital Transportation System Management (TSM) alternative will also be included. The alternatives will be studied in detail in the areas of air quality, noise pollution, preliminary engineering, historical and archaeological resources, traffic/transportation/ energy, water resources, social-economic and land use, terrestrial ecology, cost analysis of effective alternatives, and consultation/ coordination.

Early inter-agency coordination meetings were held throughout the first half of 1981, to identify issues pertinent to the project scope. These meetings were held with a broad range of appropriate Federal, State, and local agencies. An open house public meeting attended by 100 interested citizens was conducted in April 1981. The purpose of the public meeting was to solicit opinions regarding critical and sensitive issues, as well as to advise the public of proposed studies. Further interagency and public involvement will continue throughout development of the EIS through a scoping process.

To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be addressed to the FHWA at the address provided above.

Issued on August 28, 1981.

George L. Hannon,

Acting Division Administrator Harrisburg, Pennsylvania.

[FR Doc. 81-25615 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

Colonial Bank; Approval of Applicant as Trustee

Notice is hereby given that Colonial Bank, with offices at 81 West Main Street, Waterbury, Connecticut, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: August. 31, 1981.

By Order of the Acting Maritime Administrator

Robert J.Patton, Jr.,

Secretary.

[FR Doc. 81-25611 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-15-M

National Highway Traffic Safety Administration

Rulemaking, Research and Enforcement Programs; Public Meetings

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting on September 23, 1981, to answer questions from the public and industry regarding the Agency's rulemaking, research and enforcement programs. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m., if necessary. It will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

At the September meeting, representatives of DOT will answer questions received from the industry and the public relating to NHTSA's rulemaking, research and enforcement programs (including defects). The purpose of this is to focus on those phases of these NHTSA activities which are technical, interpretative or procedural in nature. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions).

Questions for the September 23 meeting should be submitted in writing by September 9 to Michael M. Finkelstein, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, S.W., Washington, D.C. 20590. Every effort will be made to answer appropriate questions received. Questions received after the September 9 date may be answered at the meeting, if sufficient time is available. The individual, group, or company submitting a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by September 9 and the issues to be discussed will be mailed to interested persons on or before September 14, 1981, and will be available at the meeting. This list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, D.C., within four weeks after the meeting. Copies of the transcript will then be available at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon receipt to NHTSA, Technical Reference Section, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

The Agency specifically requests at this time comments or suggestions from any interested persons on how the format, procedural aspects or conduct of future such meetings might be modified so as to improve the nature and scope of the discussion. Such comments or suggestions may be submitted at this meeting, or sent directly to Michael M. Finkelstein on or before October 1, 1981.

Issued in Washington, D.C., on August 28, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-25795 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

[Notice 81-8]

Senior Executive Service Performance Review Boards (PRB); Membership

AGENCY: Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: DOT publishes the names of the persons selected to serve on the various Departmental Performance Review Boards (PRB) established by DOT under the Civil Service Reform Act (CSRA).

FOR FURTHER INFORMATION CONTACT: Robert S. Smith, Director, Office of Personnel and Training, and Executive Secretary, DOT Executive Resources Board, (202) 426-4088.

SUPPLEMENTARY INFORMATION: The CSRA of 1978, which created the Senior Executive Service, requires that each agency implement a performance appraisal system making senior executives accountable for organizational and individual goal accomplishment. As part of this system, CSRA requires each agency to establish one or more PRB's, the function of which is to review and evaluate the initial appraisal of a senior executive's performance by the supervisor and to make recommendations to the final rating authority relative to the performance of the senior executive.

The persons named below have been selected to serve on one or more Departmental PRB's.

Issued in Washington, D.C., on August 27, 1981.

Robert L. Fairman,

Assistant Secretary for Administration.

Department of Transportation—Senior Executive Service Performance Review Boards

Office of the Secretary

Rosalind A. Knapp, Deputy General Counsel
Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement
William H. Fitzgerald, Director, Office of Budget
B. Kelley Andrews, Director, Office of Intergovernmental Affairs
Franklin K. Willis, Deputy Assistant Secretary for Planning and Policy Analysis
Richard F. Walsh, Director, Office of Transportation Economic Analysis
Martin Convisser, Director, Office of Environment and Safety
C. Shannon Roberts, Deputy Director, Office of Management Planning
Marvin N. Gordon, Director, Office of Automated Systems Policy
Robert E. Jones, Director, Transportation Computer Center
James L. McInerney, Special Assistant to the Deputy Secretary

United States Coast Guard

Karen S. Lee, Deputy Assistant Secretary for Administration, Office of the Secretary
Wesley A. Plummer, Director, Office of Civil Rights, Office of the Secretary
Thomas F. Garnett, Associate Director for Labor Relations, Office of Personnel and Training, Office of the Secretary
Arthur Varnado, Director, Rockey Mountain Region, Federal Aviation Administration
RADM Richard P. Cueroni, Chief, Office of Personnel
RADM Wayne E. Caldwell, Chief, Office of Marine Environment and Systems
RADM William P. Kozlovsky, Comptroller

Federal Aviation Administration

Charles F. Bingman, Special Assistant to the Deputy Secretary, Office of the Secretary
Albert P. Albrecht, Associate Administrator for Engineering and Development
Wayne J. Barlow, Director, Great Lakes Region
James L. Bispo, Associate Administrator for Air Traffic and Airway Facilities
Benjamin Demps, Jr., Director, Aeronautical Center

Robert L. Faith, Director, Alaskan Region
Charles R. Foster, Director, Northwest Region
Walter S. Luffsey, Associate Administrator for Aviation Standards
Clarence R. Melugin, Director, Southwest Region
Donald R. Segner, Associate Administrator for Policy and International Aviation
William F. Shea, Associate Administrator for Airports
Murray E. Smith, Director, Eastern Region
Arthur Varnado, Director, Rocky Mountain Region
Leon C. Watkins, Director, Office of Civil Rights
Charles E. Weithoner, Associate Administrator for Administration
Robert E. Whittington, Director, New England Region

Federal Highway Administration

J. Kenneth Klinge, Special Assistant to the Secretary, Office of the Secretary
Donald E. Trull, Regional Federal Highway Administrator, Region 5
Daniel Markoff, Associate Administrator for Administration
Richard D. Morgan, Associate Administrator for Engineering and Traffic Operations
R. Edward Quick, Director, Office of Civil Rights
Richard B. Robertson, Associate Administrator for Planning and Policy Development
Donald L. Ivers, Chief Counsel
Morris C. Reinhardt, Regional Federal Highway Administrator, Region 8

Federal Railroad Administration

J. Kenneth Klinge, Special Assistant to the Secretary, Office of the Secretary
Katherine M. Anderson, Director, Executive Secretariat, Office of the Secretary
John H. Broadley, Chief Counsel
R. Edward Quick, Director, Office of Civil Rights, Federal Highway Administration
Daniel Markoff, Associate Administrator for Administration, Federal Highway Administration
Richard D. Morgan, Associate Administrator for Engineering and Traffic Operations, Federal Highway Administration
Donald E. Trull, Regional Federal Highway Administrator, Region 5, Federal Highway Administration

National Highway Traffic Safety Administration

J. Kenneth Klinge, Special Assistant to the Secretary, Office of the Secretary
Diane K. Steed, Deputy Administrator
Frank A. Berndt, Chief Counsel
Lynn L. Bradford, Associate Administrator for Enforcement
Michael M. Finkelstein, Associate Administrator for Rulemaking

Urban Mass Transportation Administration

Charles F. Bingman, Special Assistant to the Deputy Secretary, Office of the Secretary
Steven A. Barsony, Director, Office of New Systems Applications
Thomas R. Hunt, Associate Administrator for Administration
Robert H. McManus, Associate Administrator for Planning Management and Demonstrations
Harold B. Williams, Director, Office of Civil Rights
Charles H. Graves, Director, Office of Planning Assistance
Raymond J. Sander, Executive Director

Research and Special Programs Administration

James L. McInerney, Special Assistant to the Deputy Secretary, Office of the Secretary
Charles F. Bingman, Special Assistant to the Deputy Secretary, Office of the Secretary
James Costantino, Director, Transportation Systems Center
Leon D. Santman, Director, Materials Transportation Bureau
Gregory T. Haugan, Director, Transportation Programs Bureau

Office of the Inspector General

Joseph A. Sickon, Inspector General (Designate), General Services Administration
Wallace E. Busbee, Jr., Executive Assistant to the Inspector General, Veterans Administration
Raymond F. Randolph, Assistant Inspector General for Auditing, Small Business Administration
Donald R. Trilling, Director, Office of Industry Policy, Office of the Assistant Secretary for Policy and International Affairs, Office of the Secretary
James L. McInerney, Special Assistant to the Deputy Secretary, Office of the Secretary

[FR Doc. 81-25782 Filed 9-2-81; 8:45 am]
BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

[Supplement to Department Circular—Public Debt Series—No. 27-81]

Notes Designated Series F-1986; Interest Rate

August 28, 1981.

The Secretary announced on August 27, 1981, that the interest rate on the notes designated Series F-1986, described in Department Circular—Public Debt Series—No. 27-81, dated August 20, 1981, will be 16⅛ percent. Interest on the notes will be payable at the rate of 16⅛ percent per annum.

Paul H. Taylor,
Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-25698 Filed 9-2-81; 8:45 am]
BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 171
Thursday, September 3, 1981

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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 9:30 a.m. (eastern time), Friday, September 4, 1981.

PLACE: Commission Conference Room, No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW, Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open.

1. Freedom of Information Act Appeal No. 81-6-FOIA-33-DA. A request for documents in a file concerning a Commission's charge.
2. Recommended Tribal Employment Rights Office (TERO) FY'81 Contract Extensions.
3. Ninety-Day Notice Concerning *County of Washington v. Gunther*
4. Quarterly Review of Section 603 of the Compliance Manual, Volume 2, Identifying and Processing Charges Which Raise Issues Not Covered by a Commission Decision Precedent and Exhibit 603-A, Partial Index of Commission Decision Precedent Decisions.
5. Eight Proposed contracts for services needed in connection with litigation matters.
6. Report on Commission Operations by the Executive Director.

Closed:

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued August 28, 1981.

[S-1319-81 Filed 9-1-81; 11:09 am]

BILLING CODE 6570-06-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

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 Tuesday, September 8, 1981, 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: Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: September 1, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1320-81 Filed 9-1-81; 11:31 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

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 2:00 p.m. on Tuesday, September 8, 1981, 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.

Applications for Federal deposit insurance:

First Mountain Bank, a proposed new bank, to be located at 42142 Big Bear Boulevard, Big Bear Lake, California.

Southbridge Savings Bank, Southbridge, Massachusetts, an operating noninsured mutual savings bank.

Union Planters Bank of Nashville, a proposed new bank, to be located in the Hillsboro Shopping Center, 3900 Hillsboro Road, Green Hills, Nashville, Tennessee.

Application for consent to establish a branch:

Dollar Savings Bank of New York, New York (Bronx), New York, for consent to establish a branch at 1330-1332 First Avenue, New York (Manhattan), New York.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liqudating agent of those assets:

Memorandum and Resolution re: Surety Bank and Trust Company, Wakefield, Massachusetts.

Memorandum and Resolution re: Notice of amendments to and annual

publication of systems of records required by the Privacy Act of 1974.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Foreclosure Bids

Memorandum re: Reports Required Under Delegated Authority Compromise Settlements

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 information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 1, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1321-81 Filed 9-1-81; 11:31 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, August 31, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Applications of Hudson City Savings Bank, Jersey City, New Jersey, for consent to establish two branches at the following locations: the northeast corner of Applegarth and Prospect Plains-Cranbury Roads, Monroe Township, New Jersey; and within the West Milford Shopping Center, Marshall Hill and Union Valley Roads, West Milford, New Jersey.

Application of Bank of Downey, Downey, California, for consent to merge, under its charter and with the title "Southern California Bank," with National Bank of Whittier, Whittier, California, and to establish the six offices of National Bank of Whittier as branches of the resultant bank.

Application of Branch Banking and Trust Company, Wilson, North Carolina, for consent to merge, under its charter and title, with Independence National Bank, Gastonia, North Carolina, and to establish the twenty-nine offices of Independence National Bank as branches of the resultant bank.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was parcticable; that the public interest did not require consideration of the matters in a meeting open to public observation: and that the matters could be considered in a closed meeting by authority 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)).

Dated: August 31, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1322-81 Filed 9-1-81; 11:31 am]

BILLING CODE 6714-01-M

5

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., September 3, 1981.

PLACE: 1700 G Street, N.W., Sixth floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Consideration of Merger (two cases) Suspension and Prohibition

[S-1325-81 Filed 9-1-81; 3:28 p.m.]

BILLING CODE 6720-01-M

6

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., September 10, 1981.

PLACE: 1700 G Street, N.W., Sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Request for a Commitment to Insure Accounts—Cypress Savings & Loan Association, Plantation, Florida (New, State-Stock)

Permission to Organize a New Federal Association—Mary S. Lambert, et al. Livingston, Louisiana

Permission to Organize a New Federal Association—Robert B. Evans, et al. Gretna, Louisiana

Merger of—Fort Hills Federal Savings & Loan Association, Clemson, South Carolina *into* First Federal Savings & Loan Association of Greenville, Greenville, South Carolina

Conversion, Merger and Retention of Facilities—Perpetual Savings & Loan Association, Beverly Hills California *into* Home Federal Savings & Loan Association of San Diego, San Diego, California

Proposed Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance and Transfer of Stock—Home Federal Savings & Loan Association, Macon, Georgia *into* Georgia Federal Savings & Loan Association, Atlanta, Georgia

No. 535, September 1, 1981.

[S-1324-81 Filed 9-1-81; 3:23 pm]

BILLING CODE 6720-01-M

7

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on September 24, 1981.

PLACE: Room 1101, 1823 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: August 31, 1981.

[S-1317-81 Filed 9-2-81; 10:52 am]

BILLING CODE 7600-01-M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on September 10, 1981.

PLACE: Room 1101, 1825 K Street, NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: August 31, 1981.

[S-1318-81 Filed 9-1-81; 10:52 am]

BILLING CODE 7600-01-M

9

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of September 7, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Wednesday, September 9, 1981, at 10:00 a.m. and on Thursday, September 10, 1981, following the 10:00 a.m. open meeting. Open meetings will be held on Wednesday, September 9, 1981, at 2:30 p.m. and on Thursday, September 10, 1981, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i)and (10).

Chairman Shad and Commissioners Loomis, Evans, and Longstreth determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, September 9, 1981, at 10:00 a.m., will be:

Freedom of Information Act appeals.
Settlement of administrative proceedings of an enforcement natural.
Formal orders of investigation.
Settlement of injunctive action.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive actions.
Subpoena enforcement action.
Litigation matter.

The subject matter of the closed meeting scheduled for Thursday, September 10, 1981, following the 10:00 a.m. open meeting, will be:

Regulatory matter bearing enforcement implications.

The subject matter of the open meeting scheduled for Wednesday, September 9, 1981, at 2:30 p.m., will be:

The Commission will review and discuss major policy issues with respect to options trading with representatives of the Options Committee of the Securities Industry Association. These policy issues include multiple trading, side-by-side trading, the development of a national market system in options, entry of the New York Stock Exchange, Inc. and National Association of Securities Dealers, Inc. into the options markets, Government National Mortgage Association debt options, Trans Canada Options and commodity options. For further information, please contact Richard T. Chase at (202) 272–2411.

The subject matter of the open meeting scheduled for Thursday, September 10, 1981, at 10:00 a.m., will be:

1. Consideration of whether to grant the appeal of Gerald J. Newbrough from the determination of the Freedom of Information Act Officer denying him access to internal memoranda and other material pursuant to Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5). For further information, please contact Robert Lipsher at (202) 272–2493.

2. Consideration of whether to release to the public a study, entitled *Staff Report on the Securities Industry in 1980.* For further information please contact William J. Atkinson at (202) 532–5493.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272–2467.

September 1, 1981.

[S-1323-81 Filed 9-1-81; 3:04 pm]

BILLING CODE 8010-01-M

federal register

Thursday
September 3, 1981

Part II

Department of Energy

Bonneville Power Administration

Final Action Concerning Power Sales and Residential Exchange Contracts Required by Pacific Northwest Electric Power Planning and Conservation Act

DEPARTMENT OF ENERGY

Bonneville Power Administration

Final Action Concerning Power Sales and Residential Exchange Contracts Required by Pacific Northwest Electric Power Planning and Conservation Act

AGENCY: Bonneville Power Administration (BPA), Department of Energy.

ACTION: Notice of final action concerning power sales and residential exchange contracts, including verbatim terms of the contracts, summary of major comments provided by the public, and BPA evaluation of the public comments.

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Act or Pub. L. 96–501) requires in section 5(g) that BPA simultaneously offer, within 9 months of the date of enactment (September 5, 1981), long-term power sales contracts to (1) existing public body and cooperative customers and investor-owned utility customers; (2) Federal agency customers; (3) electric utility customers participating in the residential exchange; and (4) the direct-service industrial customers. On Friday, August 28, BPA took final action concerning these contracts by sending final power sales and residential exchange offers to eligible entities in the Pacific Northwest. This action fully completed BPA's development of these contracts and satisfied BPA's statutory obligation to negotiate and offer these contracts pursuant to the requirements of section 5(g). Executed contracts may be amended in the future upon mutual agreement of the parties.

BPA published summaries of its draft prototype power sales and residential exchange contracts and a draft report on the environmental considerations associated with the contracts on June 11, 1981, (46 FR 31238). This Notice summarizes the major issues identified by the public and BPA's evaluation of the public comments related to those issues which were received following publication of the draft prototype contracts and during earlier opportunities for public review and comment (46 FR 18331 and 46 FR 23287). This Notice also includes verbatim, in Attachments 1–3, the terms of the prototype Utilities Power Sales Contract, the prototype Residential Exchange Contract, and the prototype Direct-Service Industries Power Sales Contract, including the General Contract Provisions. Certain exhibits to the contracts have not been published because they have been previously published in the **Federal Register** or are included in this Notice only once where they are incorporated into more than one contract. References to where these exhibits can be found are included in the contracts where they are normally located.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, Extension 4261. BPA maintains toll-free lines for the use of persons within the region. Oregon callers outside of the Portland area may use the toll-free line, 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California: 800–547–6048. Messages received after normal business hours (after 4:30 p.m. and before 7:30 a.m.) may be recorded on the toll-free lines.

SUPPLEMENTARY INFORMATION: The Regional Act requires that BPA simultaneously offer, within 9 months of the date of enactment, long-term power sales contracts to: (1) Existing public body and cooperative customers and investor-owned utility customers; (2) Federal agency customers; (3) electric utility customers participating in the residential exchange; and (4) the direct-service industrial customers. From the outset, BPA recognized that the public should be and wished to be involved in the implementation of the Regional Act and could play an important role in the negotiation of the power sales contracts. On December 1, 1980, BPA initiated its public involvement under the Regional Act by mailing to 8,000 addressees in the region a summary of the Regional Act, a series of questions and answers relating to the Regional Act, a summary of the tasks which BPA planned to undertake for implementing the Regional Act, and an announcement of the availability of toll-free numbers for questions. The Administrator announced in that mailing that four technical meetings would be held in Portland in mid-December for interested parties (investor-owned utility customers; direct-service industrial customers; preference customers; and Federal agency customers; and environmental and consumer organizations). The purpose of these meetings was to explain the Regional Act and the actions which BPA must undertake prior to adoption of an initial regional power plan by the Pacific Northwest Electric Power and Conservation Planning Council (Regional Planning Council) established by the Regional Act.

On December 5, 1980, the Administrator sent letters to each customer group and to other interested individuals and groups telling them where and when the technical meetings would be held. Principal environmental and public interest groups, local government bodies, and Northwest Indian tribes were included in this mailing.

On December 31, 1980, the Administrator sent informational material regarding the upcoming negotiations to all customers and technical meeting attendees. The material included lists of the contract types as well as the task teams BPA proposed to negotiate the contracts.

On January 5, 1981, BPA issued a press release announcing a series of 26 town hall meetings to be held throughout the region from January 8 through 22. (An additional meeting was scheduled later when a particular community requested that one be held in that locality.) BPA placed advertisements concerning the meetings in regionwide newspapers in order to reach the maximum number of interested people. The meetings were designed to explain the major provisions of the Regional Act to the public and especially local government officials. They were conducted by BPA Area office and District office personnel. The Administrator stated that the town hall meetings were one way BPA would keep the public informed and involved during the policymaking process.

On January 12, 1981, BPA announced to its customers that an organizational meeting for contract negotiations pursuant to the Regional Act would be held on January 23 in Portland. On January 14, a direct invitation to attend the meeting was also extended to interested individuals through the press and mailings. On January 20, BPA issued a press release to further alert the public on the upcoming organizational session. This meeting preceded the start of actual negotiations. Its main purpose was to develop the organizational framework within which negotiations would be conducted and to determine the mechanics of the development of the specific prototype contracts. BPA invited its customers to select representative teams to attend the meeting.

From January 23 to May 29, negotiations between BPA and its customers were conducted at BPA headquarters in Portland, Oregon. Early in January, BPA's Public Involvement office established a weekly meeting calendar. The calendar included conferences, seminars, and other

meetings including contract negotiation sessions and was sent to the public on request. Similar information was contained in calendars maintained and distributed throughout the region by the Public Power Council, the Pacific Northwest Utilities Conference Committee, and the Direct-Service Industrial Customer office. The section of the calendar dealing specifically with the contract negotiation sessions was reproduced and posted every Monday in the BPA Headquarters lobby. It was also included in the weekly mailings of negotiation materials to individuals who requested these materials.

Issues regarding the power sales and rural-residential exchange contracts were discussed and clarified in the negotiating sessions. Interested individuals were free to observe the negotiation sessions between BPA and participating parties, and to submit oral and written comments during and at the conclusion of individual negotiating sessions. Upon request, BPA each week furnished to the public copies of all documents distributed at the sessions.

On March 25, 1981, BPA published a notice in the **Federal Register** (46 FR 18331) titled "Notice of Public Participation in Negotiation of Initial Long-Term Power Sales and Certain Other Contracts." The notice outlined the approach BPA was taking to include the public in the contract negotiation process and restated the availability of the meeting calendar so that interested parties could attend the negotiation sessions. It also invited interested individuals to request weekly mailing of documents distributed at the negotiation sessions so that individuals unable to attend some or all of the negotiation sessions would still be able to participate. This invitation to participate in the sessions was also mailed directly to individuals and groups who had expressed an interest.

On April 8, 1981, in response to urging from fisheries and environmental groups for expanded public involvement, BPA announced its plans to hold two evening meetings (one west of the Cascades and one east of the Cascades) where the Acting Power Manager would receive advice and accept comments from interested people on contract issues identified by them. The letter directed to "Public Interest Groups and Individuals particularly Interested in BPA's 1981 Contract Negotiation Process" requested their help in identifying items for the meeting agenda and their suggestions for the specific location.

On April 24, 1981, BPA mailed letters to over 3,000 public interest groups and individuals stating that it would hold two public meetings in May to receive advice and accept comments on items of concern that had been identified in response to the April 8 letter. These evening meetings, held in Seattle, Washington, and Boise, Idaho, were announced in the **Federal Register** (46 FR 23287). The invitation was also extended to BPA customers. Congressman Ron Wyden (D-Or) and Acting Administrator Earl Gjelde issued a press release announcing the public meetings and the opportunity to submit written comments for contract items. An additional meeting, a special evening session with BPA's negotiating teams held in Portland, was later announced. This additional opportunity to comment on matters to be dealt within the contracts was publicized in newspaper advertisements in the vicinity of the meeting locations. Over 300 people attended these public meetings which were recorded and transcribed. BPA representation included the Acting Power Manager, the Power Management Chief of Staff, five Division Directors in their role as principal negotiators, the Contract Negotiations Branch Chief, the Conservation Division Director, and the Fish and Wildlife Coordinator as well as Public Involvement, Environmental, Area office, and District staff. BPA contract leaders were also present at the Portland session. Attendees were given a brief written explanation of the contracts as they registered. Forty-one people presented statements at the Seattle and Boise meetings, and 19 people commented at the special evening session held in Portland.

On June 8, 1981, BPA sent summaries of the testimony received at the three public meetings and the written comments received through May 29, 1981, to meeting attendees as well as others who had indicated an interest in the contract negotiation process. The transcripts of the meetings and the summaries were also given to the various negotiating parties.

The Administrator issued a press release on May 13, 1981, announcing the remainder of the schedule for the negotiations. On June 11, 1981, BPA again contacted by mail those interested in the contract process advising them concerning the availability of draft prototype power sales and residential exchange contract, together with a draft report on associated environmental considerations. The **Federal Register** notice (46 FR 31238) sent with the letter announced a 30-day review-and-comment period ending July 13, 1981, and contained a summary of the significant elements of the draft contracts and of the major points of disagreement, as well as a notice of availability of a draft environmental report. The notice also advised interested parties of four public meetings scheduled in Seattle, Spokane, Portland, and Boise where they could comment orally on the draft contracts and environmental report. An additional public meeting was later scheduled and announced in Missoula, Montana. The meetings were publicized in newspaper advertisements in the localities, and were conducted by BPA Area office and District office personnel. The meetings were recorded and transcribed. The transcripts of the meetings and summaries of the testimony and written comments received through July 2, 1981, were given to the negotiating parties and those who had requested copies of all material distributed at the negotiating sessions.

As announced, written comments could be submitted through July 13, 1881. The comments which were received by July 13, 1981, from the public at large and from those who would be contract signators were read by a representative group of BPA, the Inter-Company Pool, the Public Power Council, the Direct Service Industries, and members of the public. BPA then began its formal in-house review and assessment of the comments submitted. The issues raised by the public comments and BPA's evaluation of these comments are explained below.

BPA's customer comments have also been read, analyzed, and considered. It is BPA's position that the contract itself is BPA's final response to the issues as they have evolved during the negotiations process. Therefore, BPA has decided not to respond in this evaluation to each and every issue raised by its customers. BPA feels that the eight months of negotiations have provided the forum in which its customers could express their views on the issues. BPA has also responded directly to its customers in the negotiations process.

In order to respond fully to its customers, regarding those issues that remained unclear or unresolved at the end of the negotiations process, BPA set aside the week of August 3–7, at the Jantzen Beach Red Lion in Portland, Oregon, to discuss and resolve those issues. This was an intensive week of meetings directed at issue resolution. BPA attendees included the Administrator, Deputy Administrator, members of General Counsel's staff, plus the BPA negotiating teams. The week culminated on Friday, August 7, in sessions between BPA and each customer class, at which time the Administrator and Deputy

Administrator reviewed the issues, reviewed the week's discussions and where possible stated the resolution of the issues as understood by BPA at the end of the negotiating process. The customers then responded, and a discussion of the issues followed. The week of the negotiations and the Friday review allowed all parties to have a clear understanding of the status of the issues on the final day of negotiations.

On Friday, August 28, 1981, BPA took final action on the proposed contracts by sending its offerial contract offers to eligible regional entities. Final utility power sales offers were sent to regional publicly-owned and investor-owned utilities, specific Federal Agencies, and current direct-service industrial customers. Final residential exchange contract offers were sent to utilities which had requested residential exchange contracts.

On and after September 14, 1981, BPA will make available to the public for inspection and copying the Official Record of this process, including the Administrator's Record of Decision and the Final Enironmental Report and BPA's Staff Evaluation of Public Comment listing the comments of individual commentors on the major issues.

PUBLIC COMMENT AND ANALYSIS

Prototype Utilities Power Sales Contracts: the Major Issues Identified and Addressed by the Public and BPA's Evaluation of Those Comments

A. Fish and Wildlife

1. *Issue.* Should language addressing PBA's and its customers' fish and wildlife responsibilities under the Regional Act and other laws should be included in all power sales contracts and exchange contracts?

2. *Evaluation.* Much of the public comment was in response to an earlier stage of the negotiating process where the National Marine Fishery Service (NMFS) stated its opinion that BPA and its customers were being unresponsive to its fish and wildlife language. Subsequently, an ad hoc fisheries committee consisting of a group of representatives from NMFS, fisheries interests, utilities, and DSI's, met to discuss specific contract provisions, and contract language has been drafted and agreed upon by representatives of the fish and wildlife agencies, fisheries' interests, Indian tribes, BPA, and most of BPA's customers. As a result, language addressing fish and wildlife concerns is in the contract.

Customer concern about fish and wildlife language being included in the power sales contract related to two issues. First, BPA customers were concerned that measures taken to assure the protection, mitigation, and enhancement of fish runs would reduce the amount of power and energy they would otherwise be entitled to under their contracts. Second, BPA's customers were concerned that their autonomy might be eroded by BPA undertaking actions which in their view went beyond the authority granted to BPA in the Regional Act.

The fisheries' interests, on the other hand, felt the Regionl Act had made the "protection, mitigation, and enhancement" of fish a co-equal partner to BPA's principal charge, the sale of power and energy at wholesale rates and, where required, transmission of that power and energy.

In response to these concerns BPA has written into the contracts language which assures that possible future reductions in the capabilities of existing resources because of fish and wildlife measures not only cannot be blocked on grounds of power sales contracts, but in fact are built into the method of determining resource capability. Any capability that is lost can and under sections 6(a)(2)(B), 8(a), and 4(e)(3)(D)(ii) *must* be taken into account and replaced with the acquisition of substitute capability. As a result no BPA customer has a contractual basis for arguing that the capability of particular Federal generating units cannot be reduced, if implementation of fish and wildlife measures requires a reduction. BPA's contracts also contain provisions to deal with an absolute shortage of capability, on both an operating and planning basis.

A second concern to both BPA's customers and the fishery interests is that a BPA customer which owns a hydroelectric generating facility previously could not reduce the capability of its generating resources (and thus increase its demands on BPA) without incurring one of a variety of cost or rate penalties. The fisheries' interests have felt this situation has made it more difficult to gain acceptance for fisheries measures that would reduce the generating capabilities of these non-Federal dams. In response to this concern the contract negotiation sessions produced a change in BPA policy, incorporated in section 15(d) of the utilities power sales contracts, which allows a BPA customer to change easily and without contract limitation the "assured capability" of its resources to carry out the fish and wildlife obligations. BPA will be obligated by contract to make available increased electric power and energy to offset any reduction in the capability of a BPA customer's own resources if that reduction is attributable to fish and wildlife obligations.

B. Conservation

1. *Issues.* Should the power sales contracts include a provision requiring BPA customers to implement BPA's conservation programs, or their own equivalent programs, as a condition of BPA service?

What should the power sales contracts require of BPA and its customers with respect to conservation?

2. *Evaluation.* BPA's staff feels that conservation language should appear in the power sales contracts. The issue has concerned what BPA and its customers are required to do so as to be in conformance with the conservation priority and mandates of the Regional Act.

The Regional Act, repeatedly and unambiguously, requires BPA to acquire all conservation resources that are cost-effective and to continue its efforts in acquisition of conservation. The Regional Act also requires the Regional Council to include conservation in its plan, including in the plan's load and resource forecast, and to adopt model conservation standards that are designed to be effectively enforced through surcharges on BPA power for BPA customers in non-complying jurisdictions. Nothing in the contracts will permit any utility to block BPA's or the Regional Council's conservation efforts. The Regional Act specifically recognizes that BPA may make direct arrangements with consumers through local entities other than utilities, and, if necessary, without any local intermediaries of any kind.

The Regional Act also contains several incentives for utilities who exercise their responsibilities in ways designed to help achieve and implement conservation. These incentives include billing credits for all independent conservation efforts, including voluntarily adopted retail rate structures that encourage conservation (section 6(h)(5)) which BPA is required to assist under section 9(j)(2), for requesting customers. Surcharges to induce compliance with model conservation standards adopted by the Regional Council and to be included in its plan are another substantial incentive. Most important, however, is that the ability of any utility to assure itself of the power supply and power resource financing benefits for conservation offered by the Regional Act. The power sales contract depends ultimately on the utility providing the means to meet its own load growth (see section 5(e)), and since

meeting that load growth with resources which require any direct or indirect BPA financial assistance, either purchase or billing credits, requires that the resources themselves meet the statutory criteria of section 4(e) (1) and (2), including as applicable, consistency with the Regional Council's plan is furthered. This is the "carrot and stick" approach of the Regional Act to BPA customers, as distinct from the direct approach taken for BPA and Regional Council conservation responsibilities; both the "carrots" and the "sticks" are strong inducements.

However the Regional Act does not require the utility itself to engage in conservation. If the utility fails to do so, it will suffer the economic and load consequences, including potential surcharges of 50-percent on its BPA purchase of power and the inability to assure itself of meeting its loads during any period of insufficient power supply (insufficiency). Under the Regional Act, the utility may exercise its own options under local control and to explain to its ratepayers and relevant governmental bodies why it chose to exercise such control in the manner it did.

BPA's principal contractual concern on this point is that no utility is able by its exercise of local control or otherwise to frustrate either BPA's or the Regional Council's efforts to assure that conservation is achieved in the utility's service territory. Section 6(e)(2) of the Regional Act permits BPA to act directly through other local entities, and a utility cannot prevent the Regional Council's model conservation standards from applying in the utility's service territory as long as the utility is a BPA customer. It may be noted that utilities are not generally resisting conservation efforts; many of BPA's customers are already among the nation's leading promoters of it. In negotiations utilities did object to BPA authority to make section 5 power sales obligations *contingent upon* particular affirmative conservation actions to be taken by the utility itself. The utilities have argued that this would undermine local control and their ability to respond to the incentives of the Regional Act described above in a manner that recognizes their own responsibilities, innovativeness, and ability to understand the mechanisms of the Regional Act and the regional planning process. BPA staff believes the provisions of the Regional Act effectively compel conservation by utilities that become BPA customers; BPA understands that the Regional Act does not directly *require* such action by utilities. BPA staff finds no basis in the Regional Act and no intent in the legislative history to support the proposition that BPA should make its section 5 power sales obligations contingent upon a customer taking action which the Regional Act itself does not require the customer to take. A rulemaking which will address the imposition of surcharges will be undertaken upon adoption of a methodology by the Regional Council.

C. National Environmental Policy Act

1. *Issues.* Is BPA in compliance with the National Environmental Policy Act of 1969 by offering power sales contracts before producing and circulating an Environmental Impact Statement?

2. *Evaluation.* Public comments generally assert that in the process of negotiation and offer of initial contracts under section 5(g) of the Regional Act, BPA has failed to comply with the National Environmental Policy Act requirements for an EIS. The comments assert that BPA has discretion and takes discretionary action over what provisions it will include in the contracts, that BPA should consider alternative forms for the contract, that the contracts are long range, and that the offer must be consistent with applicable environmental law. For these reasons BPA should prepare an EIS, and allow the contracts to be amended for changes recommended in an EIS.

BPA recognizes and has sought throughout this process to comply with the requirements of the Regional Act and NEPA to the fullest extent possible. BPA has prepared the Environmental Report on the contracts for the purpose of compliance with the non-EIS procedures of NEPA. In consideration of the directives of 5(g) of the Regional Act, BPA finds that the procedures of 102(2)(C) of NEPA for an EIS should not and do not apply to the process of negotiation and offer of the initial contracts under the Regional Act.

Congress has allowed only 9 months to negotiate and offer initial long-term contracts. It has been generally found that to finalize site-specific individual EIS's, including preparation of draft, circulation, review and comment, rewriting, and final filing takes a year or more. Programmatic EIS's take considerably longer since they concern more complex issues and analysis. (See remarks by the Council on Environmental Quality at 46 FR 18037, March 23, 1981). No one can question that many of the provisions of the Regional Act which must find reflection and implementation through provisions in the section 5(g) contracts are themselves complex. The contractual provisions are correspondingly complex, as necessarily are the analyses of issues and alternatives. Therefore, the EIS which would be required by the contracts would be similar to a programmatic EIS and take considerably longer than 9 months to complete due to the very nature of its analyses. If an EIS of relatively simple scope takes an average of 12 months to compete, it would be an impossibility to produce an EIS on far more complex issues within 9 months.

Moreover, the congressionally directed process of negotiation and offer does not permit even 9 months to prepare an EIS in this instance. BPA was admonished in the legislative history of the Regional Act that it was not to negotiate on a take-it-or-leave-it basis BPA and the participants in negotiations developed issues and draft language for four months prior to the assembly of June 5, 1981, draft prototype contracts. Public review of the drafts consumed another month or more. Coincident with and subsequent to public review further negotiations were conducted. Decisionmaking and particularization of the contracts was reserved to the month of August. An EIS could not be prepared on the contracts before the proposed terms of the contracts had solidified from negotiation (CEQ regulations 40 CFR 1508.23). If an EIS were to be useful it would have to be completed prior to decisionmaking and finalization in August. Therefore, BPA had between 30 and 60 days to complete an EIS, a clearly insufficient time for an EIS with complex issues and analyses.

Furthermore, BPA should take seriously as a statutory deadline the section 5(g) language to negotiate and offer contracts within 9 months of the date of enactment. We agree that a statutory deadline by itself may not create a NEPA exemption, but a 9-month deadline together with the requirement that a major part of the 9 months is for negotiation of contract terms does create the basis for a NEPA exemption. These points had been considered prior to the passage of the Regional Act, and Congress was no doubt aware of the time it takes to negotiate contracts and prepare an EIS when it imposed a 9-month deadline. It would be impossible to prepare an EIS within the time allowed. The statutory directives in this instance are clearly in conflict, and where such a conflict exists, courts have held that NEPA yields.

There has been considerable public misunderstanding of the nature and type of process within which BPA was acting to develop contracts, and with the purpose of the Environmental Report. As the process has unfolded, BPA hopes

that its responses to comments will clarify this process for the public. As for the Environmental Report, BPA has produced the report as part of its compliance with the non-EIS procedures of NEPA. The purpose of the report was to provide written description of possible environmental consequences of proposed contract terms and alternative terms. As stated above, time was simply insufficient to produce detailed analyses of potential environmental consequences.

D. Term of Utility Power Sales Contract/Conformance With Council Plan

1. *Issues.* Should BPA offer power sales contracts with less than 20-year terms?

Does offering power sales contracts with 20 year terms render the Regional Council's plan less effective, since the Regional Council will not have its plan ready for two years?

Should there be language in the contracts stating BPA and its customers will conform to the Regional Council's plan?

2. *Evaluation.* The public comments generally concern the effect of 20 year contracts on long range planning and load forecasts. The comments assert that a shorter contract term of 5 or 10 years would give more flexibility and permit BPA to be responsive to the Regional Council.

The term, or length, of the proposed power sales and exchange contracts has been the subject of considerable public concern.

Section 5(g)(1) of the Regional Act specifies that BPA must offer "initial long-term" power sales contracts to Federal agency customers, direct-service industrial customers, public body customers, cooperative customers, and investor-owned utility customers. Section 5(g)(1) also specifies that long-term contracts will be offered to electric utility customers to effect the residential purchase and sale referred to in section 5(c) of the Regional Act. Section 5(a) of the Bonneville Project Act provides that contracts shall not exceed "in the aggregate twenty years."

Since passage of the Bonneville Project Act in 1937, the phrase "long-term" has meant the maximum cited in the Bonneville Project Act (i.e., 20 years). With more than 40 years' experience in the implementation and interpretation of the various statutes and orders pertaining to BPA and the region regarding contractual power marketing, when applied to utility power sales contracts long term has continuously and consistently meant a 20 year period to BPA, utilities, and industries. Contracts for 20 years allow the longest possible planning period for the region consistent with the express intent of Congress, as stated in the purposes of the Regional Act, to facilitate the orderly planning of the region' power system. A duration of less than 20 years, whether 5 and 10 year periods suggested by some public commentary, would not afford the necessary planning certainty that accompanies a longer-term contract period.

Furthermore, by offering long-term 20 year contracts, BPA is following clear legislative history as presented in the Commerce Report (House Report 96-976, Part 1, p. 61), which states that "initial long-term 20-year contracts are to be offered by BPA" to the DSIs in accordance with section 5(g) of the Act. Similar language regarding all 5(g) contracts is found in the same House Report (p. 63) where the Committee notes: "Section 5(g)(1) specifies that the Administrator *must* simultaneously offer appropriate customers the initial long-term 20-year contracts * * *" (emphasis added). The Senate Energy Committee report (Senate Report 96-272, p. 33) states that section 9(c), the section of the Senate bill that corresponded to section 5(g)(1), "requires the Administrator to offer long term (20 year) contracts * * *."

This 20-year time frame is considered standard and reasonable utility practice, and allows for stability in resource planning and long-term resource decisions. A shortened planning horizon contributes to uncertainties about the future availability of power; this uncertainty in turn can affect resource development by causing overbuilding of generating resources within the region (Schneider 1980a, NEPP 1978, Ernst & Ernst 1976b). Purchasers need to be assured of a long-term resource supply in order to make informed decisions on major plant investment and capital expenditures. It is important to remember that the 20-year contracts establish only the relationship between the parties, and that a party is not precluded from independent resource development.

A great deal of concern has been expressed by the public concerning the coordination of respective timetables for the contracts offered and the adoption of the Regional Council's plan. In cooperation with the Regional Council, BPA and its customers have agreed on language to include in the power sales contract by which the parties to the contract agree to negotiate amendments to the power sales contract, as necessary, to permit the plan adopted by the Regional Council pursuant to the Regional Act, including but not limited to provisions pertaining to conservation, renewable resources, and fish and wildlife, to be effective in the manner and for the purposes set forth in sections 4 and 6 of the Regional Act. Inclusion of the above paraphrased language has answered the concerns of the public and of the Regional Council over implementation of the plan and any possible frustration or difficulty with the terms of the power sales contract. This language strikes the proper balance between BPA's obligations to consider the fish and wildlife program and the resource acquisition plan developed by the Council, while meeting its obligations to supply power to the customers under its power sales contract.

E. New Large Single Load

1. *Issue.* Under the new large single load (NLSL) provision of the Regional Act, section 3(13), should a facility's incremental load growth of less than 10 average megawatts per 12-month period since September 1, 1979, but in excess of 10 average megawatts since September 1, 1979, be a new large single load for the purposes of the Regional Act?

If a consumer with a load greater than 10 average megawatts had contracted for, or committed to service by a particular utility prior to September 1, 1979, and then the utility's service area is taken over by another utility, should the load be considered a NLSL and billed at the 7(f) rate?

2. *Evaluation.* Two issues were of paramount concern in the public comments on the New Large Single Load (NLSL) section (Section 8) of the utility power sales contract.

The first issue deals with the two interpretations developed during the course of negotiations of section 3 (13) (A) and (B) of the Regional Act dealing with the determination of *when* a load becomes a NLSL.

The first, or "restrictive" interpretation, states that a load becomes a NLSL when the increase in load associated with facility exceeds by 10 or more average megawatts the load which was contracted for, or committed to as of September 1, 1979. Once the increase in load is classified as a NLSL all future increases shall be charged at the New Resource Firm Power Rate. Monitoring of the load would begin on September 1, 1979, and would continue until the load exceeded 10 average megawatts and became a NLSL.

The second interpretation, called the "permissive" approach, would allow service of any increase in the load

above that contracted for, or committed to on September 1, 1979, of a preference customer at the lower Priority Firm Power Rate, so long as the increase in load at a consumer's facility did not reach or exceed 10 average megawatts in any consecutive 12-month period, as measured against the preceding 12-month period. The permissive interpretation would allow a consumer of a preference purchaser to bring on loads of up to 9.9 average megawatts in consecutive 12-month periods at the priority Firm Power Rate. A consumer could do this year after year, so long as the load did not reach 10 average megawatts in a 12-month period. Once the load increase exceeds 10 average megawatts in 12 months, the load would be billed at the New Resource Firm Power Rate.

Much of the public comment has been in support of the restrictive approach for the following reasons. Many individuals and groups do not want to see new industry attracted to the Pacific Northwest. They feel the "permissive" approach might attract such industry. Many feel new or increased industrial loads should pay only the New Resource Firm Power Rate. They feel this is in keeping with the intent of Congress and the mandates of the Regional Act. There is concern that the "permissive" approach may prematurely draw down power from the Federal Base System Resources, which in turn could force BPA to go out and acquire new and more expensive resources to fill in the Federal Base System pool. This would have the effect of raising the Priority Firm Power Rate, as well as increasing the costs of the residential exchange to the investor-owned utilities, and until 1985, to the direct-service industries.

BPA in the early stages of the negotiation process advocated the "restrictive" interpretation. However, after closely examining the language of section 3(13) of the Regional Act, reading the legislative history on section 3(13), and talking with those who had been involved in drafting the Regional Act, it became apparent that the language of section 3(13) was never intended to support such a narrow interpretation of load growth, and as a result BPA dropped its advocacy of this interpretation early on in the negotiation process.

This position is based on the fact that section 3(13) of the Regional Act talks about increases in load associated with a consumer's facility which will impose an increase in the power requirements on such customer (the utility serving the consumer) of 10 average megawatts (energy measure) in any consecutive 12-month period. The contractual language has slightly adapted this to look at the increase in load at a consumer's facility. Nowhere in the Regional Act, or the legislative history, does it say that once increases in load over any time duration (as measured from September 1, 1979) cumulatively reach 10 average megawatts, that that is all the load growth such a facility is allowed.

What section 3(13) does say is that an increase in load associated with a consumer's facility is not a NLSL, unless such increase will reach 10 average megawatts in a 12-month period as measured against the preceding 12-month period.

The major negative aspect of the permissive approach, the more rapid drawdown of the Federal Base System Resource by industrial loads, which might force BPA to acquire more expensive replacement power is largely negated by a contractual limitation that once a consumer's facility is classified a NLSL all subsequent increases in load, of whatever size, shall be considered NLSLs. Another impact of the permissive approach is that it allows the cost of resources used to serve such loads to be included in the averge system cost of resources acquired by BPA under the residential exchange contracts.

The second NLSL issue commented on involves a consumer's load (over 10 average megawatts) which has been contracted for, or committed to by a utility prior to September 1, 1979, and subsequently the utility's service area is taken over by a different or newly formed utility. The issue is whether that consumer's load should be treated as a "contracted for" load, or whether it is a new load to "such customer." If the new utility is a preference customer, the issue is whether the customer can buy power from BPA (to serve the load) at the Priority Firm Power Rate or at the New Resource Firm Power Rate. If the new utility is an investor-owned utility, the issue is whether the resource used to serve the load can or cannot be included in its average system cost of resources for the residential exchange.

Such a load should be treated as a NLSL because it is being served by a new purchaser. The principal reason is to prevent the diminution of the Federal Base System by large industrial loads. The facilities most likely to be impacted by this decision are facilities that were receiving power from investor-owned utilities and were never eligible for Federal Base System power. If the consumer's facilities had continued receiving service from an investor-owned utility, it would never receive power from the purchaser at the 7(b) rate, because under the Regional Act, investor-owned utilities that wish to serve new large industrial loads with BPA power may do so only with power purchased from BPA at the New Resources Firm Power rate.

The section 3(13)(B) of the Regional Act references to "such purchaser" refers to the contractual relationship that existed on September 1, 1979, between, a specific purchaser and a specific consumer. Therefore, once a consumer begins to receive service from a different purchaser, under a different contract, the contractual relationship with the new purchaser is no longer "grandfathered."

F. Federal Base System

1. *Issues.* With what specificity should the Federal Base System (FBS) Resources be described?

What should BPA's replacement policy be for the Federal Base System Resources?

2. *Evaluation.* BPA's definition of Federal Base System Resources has been critized by the public for overrating the plant capacity factors of WNP Nos. 1, 2, 3, and Trojan, and for including Hanford and the Southwest-Northwest Exchange contracts in the definition of FBS. The general criticism is that BPA has grossly inflated the size of the FBS. This is of concern because the Regional Act mandates that BPA replace FBS resources and critics fear BPA is building a rationale to replace lost FBS resources with noncost-effective resources, particularly WNP Nos. 4 and 5.

BPA originally proposed that a quantitative definition of the FBS be included in the contracts. The quantitative amount is based on currently accepted planning assumptions used by the Pacific Northwest Utilities Conference Committee for resource planning. Stating the quantitative amount would provide planning certainty for the region's utilities.

The Senate report on pg. 22 explains that the category of contractual resources includes "the net-billed thermal plants, other specific generating resources and electric power the Administrator is entitled to receive from the utilities within and outside the region in exchange for services or other consideration." BPA has interpreted "other specific generating resources" to be Hanford and the wind turbines at Goodnoe Hills. BPA had acquired the output of the new production reactor at Hanford under contracts which were executed in the mid-60's. The current contract, which allocates the costs of

operating the new production reactor, is based on BPA's acquisition of the output of Hanford under the original contracts.

In response to public comment challenging the validity of the planning assumptions used to establish plant capacity factors, it is appropriate not to fix the quantitative amount of the Federal Base System for 20 years. BPA should identify the contractual resources as of the effective date of the Regional Act and the installed capability of these resources.

We have not yet determined to what extent these resources would be replaced or where BPA would obtain replacement resources. BPA has included a provision in the Equitable Adjustment of Rates section of the General Contract Provisions which requires the resource acquisition agreement to specify whether a resource may be used as a replacement for Federal Base System resources and limits the extent to which BPA will purchase replacement resources for delays in the completion of WNP Nos. 1, 2, 3.

Exchange Contract: the Major Issues Identified and Addressed by the Public and BPA's Evaluation of Those Comments

A. Conservation

1. *Issues.* Should the power sales contracts include a provision requiring BPA customers to implement BPA's conservation programs, or their own equivalent programs, as a condition of BPA service?

What should the power sales contract require of BPA and its customers with respect to conservation?

2. *Evaluation.* Section 5(c) of the Regional Act states that BPA "shall" exchange the amount of residential load which a utility offers to BPA to be exchanged. BPA is required to exchange any amount of residential load (up to the limits in the Regional Act which are applicable before July 1, 1985) which a utility wishes to exchange. The utility determines the amount to be exchanged—not BPA.

Thus, the exchange arrangement is mandated by the Regional Act to provide residential rate parity in the region for residential consumers' wholesale power costs. BPA does not have discretion to not enter into the arrangement, nor does it have discretion as to the amount of residential load covered by the exchange. Those decisions were made by Congress, with the exact level of load served to be decided by utility participation in the exchange.

B. Termination

1. *Issue.* Should the exchange contract include termination provisions allowing a utility to terminate the arrangement other than the termination provision stated in the Regional Act?

2. *Evaluation.* This issue has been reviewed carefully due to the magnitude and substance of public comment. While BPA believes that the viability of contracts requires that they be for a long term, and that termination or terms other than that expressed under section 5(c)(4) of the Regional Act was not considered by Congress, some mechanism had to be developed to assure that the contemplated residential exchange would take place. Absent a mechanism for minimizing the possibility of net negative results, utilities and public utility commission representatives expressed doubts that the contracts would be signed. The result would be a failure to achieve one of the major objectives of the Regional Act—to make the benefits of the Federal Base System available to the residential and small farm customers of the investor-owned utilities.

Thus, BPA has agreed to allow a participating utility to "deem" its average system cost to be equal to BPA's Firm Power Rate anytime during the life of the contract. This allows the utility to suspend the effects of the exchange arrangement when it would result in detriment while still preserving the "long-term" contract requirement of the Regional Act. Having "opted out" of the exchange, the utility may resume full participation in the exchange only after it has foregone economic benefits equal to the cost it would have paid had the utility's average system cost not been deemed equal to BPA's Firm Power Rate. This compromise has been embraced by all BPA customer groups.

C. Farm Definition

1. *Issue.* Is BPA's definition of "farm" is reasonable?

2. *Evaluation.* The Regional Act specifically includes the usual electrical loads of farms (with the 400 hp limitation on irrigation loads) in its definition of residential load. The legislative history indicates that the focus of Congressional concern was land use, as opposed to size, ownership, or any other issue. Therefore, a farm should be defined as a parcel of land owned or leased by one or more persons, including partnerships and corporations, which is used primarily for agriculture. Agriculture is defined to include the raising and incidental primary processing of crops, pasturage, or livestock. Usual farm use has been defined to include incidental primary processing ordinarily associated with agriculture. Such incidental primary processing means those activities necessarily undertaken to prepare agricultural products for safe and efficient storage or shipment.

Such a definition avoids including the irrigation loads of golf courses and swimming pools, for example, while also avoiding such technical definitions as those used for tax purposes based on the dollar value of products sold, type of ownership, or acreage.

D. Rates

1. *Issue.* Is BPA carrying out the overall intent of Congress under the proposed exchange agreement with regard to its rate provisions in the contract?

2. *Evaluation.* The exchange contracts will result in a wider discrepancy between the incremental cost of electrical power and the retail rates charged residential and small farm consumers served by participating utilities in the region. In this sense the contracts will result in increased divergence between the price signal received by consumers served by utilities and the cost of new resources. However, section 5(c) of the Regional Act requires BPA to offer to sell power on an exchange basis and defines the parameters under which the exchange must take place. Section 5(c)(3) requires that the cost benefits of the exchange be passed directly through to the participating utility's residential customers.

It is anticipated that the provisions of the Regional Act will foster an improved balance of electricity rates throughout the region. The exchange provisions of the Regional Act will reduce the current discrepancy which tends to exist between rates to residential and small farm consumers served by preference customers versus those served by investor-owned utilities.

BPA's new power sales contract provide for rate increases as necessary in order to meet cost increases. The contracts do require BPA to provide advance notice of its intent to adjust rates. Notice must be given no less than 9 months nor more than 12 months prior to the date on which the proposed adjustment would take effect.

BPA operates on a self-financing basis. Its rates are designed to recover revenue sufficient to meet all operation and maintenance expenses and to amortize within a reasonable period and pay interest upon Federal investment.

E. Miscellaneous Provisions

1. *Issue.* Whether miscellaneous provisions in the exchange agreement are reasonable and effectuate the intent of the Regional Act?

2. *Evaluation.* BPA agrees that access to utility records is required to verify the costs of resources being exchanged and has written into the contract provisions giving BPA the right to review and investigate the records of the utility regarding costs of resources to be exchanged.

The notice provision regarding in lieu purchases has been changed from ten years to seven years. This is the same notice period the utility must give BPA under its power sales contract to reduce demand on BPA. This was a negotiated change with the utilities and precludes a utility from being "surplused" by BPA because of an in lieu arrangement.

BPA has no knowledge of or reason to believe that utilities will divert energy to Utah and Nevada to serve military and industrial loads. The exchange agreement is not a power supply arrangement, but rather a rate arrangement and puts no constraints on a utility's resource operations.

Direct Service Industry Power Sales Contract: the Major Issues Identified and Addressed by the Public and BPA's Evaluation of those Comments

A. Fish and Wildlife Language

1. *Issue.* Should language addressing BPA's and its customers' fish and wildlife responsibilities under the Regional Act and other laws be included in all power sales contracts and exchange contracts?

2. *Evaluation.* BPA's service to the DSIs will fulfill BPA's obligations to protect, mitigate, and enhance fish and wildlife, while assuring the Region an adequate, efficient, economical, and reliable power supply. Those obligations are reaffirmed in section 11 of the DSI contract.

Furthermore, in the General Environmental Provision in the General Contract Provisions applicable to all Power Sales Contracts, the parties agree to "comply fully with all applicable Federal, State, and local environmental laws." Service to the First and Second Quartiles is subject to these provisions, by law, and as reaffirmed in the contract.

Current planning considers spills required for fish flows in critical rule curves. The hydro-system is available for multiple uses, and, although shifting FELCC and Advance Energy will draw down reservoirs faster than if those actions did not occur, fish and wildlife are considered in those actions.

The Corps of Engineers has participated actively in determining the method of serving the First Quartile. The method that has been chosen, as stated in the August 14 letter referred to in the contract, is more acceptable to the Corps than a full-year shift or 6-month shift of FELCC because of the reduced impact on reservoirs. Furthermore, the agreement with the Corps the Bureau of Reclamation for drafting reservoirs to provide Advance Energy is premised on the fact that such drafts do not have a major adverse impact on nonpower uses. Thus, concern for fish and wildlife has had a significant impact on BPA plans to operate to serve the First Quartile.

The Second Quartile has not been restrictable for fish and wildlife obligations in the past. There is Congressional direction that the DSI,s should receive an equivalent amount of power to the amount they received under their IF agreements. If the Second Quartile, being a BPA firm load, is restrictable for fish and wildlife obligations, then all firm loads, including utility loads, should also be restrictable for fish and wildlife obligations.

Sections 2 and 10 of the Regional Act do not speak as directly to BPA's fish and wildlife obligations as does section 4, and therefore, those sections were not mentioned in section 11 of the DSI contract.

B. Conservation

1. *Issue.* What should the DSI power sales contracts require with respect to conservation?

Should the DSI contract contain specific conservation incentives for the DSI's?

2. *Evaluation.* BPA should provide incentives for voluntary DSI conservation, rather than attempt to mandate programs that might prove unworkable or even counterproductive. There are sufficient incentives for DSI conservation in the limit on amount of power available to the DSI,s, the higher DSI rates along with the threat of a surcharge, financial assistance, and the mechanism of billing credits to achieve workable DSI conservation.

Under section 5(d) of the Regional Act, each DSI must be offered a contract entitling it to the amount of power to which it is entitled under its present contractual arrangements with BPA. In essence, this sets a limit on the BPA power available to each DSI—a situation no utility or utility customer faces. In addition, the DSI rates go up sharply under the Regional Act. Depending upon the cost of the section 5(c)(2) exchange, DSI rates in the first year of the Regional Act may increase as much as 240 percent (or as little as 150 percent); this increase follows an increase of more than 100 percent in December 1979, for a 400 to 600 percent increase over the past 2 years. As noted in the House Commerce Committee report, this combination of a contractually limited power supply and very much higher rates is itself a potent incentive to improve efficiency, and one not faced by other Northwest consumers.

Over the past few years, partly in anticipation of new limited-supply contracts with higher rates, the DSI,s have invested heavily in process improvements; hundreds of millions of dollars of such improvements have been installed. In addition, following passage of the Regional Act, one DSI has annunced an $800 million modernization program for its facilities, and another has indicated its tentative interest in qualifying for billing credits in return for reducing what would otherwise be its contractual entitlement to power (hence reducing BPA's need to acquire additional resources).

This follows the clear understanding and intent of the Regional Act. Each DSI is entitled to a certain amount of power; it may improve its efficiency in order to make more product with that power, and perhaps use sales of the increased production to help pay for the investment that makes the improved efficiency possible. Alternatively, the DSI may improve its efficiency and simultaneously agree to reduce its entitlement to power, in which event it will be eligible for billing credits or other financial assistance from BPA under the Regional Act. BPA will not, however, provide any financial assistance under the Regional Act for DSI efficienty improvements which do not reduce DSI power demands on BPA, nor will BPA provide financial assistance to DSI's for reductions in power demands unaccompanied by efficiency improvements (e.g., BPA will not pay for partial or complete plant shutdowns).

No specific provisions are provided in the DSI contracts on these points because the statute is quite clear, and because no issue can arise unless and until a DSI seeks financial assistance from BPA. Any such assistance would be provided, if at all, in a separate contract, not in the power sales contract, and would require a specific agreement by the DSI to reduce its contractual power entitlement in order to qualify for assistance.

C. *Improved DIS Power Quality*

1. *Issue.* Is improved power quality for the DSI First Quartile required by the Regional Act or in contravention of it?

Are there unfavorable consequences to the Region as a result of improved DSI power quality?

Should First and Second Quartile restriction rights be greater than they are in the contract draft?

2. *Evaluation.* Section 5(d)(1)(B) of the Regional Act provides that each DSI shall receive "an amount of power equivalent to which such customer is entitled under its contract for * * * the sale of industrial firm power existing at the passage of the Regional Act." The contracts provide for a singel class of power and divide service into four approximately equal "quartiles." BPA plans to develop and acquire firm resources to serve 75 percent of the DSI load as firm and serve the top quartile or additional 25 percent, " * * * as if it were firm." (S. Rep. 96-272, 96th Cong., 2d Sess. 59 (1979)). This is characterized in section 8(a)(1) of the BPA-DSI contract, "as a firm load for purposes of resource generation only."

BPA characterizes top quartile service as "quasi-firm," having undeniable firm characteristics and served by operating resources to provide a power quantity with firm characteristics, while not installing resources to meet it on an absolutely firm basis. The Regional Act provides a clear statutory basis for service in this manner. By section 5(d)(1)(A), sales to DSI's are "to provide a portion of the Administrator's reserves for firm power loads * * *." The term "reserves," as defined by the Regional Act, means "the electric power needed to avert particular planning or operating shortages for the benefit of firm power customers * * *." Section 3(17). In other words, service to the top quartile cannot be restricted to provide service to nonfirm loads or to make sales of nonfirm energy.

Any suggested ambiguity from the section 5(d)(1)(A) reference to DSI sales as "[s]uch sales," (i.e., whether it refers to three quartiles of nondisputed firm or treats the top quartile as quasi-firm) is resolved by the Regional Act's legislative history. The Senate Energy Committee Report directs BPA to plan and develop " 'firm' resources under critical streamflow conditions to carry 75 percent of the total DSI requirement," with the additional 25 percent, or "top quartile," to "be served with resources which are in excess of critical planning amounts but operated to meet the entire DSI load as if it were firm." S. Rep. No. 272, 96th Cong., 2d Sess. 59 (1979). In addition, the House Interior Committee Report states that:

> Sales to existing DSI's are required to provide a portion of BPA's power system reserves * * *. The DSI's will provide two types of energy reserves. Approximately 25 percent of the DSI load is to be treated as a firm load for purposes of resource operation and will provide an operating reserve which may be restricted by BPA at any time in order to protect the Administrator's firm loads within the region * * *. An additional 25 percent of the DSI load will be treated as firm load for both planning and operating purposes and will provide a planning reserve to protect the Administrator's firm loads. . . .

Senators Jackson and McClure, the past and present Chairmen of the Senate Committee on Energy on Energy and Natural Resources, have concurred that the House Interior Committee Report reflects the accurate position of the Senate on the "reserves" question. See 126 Cong. Rec. 14691 (daily ed. Nov. 19, 1980) (remarks of Senator Jackson) and *Id.* at 14698 (remarks of Senator McClure).

The DSIs play a vital part in the regional power scheme. DSI revenues will pay the cost of the residential exchange through June 1985. After June 1985, DSI revenues will continue to be important. The DSIs alleviate the need for BPA to acquire additional expensive generating resources for reserves. Improved first quartile DSI power quality will generate additional revenues.

Both restrictions and operations were extensively debated among BPA customer groups before the final provisions were adopted. The provisions adopted are intended to provide the DSIs with the power quality required by law with minimum cost and minimum adverse impacts on other customer groups.

The "August 14 letter" operating plan, which serves as a safety net for first quartile operations, minimizes shift of FELCC from later Critical Period years for first quartile service, thus reducing reservoir drawdown over the Critical Period and adverse impacts on other systems. This plan would serve as the basis for first quartile operations throughout the contract term, and could only be replaced with a plan with equivalent risks and benefits to the DSIs and BPA. Furthermore, service with Advance Energy is maintained, which is returnable based on need in the same Contract Year, improving chance of refill. The August 14 letter also provides for borrowing FELCC from later in the same Contract Year, with return provisions tied to need later in the same year, again improving chances of refill. These methods of serving the first quartile, shifting and borrowing FELCC and Advance Energy, along with pre-Critical Period surplus energy early in the Contract Year, are all limited to the date that the first reliable runoff forecast is available, presently January 10. After that date, the first quartile would be served with water in excess of critical planning amounts.

BPA has generally retained the same restriction rights it had in the previous contracts with the exceptions of improved first quartile power quality and additional second quartile restriction rights for failure of an operating resource. The DSI second quartile would provide a reserve for one half of such an outage for seven years. Forced outage and stability reserves have been increased slightly. Availability credits are no longer provided for, which the House Interstate and Foreign Commerce Committee Report on S. 885 at page 62 noted had reduced BPA flexibility.

The BPA obligation to acquire resources to serve the DSI load is limited to acquiring resources for 75 percent of their load. BPA is obligated to purchase resources that are reasonably priced and legally available to serve the part of the first quartile served with shifted FELCC. This is because that shifted FELCC comes from the DSI third quartile of later Critical Period years, which is part of the DSI load for which BPA is obligated to acquire resources before making the subsequent third quartile restriction. Because BPA is obligated to treat the second quartile as part of its firm load for resources acquisition purposes, there is also an obligation to acquire legally available reasonably priced resources before imposing or continuing a second quartile restriction.

The "legally available" qualification means that such resources can only be acquired consistent with BPA's cost effectiveness obligations established in the Regional Act for long-term acquisition, and other provisions including environmental criteria. The term "reasonable cost" does not require BPA to acquire single cycle gas turbine energy, unless BPA determines that such energy is reasonably priced at the time of the acquisition.

Dated: August 29, 1981.

Peter T. Johnson,

Administrator.

Attachment 1

Contract No. _____

August 25, 1981.

Power Sales Contract Executed by the United States of America, Department of Energy, Acting by and Through the Bonneville Power Administration and ————

Metered Requirements and Computed Requirements

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Sec.
1. Termination of Prior Contract
2. Term of Contract
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7. Allocation Provisions in the Event of Planning Insufficiency
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17. Purchaser's Computed Requirements and Amount of Power Sold
18. Power Scheduling
19. Computed Requirements Payment for Power Sold
20. Miscellaneous
21. Termination of Offer
Exhibit A (Wholesale Power Rate Schedules and General Rate Schedule Provisions)
Exhibit B (General Contract Provisions [GCP Form PSC-1])
Exhibit C (Customer Service Objectives)
Exhibit D (Allocation Formulas)
Exhibit E (Power Scheduling Procedures)
Exhibit F (Relief from Overrun)
Exhibit G (Service Charges)
Exhibit H (Points of Delivery)
Exhibit I (Firm Resources)
Exhibit J (Assured Capability)
Exhibit K (New Large Single Load Determinations)
Exhibit L (Special Provisions)

This power sales contract, executed ————, 19— by the United States of America (Government), Department of Energy, acting by and through the Bonneville Power Administration (Bonneville) and ———— (Purchaser), a ———— of the State of ————,

Witnesseth

Whereas the Purchaser is a ———— which is distributing electric power and energy to ultimate consumers in ———— County, ———— and adjacent areas, and as such, is included in certain statutes which require Bonneville to give reference and priority to public bodies and cooperatives in disposing of electric power and energy; or

Whereas the Purchaser is an investor-owned utility serving electric power and energy to ultimate consumers within the Pacific Northwest; or

Whereas the Purchaser is a Federal agency using electric power and energy to perform activities in the Pacific Northwest authorized by the Congress of the United States of America; and

Whereas the parties hereto, on ————, executed a power sales contract, Contract No. ———— (which as the same may be amended is hereinafter called "Prior Contract"), which provides for the sale of electric power and energy by Bonneville to the Purchaser, and the parties agree to terminate such contract and provide for the sale of electric power and energy by Bonneville to the Purchaser pursuant to the terms of this contract; and

Whereas the Purchaser pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96-501) is entitled to purchase and Bonneville is authorized to sell electric power and energy to serve all or a portion of the Purchaser's firm load requirements; and

Whereas Bonneville is obligated to acquire sufficient resources to meet the electric power requirements placed on Bonneville consistent with implementing cost effective conservation measures and to protect, mitigate and enhance fish and wildlife consistent with Pub. L. 96-501;

Whereas Bonneville is required under section 4(g)(1) of Pub. L. 96-501 to maintain comprehensive programs to insure widespread public involvement in the formulation of regional power polices; and

Whereas Bonneville is authorized pursuant to law to dispose of electric power and energy generated at various federal hydroelectric projects in the Pacific Northwest or acquired from other resources, to construct and operate transmission facilities, to provide transmission and other services, and to enter into agreements to carry out such authority;

Now, therefore, the parties hereto mutually agree as follows:

1. *Termination of Prior Contract.* The Prior Contract, if any, is hereby terminated as of the effective date of this contract. All liabilities accrued thereunder are hereby preserved until satisfied.

2. *Term of Contract.* This contract shall be effective on the first day of the next Billing Month following the date at least five calendar days after Bonneville acknowledges receipt of an executed contract and shall continue until 2400 hours on June 30, 2001. Bonneville shall acknowledge receipt of an executed contract upon receipt of a contract signed by the Purchaser and any authorizing resolution necessary for the execution of such contract.

3. *Definitions.* (a) "Actual Computed Requirements" means the basis on which a designated Computed Requirements Purchaser, pursuant to section 17(c), purchases Firm Power from Bonneville.

(b) "Actual Firm Peak Load" and "Actual Firm Energy Load" mean the actual maximum integrated one-hour monthly peak and average monthly energy loads, respectively, of the Purchaser's system in the Pacific Northwest, for each Billing Month, after adjustment pursuant to section 17(e). Such actual loads shall not include any load to the extent that the Purchaser had a unilateral right to interrupt such load during such month, even if such load was not actually interrupted, but shall include the amount of any load which the Purchaser actually interrupted for the purpose of backing up or providing economic operation of its Firm Resources. In addition, any New Large Single Load or portion of such load shall not be included in the Purchaser's firm loads hereunder prior to the date Bonneville is obligated to supply such load with Firm Power pursuant to the terms of section 8(e). Contractual obligations of the Purchaser to utilities outside its normal service area may, if permitted by the terms of section 12(e), be included in the Purchaser's Firm Resources, but shall not be included in the Purchaser's Actual Firm Loads hereunder. Actual Firm Peak Load and Actual Firm Energy Load shall be referred to collectively as "Actual Firm Load."

(c) "Assured Peak Capability" and "Assured Energy Capability" mean the total of the firm peak and firm energy capabilities, respectively, for all of the Purchaser's Firm Resources, as determined pursuant to section 16, which the Purchaser can deliver on a firm basis to its loads. Assured Peak Capability and Assured Energy Capability shall be referred to collectively as "Assured Capability."

(d) "Billing Month," when used with respect to a Purchaser designated to purchase on the basis of Metered Requirements, means the interval between meter-reading dates which normally will be approximately 30 days. If service is for less or more than the normal billing month, the monthly charges stated in the applicable rate schedule shall be appropriately adjusted. Winter and summer periods identified in the rate schedules shall begin and end for a Purchaser with the beginning and ending of the Billing Month having meter-reading dates closest to the periods so identified.

When used with respect to a Purchaser designated to purchase on the basis of Computed Requirements, means a calendar month.

(e) "Computed Average Energy Requirement" means the amount by which the Purchaser's Actual Firm Energy Load for a month exceeds its Assured Energy Capability for such month, after adjustment pursuant to section 17(d). The term "average energy computed demand" as used in the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit has the same meaning.

(f) "Computed Energy Maximum" means an amount of electric energy equal to the product of the Purchaser's Computed Average Energy Requirement for a month and the number of hours in such month.

(g) "Computed Maximum Requirements" means the hourly amounts of power Bonneville is obligated to deliver to the Purchaser during the Heavy Load Hours of a month, as defined in section 17(g)(1).

(h) "Computed Peak Requirement" means the amount by which the Purchaser's Actual Firm Peak Load for a month exceeds its Assured Peak Capability for such month. The

term "peak computed demand" as used in the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit has the same meaning.

(i) "Computed Requirements" means the basis on which the Purchaser, if so designated as specified in section 13, purchases from Bonneville its requirements for Firm Power which exceed its Assured Capability. The term "computed demand" as used in the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit has the same meaning. All references to "Computed Requirements" shall be deemed to include Actual Computed Requirements, Planned Computed Requirements, and Contracted Requirements.

(j) "Consumer" means an end user of electric power or energy.

(k) "Contracted Requirements" means the basis on which a designated Computed Requirements Purchaser, pursuant to section 17(b), purchases Firm Power from Bonneville.

(l) "Coordination Agreement" means the Agreement for Coordinated Operations among Power Systems of the Pacific Northwest (BPA Contract No. 14-03-48221), as amended or replaced.

(m) "Critical Period" when used with respect to Firm Resources which are included in Coordination Agreement planning, means the same herein as that term is defined in the Coordination Agreement; when used with respect to Firm Resources which are not included in Coordination Agreement planning means the one or more months in any one Operating Year in the historical streamflow period of record normally used for hydroelectric resource planning the Pacific Northwest, during which the Purchaser's system of such Firm Resources, together with all of the Purchaser's Seasonal Storage which is not included in the Coordination Agreement planning, is able to produce the least energy in a monthly distribution, represented by the difference between the Purchaser's Estimated Firm Energy Load and that Estimated Firm Energy Load, if any, submitted under Coordination Agreement planning: *Provided, however,* That for the Firm Resources of the Montana Power Company which are hydroelectric resources located on the Missouri River or its tributaries, the Critical Period so determined shall not be limited to the months in any one Operating Year.

(n) "Customer" means any entity which contracts for the purchase of electric power or energy from Bonneville.

(o) "Estimated Firm Peak Load" and "Estimated Firm Energy Load" mean the best estimate of the maximum integrated one-hour monthly peak and average monthly energy loads of the Purchaser's system in the Pacific Northwest which are equally likely to be less than or greater than the Purchaser's actual peak and energy loads in each month under normal weather conditions, except that the Purchaser may increase the largest of such monthly peak loads during the Operating Year to represent the peak load which is equally likely to be less than or greater than the Purchaser's actual peak load during the Operating Year. Such system loads shall be reduced by any and all loads to the extent that the Purchaser has unilateral rights to interrupt deliveries to such load during each month of such Operating Year, excepting loads which the Purchaser has a right to interrupt for the purpose of backing up or providing economic operation of its Firm Resources. In addition, any New Large Single Load or portion of such load shall not be included in the Purchaser's firm loads hereunder prior to the date Bonneville is obligated to supply such load with Firm Power pursuant to the terms of section 8(e). Contractual obligations of the Purchaser to utilities outside its normal service area may, if permitted by the terms of section 12(a), be included in the Purchaser's Firm Resources, but shall not be included in the Purchaser's firm loads hereunder. Estimated Firm Peak Load and Estimated Firm Energy Load shall be referred to collectively as "Estimated Firm Load."

(p) "Firm Capacity" means capacity which Bonneville assures will be available to the Purchaser in the amounts and during the period or periods specified in the contract except when operation of the generation or transmission facilities used by Bonneville to serve such Purchaser is suspended, interrupted, interfered with, curtailed or restricted as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service sections of the General Contract Provisions Exhibit.

(q) "Firm Energy" means electric energy which Bonneville assures will be available to the Purchaser during the period or periods specified in the contract except when the operation of the generation or transmission facilities used by Bonneville to serve the Purchaser is suspended, interrupted, interfered with, curtailed, or restricted as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service sections of the General Contract Provisions Exhibit.

(r) "Firm Peak Load Carrying Capability," "Firm Energy Load Carrying Capability" and "Firm Load Carrying Capability" mean the same herein as those terms are defined in the Coordination Agreement.

(s) "Firm Power" means electric power which Bonneville will make continuously available to the Purchaser on a Metered or Computed Requirements basis to meet its Actual Firm Loads except when restricted because the operation of generation or transmission facilities used by Bonneville to serve the Purchaser is suspended, interrupted, interfered with, curtailed or restricted as the result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service sections of the General Contract Provisions Exhibit. Unless related to specific facilities serving the Purchaser, restrictions of Firm Power shall not be made until Bonneville has exercised its rights to restrict industrial firm power, modified firm power, and all other power subject to restriction in favor of the Purchaser. Firm Power shall be a collective reference to Firm Capacity and Firm Energy.

(t) "Firm Resource" means that portion of each of the generating resources or contractual resources of the Purchaser dedicated to the Purchaser's Actual Firm Load as set forth in the Purchaser's Firm Resources Exhibit. The term Firm Resource includes the Purchaser's firm contractual obligations to utilities outside its normal service area, if any, as set forth in the Purchaser's Firm Resources Exhibit.

(u) "Fexibility Account" means the account kept by the Purchaser which shows as of the end of each month of the Operating Year the accumulated balance of adjustments made by the Purchaser to its Assured Energy Capability. Such account shall be established and maintained pursuant to section 17(d).

(v) "Heavy Load Hours" means those hours between 7 a.m. and 10 p.m., Monday through Saturday, or such other hours as may be specified in the wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit or its successor.

(w) "Integrated Demand" means the number of kilowatts equal to the number of kilowatthours recorded by a meter during a clock-hour.

(x) "Intra-Class Excess Entitlement" means the portion, if any, of the Purchaser's entitlement to Firm Capacity or Firm Energy from the Purchaser's entitlement of Federal base system resources, if any, and resources acquired by Bonneville from or on behalf of the Purchaser under Pub. L. 96-501 as determined in the Allocation Formulas Exhibit which is in excess of the amount of Firm Capacity or Firm Energy necessary to serve Bonneville's obligation to the Purchaser on a Metered or Computed Requirements basis for any Operating Year in a period of insufficiency.

(y) "Light Load Hours" means those hours of the month which are not Heavy Load Hours.

(z) "Measured Amounts", when used with respect to a Purchaser designated to purchase on the basis of Computed Requirements but which does not schedule amounts of power to be interchanged with Bonneville, means the amounts assigned to Firm Power purchased pursuant to this agreement in the tabulation of hourly interchange prepared by the Purchaser pursuant to section 17(h).

When used with respect to a Purchaser designated to purchase on the basis of Computed Requirements and which schedules amounts of power to be interchanged with Bonneville, means the hourly amounts of Firm Power requested by the Purchaser in accordance with section 17(g) and scheduled to the Purchase in accordance with the provisions of section 18 of this agreement.

(aa) "Measured Demand," when used with respect to a Purchaser designated to purchase on the basis of Metered Requirements, means the largest of the Integrated Demands for each Point of Delivery, adjusted as appropriate to such Point of Delivery, for Heavy Load Hours during a Billing Month.

When used with respect to a Purchaser designated to purchase on the basis of Computed Requirements, means the largest of the Measured Amounts for Heavy Load Hours during a month; *Provided, however,* That if Bonneville has, pursuant to section 17(g)(1), limited its obligation to make power available to the Purchaser during such month below the largest of the Measured Amounts for Heavy Load Hours in such month, the

Measured Demand shall be the lowest level to which the Purchaser was so limited during such month.

(bb) "Measured Energy," when used with respect to a Purchaser designated to purchase on the basis of Metered Requirements, means the number of kilowatt delivered to any Point of Delivery during a Billing Month. Such number of kilowatthours shall be the reading which is recorded during a Billing Month by a meter specifically installed to measure such kilowatthours and which is adjusted as appropriate to such Point of Delivery.

When used with respect to a Purchaser designated to purchase on the basis of Computed Requirements, means the sum of the Measured Amounts for all hours in a Billing Month, after adjustment, if any, for energy delivered to the Purchaser on the last day of the Billing Month and returned to Bonneville in the next Billing Month pursuant to section 2(a)(4) of the Power Scheduling Procedures Exhibit.

(cc) "Metered Requirements" means the basis on which the Purchaser, if so designated as specified in section 13, purchases from Bonneville its requirements for Firm Power.

(dd) "New Large Single Load" means any load associated with a new facility, an existing facility, or an expansion of an existing facility:

(1) Which is not contracted for, or committed to, as detemined by Bonneville, by a public body, cooperative, investor-owned utility, or Federal agency Customer prior to September 1, 1979, and

(2) Which will result in an increase in power requirements of such Customer of ten average megawatts or more in any consecutive twelve-month period.

(ee) "Operating Year" means the period commencing each year on July 1 and ending the following June 30.

(ff) "Pacific Northwest" means the same herein as such term is defined in Pub. L. 96-501.

(gg) "Planned Computed Requirements" means the basis on which a designated Computed Requirements Purchaser, pursuant to the provisions of section 17(a), purchases Firm Power from Bonneville.

(hh) "Point of Delivery" means a point of delivery listed in the Points of Delivery Exhibit.

(ii) "Seasonal Storage" means the ability to store water in reservoirs and to thereby increase or decrease the planned or actual energy generation at hydroelectric facilities in one month and to compensate for such change in another month, either using the Purchaser's own facilities or the facilities of others which the Purchaser has firm rights to use pursuant to contracts.

(jj) "Year Preceding Insufficiency" means the Operating Year immediately preceding the initial Operating Year in a continuous period of one or more years for which Bonneville has issued a notice or notices of restriction in which Bonneville actually determines a final allocation of Firm Capacity or Firm Energy for any Purchaser in the public body and cooperative class or Federal agency class.

4. *Exhibits; Interpretation.* The rights and obligations of the parties hereunder shall be subject to and governed by this contract, including Exhibits A through L attached hereto and by this reference made a part of this contract in accordance with the specific provisions of this contract relating to each exhibit. This contract sets forth the entire agreement of the parties as of the effective date of the contract. The headings used in this contract are for convenient reference only, and shall not affect the interpretation of this contract.

5. *Agreement as to Bonneville's Decision in Acquiring Resources to Serve Load.* (a) Bonneville agrees to serve the firm load obligations of the Purchaser placed upon Bonneville pursuant to this contract. Bonneville shall meet the load utilizing resources available to Bonneville or acquired by Bonneville in accordance with Pub. L. 75-329, Pub. L. 93-454, Pub. L. 96-501, and other applicable law. Bonneville's acquisition of resources under Pub. L. 96-501, to the extent appropriate, shall be consistent with the plan adopted by the Pacific Northwest Electric Power and Conservation Planning Council.

(b) Except as expressly provided in this contract and in applicable provisions of law, Bonneville's obligations under this contract are not contingent upon action taken or to be taken by the Purchaser.

To the extent that the Purchaser obligates Bonneville to serve all or a portion of its load growth pursuant to this contract in lieu of using Firm Resources to meet such load growth, the Purchaser and Bonneville recognize that resources must be made available by or on behalf of the Purchaser to Bonneville if Bonneville is to have the ability to meet its obligations hereunder. The Purchaser therefore agrees that it will use its best efforts either to serve its load growth using Firm Resources, or to make available for acquisition by Bonneville, in accordance with the conservation and resource priorities and other requirements of Pub. L. 96-501, resources equivalent to the load growth of the Purchaser which is served hereunder. Such resources will be made available to Bonneville pursuant to mutually agreeable contracts providing appropriate compensation to the Purchaser and other necessary terms. In making such resources available, the Purchaser may act individually or in cooperation with others.

The parties acknowledge that cost-effective conservation measures will be implemented in accordance with Pub. L. 96-501 and that Bonneville is required to give priority to the development and acquisition of certain types of resources under Pub. L. 96-501. The Purchaser agrees to make a good faith effort to cooperate with Bonneville in implementing and initiating the resource responsibilities placed on Bonneville, and providing services necessary thereto, pursuant to Pub. L. 96-501.

6. *Interpretation of Fish and Wildlife Responsibilities.* In meeting its obligations under this contract, Bonneville affirms its obligations under Section 4 and 6 of Pub. L. 96-501 and other applicable law with respect to implementation of measures and objectives for the protection, mitigation, and enhancement of fish and wildlife, while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. This contract shall not impair compliance with such obligations.

The Purchaser affirms its legal obligations related to fish and wildlife established in any license or order issued by the Federal Energy Regulatory Commission. This contract shall not expand, impair, or in any way alter the Purchaser's legal obligations related to fish and wildlife established in a license or order issued by the Federal Energy Regulatory Commission.

7. *Allocation Provisions in the Event of Planning Insufficiency.* (a) *Notice of Restriction.* For purposes of issuing notices of restriction under this contract Bonneville's Customers shall be divided into three classes: (1) Public body and cooperative; (2) Federal agency; and (3) investor-owned utility. If Bonneville determines for any Operating Year that it cannot on a planning basis acquire sufficient resources to fully supply Bonneville's estimated obligation to the Purchaser or any member of the Purchaser's class of Customers and Bonneville's estimated commitments to other Customers whose supply from Bonneville is not subject to restriction in favor of the Purchaser, Bonneville may issue a written notice of restriction to the Purchaser and its class of Customers for such Operating Year. Such notice shall be dated no earlier than provided for in paragraph (2) below and must be consistent with the provisions of paragraphs (3), (4), and (5) below. The notice of restriction may limit Bonneville's obligation in such Operating Year to supply Firm Power to the Purchaser pursuant to section 14 or section 17 below, as applicable.

The notice of restriction shall specify Bonneville's best estimate of the Purchaser's entitlement to Firm Capacity and Firm Energy for such Operating Year, Bonneville's estimate of the Purchaser's allocation, including the loads and resources on which such estimate is based and Bonneville's estimate of the expected duration of any period of insufficiency. Any notice of restriction issued hereunder shall be subject to the following limitations:

(1) Notice periods shall not commence until the start of next Operating Year following the date a notice is issued.

(2) Bonneville shall not issue a notice of restriction to any class of Customers prior to December 5, 1985, to allow Bonneville a reasonable period of experience under Pub. L. 96-501.

(3) Any notice of restriction which limits Bonneville's obligation to supply Firm Energy to the Purchaser if it is a member of the public body and cooperative class or Federal agency class shall not be effective prior to the expiration of the eighth Operating Year following the commencement date applicable to such notice.

(4) Any notice of restriction which limits Bonneville's obligation to supply Firm Power if the Purchaser is a member of the investor-owned utility class or Firm Capacity if the Purchaser is a member of the public body and cooperative class or the Federal agency class shalll not be effective prior to the expiration of the fifth Operating Year following the commencement date applicable to such notice.

(5) Any notice of restriction issued to the public body and cooperative class or Federal

agency class shall not be effective prior to the Operating Year for which Bonneville estimates that its combined obligations to both classes to supply Firm Capacity or Firm Energy equal or exceed the firm peak capability or firm energy capability, respectively, of the Federal base system resources.

(6) A notice of restriction issued to any Purchaser under this section shall not be effective for any Operating Year to the extent Bonneville has not exercised its rights in a timely manner to restrict Bonneville's obligations to other Customers whose supply from Bonneville is subject to restriction in favor of the Purchaser.

Bonneville shall use its best efforts to annually advise the Purchaser of Bonneville's estimate of the Purchaser's allocation of Firm Capacity and Firm Energy for any Operating Year for which a notice of restriction was issued. Such advisement shall include current estimates of the Purchaser's allocation of Firm Capacity and Firm Energy for all Operating Years for which a notice of restriction has been issued.

Notwithstanding the issuance of a notice of restriction to the Purchaser, Bonneville shall use its best efforts to acquire sufficient resources to supply in full its obligations to the Purchaser pursuant to section 14 or section 17 below, as applicable, and its similar obligations to the Purchaser's class of Customers. Bonneville may cancel a notice of restriction by giving written notice to the Purchaser and thereby reduce or eliminate the limits on Bonneville's obligation to supply Firm Capacity or Firm Energy to the Purchaser and its class of Customers at any time. Such cancellation shall be made whenever Bonneville determines it will have sufficient resources to supply in full its obligations to the Purchaser pursuant to section 14 or section 17 below, as applicable, and its similar obligations to such class of Customers. Any such cancellation shall be made only after Bonneville consults with the Purchaser and Bonneville's other Customers.

(b) *Determination of Purchaser's Allocation.* The Purchaser's contractual entitlement to and allocation of Firm Capacity or Firm Energy shall be based on the formulas in the Allocation Formulas Exhibit. Such formulas shall be used for determining both estimated allocations and final allocations of Firm Capacity and Firm Energy based on the Purchaser's entitlement to firm peak capability and firm energy capability determined under the formulas. In addition to the loads and resources which Bonneville would normally consider in establishing Bonneville's obligations to the Purchaser pursuant to section 14 or section 17, as applicable, Bonneville shall deduct the planning capability of the Purchaser's Firm Resources for Customers purchasing on a Metered Requirements basis in determining its obligation to the Purchaser pursuant to this section. The planning capability of the Purchaser's Firm Resources for Customers purchasing on Metered Requirements for the purpose of determining Bonneville's obligation to such Purchaser shall either be established by (1) a service agreement with Bonneville or another entity; (2) contracts for the delivery of amounts of power by Bonneville or other entities; or (3) a planning capability supplied by the Purchaser for each of its Firm Resources along with the data used to determine such planning capability. Planning capabilities supplied by the Purchaser shall be reasonable and in conformance with usual practices used by the Purchaser, Bonneville, and other Pacific Northwest utilities for resource planning.

Bonneville shall revise every notice of restriction which has not been cancelled by the January 1 prior to the Operating Year it becomes effective. Such revision shall specify either (1) that Bonneville shall be obligated to serve the Purchaser on a Metered Requirements basis pursuant to section 14 except that the output of the Purchaser's Firm Resources must be at least the planning capability of such resources determined in the paragraph above or to serve the Purchaser on a Computed Requirements basis pursuant to section 17 during the next Operating Year, as applicable; or (2) Bonneville's estimate of the Purchaser's allocation of Firm Capacity and Firm Energy available to serve the Purchaser's Actual Firm loads for such Operating Year. Such estimated allocation shall be determined using the best available estimates of loads and resource capabilities at that time.

Such estimated allocation shall establish Bonneville's obligations to the Purchaser and be used to determine the billing factors for demand and energy established by the Purchaser's allocation for each month of the Operating Year until a final allocation is issued. The billing factor for allocated demand for each month shall be based on monthly allocations of Firm Capacity based on amounts of firm peak capability determined from the formulas in the Allocations Formula Exhibit. The billing factor for allocated energy for each month shall be established from the yearly allocation of Firm Energy based on the amount of firm energy capability determined from the formulas in the Allocation Formulas Exhibit. If the Purchaser has sufficient Seasonal Storage to allocate its Assured Energy Capability among months of the Operating Year in the manner set forth in section 16(c)(2), the Purchaser shall substitute its yearly allocation of Firm Energy for its annual energy requirement on Bonneville to distribute its yearly allocation of Firm Energy among months of the Operating Year. Bonneville shall distribute the yearly allocation of Firm Energy among months for all other Purchasers using the same assumption as that used by Bonneville to constrain its loads to its resources in subsection (d) below to determine the firm capability of the Federal base system resources.

Bonneville shall determine the Purchaser's final allocation of Firm Capacity and Firm Energy as soon as practicable after August 15 of each Operating Year. Such allocation shall be based on the best available estimates of loads and resource capabilities and include any allocations to the Purchaser of Firm Capacity and Firm Energy under subsection (g) below. Such final allocation shall specify the Purchaser's allocations and billing factors for the remainder of the Operating Year with the billing factors determined in the same manner as specified above under the estimated allocation.

Notwithstanding any allocations of Firm Capacity or Firm Energy established in this section by a notice of restriction, Bonneville shall use its best efforts to acquire sufficient resources to supply in full its obligations to the Purchaser pursuant to section 14 or section 17, as applicable, and its similar obligations to the Purchaser's class of Customers. Bonneville may suspend the limitations imposed by a notice of restriction during periods within the Operating Year such notice is effective. Any such suspension shall be made only after Bonneville consults with the Purchaser and Bonneville's other Customers.

(c) *Federal Base System Resources.* The firm capability of the Federal base system resources shall be calculated from:

(1) The firm capability of the Federal Columbia River Power System hydroelectric projects, existing or hereafter constructed;

(2) The firm capability of resources listed below acquired by Bonneville under long-term contracts in force on the effective date of Pub. L. 96-501:

	Installed capability (Mw)
(A) Hanford	860
(B) WNP No. 1	1250
(C) WNP No. 2	1100
(D) 70% of WNP No. 3	1240
(E) 30% of Trojan	1130
(F) Peak/Energy Exchange (PNW and PSW).	N/A
(G) Wind turbines	7.5; and

(3) The firm capability of resources acquired by Bonneville to replace reductions in the capability of the hydroelectric projects in the event of loss of generation facilities at one or more hydroelectric projects, reductions in the capability of the hydroelectric projects due to constraints on the use of streamflows at such projects for the production of electric power and energy for such constraints which were not planned prior to December 5, 1980, or reductions in the firm capability of the contractual resources in (2) above.

(d) *Determination of the Firm Capability of the Federal Base System Resources.* The firm capability for a future Operating Year of the Federal base system resources shall be determined by using streamflows to generate electric power and energy within the constraints on use of the rivers due to irrigation withdrawals, navigation, recreation needs, minimum streamflows, fisheries and wildlife operations and other authorized uses. Such capability shall be determined by using such resources' contribution to Bonneville's Firm Load Carrying Capability. Such contribution shall be determined in the same manner as specified in section 16(b)(1) for determining the contribution to Assured Capability of the Firm Resource of a Customer which is included by such Customer in Coordination Agreement planning. Such contribution may be further adjusted to provide other appropriate adjustments for reserves which are in accordance with Coordination Agreement

procedures to recognize regional planning uncertainties.

For purposes of this section 7, Bonneville shall determine the firm peak capability of the Federal base system resources by shaping all of Bonneville's firm resources to meet Bonneville's monthly obligations to supply all of the firm energy loads of its Customers. Such firm peak capability shall be such resources' proportional contribution to the monthly firm peak capability determined by shaping Bonneville's resources to meet its energy obligations.

If Bonneville has issued a notice of restriction to meet the energy loads of Customers, Bonneville shall, in determining the firm peak capability of the Federal base system resources for purposes of this section 7, develop the firm capability of its resources by constraining its loads to its resources based on the assumption that Bonneville's Customers to whom such notice applies will provide firm energy as a single class in equal amounts for each month in the Operating Year to meet the difference between Bonneville's Firm Energy obligation prior to restriction and Bonneville's limited Firm Energy obligations after restriction. Bonneville may change such assumption after consultation with its Customers.

The loads used to determine the contribution of resources to Bonneville's Firm Load Carrying Capability shall include the pumping loads of the U.S. Bureau of Reclamation which are authorized by law as obligations of the hydroelectric projects in (c)(1) above and the losses of electric energy resulting from delivery of electric power and energy to Bonneville's Customers in the Pacific Northwest. The firm capability of the Federal base system resources shall be reduced to meet such loads and the proportional share of such losses.

(e) *Determination of Firm Capability of Acquired Resources.* The firm capability of a resource acquired by Bonneville under Pub. L. 96–501 from or on behalf of the Purchaser shall be such resource's contribution to Bonneville's Firm Load Carrying Capability using the estimated peak and energy capability of such resource specified in the resource purchase agreement. The contribution of a resource to firm peak capability and firm energy capability shall be determined using the same loads and in the same manner as the Federal base system resources. The firm capability of such resources shall not include amounts of peak and energy capability specified in the resource purchase agreement as a replacement for Federal base system resources or an amount purchased in lieu of an amount of electric power offered to Bonneville by another utility at such utility's average system cost.

Bonneville may rerate the peak and energy capability of a resource based on the actual performance of such resource by giving seven years' prior written notice of such adjustment. Such rerating shall be consistent with any terms of the resource purchase agreement and reflect actual operating experience.

(f) *Principles for Allocating Intra-Class Excess Entitlements.* Bonneville shall allocate amounts of Intra-Class Excess Entitlements under the formulas in the Allocation Formulas Exhibit for each Operating Year in a period of insufficiency based on the following principles:

(1) If the sum of the Intra-Class Excess Entitlements for a class of Customers is greater than Bonneville's estimate for such Operating Year of the amounts needed to supply the Firm Capacity or Firm Energy requirements of the Customers of such class after providing such Customers their entitlement to the Federal base system resources, if any, and their entitlement to any resources acquired by Bonneville under Pub. L. 96–501 from or on behalf of such Customers, Bonneville shall supply Firm Capacity or Firm Energy to all Customers of such class pursuant to subsection (b)(1) above.

(2) If the sum of the Intra-Class Excess Entitlements for the public body and cooperative class or Federal agency class of Customers is less than Bonneville's respective estimate for such Operating Year of the amounts needed to supply the Firm Capacity or Firm Energy requirements of the Customers of such class after providing such Customers their entitlement to the Federal base system resources and their entitlement to any resources acquired by Bonneville under Pub. L. 96–501 from or on behalf of such Customers, Bonneville shall use the Intra-Class Excess Entitlements for the public body and cooperative class or the Federal agency class to first meet its obligation to supply to each Customer of each class, respectively, an amount of Firm Capacity and Firm Energy equal to the amounts actually supplied by Bonneville in the Year Preceding Insufficiency.

(3) Bonneville shall allocate the sum of the Intra-Class Excess Entitlements for the investor-owned utility class of Customers and any amounts for the public body and cooperative class or Federal agency class remaining after Bonneville meets its respective obligations for such classes specified in paragraph (2) above in a pro rata manner based on formula F of the Allocation Formulas Exhibit.

Intra-Class Excess Entitlements shall be allocated on the basis of an allocation factor which establishes each Customer's entitlement on a pro rata basis to the sum for such Customer's class of the Intra-Class Excess Entitlements. Such allocation factor shall be established by starting with a factor determined by comparing the resources actually developed by each Customer to that amount of Firm Capacity or Firm Energy which each Customer needed to develop in order to meet its load growth and load-resource deficits, if any, existing in the year prior to enactment of Pub. L. 96–501, squaring the resulting factor for each Customer to increase the allocation of those Customers which have been the most successful in developing resources and adjusting the resulting factor so that the sum of such factors for all Customers in a class equals one. The resulting factor shall establish each Customer's allocation factor in such class.

Subject to the reduction specified in paragraph (4) below, the Intra-Class Excess Entitlements shall be allocated to fully meet the deficiencies of the Customers in a class or until the Intra-Class Excess Entitlements for such class are exhausted. If the Intra-Class Excess Entitlements are not exhausted in meeting the deficiencies of the Customers in a class as reduced by paragraph (4) below, such remaining amount of Intra-Class Excess Entitlements, which are the amounts by remaining, if any, due to paragraph (4) below, shall be allocated by multiplying such remaining amount each Customer's allocation factor until the Intra-Class Excess Entitlements for such class are exhausted.

(4) Bonneville shall reduce its obligation to the Purchaser under paragraph (3) above by Bonneville's estimate of the Firm Capacity or Firm Energy necessary to serve the amount which the Purchaser's Actual Firm Peak Loads or Actual Firm Energy Loads would have been reduced by cost-effective Bonneville conservation programs which the Purchaser declined to implement. Such reduction shall not be made to the extent Bonneville determines the Purchaser has implemented similar measures which accomplished the same purpose and were sufficiently comparable to the Bonneville programs to permit evaluation of their degree of effectiveness. Cost-effective shall be as defined in Pub. L. 96–501.

(g) *Allocation of Additional Government Resources.* Bonneville may allocate an additional amount of Firm Capacity or Firm Energy to the Purchaser from the Intra-Class Excess Entitlements of another class which are excess to the needs of such other class or from other resources available to Bonneville. Bonneville shall determine the methods for making such allocations after consultation with its Customers.

8. *Determination of New Large Single Loads.* (a) *Determination of a Facility.* Bonneville and the Purchaser shall make a reasonable determination of what constitutes a single facility, for the purpose of identifying a New Large Single Load, based upon the following criteria: (1) Whether the load is operated by a single Consumer; (2) whether the load is in a single location; (3) whether the load serves a manufacturing process which produces a single product or type of product; (4) whether separable portions of the load are interdependent; (5) whether the load is contracted for, served or billed as a single load under the individual Purchaser's customary billing and service policy; (6) consistent application of the foregoing criteria in similar fact situations; and (7) any other factors the parties determine to be relevant.

Bonneville shall show an increase in load associated with a Consumer's facility which has been determined to be a New Large Single Load on Table 1 of the New Large Single Load Determinations Exhibit. Bonneville shall show loads associated with a Consumer's facility which Bonneville has determined were contracted for, or committed to prior to September 1, 1979, on Table 2 of the New Large Single Load Determinations Exhibit. Bonneville shall have the unilateral right to amend Table 1 or make additions to Table 2 of such exhibit to reflect such determinations when made.

(b) *Determination of Ten Average Megawatt Increase.* An increase in load shall be considered a New Large Single Load if the energy consumption of the Consumer's load associated with a new facility, existing facility or expansion of an existing facility during the immediately past twelve-month period exceeds by ten average metawatts or more the Consumer's energy consumption for such new facility, existing facility or expansion of an existing facility for the consecutive twelve-month period one year earlier, or the amount of the contracted for, or committed to load of the Consumer as of September 1, 1979, whichever is greater.

The contracted for, or committed to load as of September 1, 1979, shall be the maximum amount of energy specified in such contract or commitment, the maximum energy consumption of the load or the capacity limitation contained in such contract or commitment if energy is not specified or limited.

(c) *Identification of Potential New Large Single Loads.* The Purchaser shall make reasonable efforts to identify potential New Large Single Loads, and shall report to Bonneville (1) the addition of electrical equipment of ten MVA or more by a single Consumer; (2) the installation of additional transformation capacity of ten MVA or more by the Purchaser or a Consumer which is designed to serve a single facility; or (3) the potential change in operation of a facility which may result in an increase of ten average megawatts or more in a twelve-month period.

(d) *Agreed Upon Monitored Loads.* All of this subsection (d) except for the last paragraph regarding consultation on billing of New Large Single Loads shall not apply if the Purchaser is an investor-owned utility.

Based upon the available information concerning an increase in load, Bonneville and the Purchaser may agree that an increase in load associated with a new facility, existing facility or expansion of an existing facility should be considered a New Large Single Load from the date of commencement of commercial operation of such increase in load. If Bonneville and the Purchaser cannot determine or agree that the increase in load should be considered a New Large Single Load, the energy used by the facility shall be monitored and reported monthly by the Purchaser to Bonneville following the commencement or the change in operation of the load. If requested, Bonneville and the Purchaser will agree to a Purchaser-specific monitoring procedure.

When Bonneville and the purchaser cannot determine at the outset that an increase in load will become a New Large Single Load, the Purchaser shall have the option of backbilling or rebating during said load's first year of commercial operation. At the end of the first year of commercial operation a determination will be made whether or not the increase is a New Large Single Load. Whether the Purchaser chooses backbilling or rebating, the load shall be monitored for a twelve-month period. The energy used by the load during such period shall be compared to the energy used during the preceding twelve-month period one year earlier, or the amount of the contracted for, or committed to load as of September 1, 1979.

Under backbilling the Purchaser shall be billed for the increase in load at the Priority Firm Power Rate Schedule or its successor rate schedule during any consecutive twelve-month monitoring period. If the energy consumption of the increase in load reaches 87,600,000 kWh within any consecutive twelve-month monitoring period, the increase in load becomes a New Large Single Load. The Purchaser shall be backbilled for the difference between the Priority Firm Power Schedule actually charged and the New Resource Firm Power Rate Schedule in effect during the monitoring period with interest from the date the increase in load becomes a New Large Single Load; the Purchaser shall then be billed at the New Resource Firm Power Rate Schedule or its successor rate schedule for the New Large Single Load thereafter. If the increase in load does not reach 87,600,000 kWh within any consecutive twelve-month monitoring period, the Purchaser continues to be billed for the entire increase in load at the Priority Firm Power Rate Schedule or its successor.

Under rebating, the Purchaser shall be billed for the increase in load at the New Resource Firm Power Rate Schedule or its successor rate schedule during the monitoring period. If the increase in load reaches 87,600,000 kWh within any consecutive twelve-month monitoring period, the increase in load becomes a New Large Single Load and billing at the New Resource Firm Power Rate Schedule or its successor rate schedule for that load continues thereafter. If the increase does not reach 87,600,000 kWh during any consecutive twelve-month monitoring period, the load shall not be classified a New Large Single Load. The rate schedule applicable to such load becomes the Priority Firm Power Rate Schedule or its successor rate schedule. At the Purchaser's option, Bonneville shall (1) rebate to the Purchaser the difference between the New Resource Firm Power Rate Schedule actually charged during the monitoring period and the Priority Firm Power Rate Schedule in effect during the monitoring period plus interest; or (2) shall make such adjustment to the Purchaser's next wholesale power bill.

Bonneville shall establish billing procedures for New Large Single Loads in consultation with the Purchaser.

(e) *Service To New Large Single Loads.* Subject to the limitations of section 9, Bonneville shall supply Firm Power to serve the Purchaser's New Large Single Loads unless the Purchaser agrees to serve all or a portion of a New Large Single Load either (1) prior to the execution of this Contract, or (2) at the time the Purchaser notifies Bonneville of such load pursuant to section 8(c) and 9(c), or to section 9 if the Purchaser wishes to serve all or a portion of such New Large Single Load with resources other than Firm Resources. That portion of such New Large Single Load which the Purchaser wishes to serve with resources other than Firm Resources shall be treated as a load which Bonneville is not obligated to serve and shall not be included in the Purchaser's Actual Firm Loads until the Purchaser requests Bonneville to supply Firm Power for that portion of such load and Bonneville agrees to supply the remaining portion of such power. Bonneville shall treat each request for additional power supply under section 9 as though the Purchaser had requested service for the entire New Large Single Load.

If a Consumer of a Purchaser provides a renewable or cogeneration resource to serve all or a portion of a load associated with a facility which would otherwise be a New Large Single Load, and thereby reduces the demand on the Purchaser, that portion of such load on the Purchaser, if any, shall not be a New Large Single Load, unless the load or portion thereof on the Purchaser is ten average megawatts or more: *Provided, however,* That if a Consumer sells, displaces or removes a resource or portion thereof from service to the Consumer's load at such facility, all such load shall be a New Large Single Load unless Bonneville, after consultation with the Purchaser and the Consumer, determines that uncontrollable events prevent service to the Consumer's load by such resource.

(f) *Normalization of Consumer's Load.* For the sole purpose of computing the increase in energy consumption between any two consecutive twelve-month periods of comparison under this section 8, reductions in the Consumer's load associated with a facility during the first twelve-month period of comparison due to unusual events reasonably beyond the control of the

Consumer shall be determined, and the energy consumption shall be computed as if such reductions had not occurred.

(g) *Changes in Load.* If an increase in load becomes a New Large Single Load, such increase shall, subject to the last paragraph of this subsection, remain a New Large Single Load and all subsequent increases in such load or portion thereof shall also be considered a New Large Single Load.

Load reductions to a Consumer's Load of a facility shall be on a last on, first off basis. Any load reductions made by a Consumer of a facility shall first reduce that portion of the Consumer's load of that facility which has been identified as a New Large Single Load.

If a Consumer with a New Large Single Load physically and permanently removes equipment which imposes a load at a facility identified as a New Large Single Load, the Consumer's load may be reclassified as no longer being a New Large Single Load if Bonneville determines such equipment imposed a load equivalent to the original increase in load at such facility which caused such load to be classified as a New Large Single Load.

(h) *Renewal, Relocation, and Transfer.* The following events shall not cause a load to be considered a New Large Single Load if such event does not result in an increase in power requirements of a Consumer on the Purchaser of ten average megawatts or more during any consecutive twelve-month period as herein above provided: (1) Renewal or replacement of a contract between the Purchaser and the Consumer based on the original commitment or contract if the capacity specified in the new contract does not exceed the capacity specified in the contract being renewed or replaced; (2) relocation, replacement, or renovation of a Consumer's facility within the Purchaser's service area; and (3) transfer of a facility to a successor in interest provided that the service or product associated with the facility is essentially unchanged.

(i) *Compliance.* Bonneville and the Purchaser agree that should a Purchaser fail to report a New Large Single Load of which the Purchaser has, or reasonably should have had knowledge, such Purchaser shall be backbilled from the date the increase in load became a New Large Single Load. For this subsection only, such backbilling shall include the following costs: (1) The difference between the Priority Firm Power Rate Schedule or its successor rate schedule and the New Resource Firm Power Rate Schedule or its successor rate schedule; (2) interest charges on the backbilled amount determined at Bonneville's prevailing interest rate; and (3) a late payment charge on the backbilled amount.

9. *Limitation on Increases of Single Loads.* (a) The limitations of this section shall apply only to industrial facilities of Consumers. Such facilities are defined as those facilities whose primary function falls into one of the following categories, as defined in the Standard Industrial Classification Manual (1972), U.S.O.M.B.:

(1) Agriculture, Forestry, and Fishing;
(2) Mining;
(3) Construction;
(4) Manufacturing;
(5) Transportation, Communications, Electric, Gas and Sanitary Services; and
(6) Wholesale Trade. Such facilities do not include those facilities whose primary function falls into one of the following categories:
(1) Finance, Insurance, and Real Estate;
(2) Retail Trade;
(3) Services; and
(4) Public Administration

(b) The Purchaser shall notify Bonneville as soon as possible if service by the Purchaser to a new facility of a Consumer or additional service to an existing facility of a Consumer is reasonably expected to result in an increase of 35 average megawats or more within any twelve-month period or an increase of 75 average megawatts or more within any sixty-month period in the Purchaser's Actual Firm Energy Loads for such period in what would otherwise be the Purchaser's Actual Firm Energy Loads for such period. Bonneville shall be obligated to supply the increased load with Firm Energy on the earlier of (1) the date Bonneville determines and notifies the Purchaser that Firm Energy is available to supply such increase; or (2) seven years from the date of the Purchaser's notice to Bonneville. The foregoing limitations notwithstanding, Bonneville shall use its best efforts to acquire Firm Energy to serve such increased load at the time requested by the Purchaser.

(c) The Purchaser shall notify Bonneville when service by the Purchaser to a new facility of a Consumer or additional service to an existing facility of a Consumer is reasonably expected to result in an increase of ten average megawatts or more within any twelve-month period in the Purchaser's Actual Firm Energy Loads for such period in what would otherwise be the Purchaser's Actual Firm Energy Loads for such period. Bonneville shall be obligated to supply the increased load with Firm Energy two years from the date of the Purchaser's notice to Bonneville subject to the limitations in subsection (b) above. Notice by the Purchaser to Bonneville that a monitoring plan needs to be established for the facility of a Consumer pursuant to section 8(d) shall be deemed to be notice under this subsection.

(d) If the Purchaser has a resource other than a Firm Resource which it has identified to serve all or a portion of an increase in load, the portion served by such resource shall be excluded in determining whether the limitations of subsection (b) above apply to such increase in load. If the Purchaser identifies such a resource, Bonneville and the Purchaser shall agree on the portion of such load which such resource is capable of serving. If the Purchaser subsequently includes such resource in its Firm Resources Exhibit pursuant to section 12, the portion of such increase in load to be served by such resource as agreed pursuant to the preceding sentence shall not be treated as a load which Bonneville is not obligated to serve pursuant to section 8(e) and shall be included in the Purchaser's Actual Firm Load.

(e) The limitations of subsection (b) above shall not apply if the Purchaser has developed adequate resources to meet its load growth including the increase in load resulting from service to new facility of a Consumer or additional service to an existing facility of a Consumer and replace reductions in its Firm Resources which are included as 5(b)(1)(A) resources in its Firm Resources Exhibit. The Purchaser shall be deemed to have built adequate resources for Bonneville to supply such increase in load if the Purchaser has developed resources which were dedicated to its load or sold to Bonneville equal to the sum of (1) reductions in 5(b)(1)(A) resources between the '79–80 Operating Year and the date specified in subsection (b)(2) above, and (2) growth in Actual Firm Energy Load between (A) the '82–83 Operating Year and the date specified in (b)(2) above for public bodies, cooperatives and Federal agencies or (B) the '79–80 Operating Year and the date specified in (b)(2) above for investor-owned utilities.

(f) Bonneville shall reduce the notice period specified in subsection (c) above for 100 average megawatts of load for which the Purchaser or other Customers under similar contracts have requested service for loads from 10 to 35 average megawatts during any Operating Year. The notice period for such requests shall be the period necessary to include service to such loads in the New Resources Firm Power Rate. If Bonneville receives more than one request from the Purchaser and other Customers under similar contracts to serve increases in load which exceed the foregoing limitations, Bonneville shall allocate its available power supply among such competing requests in the order that written notice of request for service was first received.

(g) The foregoing limitations shall not apply to increases in load which were contracted for or committed to as of September 5, 1981. The determination whether a load was contracted for or committed to as of September 5, 1981, shall be made by Bonneville.

10. *Planning and Operating Information.* (a) *General Information Requests.* Bonneville and Purchaser agree to cooperate in the full exchange of such planning and operating information as may be reasonably necessary for the timely and efficient performance of the parties' obligations or the exercise of rights under this contract. Such information shall be provided pursuant to subsection (b) below on a timely basis and no reasonable request shall be refused, including requests to provide information or data in a specified manner or on a special form.

(b) *Provision of Information.* To the extent such information can be provided at a nominal cost each party agrees to provide the information. Otherwise, a party may respond to a request for information (1) by providing the information subject to reimbursement of reasonable expenses necessarily incurred; or (2) to the extent the supplying party finds the timing or effort of meeting an information request burdensome, by offering the requesting party access to the sources from which the information can be obtained.

(c) *Provision of Statistical Data.* Bonneville and the Purchaser agree to cooperate in the full exchange of data showing kilowatthours generated at each party's generating facilities as shown on Federal Energy Regulatory Commission reports Form 1 and 12, as may be subsequently amended or superseded, including purchases from generating facilities

on the Purchaser's system, sales of energy, demands therefor if available, by class of Consumer and revenues derived therefrom, the Purchaser's annual report to its stockholders and Bonneville's annual report. If the Purchaser is not required by the Federal Energy Regulatory Commission to file Form 1 or Form 12 reports, the Purchaser shall provide such equivalent information as Bonneville requires on a form provided by Bonneville or on one provided by the Purchaser which is acceptable to Bonneville.

(d) *Long-Range Planning.* Bonneville and the Purchaser agree to provide information necessary to develop their long range generation, transmission and distribution plans. Bonneville shall use its bests efforts to supply anually to the Purchaser a load-resource document showing its load-resource balance, its program for acquisition of resources and the firm loads it expects to supply for at least ten years. Bonneville shall provide additional customer service facilities to supply electric power or energy to the Purchaser in accordance with the Customer Service Objectives Exhibit and applicable Customer Service Policy.

11. *Compensation Program for Regional Curtailment of Firm Loads.* (a) The parties agree to commence negotiations as soon as practicable to develop a comprehensive agreement among utilities in the Pacific Northwest to buy and sell electric energy made available due to curtailments in consumption or from resources on a party's system during periods when governmental bodies having the authority to do so have so ordered such curtailments or sales.

(b)(1) If the Bonneville Power Administrator and the Governor of the State encompassing the Purchaser's service area publicly appeal for curtailments of electric power consumption or if mandatory curtailments of electric power consumption in the Purchaser's service area are ordered by governmental bodies having the authority to so order, Bonneville shall compensate the Purchaser as provided in this section for any reduction in Bonneville's obligation to supply Firm Power to the Purchaser. If the Purchaser's service area extends into more than one State and all of such States do not participate in the curtailments described above, the procedures of this section shall be applied only to those loads in service areas in the participating States.

Compensation under this section shall not be available to the Purchaser during any Operating Year that the Purchaser is purchasing Firm Power from Bonneville on a Computed Requirements basis. The compensation under this section may be reduced partially or in its entirety as described in paragraph (4) below.

Compensation shall begin with the first full month following such appeal for curtailment or ordered curtailment. Compensation shall end with the month during which the Bonneville Power Administrator and the appropriate State political leaders publicly indicate that a need for curtailment no longer exists or such State officials rescind an order for curtailment.

(2) Bonneville shall pay the Purchaser each month an amount equal to the product of the rate set forth in this paragraph and the amount of load curtailment determined in paragraph (3) below unless such amount of load curtailment is reduced partially or in its entirety as set forth in paragraph (4) below. Such rate shall be the amount per kilowatthour by which the Purchaser's average revenue from retail sales of electric energy exceeds the wholesale firm power rate the Purchaser would have paid Bonneville for the increment of energy determined pursuant to pargraph (3) below.

(3) The amount of regional load curtailment on the Purchaser's system during a month shall be deemed to be the amount, if any, by which the Purchaser's Estimated Firm Energy load, after adjustment as specified below, exceeds the Purchasers Actual Firm Energy Load for such month after adjustment, if any, as set forth below. If the Purchaser does not regularly publish an Estimated Firm Energy Load, such Purchaser's Estimated Firm Energy Load for purposes of this section shall be the Purchaser's component of Bonneville's latest published estimate of its firm energy loads.

The Purchaser's most recently published Estimated Firm Energy Load shall be used herein to determine amounts of regional load curtailment in conjunctin with information submitted by the Purchaser to Bonneville as soon as possible following the end of each month in which a regional load curtailment program is in effect. Such information shall be provided for each such month and for the three most recent, but not necessarily consecutive, months in which a regional load curtailment program was not in effect. Such information shall include: (A) The Purchaser's Actual Firm Energy Load for such months; and (B) detail on any separately identifiable significant changes in the Purchaser's Actual Firm Energy Load from its Estimated Firm Energy Load which were not the result of a regional load curtailment program.

The Purchaser's Actual Firm Energy Loads for all months used for calculations herein shall be adjusted to reflect only those loads in the Purchaser's service area which are in States participating in the regional curtailment program. Such adjustment shall be made by subtracting the portion of the Purchaser's Actual Firm Energy Load in States which are not participating in the regional curtailment program from the Purchaser's Actual Firm Energy Load for such month. Such adjustment may be changed monthly to reflect changes in the States which are participating in the regional curtailment program.

The Purchaser's Estimated Firm Energy Load for all months for which information was requested above shall first be adjusted to reflect separately identifiable changes in load which were not the result of a regional load curtailment program. The Estimated Firm Energy Load shall then be adjusted in the manner specified for Actual Firm Energy Loads above to reflect only those loads in the Purchaser's service area which are in States participating in the regional curtailment program. An adjusted Estimated Firm Energy Load for each month in which a regional load curtailment program is in effect shall then be determined by multiplying the Estimated Firm Energy Load for such month, as adjusted above, by the ratios of the Purchaser's Actual Firm Energy Load, as adjusted above, for the three most recent, but not necessarily consecutive, months in which a regional load curtailment program was not in effect.

(4) If regional curtailment has been requested after July 1, 1983, because Bonneville is unable to acquire sufficient resources to meet its firm obligations, Bonneville shall reduce the amount of load curtailment determined in paragraph (3) above during any month if the Purchaser's load growth after July 1, 1983, as specified in subparagraph (A) below exceeds the amount of resources which the Purchaser has dedicated to its own load or made available to Bonneville as specified in subparagraph (B) below. Such amount of load curtailment for each month shall be reduced partially or in its entirety by the amount which (A) exceeds (B) below:

(A) The excess of the Purchaser's Actual Firm Energy Load in average megawatts over the Purchaser's Actual Firm Energy Load in average megawatts for the same month during the '82–'83 Operating Year; and

(B) the annual firm energy capability in average megawatts of (i) resources acquired by Bonneville from the Purchaser under Pub. L. 96–501; and (ii) the portion of the Purchaser's Firm Resources which are included as 5(b)(1)(B) resources in its Firm Resources Exhibit. Such resources shall not include conservation programs to the extent such programs have been reflected in the Purchaser's Actual Firm Energy Load in subparagraph (A) above.

12. *Purchaser's Firm Resources.* (a) Each of the Purchaser's Firm Resources which the Purchaser anticipates will be used during the initial seven Operating Years under this agreement either (1) to calculate its Assured Peak Capability and Assured Energy Capability if the Purchaser is purchasing on a Computed Requirements basis; or (2) to serve its Actual Firm Loan if the Purchaser is purchasing on a Metered Requirements basis shall be identified in the initial Firm Resources Exhibit attached hereto on the effective date of this contract. Contracts under which the Purchaser is obligated to deliver, transfer or exchange power with another utility and which either: (1) Were in effect on or before December 5, 1980; (2) have been approved for inclusion as Firm Resources in writing by Bonneville; or (3) would not increase Bonneville's total firm obligations to supply power shall be treated as negative Firm Resources. The Firm Resources Exhibit shall separately show those Firm Resources described by section 5(b)(1)(A) and those described by section 5(b)(1)(B) of Pub. L. 96–501.

(b) Prior to January 1 of each year, the Purchaser shall prepare and submit to Bonneville a revised Firm Resources Exhibit. Each such exhibit shall delete the information applicable to the current Operating Year, show new information for the seventh succeeding Operating Year as permitted by this subsection, and show any changes for the first six Operating Years as are permitted by this subsection (b). Such new Firm Resources Exhibit shall be prepared in the same format as the initial Firm Resources

Exhibit or such other format as Bonneville and the Purchaser may agree upon. Such new Firm Resources Exhibit will supersede the prior Firm Resources Exhibit on the following July 1.

Changes in the Purchaser's Firm Resources Exhibit shall be permitted only if specifically provided for as follows:

(1) The peak capability of any Firm Resource may be added for the fifth year of the Firm Resources Exhibit and the energy capability of any Firm Resource may be added for the seventh year of the Firm Resources Exhibit, upon designation of the Purchaser.

(2) Any Firm Resource may be added for any Operating Year to the extent that such resource is in accordance with Bonneville's annual program which implements the plan of the Pacific Northwest Electric Power and Conservation Planning Council or Pub. L. 96-501.

(3) Any Firm Resource may be added in any Operating Year to the extent that Bonneville reasonably determines that it can market or otherwise dispose of any of its resulting firm load-resource surplus without sustaining an adverse economic effect. In determining the amount of such surplus, purchases which Bonneville is not committed to make at the time of such determination shall not be considered.

(4) Any Firm Resource which is a renewable or cogeneration resource and which has a planned capability for the generating facility of 50 average megawatts or less may be added beginning with the Operating Year for which the Purchaser had notice of the availability of such resource, but in no event earlier than the Operating Year commencing 30 months from the January 1 on which the Firm Resources Exhibit showing such addition is submitted. If the owner or developer of a generating facility which is a qualifying facility requires the Purchaser to acquire the output of such facility pursuant to the provisions of Pub. L. 95-617 (PURPA), the planned capability of such generating facility may be added as a Firm Resource pursuant to this paragraph at the beginning of the Operating Year for which the Purchaser had notice of the availability of such resource: *Provided, however,* That the Purchaser shall use its best efforts to provide the minimum notice of availability specified in this paragraph.

(5) Any Firm Resource in regard to which an irrevocable option to purchase has been granted in favor of Bonneville pursuant to a written, executed agreement may be added in any revised Firm Resources Exhibit submitted within 2 years after Bonneville declines for any reason to exercise its option to purchase pursuant to that agreement. Such Firm Resource may be included in such Firm Resources Exhibit for any Operating Year or Years up to the amounts offered to Bonneville in the agreement granting the option to Bonneville.

(6) Irrespective of whether or not an option had been granted in favor of Bonneville, any Firm Resource which has been offered to Bonneville pursuant to section 9(i)(3) of Pub. L. 96-501 and which is not accepted by Bonneville under the terms of the offer may be added effective on the date of commercial operation in any revised Firm Resources Exhibit upon a minimum of 2 years' written notice.

(7) Any Firm Resource may be added if and to the extent that Bonneville is expected to have an excess of firm load over its firm resources in the first Operating Year for which the Purchaser proposes to add such Firm Resource. Bonneville's expected firm load-resource balance will be determined from the then latest publication of Boneville's firm loads and planned firm resources issued by Bonneville: *Provided, however,* That purchases by Bonneville which are shown in such publication but which Bonneville has not at the time of such determination made a commitment to purchase shall be removed from Bonneville's resources before such determination is made. Prior to the sumittal of any Firm Resources Exhibit which includes such addition, the Purchaser shall notify Bonneville in writing of the times and amounts of Firm Resources it proposes to add pursuant to this paragraph. If the Purchaser and other Customers under similar contracts propose to add Firm Resources in excess of Bonneville's expected firm load-resource deficiency, Bonneville shall allocate the amount of Firm Resources which each such Purchaser may add giving priority among competing requests in the order that written notice of addition was first received. Bonneville shall notify the Purchaser in writing within 30 days after receipt of such notice of any limitation on the amount of Firm Resources which it may add.

(8) Any Firm Resource may be removed for any Operating Year if the use of such Firm Resource is permanently discontinued because of loss of resource or loss of contract rights resulting from factors beyond the reasonable control of the Purchaser and which the best efforts of the Purchaser are unable to remedy. Any Firm Resource may be removed if the use of such resource is permanently discontinued because of obsolescence or retirement to the extent and for the Operating Years that the Purchaser has consulted with Bonneville regarding such discontinuance and Bonneville has agreed in writing to such discontinuance. Lack of an adequate power supply to replace the discontinued resource shall not be sufficient reason for Bonneville to withhold its agreement to such discontinuance.

The peak capability of any Firm Resource to which the preceding portion of this paragraph (8) does not apply may be removed for the fifth Operating Year of the Firm Resources Exhibit and the energy capability of such resource may be removed for the seventh Operating Year.

Firm Resources which are returned to service subsequent to their removal pursuant to this paragraph (8) shall be treated as new resources for the purpose of this subsection (b).

(9) Any Firm Resource may be removed if and to the extent that Bonneville is expected to have an excess of firm resources over its firm load in the first Operating Year for which the Purchaser proposes to remove such Firm Resource. Bonneville's expected firm load-resource balance will be determined from the then latest publication of Bonneville's firm loads and planned firm resources issued by Bonneville. Prior to the submittal of any Firm Resources Exhibit which includes such removal, the Purchaser shall notify Bonneville in writing of the times and amounts of Firm Resources it proposes to remove pursuant to this paragraph. If the Purchaser and other Customers under similar contracts propose to remove Firm Resources in excess of Bonneville's expected firm load-resource surplus, Bonneville shall allocate the amount of Firm Resources which each such Purchaser may remove giving priority among competing requests in the order that written notice of removal was first received. Bonneville shall notify the Purchaser in writing within 30 days after the receipt of such notice of any limitation on the amount of Firm Resources which it may remove.

(10) Any Firm Resource may be removed from the Purchaser's Firm Resources Exhibit for any Operating Year or Years to the extent that equivalent peak and energy capability from another Firm Resource is added to the Purchaser's Firm Resources Exhibit for such year or years. Such added resource shall be one which was not planned as of December 5, 1980, to meet the firm load growth in the Pacific Northwest or, if so planned, has been offered for sale to Bonneville and Bonneville has declined such offer.

(11) Any Firm Resource may be added or removed for any Operating Year to the extent that such Firm Resource is correspondingly removed from or added to the Firm Resources of other Bonneville Customers in such a manner that Bonneville's total firm obligations to supply power are not changed.

(12) Any Firm Resource may be removed for any Operating Year to the extent such resource was acquired by Bonneville from the Purchaser pursuant to a separate agreement or added for any Operating Year to the extent such resource was recovered from Bonneville by the Purchaser pursuant to a separate agreement.

(13) Any Firm Resource may be added or removed for any Operating Year to the extent that the Purchaser gains or loses the Firm Resource as the result of a withdrawal pursuant to agreements in existence on December 5, 1980, between the Purchaser and others and which provide for withdrawal of resources on shorter notice than the Purchaser must give Bonneville pursuant to the provisions of this section 12: *Provided, however,* That the Purchaser shall not make any such addition or removal on any shorter notice pursuant to this paragraph (13) than the notice period provided for in the subject agreements.

(14) Any Firm Resource may be added or removed for any Operating Year if and to the extent that Bonneville has given prior written consent.

13. *Designation of Basis for Purchasing Firm Power.* (a) If the Purchaser operates automatic generation control equipment and is thereby able to schedule amounts of power to be interchanged with Bonneville, it shall be designated to purchase Firm Power under this contract on the basis of Computed Requirements. Such Purchaser shall be subject to the definition of Measured Amounts for a Purchaser designated to purchase on the basis of Computed

Requirements and which schedules amounts of power to be interchanged with Bonneville and to all of the provisions of this contract except sections 14 and 15. The Purchaser shall not discontinue the operation of automatic generation control equipment such that it is unable to schedule amounts of power to be interchanged with Bonneville unless it has requested that its designation for purchase under this contract be changed and Bonneville has determined that such change would not have a significant adverse effect on Bonneville and has agreed in writing to such change.

(b) If the Purchaser does not operate automatic generation control equipment but either: (1) Has sold generation from its Firm Resources in such a manner as to increase Bonneville's obligation to deliver Firm Power to the Purchaser in an amount in excess of Bonneville's obligation prior to such sale or has notified Bonneville that it intends to do so; or (2) has Firm Resources in amounts set forth below which have the ability to redistribute generation among months in such a manner as to cause losses of power or revenue to Bonneville, it shall be designated to purchase Firm Power under this contract on the basis of Computed Requirements unless the Purchaser requests that it be designated to purchase on the basis of Metered Requirements and Bonneville agrees to such designation. Such Purchaser designated to purchase on the basis of Computed Requirements pursuant to this subsection shall be subject to the definition of Measured Amounts for a Purchaser which is designated to purchase on the basis of Computed Requirements but which does not schedule amounts of power to be interchanged with Bonneville and to all of the provisions of this contract except sections 14(a) through (c), section 15 and section 18: *Provided, however,* That section 2 of the Power Scheduling Procedures Exhibit shall apply to such Purchaser. The amounts of the Purchaser's Firm Resources referred to in (2) above are those which either: (1) Total 50 megawatts or more of peak capability or include one or more units of 15 megawatts or more of peak capability; or (2) include portions of a generating unit which the Purchaser and other Customers under similar power sales contracts with Bonneville have included as Firm Resources totaling 50 megawatts or more of peak capability for all such Customers. In determining whether any of the Purchaser's Firm Resources have the ability to redistribute generation among months in such a manner as to cause losses of power or revenue to Bonneville, Bonneville shall exclude any Firm Resource in regard to which the Purchaser has entered into either: (1) A separate aggreement with Bonneville under which Bonneville assumes control of the generation of the Firm Resource and provides the Purchaser with an equivalent amount of Firm Power; or (2) an agreement with another utility or joint operating agency with has been approved in writing by Bonneville for the purpose of this determination.

(c) If the Purchaser is not designated to purchase on the basis of Computed Requirements pursuant to subsections (a) or (b) above, the Purchaser shall be designated to purchase Firm Power under this contract on the basis of Metered Requirements. Such Purchaser shall be subject to the definition of Measured Demand and Measured Energy for a Purchaser designated to purchase on the basis of Metered Requirements and to all of the provisions of this contract except sections 16, 17, 18 and 19.

(d) If the Purchaser operates any Firm Resources or other resources within Bonneville's automatic generation control areas, Bonneville shall provide generation control services including planned outage reserves, forced outage reserves, spinning reserves and frequency control to the extent the Purchaser does not otherwise arrange to provide such services. The Purchaser shall pay Bonneville for such services at the charges set forth in Section II of the Service Charges Exhibit. Section II of the Service Charges Exhibit shall be revised upon determination by Bonneville that any charge contained therein must be changed to properly compensate Bonneville for reasonable costs incurred by Bonneville to provide such services. The charges set forth in Section II of the Service Charges Exhibit shall not be increased more frequently than once a year. Bonneville shall provide the Purchaser and other Customers with a reasonable opportunity of not less than 90 days to comment prior to the effective date of such proposed revised charges. Revised charges shall take effect on the date specified by Bonneville in its written notice to the Purchaser of its intention to revise these charges.

(e) If the Purchaser's electrical system is interconnected with the electrical system of one or more other utilities which are interconnected directly or indirectly with the Bonneville electrical system and if such Purchaser does not operate automatic generation control equipment, the Purchaser shall: (1) Submit to Bonneville the amounts of power scheduled to be interchanged between the Purchaser and such other utilities in accordance with the provisions of section 1 of the Power Scheduling Procedures Exhibit; and (2) install and operate at its expense at interconnections which are normally operated closed the equipment necessary to supply Bonneville with telemetered signals indicating: (A) Continuously the actual rate of power flowing on each of the interconnection between the Purchaser and such other utilities; and (B) at the end of each hour the amount of power which has flowed on each such interconnection during each clock hour.

(f) If Bonneville determines that the Purchaser shall be designated to purchase on a Computed Requirements basis due to a sale of generation, Bonneville shall promptly notify the Purchaser in writing, and such change in designation shall be effective on the July 1 following such notice. If Bonneville determines that the Purchaser shall be designated to purchase on a Computed Requirements basis due to the Purchaser's notice to Bonneville of intent to sell generation, Bonneville shall promptly notify the Purchaser in writing, and such change in designation shall be effective on the July 1 preceding the date of such sale as specified in the Purchaser's notice.

Following January 1 of each year Bonneville shall review the revised Firm Resources Exhibit submitted by the Purchaser on such January 1 to determine whether any of the Firm Resources added or removed are sufficient to change the Purchaser's designation between subsections (b) and (c) above. If Bonneville determines a change in designation is indicated by the provisions of such subsections, Bonneville shall promptly notify the Purchaser in writing, and such change in designation shall be effective on the July 1 immediately preceding the date that the Firm Resource addition or removal is indicated in the Purchaser's revised Firm Resources Exhibit. If the Purchaser would have been designated to purchase on a Computed Requirements basis due to its addition of Firm Resources in the amounts specified in section 13(b) above, but the Purchaser has requested and Bonneville has agreed not to make such designation, Bonneville shall not thereafter designate the Purchaser to purchase on a Computed Requirements basis due to such addition of such Firm Resources on less than two years' notice.

14. *Purchaser's Metered Requirements and Amount of Power Sold.* (a) Bonneville shall make Firm Power available to the Purchaser and the Purchaser shall purchase from Bonneville in accordance with the provisions of this contract at the Points of Delivery, Firm Power to meet the Purchaser's Actual Firm Loads less the output, if any, from the Purchase's Firm Resources unless Bonneville's obligation to make Firm Power available is limited under the terms of section 7. For the purpose of this subsection, the output from the Purchaser's Firm Resources means the amounts of power delivered to Bonneville for the Purchaser pursuant to contracts with entities other than Bonneville which are Firm Resources of the Purchaser, amounts of power which Bonneville is obligated to deliver to the Purchaser pursuant to contracts other than this contract which are Firm Resources of the Purchaser, and either (1) the firm peak and energy capability of each of the Purchaser's Firm Resources in regard to which the Purchaser has a services agreement with Bonneville or another entity if such agreement is approved in writing by Bonneville; or (2) the entire variable output, if any, of each of the Purchaser's Firm Resources in regard to which no such agreement exists with Bonneville or any other entity.

(b) The Purchaser may request and Bonneville shall provide services to ensure that the entire output of the Purchaser's Firm Resources does not exceed the Purchaser's Actual Firm Load in any hour of the Operating Year unless Bonneville determines such services cannot be furnished without substantial interference with its power marketing program, applicable operating limitations or existing contractual obligations. Such services shall include but not be limited to the following:

(1) Transmission;
(2) Load factoring;
(3) Seasonal storage;
(4) Scheduling and management; and
(5) Services specified in section 13(d).

Bonneville shall enter into agreements to provide any or all of these services. Charges

for such services shall be set forth in such agreements.

(c) The purchaser may request and Bonneville shall provide services to establish a planning capability for any or all of the Purchaser's Firm Resources unless Bonneville determines such services cannot be furnished without substantial interference with its power marketing program, applicable operating limitations or existing contractural obligations. The planning capability of such resource or resources shall be the monthly amounts of peak capability and energy capability determined under the applicable services agreement. Such services shall be provided at the charges set forth in such agreement to recover the costs of such services less a credit established in such agreement to compensate the Purchaser for the output of such resources in excess of the firm planning capability.

(d) Bonneville may from time to time request that the Purchaser operate its Firm Resources or other resources which are within Bonneville's automatic generation control area or arrange to receive power available to it under contracts in such a manner as to assist Bonneville in meeting its total loads. If so requested the Purchaser shall fully comply with such request to the extent that the output of such resources or such contract rights are not otherwise committed and can be controlled by the Purchaser. If, as a result of such compliance the Purchaser reasonably and necessarily incurs any additional costs or loss of revenue, the Purchaser may submit to Bonneville an itemized statement of such additional costs or loss of revenue and Bonneville shall pay the Purchaser for such additional costs or loss of revenue. Additional costs may include, but shall not be limited to, fuel costs, operating and maintenance costs or costs of power it purchases from Bonneville under this contract less any billing amounts not incurred by the Purchaser under this contract which would have been payable to Bonneville if Bonneville had not made much request.

15. *Metered Requirements Payment for Power Sold.* (a) The Purchaser shall pay Bonneville each Billing Month for the Firm Power delivered hereunder at the rate specified in subsection (b) below from the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit. Such payment shall be in accordance with the terms of such rate schedule and the General Contract Provisions Exhibit. The Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit shall be changed in accordance with the provisions of the Equitable Adjustment of Rates section of the General Contract Provisions Exhibit.

(b) If the Purchaser is a public body, cooperative or Federel agency, payment shall be at the Priority Firm Power Rate for the Purchaser's Measured Demand and Measured Energy for such Billing Month; *Provided, however,* That, after determining the billing factors for Firm Power delivered hereunder, the New Resource Firm Power Rate Schedule shall be substituted for the Priority Firm Power Rate Schedule for that portion of the Purchaser's billing demands, if any, identified pursuant to section 8 for service to New Large Single Loads. If the Purchaser is an investor-owned utility, payment shall be at the New Resource Firm Power Rate for the Purchaser's Measured Demand and Measured Energy. If the Purchaser's Measured Demand or Measured Energy exceed Bonneville's obligations, as set forth in section 14(a), to make Firm Power available to the Purchaser, such excess shall be treated as power that cannot be assigned to a class of power which Bonneville delivers on such hour pursuant to contracts between Bonneville and the Purchaser or to a type of power which the Purchaser acquires from sources other than Bonneville which Bonneville delivers during such hour.

(c) Bonneville shall pay the Purchaser amounts which reimburse the Purchaser for additional costs incurred pursuant to section 14(d). Such payments shall be net billed, if possible, pursuant to the Net Billing section of the General Contract Provisions Exhibit on the next power bill after the Purchaser submits an itemized statement of such costs.

(d) Bonneville shall pay the Purchaser amounts which compensate the Purchaser for reductions in Bonneville's obligation to supply Firm Power as set forth in section 11(b). Such payments shall be net billed, if possible, pursuant to the Net Billing section of the General Contract Provisions Exhibit on the next power bill after the Purchaser submits the information required by section 11(b)(3).

(e) The Purchaser shall pay Bonneville each month for any service charges assessed pursuant to section 13(d) at the applicable charge or charges, if any, specified in section II in the Service Charges Exhibit. Such payments shall be net billed, if possible, pursuant to the Net Billing section of the General Contract Provisions Exhibit.

16. *Determination of Purchaser's Assured Capability.* (a) On or before the effective date of this contract, and thereafter, on or before July 1 of each year, the Purchaser shall submit an Assured Capability Exhibit showing its Assured Peak Capability and Assured Energy Capability for each month of such Operating Year, calculated in the manner described in this section. If the Purchaser is a party to the Coordination Agreement, such exhibit shall be an estimated exhibit until such time as the final regulation data are available under the Coordination Agreement. The purchaser shall submit a final Assured Capability Exhibit based on such final data within 15 days of the date on which such final data are available under the Coordination Agreement.

In the event the Assured Capabilities of the estimated and final exhibits differ, the Purchaser shall change its monthly Assured Capabilities to reflect such differences and may adjust its Flexibility Account up to the limits permitted in section 17(d). To the extent that the Purchaser is unable to make such adjustments because of the limits of section 17(d), the Purchaser shall not be liable for any payment at the rates for reserve power or unauthorized increase. Notwithstanding the provisions of section 19(b)(1)(B), the provisions of the Relief from Overrun Exhibit shall not be applied if the Purchaser does not adjust its Flexibility Account to reflect such differences up to the limits permitted by section 17(d).

(b) For the purpose of determining Assured Capability, the Purchaser shall use its best efforts to plan the use of its Firm Resources shown in the Firm Resources Exhibit with the objective of placing on Bonneville the least monthly requirements for energy, and, to the extent consistent with such objective, the least monthly requirements for capacity, except as otherwise permitted in this subsection (b) and in subsection (c) below. For the purpose of determining Assured Capability, the Purchaser shall allocate its Assured Energy Capability among months and years in a manner consistent with subsection (c) below. the Purchaser's Assured Peak Capability and Assured Energy Capability shall be the sum of the amounts determined in paragraphs (1) and (2) below.

(1) The Purchaser's Assured Capabilities shall equal the amounts determined by adjusting the Purchaser's Firm Load Carrying Capability for all Firm Resources or portions of Firm Resources of the Purchaser developed in accordance with Coordination Agreement planning for each month for the subject Operating Year in the manner described below.

(A) The Purchaser's Firm Peak Load Carrying Capability shall be reduced by the peak capabilities of those generating resources or portions of generating resources which are included in Coordination Agreement planning but which are not included in the Purchaser's Firm Resources Exhibit. Further adjustment shall be made by adding to the Firm Peak load Carrying Capability any reserves attributable to such resources under Coordination Agreement planning. The Purchaser's Firm Energy Load Carrying Capability shall be reduced by the energy capabilities of those generating resources which are included in Coordination Agreement planning but which are not included in the Purchaser's Firm Resources Exhibit. Further adjustments shall be made to accommodate restoration and reserves attributable to such resources under Coordination Agreement Planning. The Purchaser may provide a procedure for calculating sustained peaking adjustment in conformance with subsection (d) below. Upon Bonneville's agreement with such procedure the Firm Peak Load Carrying Capability shall be further reduced to reflect loss of peak capabilities due to sustained peak requirements to the extent that such loss is not accounted for in Coordination Agreement planning.

(B) In determining the Purchaser's Assured Capabilities the monthly peak and energy which the Purchaser plans to obtain on a firm basis under each contract set forth in the Purchaser's Firm Resources Exhibit and which is not included in the Purchaser's Firm Load Carrying Capability shall be added to the Purchaser's Firm Peak Load Carrying Capability and Firm Energy Load Carrying Capability, respectively.

(C) In determining the Purchaser's Assured Capabilities the monthly peak and energy which the Purchaser is obligated to deliver pursuant to each contract set forth in the Purchaser's Firm Resources Exhibit shall be

subtracted from the Purchaser's Firm Peak Load Carrying Capability and Firm Energy Load Carrying Capability, respectively.

The Purchaser's Assured Capabilities determined under this paragraph (1) shall equal the amounts determined in subparagraphs (A) plus (B) minus (C).

(2) The Purchaser's Assured Capabilities for all Firm Resources or portions of Firm Resources of the Purchaser which are not included in Coordination Agreement planning for each month for the subject Operating Year shall equal the amounts determined in the manner described below.

(A) The contribution of hydroelectric generating resources to the Purchaser's Assured Energy Capability in the months of the Operating year which are within the Critical Period shall be the energy capability which can be produced by such resources by combining the release of all of the Purchaser's Seasonal Storage with Critical Period streamflow conditions. In the months in the Operating Year which are outside the Critical Period, such contribution shall be the lesser of (i) the energy capability of such resources during each such month; or (ii) the product of the Purchaser's Estimated Firm Energy Load in each such month and the ratio of the energy capability of such resources during the months of the Operating Year which are within the Critical Period to the Purchaser's Estimated Firm Energy Load in such months. Such energy capabilities shall be reduced for an energy reserve for generating unit forced outages equal to 5 percent of the energy capability of each hydroelectric generating resource during each month in which the energy capability of such resource is greater than 85 percent of its peak capability as shown on the Purchaser's Firm Resources Exhibit.

(B) The contribution of generating resources other than hydroelectric generating resources to the Purchaser's Assured Energy Capability shall be the energy capabilities distributed among months of the Operating Year in a manner which takes into account planned and unplanned outages and which equals the product of the peak capability and the annual plant factor shown in the Firm Resources Exhibit for such Firm Resource. In preparing the Firm Resources Exhibit the Purchaser shall use reasonable estimates based on adverse availability of fuel (fossil, wind, solar, etc.), and the effects of planned and unplanned outages on the energy capabilities of such resources.

(C) The contribution of hydroelectric resources to the Purchaser's Assured Peak Capability shall be the peak capability of each Firm Resource as set forth in the Firm Resources Exhibit after appropriate reduction in each month of the Operating Year to reflect the operation of such resources to produce the energy capability determined pursuant to (A) above. The contribution of generating resources other than hydroelectric resources to the Purchaser's Assured Peak Capability shall be the peak capability of each Firm Resource as set forth in the Firm Resources Exhibit after appropriate reduction in each month of the Operating Year in which an outage is planned to reflect such planned outages. The sum of such contribution from all generating resources of the Purchaser shall be reduced by the amount of reserves necessary to result in a 5 percent probability of loss of load in the Operating Year due to generator forced outages. Individual unit forced outage rates, peak load probabilities, and other information needed to make the loss of load probability computation will be the same as is used in the Coordination Agreement or such other information as is agreed upon by the Purchaser and Bonneville.

(D) The contribution of each of the Purchaser's contractual resources to the Purchaser's Assured Capability in each month of the Operating Year shall be the monthly peak and energy which the Purchaser plans to obtain on a firm basis under each contract set forth on the Purchaser's Firm Resources Exhibit.

(E) The contribution of each of the Purchaser's contractual obligations to the Purchaser's Assured Capability in each month of the Operating Year shall be the monthly peak and energy which the Purchaser is obligated to deliver under each contract set forth on the Purchaser's Firm Resources Exhibit.

The Purchaser's Assured Energy Capability determined under this paragraph (2) shall equal the amounts determined in subparagraphs (A) plus (B) plus (D) minus (E). The Purchaser's Assured Peak Capability shall equal the amounts determined in subparagraphs (C) plus (D) minus (E).

(c) If and to the extent that the Purchaser has Seasonal Storage, the Purchaser shall, for the purpose of determining Assured Capability, allocate its Assured Energy Capability among months and years in accordance with the following limitations:

(1) The Purchaser shall allocate its Assured Energy Capability among years in the Critical Period in a manner which results in annual energy requirements on Bonneville which increase between such years in amounts not greater than the amount by which the Purchaser's Estimated Firm Energy Load increases between such years plus the amount by which the total energy capability of the Purchaser's Firm Resources decreases between such years as a result of resource removals pursuant to section 12. Annual average amounts for years in which the Critical Period begins or ends shall be the average of the appropriate amounts in the months which are within the Critical Period.

(2) The Purchaser shall allocate its annual Assured Energy Capability among months of each Operating Year in a manner which results in a requirement on Bonneville each month equal to or between the amounts determined by (A) or (B): (A) One-twelfth of the Purchaser's total annual energy requirement on Bonneville for that Operating Year; and (B) a fraction of the Purchaser's total annual energy requirement on Bonneville obtained by dividing the Estimated Firm Energy Load for that month by the total of the twelve Estimated Firm Energy Loads for that Operating Year; *Provided, however,* For years in which the Critical Period begins or ends, such monthly and annual Estimated Firm Loads shall be only for the months within the Critical Period. If requested by the Purchaser and if Bonneville agrees, the Purchaser may allocate its annual Assured Energy Capability so as to place monthly requirements on Bonneville other than those determined by (A) or (B) above to reflect a period of planned thermal maintenance or other causes. The Purchaser's annual energy requirement on Bonneville shall not be changed by such reallocation.

(d) Methods used for calculating peak and energy capabilities of Firm Resources shall be the usual methods used by the Purchaser, Bonneville, and other Pacific Northwest utilities for such purpose. Operating constraints, including but not limited to such nonpower constraints as irrigation, navigation, flood control, recreation, and fish and wildlife obligations, and data relating water flow, head, energy, peak capability, usable peak capability and other variables to each other shall be supplied by the Purchaser for each of its Firm Resources when such data are first needed pursuant to this contract and may be revised by the Purchaser from time to time but such revisions shall not include reductions amounting to discontinued use unless permitted by section 12(b)(6). Such constraints and data shall be reasonable and in conformance with the usual practices used by the Purchaser, Bonneville, and other Pacific Northwest utilities for resource planning.

(e) Bonneville may require that the capabilities of any of the Purchaser's Firm Resources be verified by test or other substantiating data acceptable to Bonneville. Such verification shall not be required more often than once each year.

(f) The Purchaser shall provide and demonstrate to Bonneville at its request that the Purchaser has firm transmission capacity, either through its own facilities or through contracts, in amounts sufficient to transmit to its firm load or the firm load of others through contractual exchanges of resource capabilities the peak capability of each Firm Resource claimed in the Purchaser's Firm Resources Exhibit.

17. *Purchaser's Computed Requirements and Amount of Power Sold.* (a) Prior to May 15 of each year, the Purchaser may request in writing that Bonneville sell to it during the Operating Year beginning on the next July 1 on a Planned Computed Requirements basis as provided for in this subsection (a). The Purchaser shall also submit with such request its Estimated Firm Load for such Operating Year. If the Purchaser submits such a request, Bonneville shall approve such request by July 1 unless Bonneville determines that the Purchaser's Estimated Firm Load does not conform to the definition in this agreement. In the event such a request has been made by the Purchaser prior to February 1, Bonneville shall notify the Purchaser of its approval or disapproval of such request prior to March 15. If such request is not approved by Bonneville, it shall identify specific deficiencies in the Purchaser's Estimated Firm Load and the Purchaser may submit a revised request, including revised Estimated Firm Load. If the Purchaser's request or revised request is approved by Bonneville, the Purchaser shall, prior to July 1, prepare an addendum to its Assured Capability Exhibit setting forth for each month of the Operating Year: (1) The Estimated Firm Load which has

been agreed upon by Bonneville and the Purchaser; (2) the Purchaser's Computed Average Energy Requirements; and (3) the Purchaser's Computed Peak Requirements. The Estimated Firm Load set forth in such addendum shall be deemed to be the Purchaser's Actual Firm Load during such Operating Year for the purpose of determining the Purchaser's Computed Peak Requirements and Computed Average Energy Requirements and for the purpose of determining whether the Purchaser is using its purchase from Bonneville for resale.

(b) On or before the effective date of this contract, and thereafter, as provided in paragraph (1) below, the Purchaser may request in writing to purchase on the basis of Contracted Requirements by submitting the data and proposed schedule of Contracted Requirements purchases of peak and energy pursuant to paragraph (2) below. Bonneville shall approve such request and schedule of Contracted Requirements purchases unless Bonneville determines that the Purchaser's Estimated Firm Loads do not conform to the definitions in this contract or that the proposed schedule of purchases does not conform to the requirements of this subsection (b), or that the Purchaser has failed to comply with the provisions of paragraph (9) below. If Bonneville determines that the Purchasers' Estimated Firm Loads do not conform to the definitions in this contract or that the proposed schedule of purchases does not conform to the requirements of this subsection (b), Bonneville shall notify the Purchaser of the specific deficiencies and the Purchaser may submit revised data or revised schedule of Contracted Requirements purchases.

If the Purchaser determines that its estimated Assured Capability, together with the assured capability of resources it has acquired on a firm basis will be sufficient to meet its Estimated Firm Loads, after taking into account the effect of any conservation or direct application renewable resource measures paid for by Bonneville directly or through billing credits, the proposed schedule of Contracted Requirements purchases submitted by the Purchaser with its request to purchase on the basis of Contracted Requirements pursuant to this subsection (b) shall be equal to zero. Bonneville shall approve or disapprove such request on the same basis as any other request to purchase on the basis of Contracted Requirements.

(1) The Purchaser may request that it begin to purchase on a Contracted Requirements basis at the time of submittal of any revised Firm Resources Exhibit. Such request shall become effective, if approved by Bonneville pursuant to this subsection (b), for the seventh Operating Year of such exhibit, or for an earlier Operating Year if Bonneville is expected to have an excess of firm load over its firm resources in the first Operating Year for which the Purchaser requests to purchase on a Contracted Requirements basis. Bonneville's expected firm load-resource balance and the priority of competing requests for purposes of allocating the availability of this paragraph (1) shall be determined in the manner described in section 12(b)(7) above.

The Purchaser may elect to cease purchasing on a Contracted Requirements basis at the time of submittal of any revised Firm Resources Exhibit. Such election shall became effective for the seventh Operating Year of such exhibit, or for an earlier Operating Year if Bonneville is expected to have an excess of firm resources over its firm load in the first Operating Year for which the Purchaser proposes to cease purchasing on a Contracted Requirements basis. Bonneville's expected firm load-resource balance and the priority of competing requests for purposes of allocating the availability of this paragraph (1) shall be determined in the manner described in section 12(b)(9) above.

(2) If the Purchaser requests to purchase on the basis of Contracted Requirements, it shall submit to Bonneville in the Purchaser's initial Firm Resources Exhibit in addition to data required in section 12(a), the Purchaser's annual Estimated Firm Peak Load, the annual average of Purchaser's estimated Firm Energy Load, the estimated Assured Capabilities of the Purchaser's Firm Resources corresponding to the time period of such loads, and a schedule of annual Contracted Requirements purchases of peak and energy for each of the first seven Operating Years. If the Purchaser's Contracted Requirements peak purchase amount for any such Operating Year is based on its Estimated Firm Peak Load for the months June through November, such amount shall be the Purchaser's Contracted Requirements peak purchase amounts for June through November and the Purchaser shall also submit a lower amount which is based on its Estimated Peak Load for the months December through May. With each revised Firm Resources Exhibit submitted in accordance with section 12(b), such Purchaser shall submit a new schedule deleting the amounts of Contracted Requirements peak and energy purchases for the current Operating Year and adding the amounts to be purchased in the seventh succeeding Operating Year together with Purchaser's annual Estimated Firm Peak Load and annual average Estimated Firm Energy Load in the seventh Operating Year, and new information on the estimated Assured Capability of all Firm Resources for which information is required under paragraph (3) below. Such revised Firm Resources Exhibits shall be prepared in the same format as the initial Firm Resources Exhibit or such other format as Bonneville and the Purchaser may agree upon.

(3) The amounts of power shown in the Purchaser's schedule of Contracted Requirements purchases, as submitted with the Firm Resources Exhibit for an Operating Year, shall not be less than an amount which, when added to the Purchaser's estimated Assured Capability, is sufficient to serve at least 90 percent of the Purchaser's Estimated Firm Load, nor greater than an amount which, when added to such estimated Assured Capability, is sufficient to serve 100 percent of the Purchaser's Estimated Firm Load.

A determination of conformance to the above limitations shall be made at the time the schedule is first submitted and shall not be revised thereafter except when such Estimated Firm Loads, Firm Resources, or Assured Capabilities are changed as specifically permitted by paragraphs (4) and (5) below. The Estimated Firm Load on which the Purchaser's Contracted Requirements purchases for each Operating Year were based shall be deemed to be the Purchaser's Actual Firm Load during such Operating Year for the purpose of determining whether the Purchaser is using its purchase from Bonneville for resale.

(4) If the Purchaser makes a change in its Firm Resources as permitted by section 12(b), the Purchaser shall, at the time such change is submitted to Bonneville, make a change in its schedule of Contracted Requirements purchases shown in its Firm Resources Exhibit. Such change shall be equal and opposite to the change in the Purchaser's Assured Capability resulting from such change in Firm Resources.

(5) If the Purchaser's Estimated Firm Loads change for any Operating Year for which the Purchaser is purchasing on a Contracted Requirements basis, and if such change corresponds to changes in Purchaser's Firm Resources which are permitted by sections 12(b)(7), (9), and (11) (as though an increase in Estimated Firm Loads corresponds to a removal of Firm Resource and a decrease in Estimated Firm Loads corresponds to an addition to Firm Resource) the Purchaser may submit such changed loads to Bonneville at the time it submits a revised Firm Resources Exhibit and may, at such time, make an equivalent change in its schedule of Contracted Requirements purchases shown in its Firm Resources Exhibit.

(6) The schedule of Contracted Requirements purchases shown in the Purchaser's Firm Resources Exhibit may be changed for any Operating Year if and to the extent that Bonneville has given prior written consent.

(7) On or before July 1 of each Operating Year, the Purchaser shall prepare an Assured Capability Exhibit as provided for in section 16 above and shall allocate its annual Contracted Requirements energy purchase among months of such Operating Year in a manner which results in a requirement on Bonneville each month equal to or between the amounts determined by (A) or (B): (A) One-twelfth of the Purchaser's annual Contracted Requirements energy purchase from Bonneville for that Operating Year; and (B) a fraction of such annual Contracted Requirements energy purchase obtained by dividing the Estimated Firm Energy Load for that month by the total of the twelve Estimated Firm Energy Loads for that Operating Year. If requested by the Purchaser and if Bonneville agrees, the Purchaser may allocate its annual Contracted Requirements energy purchase among months so as to place monthly requirements on Bonneville other than those determined by (A) or (B) above to reflect a period of planned thermal maintenance or other causes. The Purchaser's total Contracted Requirements purchase shall not be changed by such reallocation.

(8) For the purpose of determining the amount of power Bonneville shall make available to the Purchaser under this contract, the Purchaser's Contracted Requirements peak purchases shown in its schedule of such purchases submitted pursuant to paragraph (2) above shall be deemed to be the Purchaser's Computed Peak

Requirement in each month of the Operating Year as specified in such schedule and the twelve monthly amounts of energy determined pursuant to paragraph (7) above shall be deemed to be the Purchaser's Computed Average Energy Requirement for each such month of the Operating Year.

(9) Prior to each Operating Year, a Contracted Requirements Purchaser shall acquire on a firm basis resources having an amount of assured capability, determined in the manner provided in section 16, which, together with the Assured Capability of its Firm Resources, determined in the manner provided in section 16, are sufficient to meet the excess of the Purchaser's then current Estimated Firm Loads for such Operating Year as set forth in its submittal for such Operating Year, over the amount of its Contracted Requirements purchases from Bonneville as shown on the schedule of such purchases. For the purpose of determining whether the Purchaser is in compliance with the provisions of this paragraph (9), a portion of the Purchaser's loads equivalent to the following shall not be considered:

(A) Resource capability lost temporarily or permanently due to circumstances beyond the reasonable control of the Purchaser, if such loss of resource could not have been reasonably anticipated by the Purchaser within sufficient time to make necessary replacement acquisitions, and

(B) The amount by which the Purchaser's then current Estimated Firm Loads exceed its Estimated Firm Loads as accepted by Bonneville under this subsection (b) if, after the date of such acceptance, such excess could not have been reasonably anticipated by the Purchaser within sufficient time to make necessary resource acquisitions.

In any event, the Purchaser shall be deemed to be in compliance with the provisions of this paragraph (9), unless Bonneville determines within 30 days of an initial request and thereafter by the later of July 1 of such year or 30 days after the date on which final regulation data are available under the Coordination Agreement for such year that the Purchaser does not have a firm load-resource balance within reasonable limits for such Operating Year.

In the event that the Purchaser is not in compliance with the provisions of this paragraph (9) for an Operating Year, Bonneville may disapprove the Purchaser's initial request and thereafter any future request by the Purchaser to purchase on the basis of Contracted Requirements, unless Bonneville determines that the Purchaser can reasonably be expected to comply with the provisions of this paragraph (9).

(10) The schedule of power purchases shall not include for any Operating Year the amount of actual power savings resulting from conservation or direct application renewable resource measures paid for by Bonneville directly or through billing credits to the extent such reduction was not reflected in the Estimated Firm Energy and Estimated Firm Peak Loads used to determine the amounts of Firm Power to be made available pursuant to this subsection (b). The amount of actual power savings shall be agreed upon by the Purchaser and Bonneville at the time Bonneville agrees to pay for such measures, unless otherwise agreed by the parties. Such estimates may be revised prior to January 1 of any Operating Year for succeeding Operating Years upon agreement of Bonneville and the Purchaser. At the time such estimates are revised, an equivalent change shall be made in the schedule of Contracted Requirements power purchases.

(c) If the Purchaser does not request that Bonneville sell to it on the basis of Planned Computed Requirements or Contracted Requirements or if Bonneville disapproves such request, the Purchaser shall purchase on the basis of Actual Computed Requirements and its Computed Peak Requirement and Computed Average Energy Requirement shall be determined after the end of each month based on the Purchaser's Actual Firm Load.

(d) If the Purchaser purchases on the basis of Actual Computed Requirements and has Seasonal Storage, it may adjust its monthly Assured Energy Capability subject to the limitations of this subsection (d). The Purchaser shall keep a Flexibility Account which shall show as of the end of each month of the Operating Year the accumulated balance of adjustments made by the Purchaser to its Assured Energy Capability. The Flexibility Account balance shall initially be zero on July 1 of each Operating year: *Provided, however,* That if a Purchaser begins to purchase on the basis of Actual computed Requirements under this contract other than at the beginning of an Operating Year, the initial balance in the Flexibility Account shall be the same as if the Purchaser had been purchasing on the basis of Actual Computed Requirements from the beginning of such Operating Year. A reduction in the Assured Energy Capability in any month shall be accumulated as a positive number in the Flexibility Account and an increase in the Assured Energy Capability in any month shall be accumulated as a negative number in the Flexibility Account.

(1) The Purchaser shall make all adjustments to the Purchaser's Assured Energy Capability in accordance with the following:

(A) The Flexibility Account balance shall be brought to zero at the end of each Operating year and at the end of the Critical Period if the Critical Period ends within the Operating Year.

(B) The Flexibility Account balance shall at no time have a larger negative balance than the sum of the following:

(i) For those Firm Resources which the Purchaser includes in Coordination Agreement planning, five percent of that portion of the Purchaser's Firm Energy Load Carrying Capability attributable to such Firm Resources as determined pursuant to section 16(b)(1)(A) remaining between the date of such balance and the date the Flexibility Account balance is required to be zero pursuant to subparagraph (A) above and;

(ii) For those Firm Resources which the Purchaser does not include in Coordination Agreement planning, five percent of the energy capability of the hydroelectric resources and other than hydroelectric resources, as computed in section 16(b)(2) (A) and (B), remaining between the date of such balance and the date the Flexibility Account balance is required to be zero pursuant to subparagraph (A) above.

(C) The Flexibility Account shall at no time have a larger positive balance than the amount by which the Purchaser's Firm Resources and other arrangements are capable of supporting an increase in the Purchaser's Assured Energy Capability in the month or months in which the Purchaser intends to use such increased capability. At the end of each month for which the Purchaser's Flexibility Account has a positive balance, the Purchaser shall submit in writing to Bonneville documentation substantiating such increased capability.

(D) To the extent that the adjustments to the Flexibility Account are attributable to Firm Resources which the Purchaser includes in Coordination Agreement planning, such adjustments shal be the same as the adjustments which are reported monthly to Coordination Agreement parties pursuant to section 9(m) of the Coordination Agreement.

(2) If the Purchaser intends to adjust its Assured Energy Capability for any month, the Purchaser shall submit written notice to Bonneville within ten days of the last day of such month showing the Purchaser's best estimate of its Actual Firm Energy Load and a tentative adjusted Assured Energy Capability for such month. If no such notice is given within ten days after the end of such month, the Assured Energy Capability determined for such month prior to the Operating Year shall be applied to such month and shall not be changed thereafter. If such notice has been submitted, the Purchaser shall submit a final adjusted Assured Energy Capability within 30 days of the last day of such month or such later date approved by Bonneville which shall not differ from the tentative adjusted Assured Energy Capability by more than the difference between the Purchaser's Actual Firm Energy Load for such month and the estimate of that load shown in such notice.

(e) If the Purchaser purchases on the basis of Actual Computed Requirements and the Purchaser's Firm Resources are unable to produce their Assured Capability, such Purchaser may implement a load curtailment program as provided in this subsection (e) to support the Assured Capability of its Firm Resources. The Purchaser shall notify Bonneville prior to implementing such a program and shall provide documentation to Bonneville of its actual implementation of the program at the end of each month such program is in effect. Such documentation shall be in the form of contracts, regulatory orders, filed tariffs, newspaper copy, media coverage, public information brochures, or other form sufficient to demonstrate to Bonneville the actual implementation of a load curtailment program. If Bonneville determines on the basis of such documentation that the Purchaser has implemented a load curtailment program, such program shall be reflected in the Purchaser's billing for each month such program is in effect in the following manner:

(1) If the Purchaser implements a load curtailment program to support its Assured Energy Capability, the Purchaser shall submit to Bonneville as soon as possible following the end of each such month: (A) Its Actual Firm Energy Load for such month; (B) detail

on any separately identifiable significant changes in the Purchaser's Actual Firm Energy Load by which it is appropriate to adjust its Actual Firm Energy Load for such month pursuant to paragraph (2)(A) below; and (C) detail sufficient to verify the amount of each load curtailment.

(2) If the Purchaser implements a load curtailment program to support its Assured Energy Capability and such program is implemented by means other than provided for in paragraph (4) below, the Purchaser's Estimated Firm Energy Load for each month in which a load curtailment program is in effect shall be adjusted in the following manner:

(A) The Purchaser's Estimated Firm Energy Load for all months pertinent to computation pursuant to this paragraph (2) shall be adjusted to reflect any separately identifiable significant changes in the Purchaser's Actual Firm Energy Energy Load which were not a result of the Purchaser's load curtailment program.

(B) The Purchaser's Estimated Firm Energy Load, after adjustment pursuant to subparagraph (A) above, shall be further adjusted by deducting the amount of any load curtailment in the current month pursuant to paragraph (4) below from such adjusted Estimated Firm Load for all months pertinent to computation pursuant to this paragraph (2). The amount deducted shall include any portion offered to and purchased by Bonneville.

(C) A further adjustment to Estimated Firm Energy Load for each month in which a load curtailment program is in effect shall be made by multiplying the Estimated Firm Energy Load for such month by the average of the ratios of the Purchaser's Actual Firm Energy Load to Estimated Firm Energy Load for the three most recent, but not necessarily consecutive, months in which no load curtailment program was in effect. Computations pursuant to this subparagraph (C) shall use Estimated Firm Energy Loads after adjustment pursuant to subparagraphs (A) and (B) above.

(3) If the Purchaser implements a load curtailment program to support its Assured Peak Capability and such program is implemented by means other than provided in paragraph (4) below, the amount of any load curtailment resulting from such program shall be determined by a reasonable method agreed to by Bonneville and the Purchaser prior to the implementation of such program.

(4) If the Purchaser implements load curtailment measures with specific Consumers or wholesale purchasers which result in determinable reductions in its obligations to supply peak or energy, the Purchaser shall provide a method for documenting the amount of any load curtailment resulting from such arrangements. Such method shall be agreed upon by Bonneville, the Purchaser, and the Consumer or wholesale purchaser prior to the implementation of such measures. If the Purchaser implements such measures it: (A) Shall offer Bonneville the opportunity to purchase any amount of such load curtailment which exceeds the Purchaser's estimate of the amount of the Purchaser's Assured Capability which the Purchaser's Firm Resources are unable to produce; and (B) may offer Bonneville the opportunity to purchase an additional portion of such load curtailment specified by the Purchaser. The Purchaser shall offer such opportunity to purchase and Bonneville shall accept or reject such offer prior to each month such program is in effect. If Bonneville accepts such offer, it shall pay the Purchaser an amount equal to the Purchaser's payment to the Consumer or wholesale purchaser for such month multiplied by the percentage of such arrangement offered to and accepted by Bonneville.

(5) The amount of the Purchaser's firm load curtailment to support the Purchaser's Assured Energy Capability which is attributable to such load curtailment program shall be deemed to be the sum of: (A) The product of (i) the amount, if any, by which the Purchaser's Estimated Firm Energy Load for such month, after adjustment pursuant to paragraph (2) above, exceeds the Purchaser's Actual Firm Energy Load for such month, and (ii) a fraction the numerator of which is the amount by which the Purchaser's Actual Firm Energy Load for such month exceeds its Measured Energy for such month and the denominator of which is the Purchaser's Actual Firm Energy Load for such month; and (B) the amount, if any, of load curtailment pursuant to paragraph (4) above less the portion, if any, offered to and purchased by Bonneville.

(6) The amount of the Purchaser's firm load curtailment to support the Purchaser's Assured Peak Capability which is attributable to such load curtailment program shall be deemed to be the sum of: (A) The amount, if any, of load curtailment pursuant to paragraph (3) above, and (B) the amount, if any, of load curtailment pursuant to paragraph (4) above less the portion, if any, offered to and purchased by Bonneville.

(7) For the purpose of determining the Purchaser's Computed Average Energy Requirement or Computed Peak Requirement during any month in which the Purchaser has implemented a load curtailment program, the Purchaser's Actual Firm Energy Load and Actual Firm Peak Load for such month shall be increased by the amount of load curtailment attributable to such program as determined pursuant to paragraph (5) and paragraph (6), above, respectively.

(f) The Purchaser's Computed Average Energy Requirement in each month of the Operating Year shall be the amount, if any, by which the Purchaser's Actual Firm Energy Load for such month after adjustment, if any, pursuant to subsection (e) above exceeds the Purchaser's Assured Energy Capability for such month after adjustment, if any, pursuant to subsection (d) above, and the Purchaser's Computed Peak Requirement in each month of the Operating Year shall be the amount, if any, by which the Purchaser's Actual Firm Peak Load for such month after adjustment, if any, pursuant to subsection (e) above exceeds the Purchaser's Assured Peak Capability for such month.

(g) Unless Bonneville's obligation to make Firm Power available is limited under the terms of section 7 above, Bonneville shall, subject to the conditions in the General Contract Provisions Exhibit, make available to the Purchaser hourly amounts of power as requested by the Purchaser up to the amounts specified in paragraphs (1), (2), and (3) below. If the Purchaser operates automatic generation control equipment and is thereby able to schedule amounts of power to be interchanged with Bonneville, Bonneville shall schedule such amounts to the Purchaser in accordance with the provisions of section 18. If the Purchaser does not operate automatic generation control equipment, Bonneville shall deliver the amounts which the Purchaser takes from Bonneville at the Purchaser's Points of Delivery, and the Purchaser shall prepare a tabulation pursuant to section 17(h) showing the amount of Firm Power taken from Bonneville under this contract.

(1) During Heavy Load Hours: the larger of the Purchaser's Computed Peak Requirement or its Computed Average Energy Requirement; *Provided, however,* That Bonneville may limit the amounts of power it makes available during up to six Heavy Load Hours of each day designated by Bonneville to amounts less than the Purchaser's Computed Average Energy Requirement but not less than the Purchaser's Computed Peak Requirement. Bonneville shall not so limit the amounts of power it makes available unless: (A) Bonneville has informed the Purchaser's representative by the time specified in the Power Scheduling Provisions Exhibit that Bonneville will make such limitation; (B) Bonneville has determined that such limitation is reasonably necessary to enable Bonneville to meet its firm obligations and its other loads in the Pacific Northwest; and (C) Bonneville has limited all other Customers having contracts which permit this limitation approximately in proportion to the amount by which each such Customer's Computed Average Energy Requirement exceeds its Computed Peak Requirement for such month. The hourly amounts of power Bonneville is obligated to make available pursuant to this paragraph (1) shall be termed Computed Maximum Requirements.

Bonneville shall consult with the Purchaser and other Customers having similar contracts before increasing its firm obligations to deliver capacity to entities outside the Pacific Northwest if such increased obligations would tend to increase the frequency with which Bonneville would invoke the limit provided for in this paragraph (1).

(2) During Light Load Hours: The product of the Purchaser's Computed Average Energy Requirement and a percentage sufficiently in excess of 100 percent to permit the Purchaser to request during Light Load Hours all of the energy to which it has a right during the month and which it did not request or receive during Heavy Load Hours during such month, as limited by the percentage determined pursuant to the Power Scheduling Procedures Exhibit.

(3) During each month: The Purchaser's Computed Energy Maximum. (h) If the Purchaser has been designated to purchase on the basis of Computed Requirements but does not operate automatic generation control equipment, such Purchaser shall prepare and submit to Bonneville within ten days of the last day of each month a

preliminary tabulation assigning the net hourly amounts of power taken from Bonneville during such month to classes of power received from or delivered to Bonneville on such hour pursuant to contracts between Bonneville and the Purchaser or to a type of power which the Purchaser acquired from sources other than Bonneville which Bonneville delivered to the Purchaser during such hour. The Purchaser shall submit a final tabulation of such amounts within the later of 30 days of the last day of such month or ten days of the date on which all final metered data which the Purchaser needs to determine its load are available.

(i) Prior to January 15 of each year the Purchaser shall advise Bonneville in writing of its best estimate of its monthly Computed Peak Requirements and Computed Average Energy Requirements for the 48-month period beginning on the next July 1. Information so obtained will be used by Bonneville in its operational planning. Information submitted pursuant to this subsection (i) shall be as accurate as possible, but shall not be binding on the Purchaser.

(j)(1) Upon request of the Purchaser, Bonneville shall use its best efforts to acquire on behalf of the Purchaser replacement power in amounts up to 50 percent of the amount specified in the Purchaser's Firm Resources Exhibit for a resource of the type specified in subsection (2) below, under the following conditions:

(A) The date of commercial operation of such resource is delayed due to uncontrollable events by at least three months from the date of resource addition specified in the Purchaser's Firm Resources Exhibit;

(B) The Purchaser is unable to remove such Firm Resource to the extent of the delay according to the provisions of section 12;

(C) Bonneville has sufficient time to include any excess cost of such acquisition not paid by the Purchaser pursuant to this subsection (j) in its wholesale power rates for the Operating Year for which such replacement has been requested.

Such replacement acquisition shall be for the period beginning 3 months after the resource addition date specified in the Purchaser's Firm Resources Exhibit and ending either 21 months later, or on the date of commercial operation, whichever is earlier.

(2) This subsection (j) shall be applicable for a delayed Firm Resource which meets the following conditions:

(A) The firm resource is a renewable or cogeneration resource, and;

(B) The delayed portion of such resource has not been included as a 5(b)(1)(A) resource in the Purchaser's Firm Resources Exhibit or in the Firm Resources Exhibit of any other Customer with a similar power sales agreement.

(3) If the Purchaser operates automatic generation control equipment and is thereby able to schedule amounts of power to be interchanged with Bonneville, Bonneville shall schedule the hourly amounts of power Bonneville acquires on behalf of the Purchaser pursuant to paragraph (1) above to the Purchaser in accordance with the provisions of section 18. If the purchaser does not operate automatic generation control equipment, Bonneville shall deliver such hourly amounts to the Purchaser at the Purchaser's Points of Delivery, and the Purchaser shall include such amounts in the tabulation it prepares pursuant to section 17(h).

18. *Power Scheduling.* (a) All schedules between Bonneville and the Purchaser shall be submitted according to the provisions of this section and of the Power Scheduling Procedures Exhibit, as follows:

(1) All schedules of Firm Power to be made available pursuant to section 17 of this contract shall be subject to the provisions of the Power Scheduling Procedures Exhibit.

(2) All schedules of power made available under other agreements which refer to the Purchaser's power sales contract for scheduling provisions or power to be made available under this contract other than Firm Power to be made available pursuant to section 17 shall be subject to the times for submissions set out in section 1 of the Power Scheduling Procedures Exhibit.

(b) Bonneville and the Purchaser shall endeavor to avoid requesting changes in schedules hereunder. The parties shall hold deviations from schedules to a minimum and shall correct therefor as promptly as possible under conditions approximately equivalent to the conditions under which the deviation occurred. The amounts scheduled for delivery shall be deemed delivered.

(c) The Power Scheduling Procedures Exhibit may be revised from time to time as provided in this subsection. Revised exhibits shall be effective upon written agreement by Bonneville and at least 80 percent of the number of Customers operating automatic generation control equipment and designated to purchase on a Computed Requirements basis at the time of such revision. The Power Scheduling Procedures Exhibit shall be revised only in such a manner as to better effectuate the following principles:

(1) To achieve an operation of all the power generating resources of Bonneville, the Purchaser and other Customers which meets the total loads of such parties through the use of all such resources in the most efficient manner possible, as if all of such resources were operated as a single system. Assessment of most efficient operation shall include, but not be limited to, providing the required generation at the least economic and environmental costs, in the long run. To achieve this goal, the Power Scheduling Procedures Exhibit may under abnormal conditions place certain requirements on Bonneville or the Purchaser to change preschedules for the benefit of the other, but not without reasonable compensation for additional costs necessarily incurred by the party responding to such requirements.

(2) To provide both Bonneville and the Purchaser with a workable procedure which enables them to accomplish all of the complex tasks of arranging power sales, power purchases and power generation in an efficient and timely fashion.

(d) Bonneville shall separately schedule for delivery to the Purchaser during each hour in each month:

(1) The electric power and energy that the Purchaser requests Bonneville make available pursuant to section 17,

(2) The nonfirm energy and emergency and breakdown relief power requested for such hour by the Purchaser which Bonneville determines can be made available pursuant to the Nonfirm Deliveries section and the Emergency or Breakdown Relief section of the General Contract Provisions Exhibit.

(3) The electric power and energy which Bonneville is obligated to make available to the Purchaser for such hour pursuant to agreements which refer to this contract for purposes of scheduling.

(e) The Purchaser shall separately schedule for delivery to Bonneville during each hour in each month:

(1) The energy which the Purchaser is obligated to return to Bonneville pursuant to the Relief from Overrun Exhibit.

(2) The nonfirm energy and emergency and breakdown relief power requested for such hour by Bonneville which the Purchaser determines can be made available pursuant to the Nonfirm Deliveries section and the Emergency or Breakdown Relief section of the General Contract Provisions Exhibit.

(3) The electric power and energy which the Purchaser is obligated to make available to Bonneville for such hour pursuant to agreements which refer to this contract for purposes of scheduling.

19. *Computed Requirements Payment for Power Sold.* (a) The determination of amounts due to Bonneville by the Purchaser and amounts due to the Purchaser by Bonneville shall be made according to the provisions of this section, the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit, the General Contract Provisions Exhibit, the Relief from Overrun Exhibit, and the Service Charges Exhibit, as such exhibits may be amended or replaced. The Wholesale Power Rate Schedules and the General Rate Schedule Provisions Exhibit shall be changed in accordance with the provisions of the Equitable Adjustment of Rates section of the General Contract Provisions Exhibit. The Relief from Overrun Exhibit shall be changed upon written agreement of Bonneville and at least 80 percent of the Purchasers to whom it is then applicable. Section I of the Service Charges Exhibit shall apply only to charges assessed pursuant to the Relief from Overrun Exhibit. Section I of the Service Charges Exhibit shall be revised upon determination by Bonneville that any charge contained therein must be changed to properly compensate Bonneville for reasonable costs incurred by Bonneville to provide such services. Bonneville shall provide the Purchaser and other Customers with a reasonable opportunity of not less than 90 days to comment prior to the effective date of such proposed revised charges. Revised charges shall take effect on the date specified by Bonneville in its written notice to the Purchaser of its intention to revise these charges. The charges set forth in section I of the Service Charges Exhibit shall not be increased more frequently than once a year.

(b) The Purchaser shall pay Bonneville each Billing Month for all amounts described in the following paragraphs in accordance with the terms of the rate schedules specified below, the payment provisions of the General

Contract Provisions Exhibit and of the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit.

(1) For Firm Power delivered hereunder in accordance with the following:

(A) If the Purchaser is a public body, cooperative or Federal Agency, payment shall be at the rate specified in the Priority Firm Power Rate Schedule for the Purchaser's Measured Demand and Measured Energy: *Provided, however,* That, after determining the billing factors for the Firm Power delivered hereunder, the New Resource Firm Power Rate shall be substituted for the Priority Firm Power Rate Schedule for that portion of the Purchaser's billing demands, if any, identified pursuant to section 8 for service to New Large Single Loads. If the Purchaser is an investor-owned utility, payment shall be at the rate specified in the New Resources Firm Power Rate Schedule for the Purchaser's Measured Demand and Measured Energy.

(B) If the Purchaser purchases on the basis of Actual Computed Requirements, and if the Purchaser would, due to load estimating errors, otherwise be billed for an unauthorized increase in accordance with the provisions of the Priority Firm Power Rate Schedule or New Resource Firm Power Rate Schedule, the procedures set forth in the Relief from Overrun Exhibit shall, except as provided in section 16(a), be applied for the purpose of reducing or possibly eliminating amounts due for unauthorized increases befor amounts due are computed pursuant to paragraph (1)(A) above.

(C) If a portion of a Purchaser's Measured Demand for a Billing Month is being billed at the Reserve Power Rate pursuant to the Relief from Overrun Exhibit and if the billing demand for such month as specified in the applicable firm power rate is determined by a billing factor established in a previous month ("ratcheted demand"), then such billing demand shall be reduced by the lesser of the portion of the Measured Demand billed at the Reserve Power Rate or the excess of the Measured Demand over the Computed Maximum Requirement which applies to the same hour as such Measured Demand.

(D) If the Purchaser adds to its Firm Resources in the manner specified in section 12, all billing factors which are based on previous billing periods ("ratcheted demands") shall be correspondingly decreased effective on the date of resource addition as shown in the Firm Resources Exhibit in the amount by which the Purchaser's Assured Capability is increased.

(2) For any nonfirm energy delivered by Bonneville to the Purchaser hereunder at the rate specified in the Wholesale Nonfirm Energy Rate Schedule.

(3) For any Measured Demand converted to reserve power pursuant to the Relief from overrun Exhibit at the rate specified in the Reserve power Rate Schedule.

(4) For any service charges assessed pursuant to the Relief from Overrun Exhibit at the applicable charge specified in Section I of the Service Charges Exhibit.

(5) For any service charge assessed pursuant to section 13(d) at the applicable charge or charges, if any specified in Section II of the Service Charges Exhibit.

(6) For any emergency and breakdown relief power delivered pursuant to the Emergency or Breakdown Relief section of the General Contract Provisions Exhibit at the rate agreed upon in advance of delivery by representatives of Bonneville and the Purchaser. Bonneville shall furnish a statement to the purchase showing such rate for the energy or power so delivered.

(7) For replacement power delivered to the Purchaser by Bonneville pursuant to section 17(j) at the rate specified in the New Resource Firm Power Rate Schedule.

(c) Bonneville shall pay the Purchaser each Billing Month for all amounts described in the following paragraphs by net billing, if possible, pursuant to the Net Billing section of the General Contract Provisions Exhibit.

(1) For any nonfirm energy delivered by the Purchaser to Bonneville pursuant to the Nonfirm Deliveries section of the General Contract Provisions Exhibit, or any emergency and breakdown relief power delivered by the Purchaser to Bonneville pursuant to the Emergency or Breakdown Relief section of the General Contract Provisions Exhibt at the rate agreed upon in advance of delivery by representatives of the Purchaser and Bonneville. The Purchaser shall furnish a statement to Bonneville showing such rate for the energy or power so delivered.

(2) For any amounts due as payment for load curtailments as determined pursuant to secton 17(e)(4).

20. *Miscellaneous.* (a) Any determinations, estimates, consents, agreements or approvals under this agreement by either party shall be reasonable.

(b) Except as otherwise expressly provided to the contrary in this contract with regard to specific exhibits, the provisions of this contract may be amended only by the mutual written agreement of the parties hereto subsequent to the date of this contract. This subsection (b) shall not prevent oral waiver of performance on a temporary basis by either party or temporary, informal arrangements between the parties in response to operational conditions on the system of either party not specifically provided for in this contract.

(c) If Bonneville offers to enter into a written amendment of any other similar long-term power sales contract other than informal arrangements between the parties referred to in subsection (b) above, Bonneville shall offer to the Purchaser a corresponding amendment of this contract, to the extent such a corresponding amendment would be applicable to the Purchaser under this contract. Bonneville shall advise and use reasonable efforts to consult with the Purchaser during the development or consideration of any offer to enter into such amendments. This contract is offered pursuant to sections 5(b) and 5(g), including, but not limited to section 5(g)(7), of Pub. L. 96-501, and amendments hereto shall not be construed to represent the offer of a new contract.

21. *Termination of Offer.* The Purchaser shall have one year from the date it receives a signed copy of this contract from Bonneville to accept this contract. Bonneville's offer to make Firm power available to the Purchaser under the terms of this contract shall expire on such date unless Bonneville has received a signed contract from the purchaser by such date.

In witness whereof, the parties hereto have executed this agreement in several counterparts.

United States of America,
Department of Energy
By _____
Bonneville Power Administrator
(Purchaser)
By _____
Title _____
Attest:
By _____
Title _____
Date _____

Exhibit A.—Wholesale Power Rate Schedules and General Rate Schedule Provisions

Published in the **Federal Register** in its entirety at 46 FR 33542 (June 30, 1981).

Exhibit B.—General Contract Provisions

August 25, 1981.

GCP Form PSC–1

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Exhibit B.—General Contract Provisions

August 25, 1981.

I. Relating to all purchasers

A. In Reference to Meaning

1. *Definitions.* The definitions in the body of this contract and the following additional definitions apply to this exhibit.

(a) "Billing Month," when used with respect to a Direct-Service Industrial Customer, means a calendar month.

(b) "Contractor" means the Purchaser.

(c) "Direct Service Industrial Customer" means a purchaser of industrial firm power, modified firm power, or similar classes of power under contracts providing for the purchase of any such class of power directly from Bonneville.

(d) "Federal System" or "Federal System Facilities" means the facilities of the Federal Columbia River Power System, which for the purposes of this contract shall be deemed to include the generating facilities of the Government in the Pacific Northwest for which Bonneville is designated as marketing agent; the facilities of the Government under the jurisdiction of Bonneville; and any other facilities.

(1) From which Bonneville receives all or a portion of the generating capability (other than station service) for use in meeting Bonneville's loads, such facilities being included only to the extent Bonneville has the right to receive such capability; *Provided, however,* That "Bonneville's loads" shall not include that portion of the loads of any Bonneville customer which are served by a nonfederal generating resource purchased or owned directly by such customer which may be scheduled by Bonneville;

(2) Which Bonneville may use under contract, or license; or

(3) To the extent of the rights acquired by Bonneville pursuant to the Treaty, between the Government and Canada, relating to the cooperative development of water resources of the Columbia River Basin, signed in Washington, D.C., on January 17, 1961.

(e) "Federal Energy Regulatory Commission" means the Federal Energy Regulatory Commission or its successor.

(f) "Measured Demand" when used with respect to a Direct Service Industrial Purchaser means the largest of the Integrated Demands, adjusted as appropriate to the Point of Delivery, for the time periods for which there is a demand charge specified in the applicable rate schedule in the Wholesale Power Rate Schedule and General Rate Schedule Provisions Exhibit during a Billing Month.

(g) "Point(s) of Delivery" means the point(s) of delivery listed either in the Points of Delivery exhibit to this contract or in the body of this contract.

(h) "Pub. L. 96–501" means the Regional Act.

(i) "Transferor" means an entity which recieves Bonneville's power or energy at one point on such entity's system and makes such power or energy available at another point on its system for the account of Bonneville.

(j) "Uncontrollable Forces" means:

(1) Strikes or work stoppage affecting the operation of the Purchaser's works, system, or other physical facilities or of the Federal System Facilites or the physical facilities of any Transferor upon which such operation is completely dependent; the term "strikes or work stoppage" shall be deemed to include threats of imminent strikes or work stoppage which reasonably require a party or Transferor to restrict or terminate its operations to prevent substantial loss or damage to its works, system, or other physical facilities; or

(2) Such of the following events as the Purchaser or Bonneville or any transferor by exercise of reasonable diligence and foresight, could not reasonably have been expected to avoid:

(A) Events, reasonably beyond the control of either party or any Transferor, causing failure, damage, or destruction of any works, system or facilities of such party or Transferor; the word "failure" shall be deemed to include interruption of, or interference with, the actual operation of such works, system, or facilities;

(B) Floods or other conditions caused by nature which limit or prevent the operation of, or which constitute an imminent threat of damage to, any such works, system, or facilities; and

(C) Orders and temporary or permanent injunctions which prevent operation, in whole or in part, of the works, system, or facilities of either party or any transferor, and which are issued in any bona fide proceeding by:

(i) Any duly constituted court of general jurisdiction; or

(ii) Any administrative agency or officer, other than Bonneville or its officers, provided by law (a) is said party or Transferor has no right to a review of the validity of such order by a court of competent jurisdiction; or (b) if such order is operative and effective unless suspended, set aside, or annulled by a court of competent jurisdiction and such order is not suspended, set aside, or annulled in a judicial proceeding prosecuted by said party or Transferor in good faith; *Provided, however,* That if such order is suspended, set aside, or annulled in such a judicial proceeding, it shall be deemed to be an "uncontrollable force" for the period during which it is in effect: *Provided, further,* That said party or Transferor, shall not be required to prosecute such a proceeding, in order to have the benefits of this section, if the parties agree that there is no valid basis for contesting the order.

The term "operation" as used in this subsection shall be deemed to include contsruction, if construction is required to implement the contract and is specified therein.

(k) "Utility" means a party to a residential purchase and sale agreement offered pursuant to section 5(c) of Pub. L. 96–501 which shall also be referred to as the "Purchaser" for the purposes of this exhibit.

2. *Interpretation.* (a) The provisions in this exhibit shall be deemed to be a part of the contract body to which they are an exhibit. If a provision in such contract body is in conflict with a provision contained in this exhibit, the former shall prevail.

(b) If a provision in the General Rate Schedule Provisions incorporated in the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit is in conflict with a provision contained in this exhibit or the contract body, this exhibit or the contract body shall prevail.

(c) Nothing contained in this contract shall, in any manner, be construed to abridge, limit, or deprive any party hereto of any means of enforcing any remedy, either at law or in equity, for the breach of any of the provisions of this contract which it would otherwise have.

B. In Reference to Computation of Charges

3. *Measurements.* Each measurement of each meter mentioned in this contract shall be the measurement automatically recorded by such meter or, at the request of either party, the measurement as mutually determined by the best available information.

If it is provided in this contract that measurement made by any of the meters specified therein are to be adjusted for loses, such adjustments shall be made by using

factors, or by compensating the meters, as agreed upon by the parties hereto. If changes in conditions occur which substantially affect any such loss factor or compensation, it will be changed in a manner which will conform to such change to conditions.

4. *Adjustment for Change of Conditions.* Changes in conditions may occur after the date of execution of this contract which substantially affect factors required by this contract to be used in determining (a) the charge for a service or for use of facilities provided by Bonneville other than charges for the sale of electric power and energy or (b) the amount of losses from the transmission or transformation of electric power or energy. Such factors will then be changed in an equitable manner which will conform to such changes in conditions.

5. *Adjustment for Inaccurate Metering.* If any meter mentioned in this contract fails to register, if the measurement made by such meter during a test made as provided in section 26 hereof varies by more than one percent from the measurement made by the standard meter used in such test or if an error in meter reading occurs, adjustment shall be made correcting all measurements for the actual period during which such inaccurate measurements were made, if such period can be determined. If such period cannot be determined the adjustment shall be made for the period immediately preceding the test of such meter which is equal to the lesser of (a) one-half the time from the date of the last preceding test of such meter or (b) 6 months. Such corrected measurements shall be used to recompute the amounts due from the Purchaser for the electric power and energy made available under this contract during such period and shall be used, when applicable, in future billings to the Purchaser. If the total amount due from the Purchaser for such period as recomputed varies from the total amount previously billed by Bonneville, Bonneville shall adjust the wholesale power bill(s) as soon as practicable.

6. *Adjustment for Unbalanced Phase Demands.* If the Purchaser fails to make promptly the changes mentioned in section 24 hereof, Bonneville may, after giving written notice one month in advance, determine that the Measured Demand of the Purchaser at the Point of Delivery in question during each month thereafter, until such changes are made, is equal to the product obtained by multiplying by three the largest of the Integrated Demands on any phase adjusted as appropriate to such point during such month.

7. *Reducing Charges for Interruptions.* If deliveries of electric power and energy to the Purchaser are suspended, interrupted, interfered with or curtailed due to Uncontrollable Forces on either the Purchaser's system, the Federal System or any Transferor's system, or if Bonneville or any Transferor interrupts or reduces deliveries to the Purchaser for any of the reasons stated in section 14 hereof, the charges for power shall be appropriately reduced. Partial interruptions shall be converted to an equivalent outage of total Measured Demand. No total outage or equivalent outage of less than 30 minutes duration shall be considered for computation of such reduction in charges.

C. In Reference to Rates

8. *Equitable Adjustment of Rates.* (a) Bonneville shall establish, periodically review and revise rates for the sale and disposition of electric power, capacity or energy sold pursuant to the terms of this contract. Such rates shall be established in accordance with applicable law.

(b) As used in this section, the words "Rate Adjustment Date" mean any date as specified by Bonneville in a notice of intent to file revised rates as published in the **Federal Register**; *Provided, however,* That such date shall not occur sooner than (1) nine months from the date that such notice of intent is published; or (2) twelve months from any previous Rate Adjustment Date. By giving written notice to the Purchaser 45 days prior to such Rate Adjustment Date, Bonneville may delay such Rate Adjustment Date for up to 90 days if Bonneville determines either that the revenue level of the proposed rates differs by more than five percent from the revenue requirements indicated by most recent repayment studies entered in the hearings record or that external events beyond Bonneville's control will prevent Bonneville from meeting such Rate Adjustment Date. Bonneville may cancel a notice of intent to file revised rates at any time (1) by written notice to the Purchaser, or (2) by publishing in the **Federal Register** a new notice of intent to file revised rates which specifically cancels a previous notice.

(c) The Purchaser shall pay Bonneville for the electric power and energy made available under this contract during the period commencing on each Rate Adjustment Date and ending at the beginning of the next Rate Adjustment Date at the rate specified in any rate schedule available at the beginning of such period for service of the class, quality, and type provided for in this contract, and in accordance with the terms thereof, and of the General Rate Schedule Provisions as changed with, incorporated in or referred to in such rate schedule. Now rates shall not be effective on any Rate Adjustment Date unless they have been approved on a final or interim basis by a governmental agency designated by law to approve Bonneville rates. Rates shall be applied in accordance with the terms thereof, the General Rate Schedule Provisions as changed with, incorporated in or referred to in such rate schedule and the terms of this contract.

(d)(1) Bonneville reserves the authority to impose a conservation surcharge as provided by section 4(f) and 7(h) of Pub. L. 96-501. The Purchaser shall pay the amount of any such surcharge so imposed as part of its payment to Bonneville for wholesale power.

(2) Bonneville and the Purchaser recognize that cost-effective model conservation standards are to be adopted by the Pacific Northwest Electric Power and Conservation Planning Council ("the Council") pursuant to Pub. L. 96-501, and that, in accordance with section 4(f) of Pub. L. 96-501, such standards are required to include, but are not limited to, standards applicable to Customer and governmental conservation programs. Bonneville will make available financial assistance to implement such cost-effective standards pursuant to its obligations under section 6(a)(1) and 6(e)(1) of Pub. L. 96-501, and as described at page 43 of the Report of the Committee on Interior Affairs of the U.S. House of Representatives (Report No. 96-976, Part II) regarding section 4(f).

(3) Upon adoption of a methodology as provided in section 4(f)(2) and section 4(e)(3)(G) of Pub. L. 96-501, Bonneville will give notice of intent to adopt a rule, provide opportunity for public comment, and publish draft procedures in the **Federal Register** for imposing surcharges. Such rule shall include:

(A) Standards to be met before Bonneville will excuse surcharges which would otherwise be appropriate, consistent with Bonneville's obligation to implement cost-effective conservation measures to the maximum extent practicable;

(B) That Bonneville will impose surcharges to the extent not excused or suspended under the terms of the rule;

(C) An opportunity for interested persons to present views, data, questions, and arguments to Bonneville relevant to the imposition of surcharges in specific instances, and the adquacy of financial assistance made available by Bonneville;

(D) That surcharges imposed will be continued to the extent and for the period projected energy savings attributable to cost-effective model conservation standards are not achieved;

(E) For recovery from the Purchaser of the additional costs (including increases in the Utility's average system cost) that Bonneville will incur because the projected energy savings attributable to model conservation standards have not been achieved, subject to the limitations set forth in sections 4(f)(1) and 4(f)(2) of Pub. L. 96-501: *Provided, however,* That surcharges will not be levied as a result of an increase in a Utility's average system cost except to the extent that the Utility failed to implement conservation measures that are designed to be cost-effective for its Consumers in terms of the electric rates its Consumers pay.

(4) Nothing in this section shall waive or prejudice the right of any person or Customer to assert any of its legal rights with respect to the model conservation standards, their application, or the imposition of any surcharges.

(e) Bonneville's wholesale power rates established on any Rate Adjustment Date shall be developed consistent with the provisions of section 7 of Pub. L. 96-501. Bonneville shall develop in consultation with its utility Customers and shall publish by July 1, 1983, methodologies as required for implementing section 7(b)(2).

(f) *Power Cost Allocations After July 1, 1985.* Power cost allocations among Customer classes will follow the same methods set forth in Appendix B of the Senate Report S. 885 (S. Rep. 272, 96 Cong., 1st Sess. 1979) for the period after July 1, 1985, and in the same general manner as further explained in the 1981 Bonneville wholesale power rate case by Exhibit U submitted in such rate case and the accompanying Bonneville testimony.

(h) *Individual Customer Rate Limit Under Section 7(f) of Pub. L. 96-501.* (1) The provisions of this subsection shall apply to any Customer from whom or on behalf of whom Bonneville has acquired a resource

pursuant to section 6 of Pub. L. 96–501, if and to the extent such Customer purchases Firm Power from Bonneville at a rate established pursuant to section 7(f) of Pub. L. 96–501.

(2) The rate established pursuant to section 7(f) charged to any such Customer for an amount of Firm Power not exceeding that acquired by Bonneville from or on behalf of such Customer, exclusive of any costs allocated to such rate in accordance with sections 7(b)(3), 7(g), and 7(h) of Pub. L. 96–501, shall not exceed the average cost of the resources acquired by Bonneville from such Customer, exclusive of resources whose costs are allocated by Bonneville pursuant to section 7(g) and any resources acquired under section 5(c). The average cost of such resources shall be adjusted for any additional costs such Customer would have incurred in order to provide itself the same quantity and quality of power from such resources if such resources had not been acquired by Bonneville.

(3) Bonneville shall develop a methodology for performing the adjustments required by paragraph (2) by procedures comparable to those employed in establishing the methodology referred to in subsection (e) above.

(4) Costs not recovered from any Customer because of the provisions of paragraph (2) shall be recovered from other Customers through rates established pursuant to section 7(f), to the extent that such recovery can be made without exceeding the allowable section 7(f) rates for such other Customers pursuant to paragraph (2). To the extent such recovery cannot be made without exceeding the allowable section 7(f) rates established pursuant to paragraph (2), the unrecovered balance shall be spread on a pro rata kilowatt and kilowatthour basis among all Firm Power purchased by Customers under rates established pursuant to section 7(f) and not be borne by other Customer classes under rates established pursuant to sections 7(b) and 7(c) of Pub. L. 96–501. The pro rata recovery shall be limited to rates established pursuant to section 7(f) and shall not increase the cost of the "other resources" specified in section 7(b)(1) of Pub. L. 96–501.

(i) Rates for Firm Power sold pursuant to sections 14 and 17 of the utility power sales contract shall be established in such a fashion that the Purchaser shall not be billed for Firm Power during any twelve-month rate period in excess of the amount to which the Purchaser was entitled to take during such twelve-month period.

(j) *Allocation of Certain Section 7(g) Costs.* Costs of uncontrollable events, including but not limited to costs of a terminated generating facility, and costs of experimental resources, in excess of the cost of cost-effective resources, shall be allocated pursuant to section 7(g) of Pub. L. 96–501 and shall be allocated among Customers on a uniform per kilowatt or kilowatthour basis. Beginning on July 1, 1985, such costs and other costs allocated pursuant to section 7(g) of Pub. L. 96–501 will be reflected in the rates charged Direct-Service Industrial Customers only to the extent they modify Bonneville's wholesale power rates to public body and cooperative Customers for power that serves such Customers' retail industrial Consumers.

(k) Bonneville's wholesale power rates shall include the amount by which the cost of resources acquired either at the request of the Purchaser pursuant to section 17(j) of the utility power sales contract or at the request of other Customers under similar power sales contracts exceed the estimated revenues Bonneville expects to recover for sale of such power pursuant to section 19(b)(1)(E) of such contract or similar power sales contracts. Such costs shall be recovered from Bonneville's Customers pursuant to section 7(g) of Pub. L. 96–501, as the cost of an uncontrollable event.

(l) *Allocation of Exchange Resources.* The energy or capacity, or both, associated with resources acquired by Bonneville pursuant to section 5(c)(2) of Pub. L. 96–501 shall be allocated at the cost thereof to Customers purchasing Firm Power under rates established pursuant to section 7(b) of Pub. L. 96–501 to the extent that the load requirements of such Customers exceed the amount of Federal base system resources, including replacements thereto, determined to be available for ratemaking purposes. Such energy and capacity allocated to Customers purchasing Firm Power under rates established pursuant to section 7(f) of Pub. L. 96–501 shall be allocated at the cost thereof. The total cost of resources acquired under section 5(c) of Pub. L. 96–501 allocated to Direct-Service Industrial Customers purchasing power under rates established pursuant to section 7(c)(1)(A) of Pub. L. 96–501 shall not exceed the average costs associated with the amount of such resources determined by Bonneville to be required to serve that portion of the firm load of Direct-Service Industrial Customers not served by other resources.

(m) Revenue obtained by Bonneville through the recapture of costs associated with section 5(c)(7)(C) of Pub. L. 96–501 shall be equitably allocated through Bonneville's wholesale power rates to Customer classes in proportion to the respective prior payment of such costs by such classes through Bonneville's wholesale power rates.

(n) Bonneville shall consult with the Purchaser and other Customers prior to making a determination to replace reductions in the capability of the Federal base system resources and shall make such replacements in an economically prudent manner. Resources acquired as a replacement shall not be from resources purchased by Bonneville under section 5(c) of Pub. L. 96–501. All or a portion of a resource acquired from or on behalf of the Purchaser may be used as a replacement according to the terms specified in the resource purchase agreement. Bonneville may replace reductions in the capability of the Federal base system resources for plant delays when and to the extent needed to meet the sum of (1) Bonneville's obligation to supply Firm Power during an Operating Year to public bodies, cooperatives and Federal agencies; and (2) Bonneville's firm contractual obligations with its other Customers in place on the effective date of Pub. L. 96–501 and which contracts are or would have been effective during such Operating Year.

D. In Reference to Delivery of Power

9. *Character of Service.* Unless otherwise specifically provided for in the contract, electric power or energy made available pursuant to this contract shall be in the form of three-phase current, alternating at a nominal frequency of 60 hertz.

10. *Point(s) of Delivery and Delivery Voltage.* Electric power and energy shall be delivered to each Purchaser at the Point(s) of Delivery and at such voltage(s) as specified. Unless otherwise agreed, delivery at more than one voltage shall constitute delivery at more than one point.

11. *Metered Quantities.* The amount(s) of energy, Integrated Demands therefor and amount(s) of reactive energy delivered to the Point(s) of Delivery during each month shall be determined from measurements made by meters installed for such Point(s) of Delivery in the circuit specified.

12. *Where Additional Facilities Required.* If additional delivery point facilities must be constructed or installed to enable Bonneville to supply any increase in the Purchaser's contract demand, or in the Purchaser's requirements if Bonneville agrees by this contract to supply such requirements, Bonneville shall not be required to provide such additional facilities unless the parties mutually agree: (a) That Bonneville's providing such facilities is in accordance with its customer service policies; (b) that reasonable utilization has been made of existing facilities; and (c) that reasonable utilization of such additional facilities will be assured. If the parties so agree, Bonneville nevertheless shall not become obligated to supply such increase in such demand or requirements until such period of time has elapsed as may be reasonably necessary to complete the installation of such additional facilities.

13. *Uncontrollable Forces.* Each party shall notify the other as soon as possible of any Uncontrollable Forces which may in any way affect the delivery of power hereunder. In the event the operations of either party are interrupted or curtailed due to such Uncontrollable Forces, such party shall exercise due diligence to reinstate such operations with reasonable dispatch.

14. *Continuity of Service.* The Purchaser, Bonneville or a Transferor may temporarily interrupt or reduce deliveries of electric power or energy if the Purchaser, Bonneville or the Transferor determines that such interruption or reduction is necessary or desirable in case of system emergencies, or in order to install equipment in, make repairs to, make replacements within, make investigations and inspections of, or perform other maintenance work on, the Purchaser's facilities, the Federal System or the Transferor's system. Except in case of emergency and in order that the Purchaser's operations will not be unreasonably interfered with, Bonneville shall give notive to the Purchaser of any such interruption or reduction, the reason therefor, and the probable duration thereof to the extent Bonneville has knowledge thereof. The Purchaser or Bonneville shall effect the use of temporary facilities or equipment to minimize

the effect of any such interruption or outage to the extent reasonable or appropriate.

15. *Delivery by Transfer.* If it is provided in this contract that delivery to the Purchaser at any Point of Delivery will be made by transfer over the facilities of a Transferor or Transferors:

(a) Bonneville shall be obligated to make available to the Purchaser at such point only such amounts of electric power and energy as are made available to the Purchaser by such Transferor or Transferors at such point, and the obligation of Bonneville to make electric power and energy available to the Purchaser at such point shall be in all respects subject to all provisions contained in the agreement or agreements executed, or to be executed, if not already in effect, by Bonneville and such Transferor or Transferors providing for such transfer;

(b) Bonneville shall use its best efforts to effect a quality of service to the Purchaser comparable to that provided under direct service from Bonneville; and

(c) Bonneville's right to terminate deliveries at such point, under the agreement or agreements providing for such transfer, shall not be exercised while such Transferor or Transferors meet their obligations to make such deliveries under such agreement or agreements unless (1) the Purchaser consents thereto; or (2) Bonneville determines that the Purchaser's requirements for electric power and energy at such point may be adequately supplied under reasonable conditions and circumstances at another point or points (A) directly from the Federal System (B) indirectly from the facilities of another Transferor or Transerors, or (C) both.

E. In Reference to Payment for Power

16. *Determination of and Assignment of Measured Demand.* Bonneville in determining Measured Demand shall exclude any abnormal Integrated Demand or Measured Amount due to or resulting from (a) emergencies or breakdowns on, or maintenance of, the Federal System Facilities; and (b) emergencies on the Purchaser's facilities to the extent Bonneville determines that such facilities have been adequately maintained and prudently operated.

If timely determination of Measured Demand cannot be made, such determination shall be made in accordance with section 19 below.

Where Bonneville delivers, pursuant to this or other contracts, more than one class of electric power to the Purchaser at any Point of Delivery, the portion of the Measured Demand assigned to each such class of power shall be as specified in such contracts. Any portion of Measured Demand which is not assigned to other classes of power delivered pursuant to this or other contracts shall be deemed to be a Firm Power delivery under this contract.

17. *Billing At Multiple Points of Delivery.* For electric power or energy made available hereunder to the Purchaser at more than one Point of Delivery, the Purchaser shall be billed for each Point of Delivery separately on a non-coincidental basis under the applicable rate schedule in the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit, unless otherwise provided herein. The Points of Delivery Exhibit may provide for combined billing on a coincidental basis under specified conditions and terms either when delivery at more than one point is beneficial to Bonneville or when the flow of power at several Points of Delivery is reasonably beyond the control of the Purchaser.

If deliveries at more than one Point of Delivery are billed on a coincidental basis for the convenience of the Puchaser, a charge shall be made for the diversity among Measured Demands at such Points of Delivery. Charges for diversity shall be specified in the Special Provisions Exhibit and determined in a uniform manner among Customers.

At any rate adjustment date after January 1, 1982, Bonneville may establish its wholesale power rate schedules applicable to this contract using Customers' coincidental peak demands as the basis for proportioning its revenue recovery. In such event all diversity factors or charges applicable to Measured Demands determined on a coincidental basis shall be invalid and appropriate factors to reduce Measured Demands determined on a non-coincidental basis shall be developed and applied.

18. *Payment of Bills.* Bills for power shall be rendered monthly and shall be payable at Bonneville's headquarters. Failure to receive a bill shall not release the Purchaser from liability for payment. Each calculated monetary amount in a wholesale power bill shall be rounded to a whole dollar amount, by elimination of any amount of less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

If Bonneville is unable to render the Purchaser a timely monthly bill which includes a full disclosure of all billing factors, it may elect to render an estimated bill for that month to be followed by the final bill. Such estimated bill, if so issued, shall have the validity of and be subject to the same payment provisions as shall a final bill.

Bills not paid in full on or before the date specified in the Payment of Bills section, or its successor, of the General Rate Schedule Provisions incorporated in the Wholesale Power Rate Schedules and General Rate Schedule Provisons Exhibit shall bear additional charges as specified therein.

Remittances received by mail will be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the 20th day after the date of the bill. If the 20th day after the date of the bill is a Sunday or other nonbusiness day of the Purchaser, the next following business day shall be the last day on which payment may be made to avoid such further charges. Payment made by metered mail and received subsequent to the 20th day must bear a postal department cancellation in order to avoid assessment of such further charges.

Bonneville may, whenever a power bill or a portion thereof remains unpaid subsequent to the 20th day after the date of the bill, and after giving 30 days advance notice in writing, cancel the contract for service to the Purchaser, but such cancellation shall not affect the Purchaser's liability for any charges accrued prior thereto.

19. *Determination of Estimated Billing Data.* If the amounts of power or energy which have been delivered hereunder must be estimated from data other than metered quantities, scheduled quantities or tabulations of hourly interchange prepared by the Purchaser, Bonneville and the Purchaser shall agree on estimated billing data to be used in preparing the bill.

20. *Average Power Factor.* The formula for determining average power factor is as follows:

$$\text{Average Power Factor} = \frac{\text{Kilowatthours}}{\sqrt{(\text{Kilowatthours})^2 + (\text{Reactive Kilovolt-ampere-hours})^2}}$$

The data used in the above formula shall be obtained from meters which are ratcheted to prevent reverse registration.

When deliveries to a Purchaser at any Point of Delivery include more than one class of power or are under more than one rate schedule, and it is impracticable to separately meter the kilowatthours and reactive kilovolt-ampere-hours for each class, the average power factor of the total deliveries for the month shall be used, where applicable, as the power factor for each of the separate classes of power and rate schedules.

F. In Reference to Use of Power

21. *Changes in Requirements or Characteristics.* The Purchaser will, whenever possible, give reasonable notice to Bonneville of any unusual increase or decrease of its demands for electric power and energy on the Federal System, or of any unusual change in the load factor or power factor at which the Purchaser will take delivery of electric power and energy under this contract.

22. *Electric Disturbance.* (a) For the purposes of this section an electric disturbance is any sudden, unexpected, changed, or abnormal electric condition occurring in or on an electric system which causes damage.

(b) Each party shall design, construct, operate, maintain, and use its electric system in conformance with accepted electric utility practices:

(1) To minimize electric disturbances such as, but not limited to, the abnormal flow of power which may interfere with the electric system of the other party or any electric system connected with such other party's electric system; and

(2) To minimize the effect on its electric system and on its customers of electric disturbances originating on its own or another electric system.

(c) If both parties to this contract are parties to the Western Interconnected Electric System Agreement, their relationship with respect to system damages shall be governed by that agreement.

(d) During such time as a party to this contract is not a party to the Agreement Limiting Liability Among Western Interconnected Systems, its relations with the other party with respect to system damages shall be governed by the following sentence.

notwithstanding the fact that the other party may be a party to said Agreement Limiting Liability Among Western Interconnected Systems. A party to this contract shall not be liable to the other party for damage to the other party's system or facilities caused by an electric disturbance on the first party's system, whether or not such electric disturbance is the result of negligence by the first party, if the other party has failed to fulfill its obligations under subsection (b)(2) above.

(e) If one of the parties to this contract is not a party to the Agreement Limiting Liability Among Western Interconnected Systems, each party to this contract shall hold harmless and indemnify the other party, its officers and employees, from any claims for loss, injury, or damage suffered by those to whom the first party delivers power not for resale, which loss, injury, or damage is caused by an electric disturbance on the other party's system, whether or not such electric disturbance results from the negligence of such other party, if such first party has failed to fulfill its obligations under subsection (b)(2) above, and such failure contributed to the loss, injury, or damage.

(f) Nothing in this section shall be construed to create any duty to, any standard of care with reference to, or any liability to any persons not a party to this contract.

23. *Harmonic Control.* Each party shall design, construct, operate, maintain and use its electric facilities in accordance with good engineering practices to reduce to acceptable levels the harmonic currents and voltages which pass into the other party's facilities. Harmonic reductions shall be accomplished with equipment which is specifically designed and permanently operated and maintained as an integral part of the facilities of the party which owns the system on which harmonics are generated.

24. *Balancing Phase Demands.* If required by Bonneville at any time during the term of this contract, the Purchaser shall make such changes as are necessary on its system to balance the phase currents at any Point of Delivery so that the current of any one phase shall not exceed the current on any other phase at such point by more than 10 percent.

G. In Reference to Facilities

25. *Measurements and Installation of Meters.* Bonneville may at any time install a meter or metering equipment to make the measurements for any Point of Delivery required for any computation or determination mentioned in this contract, and if so installed, such measurements shall be used thereafter in such computation or determination.

26. *Tests of Metering Installations.* Each party to this contract shall, at its expense, test its metering installations associated with this contract at least once every two years, and, if requested to do so by the other party, shall make additional tests or inspections of such installations, the expense of which shall be paid by such other party unless such additional tests or inspections show the measurements of such installations to be inaccurate as specified in section 5 hereof. Each party shall give reasonable notice of the time when any such test or inspection is to be made to the other party who may have representatives present at such test or inspection. Any component of such installations found to be defective or inaccurate shall be adjusted, repaired, or replaced to provide accurate metering.

27. *Permits.* (a) If any equipment or facilities associated with any Point of Delivery and belonging to a party to this contract are or are to be located on the property of the other party, a permit to install, test, maintain, inspect, replace, repair, and operate during the term of this contract and to remove such equipment and facilities at the expiration of said term, together with the right of entry to said property at all reasonable times in such term, is hereby granted by the other party.

(b) Each party shall have the right at all reasonable times to enter the property of the other party for the purpose of reading any and all meters mentioned in this contract which are installed on such property.

(c) If either party is required or permitted to install, test, maintain, inspect, replace, repair, remove, or operate equipment on the property of the other, the owner of such property shall furnish the other party with accurate drawings and wiring diagrams of associated equipment and facilities, or, if such drawings or diagrams are not available, shall furnish accurate information regarding such equipment or facilities. The owner of such property shall notify the other party of any subsequent modification which may affect the duties of the other party in regard to such equipment, and furnish the other party with accurate revised drawings, if possible.

28. *Ownership of Facilities.* (a) Except as otherwise expressly provided, ownership of any and all equipment and all salvable facilities installed or previously installed by a party to this contract on the property of the other party shall be and remain in the installing party.

(b) Each party shall identify all movable equipment and all other salvable facilities which are installed by such party on the property of the other, by permanently affixing thereto suitable markers plainly stating the name of the owner of the equipment and facilities so identified. Within a reasonable time subsequent to initial installation, and subsequent to any modification of such installation, representatives of the parties shall jointly prepare an itemized list of said movable equipment and salvable facilities so installed.

29. *Inspection of Facilities.* Each party may for any reasonable purpose under this contract inspect the other party's electric installation at any reasonable time. Such inspection, or failure to inspect, shall not render such party, its officers, agents, or employees, liable or responsible for any injury, loss, damage, or accident resulting from defects in such electric installation, or for violation of this contract. The inspecting party shall observe written instructions and rules posted in facilities and such other necessary instructions or standards for inspection as the parties agree to. Only those electric installations used in complying with the terms of this contract shall be subject to inspection.

30. *Facilities for Maintenance of Voltage.* Bonneville shall design and construct Federal System Facilities to maintain, under normal conditions and in accordance with generally accepted operating practices, the voltage at each Point of Delivery from the Federal System within a range of 5 percent above or below the operating voltage agreed upon by the operators of the parties to this contract where such voltage is 25 kV or less. Where the delivery voltage is in excess of 25 kV, Bonneville will design and construct Federal System Facilities to maintain such operating voltage within a range of 10 percent above or below such voltages. The parties shall jointly plan and operate their interconnected electrical facilities so that the flow of reactive power accompanying or resulting from deliveries of electric power and energy under this contract will not adversely affect the system of either party.

H. Miscellaneous Provisions

31. *General Environmental Provisions.* (a) *Policy.* Bonneville in the performance of this contract shall comply with all of its obligations pursuant to the National Environmental Policy Act.

(b) *Affirmative Obligations.* The parties agree to:

(1) Comply fully with all applicable Federal, State, and local environmental laws;

(2) To assist and to cooperate with each other in meeting each other's environmental obligations, to the fullest extent economically and technically practicable and mutually agreeable; and

(3) Provide upon request of the other party a copy of pollution abatement plans as required by the Clean Air Act, by the Clean Water Act, by other Federal statutes, or by an agency having jurisdiction and within a reasonable time submit evidence that such plans have been approved or have not been objected to by agencies with jurisdiction.

(c) *Breach of Obligations.* A breach of this General Environmental Provision exists only if a final determination, including all appeals, has been entered by a court or pollution control agency or agencies having jurisdiction that the Purchaser's facility is not in compliance with applicable laws respecting the control and abatement of environmental pollution.

(d) *Remedy.* Bonneville, after consulting with state or local agencies having jurisdiction may restrict delivery of electric capacity or energy to the Purchaser pursuant to this contract, if Bonneville determines that:

(1) A breach of this General Environmental Provision exists;

(2) Such breach is resulting in a significant adverse effect on the environment;

(3) No governmental agency has jurisdiction or authority to impose sanctions or to seek remedy for such significant adverse effect on the environment; and

(4) Restriction of delivery is the only appropriate remedy and bears a reasonable relationship to the breach.

Before restricting delivery of capacity or energy pursuant to this section, Bonneville shall give the Purchaser written notice and a reasonable opportunity to cure the breach and to seek any legal recourse available to the Purchaser.

32. *Dispute Resolution and Arbitration.* (a) Pending resolution of a disputed matter the

parties will continue performance of their respective obligations pursuant to this contract. If the parties cannot reach timely mutual agreement on any matter in the administration of this contract Bonneville shall, unless otherwise specifically provided for in subsection (b) below and, to the extent necessary for its continued performance, make a determination of such matter without prejudice to the rights of the other party. Such determination shall not constitute a waiver of any other remedy belonging to the Purchaser.

(b) The questions of fact stated below shall be subject to arbitration. Other questions of fact under this contract may be submitted to arbitration upon written mutual agreement of the parties. The party calling for arbitration shall serve notice in writing upon the other party, setting forth in detail the question or questions to be arbitrated and the arbitrator appointed by such party. The other party shall, within 10 days after the receipt of such notice, appoint a second arbitrator, and the two so appointed shall choose and appoint a third. In case such other party fails to appoint an arbitrator within said 10 days, or in case the two so appointed fail for 10 days to agree upon and appoint a third, the party calling for the arbitration, upon 5 days' written notice delivered to the other party, shall apply to the person who at the time shall be the presiding judge of the United States Court of Appeals for the Ninth Circuit for appointment of the second and third arbitrator, as the case may be.

The determination of the question or questions submitted for arbitration shall be made by a majority of the arbitrators and shall be binding on the parties. Each party shall pay for the services and expenses of the arbitrator appointed by or for it, for its own attorney fees, and for compensation for its witnesses or consultants. All other costs incurred in connection with the arbitration shall be shared equally by the parties thereto.

The questions of fact to be determined as provided in this section shall be limited to:

(1) The determination of the measurements to be made by the parties hereto pursuant to section 3 above;

(2) The occurrence of changes in conditions for purposes of section 4 above;

(3) The correction of the measurements to be made pursuant to section 5 above;

(4) Whether the changes mentioned in section 6 hereof were made "promptly";

(5) The duration of the interruption or equivalent interruption mentioned in section 7 above;

(6) The occurrence of an abnormal nonrecurring demand and the amount and time thereof;

(7) Any fact mentioned in section 21 above and in section 24 above;

(8) Whether a party has complied with section 22(b) above; and

(9) The acceptable level of harmonics for purposes of section 23 above.

The questions of fact in the body of the Power Sales Contract with Public Agency, Cooperative, Federal Agency, and Investor-Owned Utility Purchasers to be determined as provided in this section shall be limited to:

(1) The order of receipt of written notices of addition of Firm Resources under section 12(b)(7);

(2) Whether the Purchaser's electrical system is interconnected with electrical systems of other utilities directly or indirectly connected with Bonneville's electrical system for purposes of section 13(d);

(3) Whether a Purchaser's documentation under section 17(e) demonstrates the actual implementation of a load curtailment program; and

(4) The level of base load under section 8.

33. *Enforcement of Rights for Benefit of Transferors.* If delivery of electric power and energy under this contract is to be made by transfer over the facilities of any Transferor or Transferors, Bonneville may enforce Government rights under the power factor clause of the Government's applicable rate schedule incorporated in this contract, and under sections 6, 13, 14, 21, 22, 23, 24, 27, 28, and 29, hereof, for the benefit of such Transferor or Transferors, and all references to the Federal System, property, or Facilities in said section shall be deemed to include the facilities of the Transferor or Transferors being used to deliver electric power or energy for the account of Bonneville.

34. *Net Billing.* Upon mutual agreement of the parties, payments due one party may be offset against payments due the other party under all contracts between the Purchaser and Bonneville for the sale and exchange of electric power and energy, use of transmission facilities, operation and maintenance of electric facilities, lease of electric facilities, mutual supply of emergency and standby electric power and energy, and under such other contracts between such parties as the parties may agree unless otherwise provided in existing contracts between the parties. Under contracts included in this procedure all payments due one party in any month shall be offset against payments due the other party in such month, and the resulting net balance shall be paid to the party in whose favor such balance exists unless the latter elects to have such balance carried forward to be added to the payments due it in a succeeding month.

35. *Contract Work Hours and Safety Standards.* This contract, if and to the extent required by applicable law or if not otherwise exempted, is subject to the following provisions:

(a) *Overtime Requirements.* No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, apprentices, trainees, watchmen, and guards shall require or permit any laborer, mechanic, apprentice, trainee, watchman, or guard in any workweek in which such worker is employed on such work to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer, mechanic, apprentice, trainee, watchman, or guard receives compensation at a rate not less than one and one-half times such worker's basic rate of pay for all such hours worked in excess or eight hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) *Violation; Liability for Unpaid Wages; Liquidation of Damages.* In the event of any violation of the provisions of subsection (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for such employee's unpaid wages. In addition, such Contractor and subcontractor shall be liable to the Government for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, apprentice, trainee, watchman, or guard employed in violation of the provisions of subsection (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed in such work in excess of eight hours or in excess of such employee's standard workweek of 40 hours without payment of the overtime wages required by subsection (a) above.

(c) *Withholding for Unpaid Wages and Liquidated Damages.* Bonneville may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in subsection (b) above.

(d) *Subcontracts.* The Contractor shall insert subsections (a) through (d) of this section in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Records.* The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

36. *Convict Labor.* In connection with the performance of work under this contract, the Contractor agrees, if and to the extent required by applicable law or if not otherwise exempted, not to employ any person undergoing sentence of imprisonment except as provided by Pub. L. 89-176, September 10, 1965 (18 U.S.C. 4082(c)(2)) and Executive Order 11755, December 29, 1973.

37. *Equal Employment Opportunity.* During the performance of this contract, if and to the extent required by applicable law or if not otherwise exempted, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by Bonneville setting forth the provisions of the Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all

qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which said Contractor has a collective bargaining agreement or other contract or understanding, a notice, to be provided by Bonneville, advising the labor union or workers' representative of the Contractor's commitments under the Equal Opportunity clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor, or pursuant thereto, and will permit access to said Contractor's books, records, and accounts by Bonneville and the Secretary of Labor for purposes of investigations to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Contractor maybe declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of subsections (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as Bonneville may direct as a means of enforcing such provisions, including sanctions for noncompliance. In the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by Bonneville, the Contractor may request the Government to enter into such litigation to protect the interests of the Government.

38. *Assignment of Contract.* This contract shall inure to the benefit of, and shall be binding upon the respective successors and assigns of the parties to this contract. Such contract or any interest therein shall not be transferred or assigned by either party to any party other than the Government or an agency thereof without the written consent of the other except as specifically provided in this section. The consent of Bonneville is hereby given to any security assignment or other like financing instrument which may be required under terms of any mortage, trust, security agreement or holder of such instrument of indebtedness made by and between the Purchaser and any mortgagee, trustee, secured party, subsidiary of the Purchaser or holder of such instrument of indebtedness, as security for bonds or other indebtedness of such Purchaser, present or future; such mortgagee, trustee, secured party, subsidiary, or holder may realize upon such security in foreclosure or other suitable proceedings, and succeed to all right, title, and interests of such Purchaser.

39. *Waiver of Default.* Any waiver at any time by any party to this contract of its rights with respect to any default of any other party thereto, or with respect to any other matter arising in connection with such contract, shall not be considered a waiver with respect to any subsequent default or matter.

40. *Notices and Computation of Time.* Any notice required by this contract to be given to any party shall be effective when it is received by such party, and in computing any period of time from such notice, such period shall commence at 2400 hours on the date of receipt of such notice.

41. *Interest of Member of Congress.* 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 such contract if made with a corporation for its general benefit.

42. *Priority of Pacific Northwest Customers.* (a) The provisions of sections 9 (c) and (d) of Pub. L. 96–501 and the provisions of Pub. L. 88–552 as amended by section 8(e) of Pub. L. 96–501 ("the Provisions") are by this reference incorporated herein.

(b) To further the policy of the Provisions, Bonneville agrees that the Purchaser, together with other Customers in the Pacific Northwest, shall have priority on electric power and energy Bonneville has available for sale, in conformity with the Provisions.

(c) Bonneville agrees that it will comply with all restrictions and requirements of the Provisions, and will perform all duties and obligations imposed on it by the Provisions, as the Provisions existed on the effective date of this contract, regardless of any subsequent modification, amendment or repeal of the Provisions.

(d) Bonneville further agrees that, to the extent and at such times as may be necessary to meet demands for energy or peaking capacity at any established rate for use within the Pacific Northwest, it will exercise its rights, under contractual provisions required by the Provisions to be included in contracts for the disposition of surplus energy or surplus peaking capacity for use outside of the Pacific Northwest, to require:

(1) The return of energy delivered in connection with its supplying peaking capacity for use outside the Pacific Northwest; and

(2) The delivery within the Pacific Northwest of energy, peaking capacity, or both, which Bonneville has the right to receive in any exchange for energy, capacity, or both, which it has delivered for use outside the Pacific Northwest.

43. *Resource Acquisition and Management.* (a) *Principles of Resource Acquisition.* (1) Bonneville is obligated under section 6(a)(2) of Pub. L. 96–501 to acquire sufficient firm resources to meet its firm loads after taking into account planned savings from conservation.

(2) Bonneville is obligated to attempt to meet its firm loads pursuant to section 6(a)(2) with resources, including conservation, implemented or acquired on a long-term basis pursuant to Pub. L. 96–501.

(3) To the extent Bonneville is unable to acquire, on a planning basis, sufficient resources on a long-term basis to meet its firm obligations, Bonneville is obligated to and will attempt to meet its remaining firm load obligations through the acquisition of additional resources pursuant to section 11(b)(6) of the Federal Columbia River Transmission System Act. The obligation contained in this subparagraph is a continuing one, and applies on both a planning basis and during the Pacific Northwest Coordination Agreement Critical Period.

(b) *Principles of Resource Management.* Bonneville will manage the resources of the Federal Colubmia River Power System and resources acquired pursuant to Pub. L. 96–501 and the Federal Columbia River Transmission System Act for the purpose of meeting the loads of its customers at the lowest possible expected cost to Bonneville, to the extent consistent with Bonneville's legal obligations, environmental responsibilities, and prudent operating criteria, particularly for firm loads, without reducing its obligation to acquire sufficient resources to meet its firm loads, and with due regard for the risks and expected reliability of such resources.

(c) *Consultation with Customers.* In the development of its plans and programs to effect the provisions of this section, including for ratemaking purposes, Bonneville will provide a timely opportunity for prior consultation with its customers.

44. *Cooperation with Regional Council.* The parties will negotiate amendments to this contract as may be necessary to permit the plan or program adopted by the Pacific Northwest Electric Power and Conservation Planning Council pursuant to Pub. L. 96–501, including but not limited to provisions pertaining to conservation, renewable resources, and fish and wildlife, to be effective in the manner and for the purposes set forth in sections 4 and 6 of Pub. L. 96–501.

45. *Rights of the Purchaser.* No provision of this contract nor any action or lack of action by the Purchaser pursuant to the terms of this contract shall be construed to abrogate, modify, limit or otherwise waive in any respect any right of the Purchaser including the right of the Purchaser to exercise its preference and priority as provided by law.

II. Relating only to Preference Agencies

46. *Separation of Electric Operations and Funds (All Public Agencies).* (a) The Purchasers shall operate its electric system as a separate department from other utility functions, if any, and shall establish and maintain a separate fund for the revenues

derived from the operation of such system. Such revenues shall not be commingled with funds or accounts of other departments, if any.

47. *Statement of General Policies and Practices (Cities).* (a) Publicly owned city electric systems should be operated and maintained:

(1) Primarily for the benefit of the users of electricity;

(2) In accordance with reasonable standards of safety, reliability, quality, and efficiency; and

(3) To maintain the cost of electric power at the lowest level consistent with good service and proper maintenance.

(b) Revenue requirements shall insure a financially sound and self-supporting electrical system. This requires that revenues be sufficient for:

(1) Reasonable and necessary current maintenance and operating expenses, including salaries, wages, cost of power at wholesale, materials, supplies, insurance, necessary renewals and replacements of plant, and the establishment of reasonable funds for such purposes, contingencies, and other lawful charges.

(2) Interest and principal of indebtedness incurred for the electric plant and payments required to be made into any special bond funds.

(3) Depreciation of electric system property to the extent not adequately provided for by amortization of debt and by renewals and replacement.

(4) Payments made into a governmental entity general fund via taxes or payments in lieu of taxes. The percentage of gross electric revenues used for this purpose shall be an amount not exceeding the greater of the following:

(i) An amount is equal to five percent of the gross electric revenues, unless a greater amount is provided pursuant to the city charter or agreements in effect as of December 5, 1980; or

(ii) The amount of State or local taxes levied upon the Purchaser's electric system or its operations.

(c) A local governmental entity, when acting in its governmental capacity, and receiving electric service, shall be a Consumer and be billed for such services consistent with the rates charged other Consumers in the same class. The Purchaser shall receive prompt payment for such electric services. Payments by the Purchaser for necessary services or materials received by the Purchaser from governmental departments, shall be limited to a fair, reasonable and nondiscriminatory charge.

(d) Taxpayers' investments in the electric system, made through use of general government funds of the city, should be treated in the same manner as funds borrowed by the electric system from outside sources, and should receive a return approximating the market rate of interest on comparable securities. Such market rate of interest shall not exceed 6 percent per annum unless a larger amount is approved by Bonneville.

(e) All surplus revenues from retail sales remaining after meeting the requirements of subsections (b), (c), and (d) above, where applicable, should be applied to reduction of rates. Surplus revenues earned in any year may properly be devoted to the purchase or retirement of system indebtedness before maturity, to the extent that such use thereof is consistent with the above principles and practices.

48. *Approval of Contract.* If the Purchaser borrows from the Rural Electrification Administration or any other entity under an indenture which requires the lender's approval of contracts, this contract and any amendment thereto shall not be binding on the parties thereto if they are not approved by the Rural Electrification Administration or such other entity. The Purchaser shall notify Bonneville of any such entity. If approval is given, such contracts or amendment shall be effective at the time stated in such contract or amendment.

49. *Prior Demands.* (a) If Bonneville has delivered electric power or energy to the Purchaser at any Point of Delivery specified in this contract prior to the time this contract takes effect, the Purchaser's Measured Demands, if any, at such point or Measured Demands for its system for Purchasers on Computed Requirements prior to such time shall be considered for the purpose of determining the charges to the Purchaser for the electric power and energy delivered under this contract, during any month in the term hereof, in the same manner as if this contract had been in effect.

(b) If Bonneville has delivered electric power and energy to the Purchaser at any Point of Delivery specified in this contract or in any previous contract with the Purchaser, and such Point of Delivery is superseded by another Point of Delivery specified in this contract, the Purchaser's Measured Demands, if any, at such superseded point shall be considered for the purpose of determining the charges to the Purchaser for the electric power and energy deliverd under this contract at such superseding point.

III. Relating Only to Public Body, Cooperative, Federal Agency and Investor-Owned Utility Purchasers

A. In Reference to Computation of Charges

50. *Effect of Reduction of Contract Demand.* If the Purchaser's contract demand is specified in this contract and is reduced after this contract is executed, the prior Measured Demands, if any, of the Purchaser shall, for the purpose of computing charges for electric power and energy delivered thereafter, be reduced by the amount of such reduction.

51. *Combining Deliveries Coincidentally.* (a) If it is provided in this contract that charges for electric power and energy made available at two or more Points of Delivery will be made by combining deliveries at such points coincidentally:

(1) The total Measured Demand to be considered in determining the billing demand for each Billing Month shall be the largest sum obtained by adding for each demand interval of such month the corresponding Integrated Demands of the Purchaser at all such points after adjusting said Integrated Demands as appropriate to such points;

(2) The number of kilowatthours to be used in determining the energy charge, if any, and the average power factor at which electric energy is delivered at such points under this contract, during such month, shall be the sum of the amounts of electric energy delivered at such points under this contract during such month; and

(3) The number of reactive kilovolt-ampere-hours to be used in determining such average monthly power factor shall be the sum of the reactive kilovolt-ampere-hours delivered at such points under this contrct during such month.

(b) If electric power and energy is made available under this contract to the Purchaser at two or more Points of Delivery, Bonneville may, upon two years written notice, place the Purchaser on a coincidental billing demand basis pursuant to the terms of this section.

52. *Combining Deliveries Noncoincidentally.* If it is provided in this contract that charges for electric power and energy made available at two or more Points of Delivery will be made by combining deliveries at such points noncoincidentally:

(a) The total Measured Demand to be considerd in determining the billing demand for each month in the period specified in such contact shall be the sum obtained by adding together the Measured Demands of the Purchaser for each of such points during such month;

(b) The number of kilowatthours to be used in determining the energy charge, if any, and the average monthly power factor at which electric energy is delivered at such points under this contract, during such month, shall be the sum of the amounts of electric energy delivered at such points under this contract during such month; and

(c) The number of reactive kilovolt-ampere-hours to be used in determining such average monthly power factor shall be the sum of the reactive kilovolt-ampere-hours delivered at such points under this contract during such month.

53. *Power Factor Adjustment.* Except as it is otherwise specifically provided in this contract, no adjustment shall be made for power factor at any Point of Delivery for any period of time during which the reactive power delivered at such point is not measured.

B. In Reference to Purchasers' Operating Policies

54. *Retail Rates.* (a) Copies of the Purchaser's schedules of retail rates, including special contract rates, if any, in effect when this contract is executed, and those hereafter adopted, endorsed with the effective date thereof, shall be furnished to Bonneville, and Bonneville shall keep said rates on file. The Purchaser agrees to serve each of its Consumers at, and in accordance with, the rates, charges, and provisions set forth in the applicable rate schedules on file where and as required by law or on file in Bonneville's office. Notice of the intent to change retail rates shall be given to Bonneville either 45 days prior to their effective date or as soon as the regulatory process allows or shall be mailed to Bonneville on the same day as a notice of a rate change given to a state regulatory authority by the Purchaser, whichever will

result in the later receipt of such notice by Bonneville.

(b) The retail rates and changes shall be reasonable and nondiscriminatory, consistent with the principles of the Bonneville Project Act, subject to the right of the Purchaser to adopt retail rates designed to achieve cost-effective conservation or renewable resources: *Provided, however,* That rates and charges which have been approved in accordance with the procedures of a state regulatory agency having jurisdiction shall be deemed prima facie reasonable and nondiscriminatory. The Purchaser shall maintain records containing the data, analyses, and other factors which are used to develop and form the basis for its proposed or final retail rates. At Bonneville's request, such records as are available for public inspection shall be supplied during the rate development process or after the rates have been adopted.

(c) At the Purchaser's request, Bonneville shall (1) provide assistance in analyzing and developing rate structures, incuding retail rate structures that will encourage cost-effective conservation and Consumer-owned renewable resources; (2) provide estimates of the probable power savings and the probable amount of billing credits under section 6(h) of Pub. L. 96-501 that might be realized by the Purchaser adopting and implementing such retail rate structures; and (3) solicit additional information and analytical assistance from appropriate state regulatory bodies and Bonneville's other Customers.

C. In Reference to Use of Power

55. *Resale of Power.* The Purchaser shall not resell Firm Power delivered under this contract except to those Consumers and utilities within its service area in the Pacific Northwest to the extent such Consumers and utilities are normally dependent on the Purchaser for their firm power supplies. The Purchaser shall not sell power from its firm Resources in such a manner as to increase the Purchaser's Computed Peak Requirement or computed Average Energy Requirement on Bonneville in any month. These prohibitions on resale in this section shall not be interpreted as a general prohibition against the Purchaser simultaneously purchasing Firm Power from Bonneville and selling power generated at its own facilities to other utilities.

D. In Reference Only to Purchasers With Generating Facilities

56. *Nonfirm Deliveries.* (a) At the request of either the Purchaser or Bonneville, the other party will make available on the terms stated herein, such thermal-generated energy or hydro-generated energy as the supplying party determines, when such request is made, that it has available for delivery to the requesting party.

(b) Neither party, by this contract, assures the other that it has, or will have available, any thermal-generated energy or hydro-generated energy for delivery to such other party, and the determination made by the supplier, provided for in subsection (a) above, of the amount, if any, of such energy which it will supply to the other party shall be final and conclusive as to both parties.

(c) Nothing in this contract shall prohibit supply of nonfirm, emergency or breakdown relief energy under any other contract.

57. *Emergency or Breakdown Relief.* (a) If a breakdown of, or emergency on, the system of either the Purchaser or Bonneville occurs, while such breakdown or emergency exists, the other party will make available upon request, all or such part of the electric energy required for such system as the supplier determines it can supply, consistent with its obligations to its other customers. The determination so made by the supplier shall be final and conclusive as to both parties.

(b) If either party supplies electric energy to the other party pursuant to the provisions of subsection (a) of this section and requests replacement thereof, the other party shall make an equivalent amount of electric energy available to such supplier at such times as may be agreed upon by the dispatchers of the parties hereto.

58. *Effect on Generating Utility by Direct Service Industrial Customer Power Sales Contract Provisions.* Bonneville will notify the Purchaser of the proposed adoption of an annual operating plan, annual operating agreement or energy accounting system in the Direct-Service Industrial Customers' power sales contracts. If, in Bonneville's sole determination, the system of a generating utility will be materially affected by a proposed annual operating plan, annual operating agreement, or energy accounting system provided in the Direct Service Industrial Customers' power sales contracts, Bonneville will consult with such utility prior to adopting such proposed plan, agreement, or accounting system.

IV. Relating Only to Direct-Service Industry Purchasers

A. In Reference to computation of Charges

59. *Demands.* During periods when Bonneville is delivering to the Purchaser hourly amounts of electric power or energy under the terms of agreements other than this contract, such amounts shall be subtracted each hour from the Integrated Demand for deliveries hereunder for each such hour after adjusting such Integrated Demands as appropriate to the Point of Delivery.

B. In Reference to Purchase

60. *Use and Resale of Power.* All electric power and energy delivered under this contract shall be used by the Purchaser in its own operations, and the Purchaser shall not resell such electric power and energy delivered under this contract, or any part thereof. If the Purchaser resells such electric power and energy, or any part thereof, Bonneville shall immediately terminate this contract.

Exhibit C.—Table 1

August 23, 1981.

Customer Service Objectives Exhibit

Table 1 of the Customer Service Objectives Exhibit is applicable to the Purchaser if the Purchaser is a public body, cooperative or Federal agency. The provisions of Table 1 are subject to the provisions of Bonneville's Customer Service Policy, which Bonneville may amend from time to time.

Bonneville will provide service to its Customers by constructing transmission lines (115 kV or higher), and stepdown substations to the Customers utilization voltage (12.5 kV or higher), (Customer Service Facilities), which are necessary to provide the widest possible, diversified and efficient use of electric power. To accomplish this objective, construction of new Customer Service Facilities will be undertaken following studies conducted jointly by Bonneville and the Customer to determine the best engineering, economic, and environmental plan of service based on a one utility concept of evaluation.

Bonneville's primary transmission responsibility is to provide a stable and reliable transmission system for the integration and delivery of the bulk power requirements in the Pacific Northwest. It is intended that the Customer will assume the primary role for distribution of this power to the Consumer. In recognition of this basic division of responsibility, Bonneville will construct the necessary Customer Service Facilities, providing that capital recovery is reasonably assured, until such time that the load density in the area under consideration reaches a point that requires construction of customer service substations in relatively close proximity. At this point, the Customer will assume, as part of its distribution utility responsibility, construction of the transmission lines and stepdown substations required to serve the loads within this high load density area. Therefore, the scope of Bonneville's participation will be narrowed to providing the required high voltage transmission facilities into the load area and stepdown substations to the local transmission level while conforming with Bonneville's published reliability standards, which may be amended by Bonneville from time to time. It is the intent that the dividing line between Bonneville's transmission responsibility and the Customer's distribution responsibility be a dynamic relationship which will shift from Bonneville to the Customer as the load density in a particular area increases.

Joint utility planning and one utility concept of evaluation will be the foundation for all Bonneville customer service planning efforts. These concepts have become more important in recent years to insure maximum electrical system efficiencies, and minimize impact on the environment in addition to meeting other economic and engineering criteria.

Bonneville's Customer Service Policy will encourage additional joint utility planning including (1) better long-range planning; (2) energy loss reduction studies, including common standards of conductor economics, and distribution voltage levels; (3) voltage regulation on the transmission and distribution system; and (4) elimination of duplicate facilities such as may result from separate substations and low voltage circuit breakers.

Table 2

August 23, 1981.

Customer Service Objectives Exhibit

Table 2 of the Customer Service Objectives Exhibit is applicable to the Purchaser if the Purchaser is an investor-owned utility. Bonneville and the Purchaser have not agreed on objectives for the provision of new Customer Service Facilities by Bonneville. Bonneville shall not have any obligation to provide Customer Service Facilities to the Purchaser until Bonneville and the Purchaser mutually agree upon a set of objectives for the provision of such facilities.

Exhibit D

August 23, 1981.

Allocation Formulas Exhibit

The Purchaser's contractual entitlement to and allocation of Firm Capacity or Firm Energy shall be based on the following formulas. Bonneville's obligation to supply Firm Power to the Purchaser shall not be increased by any formula beyond Bonneville's obligation prior to issuing a notice of restriction.

1. *General Allocation Formulas for Firm Energy Capability (Formula A).* The respective formulas below shall be used (a) for determining the allocation of Firm Energy to public body, cooperative and Federal agency Customers during a combined allocation of the Federal base system resources including the Montana reservation; and (b) for determining the allocation of Firm Energy to investor-owned utilities.

(a)

$\frac{A}{B}$ times C+(R+S+W) (b) R+W

2. *Montana Determination Formula (Formula B).* This formula shall be used to determine whether Montana public body, cooperative and Federal agency Customers as a class would receive a greater allocation of Firm Energy from the combined Federal base system resources including the Montana reservation than the allocation they would receive solely from the Montana reservation.

If

$\frac{D}{B}$ times C is greater than M, use formula A

for determining the allocation of Firm Energy of all public body, cooperative and Federal agency customers. If not, use formulas C and D.

3. *Montana Reservation Allocation Formula (Formula C).* This formula shall be used for determining the allocation of Firm Energy to Montana public body, cooperative and Federal agency Customers when such Customers receive a greater allocation of Firm Energy solely from the Montana reservation.

$\frac{A}{D}$ times M+(R+S+W)

4. *Allocation Formula For All Other Public Body, Cooperative, and Federal Agency Customers During A Montana Reservation Allocation (Formula D).* This formula shall be used for determining the allocation of Firm Energy to public body, cooperative and Federal agency Customers other than Montana Customers when Montana Customers receive an allocation solely from the Montana reservation.

$\frac{A}{B-D}$ times (C-M)+(R+S+W)

5. *General Allocation Formula for Firm Peak Capability (Formula E).* These formulas shall be used for determining the allocation of Firm Capacity for each month of an Operating Year for (a) public body, cooperative, and Federal agency Customers; and (b) investor-owned utilities.

(a)

$\frac{C}{H}$ times C+(R+S+W) (b) R+W

6. *Pro Rata Formula Based on Resources Developed (Formula F).* These formulae shall be used for the allocation of Intra-Class Excess Entitlements for investor-owned utilities and any amounts of Intra-Class Excess Entitlements remaining for the public body and cooperative class or Federal agency class after Bonneville reduces the Intra-Class Excess Entitlements of such classes as specified in section 7(f)(2).

The initial allocation factor "I" is established as the ratio of resources the Customer developed "Q" compared to what it should have developed "Z." The initial allocation factor "I" is then squared to establish the value "J" for determining the Customer's allocation ordinal. The "J" values for each Customer in each class are then scaled to a per unit value by dividing "J" for each Customer by the sum of all "J"'s to express the final allocation factor "K" (the sum of "K" for each class equals one).

$I=\frac{Q}{Z}$

$J=I^2$

$K=\frac{J}{L}$

The allocation of the sum of such Intra-Class Excess Entitlements for each Customer is calculated by multiplying the final allocation factor "K" times the sum for such Customer's class of the Intra-Class Excess Entitlements or the remaining amount of such sum, as the case may be. This process shall be repeated until the Intra-Class Excess Entitlements are exhausted or the deficiencies of all Customers in that class as reduced by section 7(f)(4) are fully met. The final allocation factor "K" may be recalculated, if necessary, for allocations of the remaining amounts of such sum by excluding the "J" values of those Customers in a class whose deficiencies as reduced by section 7(f)(4) have been fully met.

P=[K times (E-T) for Customers where X is greater than zero] + [K times (the remaining amount of (E-T) from Customers in a class which have exceeded the limit specified below after the allocation in the previous bracket) for such Customers which did not exceed the limit specified below in the allocation in the previous bracket] with such allocation process continuing until (E-T) is exhausted. P may not exceed (X-U) for each Customer in a class.

If the sum for such Customer's class of the Intra-Class Excess Entitlements has not been exhausted after fully meeting the deficiencies of the Customers in that class as reduced by section 7(f)(4), such remaining amount of Intra-Class Excess Entitlements, which are the amounts remaining, if any, due to section 7(f)(4), shall be allocated to Customers of each class whose deficiencies in the first series of iterations were reduced pursuant to section 7(f)(4). Such allocation shall be made in the same manner used in the first series of iterations by multiplying the final allocation factor "K" by such remaining amount of Intra-Class Excess Entitlements or amounts remaining after previous allocations of such remaining amounts, as the case may be. This process shall be repeated until such remaining amount of Intra-Class Excess Entitlements is exhausted. The final allocation factor "K" may again be recalculated, if necessary, for allocation of the amounts remaining after previous allocations of such remaining amount by excluding the "J" values of those Customers in a class whose deficiencies have been fully met.

O=[K times N for Customers where (U) is greater than zero]+ [K times (the remaining amount of N from Customers in a class which have exceeded the limit specified below after the allocation in the prior bracket) for such Customers which did not exceed the limit specified below in the allocation in the prior bracket] with such allocation process continuing until N is exhausted. O may not exceed (U) for each Customer in a class.

7. *Definitions.*

A=The larger of (a) the sum of Purchaser's Actual Firm Energy Loads, exclusive of its New Large Single Loads, in the Year Preceding Insufficiency; or (b) the arithmetic average of such loads for the Year Preceding Insufficiency and the two Operating Years immediately preceding such year, less either the contribution of the Purchaser's Firm Resources as limited below to the sum of the Purchaser's Assured Energy Capability for such year or the planning capability of the energy output of such resources for a Purchaser on Metered Requirements. The Purchaser's Firm Resources to be considered above shall be limited to those resources which are included as 5(b)(1)(A) resources in the Purchaser's Firm Resource Exhibit.

B=The total of A for all public body, cooperative and Federal agency Customers.

C=The firm energy capability for the Operating Year or the firm peak capability for each month of such year of the Federal base system resources described in section 7(c) and 7(d).

D=The total of A for all Montana public body, cooperative and Federal agency Customers.

E=The respective sum of the Intra-Class Excess Entitlements for each class of Customers.

G=The larger of the Purchaser's Actual Firm Peak Load, exclusive of its New Large Single Loads, for each month in the Year Preceding Insufficiency or the arithmetic average of such load for such months in the Year Preceding Insufficiency and the two Operating Years immediately preceding such year, less either the contribution of the Purchaser's Firm Resources as limited below to the Purchaser's Assured Peak Capability for such months or the planning capability of the peak output of such resources for such months for a Purchaser on Metered Requirements.

The Purchaser's Firm Resources to be considered above shall be limited to those resources which are included as 5(b)(1)(A) resources in the Purchaser's Firm Resource Exhibit.

H=The total of "G" for each month of the Operating Year for all public body, cooperative and Federal agency Customers.

I=The initial allocation factor which is determined by comparing what the Purchaser developed "Q" to what it should have developed "Z." "I" shall be deemed to be 0.01 for Customers where "I" is less than 0.01 but greater than zero.

J=The value which is used to establish the final allocation factor for determinng the Purchaser's share of the sum for such Customer's class of the Intra-Class Excess Entitlements.

K=The final allocation factor for members of each Customer class.

L=The respective sum of "J" for all Customers in each class of Customers.

M=The firm capability as determined by Bonneville of the reservation under law of electric power primarily for use in the State of Montana.

N=The remaining amount of Intra-Class Excess Entitlements for a class after the deficiencies of the Customers in a class, as reduced by section 7(f)(4), have been fully met as specified in section 7(f)(3).

O=The allocation of the remaining amounts of Intra-Class Excess Entitlements to Customers in each respective class whose entitlements under section 7(f)(3) have been reduced pursuant to section 7(f)(4) after meeting the deficiencies of all Customers in such class as reduced by section 7(f)(4). "0" may be zero for the Purchaser.

P=The initial allocation for each Customer from the sum for such Customer's class of the Intra-Class Excess Entitlements as specified in section 7(f)(3).

Q=The best estimate of the sum of the firm energy capability for the Operating Year at the time of the determination of the estimated allocation prior to such Operating Year or the firm peak capability for each month of such year of (1) resources (including conservation) acquired from or on behalf of the Purchaser as specified in section 7(e); (2) conservation and direct application renewable resources of the Purchaser which have reduced the Purchaser's Actual Firm Load in an amount which the Purchaser has documented and that Bonneville has agreed was accomplished, and (3) the portion of the Purchaser's Firm Resources which are included as 5(b)(1)(B) resources in its Firm Resource Exhibit.

R=The best estimate of the sum of the firm energy capability for the Operating Year for which the determination of each estimated or final allocation is made or the firm peak capability for each month of such year of resources (including conservation) acquired from or on behalf of the Purchaser as specified in section 7(e).

S=An additional allocation of firm peak and firm energy capability necessary to ensure that the Purchaser's allocation is not less than the amount of Firm Power actually supplied by Bonneville to meet its obligation under section 14 or section 17, as applicable, to supply Firm Capacity in each month and Firm Energy in the Year Preceding Insufficiency. "S" may be zero for the Purchaser.

T=The respective sum of "S" for all Customers in the public body and cooperative or Federal agency class. "T" is zero for the investor-owned utility class.

U=The firm peak and firm energy capability necessary to serve the amount which the Purchaser's Actual Firm Peak Loads or Actual Firm Energy Loads would have been reduced by any cost-effective conservation programs which Bonneville offers to the Purchaser and the Purchaser declines to implement. Such amount of firm peak capability and firm energy capability shall be determined based on such programs' standards for measuring load reductions but shall not include amounts of firm peak capability or firm energy capability to the extent the Purchaser implemented similar measures which accomplished the same purposes and were comparable to Bonneville programs in enough ways to evaluate their degree of effectiveness. In the event the Purchaser implemented equivalent conservation programs which Bonneville determines resulted in reductions less than would have resulted from the Bonneville conservation programs, Bonnevilee shall reduce the Purchaser's allocation by the difference between the reductions which would have resulted from the Bonneville conservation programs and the reductions resulting from the Purchaser's conservation programs. "U" shall not exceed "X" for determining the Purchaser's entitlement to Intra-Class Excess Entitlements.

W=The Purchaser's allocation of the sum for the Purchaser's class of the Intra-Class Excess Entitlements based on the following formulas:

(1) W=X for all Customers in a class, if (E-T) is equal to or greater than Y.

(2) W=P-U+O for all Customers in a class, if (E-T) is less than Y.

X=The remaining deficiency of firm peak capability or firm energy capability between the Purchaser's allocation prior to the Purchaser receiving an entitlement of Intra-Class Excess Entitlements for its class and the amount of Firm Power necessary to meet Bonneville's obligations pursuant to section 14 or section 17, as applicable, to supply Firm Capacity for each month or Firm Energy for an Operating Year. Such remaining deficiency for an Operating Year shall be the difference between the Purchaser's Estimated Firm Load, if provided, or Bonneville's estimate of the Purchaser's Actual Firm Load and the sum of either the Assured Capabilities for a Purchaser on Computed Requirements or the planning capability of its Firm Resources for a Purchaser on Metered Requirements and the Purchaser's allocation of "C", "S" and "R."

Y=The respective sum of "X" for all Customers in each class.

Z=The load growth of the Purchaser since passage of Pub. L. 96-501 and any deficits of investor-owned utilities determined by subtracting from Bonneville's estimate of the Purchaser's Actual Firm Load for the Operating Year for which the allocation will apply either (1) the Purchaser's Actual Firm Load in the '82-'83 Operating Year for public body, cooperative and Federal agency Customers; or (2) the contribution to the Purchaser's Assured Capabilities for such Operating year for a Purchaser on Computed Requirements or the planning capability for a Purchaser on Metered Requirements of any Firm Resources which were included as 5(b)(1)(A) resources in the Purchaser's Firm Resource Exhibit for investor-owned utilities. "Z" shall be deemed to be one for Customers where "Z" is less than one.

Exhibit E

Power Scheduling Procedures Exhibit

August 23, 1981.

1. *Submission of Prescheduled Amounts.* (a) Preschedules shall be completed by Bonneville and the Purchaser on each day which both Bonneville and the Purchaser observe as a regular workday (Workday) for each hour of the following day or days through the following Workday unless otherwise agreed.

(b) The Purchaser shall submit estimates of prescheduled amounts on such Workdays by 1100 hours Pacific Time (PT) or 2 hours after Bonneville issues its report of the Chief Joseph Project uncoordinated discharge, whichever is later.

(c) Final prescheduled amounts shall be submitted on such day by 1400 hours PT or 2 hours after the estimated preschedules provided pursuant to subsection (b) above have been submitted, whichever is later.

(d) Final prescheduled amounts shall be submitted no later than 1000 hours PT on such day when both Bonneville and the Purchaser are offering energy for sale under the Exportable Energy Agreement (Bonneville Contract No. 14-03-73155).

(e) If Bonneville limits the amounts of power it makes available during Heavy Load Hours pursuant to section 17(g)(1), it shall inform the Purchaser's representative of its intention to make such limitation by 1200 hours PT of the day prior to the effective date of such limitation.

(f) Bonneville may request by 1200 hours PT on any Wednesday estimates of energy that the Purchaser anticipates it will schedule with Bonneville for each day for the ensuing ten days, and the Purchaser shall submit such estimates to Bonneville by 1200 hours PT on the Workday following the request.

2. *Hourly Distribution of Scheduled Amounts.* (a) This subsection (a) applies to all

Computed Requirements Purchasers, except as provided in subsections (b) and (c) below.

(1) The Purchaser may preschedule during Heavy Load Hours up to the amounts Bonneville is obligated to make available pursuant to section 17(g)(1).

(2) The Purchaser may preschedule during Light Load Hours on any day, Monday through Saturday, not more than 160 percent of the sum of:

(A) The Purchaser's Computed Average Energy Requirement and

(B) The amount, if any, by which the Purchaser's Computed Average Energy Requirement (CAER) exceeds the average amount of energy which the Purchaser preschedules from Bonneville under this agreement during Heavy Load Hours of the same calendar day (AAE during HLH).

[This Light Load Hour (LLH) limit can be expressed mathematically as: MON–SAT LLH SCHEDULE LIMIT = 160% [CAER + [CAER – AAE during HLH]]

This formula will allow approximately 120 percent of the monthly Computed Average Energy Requirement to be taken on any week day having 15 Heavy and 9 Light Load Hours. It will also allow a higher limit on Light Load Hours to the extent the Purchaser chooses to move energy from Heavy Load Hours into Light Load Hours or Bonneville exercises its right to limit deliveries during Heavy Load Hours pursuant to section 17(g)(1).]

(3) The Purchaser may preschedule during all hours on Sunday as follows: Not more than 120 percent of the Purchaser's Computed Average Energy Requirement between 0700 and 2200 hours PT and not more than 320 percent of the Purchaser's Computed Average Energy Requirement on all other hours: *Provided, however,* The total amount of energy prescheduled during each seven day period ending on 2400 hours PT Sunday shall be limited to the product of 168 hours and 120 percent of the Purchaser's Computed Average Energy Requirement.

(4) Except as provided in section 2(c)(2) above, the Purchaser may preschedule in any day up to the greater of the product of 8 hours and the Purchaser's Computed Peak Requirement or the product of 24 hours and 120 percent of the Purchaser's Computed Average Energy Requirement. If the Purchaser preschedules energy on any day using this rule which exceeds the product of 24 hours and 120 percent of the Purchaser's Computed Average Energy Requirement, the Purchaser shall return such excess within the calendar day following the taking of such energy or later if agreed by Bonneville and the Purchaser, at a rate no greater than 100 percent of the Computed Peak Requirement. An adjustment will be made in the billing process to reflect the obligation to return energy associated with capacity taken on the last day of the billing period.

(5) In the event the Purchaser is unable to preschedule energy up to the amounts otherwise allowed in this section on certain hours due to minimum generation limitations of the Purchaser's Firm Resources, Purchaser may, by prior agreement of Bonneville, preschedule energy during other hours up to levels that may exceed the preschedule limits otherwise available to the Purchaser in this section. If such inability is due to limitations imposed by Bonneville pursuant to section 17(g)(1), Bonneville shall agree to the Purchaser's request unless Bonneville determines that operating conditions on its system prevent it from making such delivery without spilling water which it would not otherwise have spilled, purchasing power which it would not otherwise have purchased, or restricting deliveries of power to its own firm loads, which for the purpose of this paragraph (1) shall include deliveries which Bonneville would otherwise have made to its direct-service industrial purchasers. If needed by Bonneville, such preschedule will be reducible at Bonneville's option down to the scheduling limits otherwise available to the Purchaser in this section at any time prior to the actual delivery. If scheduled amounts arranged under this paragraph exceed the limits otherwise allowed in this section, the amounts in excess of such limits will not be used in determining any unauthorized increase or Measured Demand of the Purchaser.

(b) In addition to and not in limitation of subsection (a) above, Computed Requirements Purchasers shall arrange schedules according to this subsection (b). Since the determination of the Purchaser's Computed Peak Requirement and Computed Average Energy Requirement depends on the relationship of the Purchaser's Assured Capabilities and Actual Firm Loads, such requirements for any month cannot be determined until after the end of that month. As each Purchaser must estimate its own firm load, and is in the best position to follow the load development from day to day, it will be the Purchaser's responsibility to request preschedules of Firm Power, including any increase over previously established demands, on the basis estimated by the Purchaser to result in the most advantageous purchase of the power to be billed at the end of the month. When used in this section 2 with respect to Computed Requirements Purchasers, the terms Computed Peak Requirement and Computed Average Energy Requirement mean the Purchaser's best estimate of such quantities. The Purchaser shall have the right to change its estimate of its Computed Peak Requirement and Computed Average Energy Requirement at any time based on corresponding changes in the Purchaser's estimate of its firm loads or to reflect changes in its Assured Energy Capability allowed by te provisions of section 17(d). Changes in prescheduled amounts shall be as permitted in section 3 below.

(c) In addition to subsection (a) above, Customers purchasing on the basis of Planned Computed Requirements or Contracted Requirements shall schedule according to this subsection (c).

(1) Except as otherwise provided in this exhibit the Purchaser shall not schedule Firm Power under this contract in any month in excess of its Computed Average Energy Requirement times the number of hours in such month.

(2) If during a month, a Planned Computed Requirements or Contracted Requirements Purchaser which has a Computed Average Energy Requirement greater than 20 percent of its Computed Peak Requirement for such month reaches the limit for scheduling Firm Power specified in paragraph (1) above, such Purchaser shall thereafter during such month be subject to the provisions of secton 2(a)(4) above, except: (1) The Purchaser's Computed Average Energy Requirement as used in section 2(a)(4) shall be zero; and (2) that, under adverse operating conditions, Bonneville may request that the Purchaser return energy delivered pursuant to section 2(a)(4) by the later of six hours from delivery or the end of the current Heavy Load Hour period and the Purchaser shall use its best efforts to comply with such request: *Provided, however,* That, in any event, the Purchaser shall return such energy prior to 0700 hours of the following day. For purposes of this paragraph (2), adverse operating conditions shall mean an inability of the Government's generating system to increase its generation to produce such energy without subsequent spillage of water on the Government's generating system, without requiring a susequent purchase of power by Bonneville, or without subsequently causing Bonneville to violate any operating restriction on the Government's generating system.

3. *Changes from Preschedules.* (a) In the application of the procedures controlling changes from preschedules, it is Bonneville's intention to comply with the Purchaser's requests for schedule changes to the maximum extent practicable, so as to maximize the power production of the region's resources in the most efficient manner possible. Bonneville shall coply with requests for schedule changes to the extent such changes are within the capability of the Federal system unless, due to the lateness of the request for change, Bonneville would suffer energy, capability, or economic loss (not including any economic loss resulting from making the requested change instead of making secondary sale) that would have been avoided if this request had been made at the preschedule time. If Bonneville would suffer such loss and if the Purchaser agrees prior to delivery to reimburse Bonneville for the estimated loss in order to make the change, Bonneville shall make such change. The Purchaser shall endeavor to avoid requesting schedule changes.

(b) Except under emergency conditions, requests for schedule changes shall be submitted no later than 20 minutes before the beginning of the automatic generation control process ramp time used by Bonneville. This ramp time now begins 10 minutes before the hour.

(c) With prior agreement of Bonneville, the Purchaser may increase its schedules of capacity up to the amounts the Parchaser had a right to preschedule in a manner which is not otherwise provided for, if the Purchaser agrees to return the energy associated with such increase within 6 hours.

(d) When requested by Bonneville, the Purchaser shall make schedule changes in blocks of 6 hours at one time, subject to subsequent changes permitted by this exhibit, to enable Bonneville to develop a revised operational plan in an efficient manner. Such schedule changes shall incorporate the

Purchaser's latest and best information about its future operation.

(e) In addition to the schedule changes allowed pursuant to subsections (a) through (d) above, if the Purchaser has been designated to purchase on the basis of Actual Computed Requirements, it may make schedule changes without limitation by Bonneville subject to the following conditions:

(1) The Purchaser is not delivering energy for sale under the Exportable Energy Agreement concurrently with Bonneville;

(2) The Purchaser is making full use of the capability of its Firm Resources up to the Assured Capability levels of such resources or such capability is being replaced with other purchases or resources, and the Purchaser is making full use of its rights to change schedules under other contracts: *provided, however,* That hydroelectric resources need be used only to the maximum extent possible within the limits of normal pondage and available streamflows; and

(3) The schedule change is necessary in order to meet the Purchaser's Actual Firm Loads; or the changed schedule would serve to conserve energy which would otherwise be lost to the region.

Exhibit F

Relief From Overrun Exhibit

August 23, 1981.

The following procedures are available pursuant to section 19(b)(1)(B) for use by Purchasers to avoid certain unauthorized increase charges which would otherwise occur due to load estimating errors. If used, such procedure shall be followed in its entirety in the order set forth below. These procedures are available only to Purchasers which purchase on the basis of Actual Computed Requirements.

1. *Conversion of Measured Amounts to Nonfirm Energy.* If any of the Purchaser's Measured Amounts during Heavy Load Hours during the month exceed the Purchaser's Computed Maximum Requirement for the corresponding hour, Bonneville shall convert such excess to nonfirm energy to the extent that Bonneville determines it would have had additional nonfirm energy available for the Purchaser during such hours. The amounts so converted shall be billed as nonfirm energy pursuant to section 19(b)(2). The Purchaser's Measured Amounts for such hours and the Purchaser's Measured Energy for the month shall be reduced by the amounts so converted to nonfirm energy. If the Purchaser's Measured Demand is based on a Measured Amount which is reduced pursuant to this section, such Measured Demand shall be reduced by the amount converted to nonfirm energy for such hour.

2. *Mandatory Adjustment of Assured Capability.* If the Purchaser's Measured Energy for the month, after reduction pursuant to section 1 above, exceeds the Purchaser's Computed Energy Maximum for such month, the Purchaser shall, to the extent permitted by section 17(d), reduce its Assured Energy Capability for such month, to the extent necessary to increase its Computed Energy Maximum so that it equals its Measured Energy, after reduction of such Measured Energy pursuant to section 1 above, for such month. The Purchaser's computed Average Energy Requirement and Computed Maximum Requirement for such month shall be increased as appropriate to reflect the decrease, if any, in the Purchaser's Assured Energy Capability made pursuant to this subsection 2.

3. *Conversion of Measured Energy to Nonfirm Energy.* If the Purchaser's Measured Energy for the month, after reduction pursuant to section 1 above, exceeds its Computed Energy Maximum for such month, after adjustment pursuant to section 2 above, Bonneville shall convert a portion of such excess to nonfirm energy. Such portion shall be equal to the product of such excess and the ratio of the number of Light Load Hours during such month that Bonneville determines it would have had additional nonfirm energy available for the Purchaser to the total number of Light Load Hours in such month. The amounts so converted shall be billed as nonfirm energy pursuant to section 19(b)(2). The Purchaser's Measured Energy for the month shall be further reduced by the amounts so converted to nonfirm energy.

4. *Disposition of Demand Overrun.* If any of the Purchaser's Measured Amounts during Heavy Load Hours during the month, after reduction pursuant to section 1 above, exceed the Purchaser's Computed Maximum Requirement for the corresponding hour, after adjustment pursuant to section 2 above, but none of such Measured Amounts are greater than 110 percent of such Computed Maximum Requirement for the corresponding hour, the largest of the anounts by which the Purchaser's reduced Measured Amounts during such hours exceed the Purchaser's adjusted Computed Maximum Requirement for the corresponding hour shall, subject to adjustment pursuant to section 6 below, be billed at the demand charge for reserve power pursuant to section 19(b)(3) and a service charge for the portions of such Measured Amounts which exceed such Computed Maximum Requirements for corresponding hours shall, subject to adjustment pursuant to section 6 below, be billed at the charge for energy advanced during Heavy Load Hours pursuant to section 19(b)(4). If any of the Purchaser's Measured Amounts during Heavy Load Hours during the month, after reduction pursuant to section 1 above, exceed 110 percent of the Computed Maximum Requirement for the corresponding hour, after adjustment pursuant to section 2 above, a charge for the portions of such Measured Amounts which exceed such Computed Maximum Requirements for corresponding hours shall be billed as unauthorized increase pursuant to section 19(b)(1)(A). The Purchaser's Measured Energy for the month shall be further reduced by the amounts billed as unauthorized increase.

5. *Relief from Energy Overrun.* If the Purchaser's Measured Energy for the month, after reduction pursuant to section 1, 3 and 4 above, is less than the relief margin set forth below, the Purchaser shall return the portion of such Measured Energy in excess of the Purchaser's Computed Energy Maximum, after adjustment pursuant to section 2 above, at mutually agreeable times and rates within 30 days after Bonneville notifies the Purchaser that such return is required or at times and rates otherwise mutually agreed upon. A service charge for the excess energy so returned shall be billed at the charge for energy advanced during unspecified Heavy or Light Load Hours pursuant to section 19(b)(4). To the extent such excess is not so returned it shall be billed as unauthorized increase pursuant to section 19(b)(1)(A). The Purchaser's Measured Energy for the month shall be further reduced by the excess amounts returned to Bonneville or billed as unauthorized increase. The relief margin is 101 percent of the Purchaser's Computed Energy Maximum for each month, after adjustment pursuant to section 2 above, except that in the month before the month in which the Purchaser's Flexibility Account balance must be brought to zero pursuant to section 17(d)(1)(A) the relief margin is 103 percent and in the month that the Purchaser's Flexibility Account must be so brought to zero the relief margin is 105 percent. If the Purchaser's Measured Energy for such month, after reduction pursuant to sections 1, 3 and 4 above, exceeds the relief margin set forth above, the entire excess over its Computed Energy Maximum after adjustment pursuant to section 2 above, shall be billed as unauthorized increase pursuant to section 19(b)(1)(A). The Purchaser's Measured Energy for the month shall be further reduced by the amounts billed as unauthorized increase.

6. *Adjustment of Demand Overrun.* If any of the Purchaser's Measured Energy for the month is billed at the unauthorized increase rate pursuant to section 5 above and if any demand has been billed at the demand charge for reserve power and if any energy has been billed at the service charge pursuant to section 4, the amount of demand so billed and the amount of energy so billed shall be reduced by amounts obtained by multiplying the amounts billed pursuant to section 4 by the ratio of the amount billed at the unauthorized increase rate pursuant to section 5 to the amount of energy billed at the service charge pursuant to section 4. If such ratio is greater than one, the amount of demand billed at the demand charge for reserve power and the amount of energy billed at the service charge pursuant to section 4 shall be reduced to zero.

7. *Disposition of Remainder.* The Purchaser's Measured Amounts, Measured Demand, and Measured Energy for the month, after reduction and adjustment pursuant to sections 1 through 6 above, shall be billed pursuant to section 19(b)(1)(A).

Exhibit G

Service Charges Exhibit

August 21, 1981.

Section I. Service charges arising from the Relief from Overrun Exhibit. The following charges shall be applied to services provided by Bonneville pursuant to this agreement.

1. For energy advanced during Heavy Load Hours—3.0 mills per kilowatthour.

2. For energy advanced during unspecified Heavy or Light Load Hours—2.0 mills per kilowatthour.

3. Heavy Load Hours and Light Load Hours mean the same herein as in the body of this agreement.

Section II. Service charges arising from services provided by Bonneville to Purchaser's Firm Resources or other resources which are within Bonneville's automatic generation control area. No Charges have been established as of the date of execution of this agreement.

EXHIBIT H.—Points of Delivery

This exhibit is unique to the Customer.

EXHIBIT I.—Firm Resources

This exhibit is unique to the Customer.

EXHIBIT J.—Assured Capability

This exhibit is unique to the Customer.

EXHIBIT K.—New Large Single Load Determinations

This exhibit is unique to the Customer.

EXHIBIT L.—Special Provisions

This exhibit is unique to the Customer.

Attachment 2

Contract No. ————————
August 25, 1981.

Power Sales Contract Executed by the United States of America, Department of Energy, Acting by and Through the Bonneville Power Administration and ————

Index to Sections

Sec.

1. Termination of Prior contracts
2. Term of Contract
3. Exhibits
4. Sale and Purchase of Power
5. Amount of Power
6. Provisions Relating to Delivery
7. Restriction of Deliveries
8. Operations
9. Curtailment by the Purchaser
10. Use of Power
11. Fish and Wildlife Responsibilities
12. Mid-Term Contract Review
13. Miscellaneous
14. Definitions
Exhibit A (Wholesale Power Rate Schedule for Industrial Firm Power and General Rate Schedule Provisions)
Exhibit B (General Contract Provisions [GCP Form PSC–1])
Exhibit C (Purchaser's Demands)
Exhibit D (Points of Delivery and Special Provisions)

This power sales contract, executed ————, 198–, by the United States of America (Government), Department of Energy, acting by and through the Bonneville Power Administration (Bonneville), and ———— (Purchaser), a corporation incorporated under the laws of the State of ————,

Witnesseth

Whereas, pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96–501 (Regional Act), Bonneville is obligated to offer an initial long-term contract for the sale of electric power and energy to each direct-service industrial customer (Industrial Purchaser(s)) which was a party to a direct-service contract with Bonneville on December 5, 1980; and

Whereas, the Purchaser is a direct-service industrial customer of Bonneville, and is a party to power sales contracts with Bonneville (Contract No. 14–03————, which as amended is called MF Contract, and Contract No. 14–03——, which as amended is called IF Contract) which were each in existence on December 5, 1980, and is a party to an agreement with Bonneville relating to principles of operation of Bonneville's power system (Contract No. ————), all of which are referred to as "Prior Contracts"; and

Whereas, Bonneville is obligated to offer the Purchaser this contract which provides for an amount of power equivalent to that which the Purchaser is entitled to under its IF Contract providing for the sale of Industrial Firm Power, a portion of which may be restricted to provide a portion of Bonneville's reserves for its Firm Obligations; and

Whereas, Bonneville is obligated to implement and acquire sufficient resources, including cost-effective conservation measures throughout the region, to meet its Firm Obligations with the goal of achieving and maintaining load/resource balance, so as to assure its Customers an adequate, efficient, economic and reliable power supply; and

Whereas, the parties have executed Contract No. ———— (IRE Agreement) which provides that Bonneville, as agent for the Purchaser and at the Purchaser's request and expense, will acquire non-Federal electric power and energy for the Purchaser from time to time in order to replace electric power and energy that is or may be restricted hereunder, and the parties intend to amend said IRE Agreement concurrently with the execution of this contract or as soon thereafter as possible; and

Whereas, the Purchaser desires to purchase electric power and energy for use at its production facility, or facilities, within the Region (Plant); and

Whereas, Bonneville is required under section 4(g)(1) of the Regional Act to maintain comprehensive programs to insure widespread public involvement in the formulation of major regional power policies; and

Whereas, Bonneville is authorized pursuant to law to market electric power and energy generated at various Federal hydroelectric projects in the Region or acquired from other resources, to construct and operate transmission facilities, to provide transmission and other services, and to enter into agreements to carry out such authority;

Now, therefore, the parties hereto mutually agree as follows:

1. *Termination of Prior Contracts.* The Prior Contracts shall be terminated, upon this contract being effective, as of 2400 hours on June 30, 1981, but all liabilities accrued thereunder are hereby preserved until satisfied.

2. *Term of Contract.* (a) Unless earlier terminated pursuant to other provisions herein, this contract shall be effective for a term of 20 years commencing at 2400 hours on June 30, 1981 (Effective Date).

(b) The Purchaser may for any reason terminate service hereunder, in part or in whole, by giving Bonneville a one-year prior written notice. If all or a portion of service to the Purchaser is so terminated, (1) the Purchaser shall reimburse Bonneville for any otherwise unrecoverable costs incurred by Bonneville through June 30, 2001 by reason of such termination: *Provided, however,* That Bonneville shall use its best efforts to mitigate such costs; and (2) the Purchaser shall not subsequently purchase during the term hereof the electric power and energy associated with the amount of service so terminated from a utility served by Bonneville unless Bonneville at its sole discretion determines there is no material adverse impact on the Federal System. Termination shall not be considered curtailment for purposes of this contract.

(c) If this contract is terminated or expires pursuant to this section, all liabilities accrued hereunder shall be preserved until satisfied.

3. *Exhibits.* Exhibits A through D, attached hereto, are by this reference incorporated herein and made part of this contract.

4. *Sale and Purchase of Power.* (a) Subject to the other provisions of this contract, Bonneville shall sell to the Purchaser, and the Purchaser shall purchase from Bonneville, Industrial Firm Power in an amount up to and including the Purchaser's Contract Demand, as specified by the Purchaser's Operating Demand, Curtailed Demand or Restricted Demand, each as in effect from time to time.

(b) Subject to the other provisions of this contract, Bonneville shall sell to the Purchaser, and the Purchaser shall purchase from Bonneville, Auxiliary Power in the amount up to the Purchaser's Auxiliary Demand in effect from time to time.

(c) The Purchaser shall pay Bonneville for Industrial Firm Power and Auxiliary Power sold hereunder at the rate specified in Exhibit A, and in accordance with the provisions of Exhibit A, including section 4 of the Wholesale Power Rate Schedule for Industrial Firm Power of Exhibit A.

(d) The Purchaser may arrange to have new facilities, that are not served by Bonneville under this contract, served by a utility, whether or not a Bonneville Customer, or by another source: *Provided, however,* That such new facilities may be electrically interconnected with facilities served by Bonneville only upon mutual agreement.

(e) If the Purchaser's Plant is shut down in whole or in part because of a restriction pursuant to section 7, or a curtailment pursuant to section 9, or a combination thereof, payment pursuant to subsection (c) above shall be computed using the average of the daily measured demands from the beginning of restoration of Plant operation through the end of the period covered by the schedules submitted pursuant to sections 7(j)(4) or 9(f).

(f) If an Uncontrollable Force or event described in the Continuity of Service section of the General Contract Provisions (Event) prevents or interrupts either party from performing hereunder, both parties shall be excused from performance to the extent that the Uncontrollable Force or Event prevents or interrupts such performance for the duration of such Uncontrollable Force or Event, and for the period required to restore the affected party's operations to the condition existing prior to the occurrence thereof. Each month during the period of the Uncontrollable Force or Event and for the period required to

restore the affected party's operation to the condition existing prior to the occurence of the Uncontrollable Force or Event, payment pursuant to subsection (c) above shall be computed using the average of the daily measured demands for each such month.

5. *Amount of Power.* (a) *Contract Demand.* Subject to the other provisions of this section, the Purchaser's Contract Demand for Industrial Firm Power shall be as specified in Exhibit C.

(b) *Operating Demand.* (1) Subject to the other provisions of this section, the Purchaser's Operating Demand for Industrial Firm Power shall be as specified in Exhibit C until the Purchaser gives notice of an increase thereof pursuant to paragraph (3) below. No notice of an increase in Operating Demand shall be necessary with respect to increases in Operating Demand specifically set forth in Exhibit C. The Operating Demand shall at no time exceed the Contract Demand.

(2) If the Purchaser cannot operate, or does not operate for a period of two years, substantially at the level of, or at the time indicated for, an Operating Demand specified or requested hereunder, exclusive of curtailments, restrictions, Uncontrollable Forces or Events, Bonneville may amend Exhibit C to decrease said Operating Demand to the operating level upon 30 days' notice. In the event of a decrease, the Purchaser shall reimburse Bonneville for any otherwise unrecoverable costs incurred by Bonneville through June 30, 2001, because of such decrease. Bonneville shall use it best efforts to mitigate such costs.

(3) The Purchaser may alter the schedule of increases in Operating Demand set forth in Exhibit C, and otherwise may increase its Operating Demand, upon 90-day notice to Bonneville: *Provided, However,* That Bonneville may agree to waive all or any part of such notice. Notwithstanding such 90-day notice, the Purchaser shall give Bonneville as much advance notice as possible of any increase.

(4) In addition to the Purchaser's rights concerning curtailment as set forth in section 9, upon mutual agreement by the parties hereto, the Purchaser may reduce its Operating Demand in whole or in part to the level, for the period, and effective on the date, as specified in a notice provided to Bonneville not less than 90 days prior to the beginning of any Contract Year. If the Purchaser so reduces its Operating Demand, the Purchaser shall reimburse Bonneville for any otherwise unrecoveable costs incurred by Bonneville because of such reduction: *Provided, however,* That Bonneville shall use its best efforts to mitigate such costs. Such reduction shall not be considered a curtailment for purposes of this contract.

(c) *Auxiliary Demand.* The Purchaser's Auxiliary Demand for Auxiliary Power shall be as specified in Exhibit C.

(d) *Technological Allowances.* Subject to the conditions listed below, the Purchaser's Contract Demand, Operating Demand and/or Auxiliary Demand shall be changed by and amount equal to the Purchaser's request for increases or decreases in service for technological reasons other than Plant expansion.

(1) As used in this subsection, "* * * service for technological reasons other than Plant expansion * * *" means electric power and energy for improvement in the operation of the equipment installed in the Purchaser's Plant, modification of such equipment, installation of additional equipment auxiliary thereto, and installation of additional envirnmental protection equipment (hereinafter called "Technological Allowance").

(2) From time to time during the term of this contract, the Purchaser may submit written requests to Bonneville for Technological Allowances, which shall state that electric power and energy is required for technological reasons other than Plant expansion, and which shall specify the contemplated use for the energy, the quantity required, and the period for which it is required.

(3) The Purchaser shall give notice to Bonneville on or before December 1, 1981 of any change in Technological Allowances desired to begin in the Contract Year beginning July 1, 1981. The Purchaser shall give Bonneville written notice of any change in Technological Allowances desired in any succeeding Contract Year prior to the February 1 preceding such Contract Year. Bonneville shall respond in writing within 60 days after receipt of such notice from the Purchaser of its determination whether such request qualifies, in whole or in part, as a Technological Allowance.

(4) If Bonneville determines that all or portion of the Purchaser's request qualifies as a Technological Allowance, then such Technological Allowance shall be served by Industrial Firm Power, and the Purchaser's Contract Demand and Operating Demand under subsections (a) and (b) above each shall be increased or decreased by such amount, subject to paragraphs (5) through (8) below.

(5) The maximum amount of electric power and energy that Bonneville will make available for Technological Allowances during each Contract Year to all Industrial Purchasers in the aggregate (Technological Allowance Pool) shall be equal to the following:

(A) One percent of the maximum contract demands for Industrial Firm Power for each Contract Year for the period July 1, 1978, through June 30, 1981, for all of the Industrial Purchasers under their respective IF Contracts; plus

(B) One percent of the contract demands as of the Effective Date for Industrial Firm Power for each Contract Year for all of the Industrial Purchasers under power sales contracts entered into pursuant to sections 5(d) and 5(g) of the Regional Act (DSI Contracts) for the period July 1, 1981, through the end of the Contract Year for which the computation is made: *Provided, however,* That if such contract demands are reduced to a level below the initial contracts demands, subsequent additions to the Technological Allowance Pool shall be based on the reduced contract demands; minus

(c) The Technological Allowances then committed to being served by Bonneville.

To the extent that the Technological Allowance Pool is not fully committed in any Contract Year, it shall be carried forward and shall be available for Technological Allowances in subsequent Contract Years.

(6) The maximum amount in kilowatts of Technological Allowances which each Industrial Purchaser may receive during the term of this contract which is not subject to recall under this paragraph shall be the total amount of kilowatts that will be in the Technological Allowance Pool during the term of this contract because of such Industrial Purchaser's IF Contract and DSI Contract. To the extent such Industrial Purchaser's requests exceed the aggregate amount in the Technological Allowance Pool because of such Industrial Purchaser's IF Contract and DSI Contract as of the end of the Contract Year in which the service requested is to begin, Bonneville shall serve such excess on a tentative basis to the extent electric power and energy is available in the Technological Allowance Pool. The amount served on a tentative basis shall remain available in the Technological Allowance Pool to serve requests of any other Industrial Purchaser which has first priority status pursuant to paragraph (7) below, to the extent such requests do not cause the Technological Allowances of such Industrial Purchaser to exceed the aggregate amount then in the Technological Allowance Pool because of such Industrial Purchaser's IF Contract and DSI Contract, and to the extent that there otherwise would be an insufficiency of electric power and energy in the Technological Allowance Pool to serve such requests. Amounts served on a tentative basis which are necessary to serve such requests of other Industrial Purchasers shall be recalled by Bonneville pro rata from the Industrial Purchasers which then are being served on a tentative bases.

(7) If Bonneville receives requests for Technological Allowances to begin in any Contract Year in excess of the amount which will be in the Technological Allowance Pool during such Contract Year, Bonneville shall give first priority status to each Industrial Purchaser whose fulfilled requests prior to the beginning of the Contract Year do not exceed the aggregate amount that is in the Technological Allowance Pool as of such date because of such Industrial Purchaser's IF Contract and DSI Contract. The date on which a request is made for a Technological Allowance shall not affect the determination of priority status. As between requests of equal priority, the Technological Allowance Pool available during each Contract Year shall be allocated in the ratio that the amount requested by each such Industrial Purchaser bears to the total amount requested by all Industrial Purchasers entitled to the same priority. If the Technological Allowance Pool for a Contract Year exceeds the sum of the requests of Industrial Purchasers with first priority status for Technological Allowances to begin in such Contract Year, the balance in the Technological Allowance Pool after allocation to completely serve the requests of Industrial Purchasers with first priority status, shall be allocated among the requesting Industrial Purchasers which do not have first priority status in the ratio that the amount requested by each such Industrial Purchaser bears to the total amount requested by all Industrial Purchasers not entitled to first priority status. In the event

any allocation causes an Industrial Purchaser to be allocated less than its request, such Industrial Purchaser may reduce, withdraw, or defer its request. Allocations in accordance with this paragraph shall be recomputed if any Industrial Purchaser reduces, withdraws, or defers its request.

(8) (A) If requests for Technological Allowances hereunder by the Purchaser for its production facility or for each of its production facilities, as the case may be, are reasonably expected to result in an increase in load over the immediate past 12-month period:

(i) Of 13,300 kilowatts to 46,699 kilowatts during the subsequent 12-month period, Bonneville shall not be obligated to serve any portion of such increase with Industrial Firm Power until the start of the Contract Year commencing two years after the date the Purchaser has notified Bonneville in writing of the proposed request; and

(ii) Of 46,700 kilowatts or more during the subsequent 12-month period, or 100,000 kilowatts during the subsequent 60-month period, Bonneville shall not be obligated to serve any portion of such increase with Industrial Firm Power until the start of the Contract Year commencing seven years after the date the Purchaser has notified Bonneville in writing of the proposed request, or such earlier date specified by Bonneville.

(B) Bonneville shall serve the Technological Allowances requested under subparagraph (A) above with Auxiliary Power, to the extent Bonneville determines it is available for such purpose, until the earlier of the date that sufficient Industrial Firm Power is available to serve it or Bonneville becomes obligated to serve the Technological Allowances with Industrial Firm Power pursuant to subparagraph (A) above. At such time service shall convert to Industrial Firm Power, and the Purchaser's Contract Demand and Operating Demand shall be increased by such amount. If such service is required because of a Governmental or judicial order, Bonneville shall make every effort to provide such service with Industrial Firm Power on the date such service is required.

(9) For purposes of forecasting regional energy needs pursuant to discharging its obligations under the Regional Act, Bonneville shall make provision for only those Technological Allowances that, at the time of the forecast, have been identified by an Industrial Purchaser and are reasonably likely to meet the requirements of Technological Allowances.

(e) *Wheel Turning Load.* From time to time the Purchaser may have electrical load which is not integral to its industrial process and is not a part of a Technological Allowance (Wheel Turning Load). The parties contemplate that such Wheel Turning Load, whether existing on the Effective Date or in the future, may be served under the following methods:

(1) Wheel Turning Loads currently served by a local utility, and additions to those loads, shall continue to be so served.

(2) Other Wheel Turning Loads may be served as a portion of the demand for Industrial Firm Power.

(3) If any Wheel Turning Loads are properly documented for Bonneville's approval and can be or are metered separately at the Purchaser's or a local utility's expense, the Purchaser may make an arrangement with the local utility for service to such load. Bonneville contemplates that if such Wheel Turning Loads are to be served by a local utility, joint feasibility studies will be conducted by Bonneville, the Purchaser, and the local utility to determine the manner of service. For such Wheel Turning Loads which are in existence on the Effective Date and which are transferred from Bonneville to a local utility for service after the Effective Date, the Contract Demand and the Operating Demand will be reduced by the amount of the load transferred.

(f) *Revision of Demands.* The parties shall execute a revised Exhibit C to reflect changes in Contract Demand, Operating Demand and Auxiliary Demand hereunder from time to time as appropriate.

6. *Provisions Relating to Delivery.* Electric power and energy shall be made available hereunder by Bonneville at the point(s) of delivery hereinafter described in Exhibit D directly over the Federal System at all times during the term of this contract and at the approximate voltage specified therefor. Amounts of electric energy, Integrated Demands therefor, and varhours delivered at such point(s) during each month shall be determined from measurements made by meters installed at the location(s) and in the circuit(s) specified in Exhibit D.

7. *Restriction of Deliveries.* (a) The restrictions provided for in this section are independent of each other and may be made separately or in any combination, and shall be retained as indicated in section 8(a)(2). Except as provided in subsection (b) below, for the purposes of this section Bonneville may not restrict in total more than 75 percent of the Purchaser's Operating Demand.

(b) *Forced Outage and Stability Reserves.* Bonneville may restrict delivery of Industrial Firm Power to the Purchaser in the proportions and for the durations specified below to the extent necessary to prevent, if possible, or to minimize restriction of any Bonneville Firm Obligation (1) when such restriction is necessary to insure stability of the Federal System; (2) when such restriction is necessary to insure stability of any system directly or indirectly connected with the Federal System which could affect operation of the Federal System; or (3) when a forced outage suspends, interrupts, interferes with, or curtails the operation of the Federal System Facilities:

(1) Up to 100 percent of the Operating Demand not to exceed 15 Minutes: *Provided, however,* That one such restriction in any 24-hour period may be followed by a 30-minute restriction of up to 50 percent of the load operating at the time of the intital restriction: *Provided, further,* That a restriction under this paragraph shall not apply to the amount of power reasonably required by the Purchaser to maintain Plant security and safety: *Provided, further,* That if such restriction equals or exceeds 50 percent of the load operating at the time of the initial restriction and is immediately followed by a restriction prusuant to paragraph (2) below, the resulting, combined restriction period shall not exceed 2 hours: *Provided, further,* That when a restriction under this paragraph ends, Bonneville shall permit, without additional demand or unauthorized increase charges, short-term, nonrecurring demand overruns of the prior operating level as provided in section 7(j)(7);

(2) Up to 50 percent of the load then operating for not more than two hours in any one day: *Provided, however,* That the accumulation of all restrictions under this paragraph during any calendar year shall not exceed in kilowatthours the Contract Demand multiplied by 50: *Provided, further,* That when a restriction under this paragraph ends, Bonneville shall permit, without additional demand or unauthorized increase charges, short-term, nonrecurring demand overruns of the prior operating level as provided in section 7(j)(7); and

(3) Up to 25 percent of the Operating Demand: *Provided, however,* That the accumulation of all restrictions under this paragraph during any calendar year shall not exceed in kilowatthours the Contract Demand multiplied by 375: *Provided, further,* That such restriction shall apply only to that portion of the Operating Demand which is in excess of 50 percent of such Operating Demand: *Provided, further,* That when a restriction under this paragraph ends, Bonneville shall permit, without additional demand or unauthorized increase charges, short-term nonrecurring demand overruns of the prior operating level as provided in section 7(j)(7).

Bonneville shall serve demand overruns pursuant to paragraphs (1), (2) and (3) above with Auxiliary Power, if available, and will bill the Purchaser at the energy charge associated with the overrun.

If the purchaser is operating its Plant or portion thereof in other than the normal manner because of a prior restriction imposed by Bonneville under this section or because of an Uncontrollable Force or an Event, and believes that restriction of its Operating Demand pursuant to this subsection would therefore entail the risk of abnormal harm to the Plant facilities, the Purchaser may request Bonneville to determine whether another Industrial Purchaser is willing to take the Purchaser's place in any plan for restrictions under this subsection if such plan involves sequential restriction of the Industrial Purchasers' Operating Demands rather than simultaneous restrictions. If another Industrial Purchaser is so willing, Bonneville will attempt to alter the sequence of restrictions to accommodate the Purchaser's request during all or a specified portion of such operation by the Purchaser, to the extent that such alteration is, in Bonneville's sole determination, feasible and prudent.

(c) *First Quartile Restriction Rights.* Bonneville may restrict deliveries of Industrial Firm Power in amounts up to 25 percent of the Purchaser's Operating Demand, at any time and for any reason in order to protect Bonneville's ability to meet its Firm Obligations, subject to the provisions of this subsection. Bonneville may also restrict deliveries in such amounts for the purpose of displacing the operation or use of Federal System resources, if and to the extent

that displacement is consistent with Bonneville's legal rights, legal obligations, and policies concerning displacement. Such restriction shall not be made for the purpose of selling nonfirm energy under the NF-1 rate schedule, its successor, or any other rate schedule. Except as provided in paragraph (2) below, Bonneville shall not be obligated to plan for or acquire resources for the purpose of serving the Purchaser's First Quartile load, but Bonneville will treat the Purchaser's First Quartile as a firm load for purposes of resource operation, which firm load shall be subject to the restriction rights provided by this subsection.

(1) The total of such restrictions and the amount of curtailment by the Purchaser pursuant to sections 8(b)(3), 8(b)(4) and 9(b) shall not at any time exceed 25 percent of the Purchaser's Operating Demand.

(2) During any portion of a Contract Year into which Bonneville shifts FELCC pursuant to section 8 to serve all or a portion of the Purchaser's First Quartile load, Bonneville shall retain its First Quartile restriction rights but shall acquire or recall any electric energy which it is legally authorized to acquire or recall, and which is available at a Reasonable Cost, before restricting or continuing to restrict that portion of the Purchaser's First Quartile.

(3) During each Contract Year, Bonneville shall conserve (including by storage) electric power and energy in excess of amounts required to serve its Firm Obligations, including for purposes of this paragraph the Industrial Purchasers' total Operating Demands, for service to the Industrial Purchasers' First Quartile loads: *Provided, however,* That such conservation will, in Bonneville's sole determination, be prudent under the circumstances.

(4) If the Purchaser shuts down all or a portion of its Plant as a result of a restriction under this subsection, the restrictions shall remain in effect, unless the parties otherwise agree, until a date specified by Bonneville in a notice to the Purchaser, in which notice Bonneville states that it expects to be able to resume deliveries on the specified date and to continue them for at least 90 days thereafter: *Provided, however,* That if Bonneville elects to make such restrictions over only the peak load hours of a day, and if one of the following occurs, the Purchaser may elect to shut down all or a portion of its Plant until the resumption date specified by Bonneville in a subsequent notice given pursuant to this paragraph:

(A) One-fourth of the Operating Demand is restricted for one or more hours each day over a period of 14 consecutive days;

(B) One-fourth of the Operating Demand is restricted for five hours in any 24-hour period or more than ten hours in any 72-hour period;

(C) The total number of kilowatt hours restricted in any 14-day period exceeds two percent of a number obtained by multiplying the Operating Demand by 336; or

(D) In any 24-hour period more than 15 percent of the Operating Demand is restricted for more than 10 hours or more than 20 percent of the Operating Demand is restricted for more than 5 hours.

(d) *Second Quartile Restriction Rights.* (1) In order to meet its Firm Obligations, Bonneville may restrict deliveries of Industrial Firm Power to the Purchaser consistent with subsections (f)(3), (f)(4) and (j)(3) below in amounts up to the lesser of: (i) 25 percent of the Purchaser's Operating Demand, or (ii) the Purchaser's share, based on Operating Demand, of the amount by which Bonneville is unable to meet its Firm Obligations by reason of power and energy unavailable due to:

Delay. (A) a delay from the initially planned date of commerical operation of a Federal System generating unit or Conservation Investment Resource, subject to subparagraph (C) below;

Unexpected Poor Performance. (B)(i) Unexpected poor performance of a planned Federal System generating unit or Conservation Investment Resource which fails to attain initially its design capability for technological reasons including, but not limited to, design error or equipment failure, subject to subparagraph (C) below;

(ii) The inability of an existing, or a new, Federal System generating unit or Conservation Investment Resource that has attained commercial operation to perform at its expected capability for technological reasons including, but not limited to, design error or equipment failure, as determined by Bonneville or an appropriate regulatory agency having jurisdiction; or

Governmental Order. (C) a delay or failure to attain capability pursuant to subparagraphs (A) and (B)(i) above, but not subparagraph (B)(ii) above, if such conditions are due to the order or orders of any governmental agency having jurisdiction over such matters: *Provided, however,* That laws or ordinances enacted by legislative bodies or through ballot measures shall not be considered orders of governmental agencies.

The total of restrictions pursuant to this subsection and the amount of curtailment of the Second Quartile pursuant to section 9(c) shall not at any time exceed 25 percent of the Purchaser's Operating Demand.

(2) *Federal System Operating Reserve.* In order to protect Bonneville's Firm Obligations from occurrences that otherwise might require Bonneville to restrict such Firm Obligations during the Contract Year of such occurrences, Bonneville shall have the right to make restrictions during such Contract Year pursuant to paragraphs (1)(B)(i) and (ii) above, subject to the limitations contained herein and in paragraphs (4), (5) and (6) below.

(A) Restrictions pursuant to paragraph (1)(B)(i) above shall be limited, in the Contract Year of occurrence, to the lesser of 25 percent of the Purchaser's Operating Demand or the Purchaser's share, based on Operating Demand, of one-half the amount of energy by which Bonneville estimates, after such occurrence, but prior to acquiring or recalling additional resources and prior to an actual restriction or region-wide appeal hereunder, that it will be unable to meet its Firm Obligations during the remainder of such Contract Year because of such occurrence. If the occurrence continues in subsequent Contract Years, such limitation to the Purchaser's share of one-half the amount of energy shall not apply during such subsequent Contract Years, and Bonneville shall give notice of potential restriction, if necessary, pursuant to subsection (f)(3) below, and subject to the limitations contained in subsection (f) and this subsection.

(B) Restrictions pursuant to paragraph (1)(B)(ii) above shall be limited to the lesser of 25 percent of the Purchaser's Operating Demand or the Purchaser's share, based on Operating Demand, of one-half the amount of energy by which Bonneville estimates that it will be unable to meet its Firm Obligations because of such occurrence. In the case of such restrictions during the Contract Year of occurrence, such limitation shall be calculated for the remainder of the Contract Year, prior to and excluding the effects of the acquisition or recall of additional resources after such occurrence, and of any actual restriction or region-wide appeal hereunder. In the case of such restrictions for each subsequent Contract Year, such limitation shall continue and shall be reflected in any notice pursuant to subsection (f)(3) below.

(C) Bonneville shall give as much notice of an actual restriction hereunder as is practicable under the circumstances, but in no event less notice than that required to permit an orderly reduction of any portion of the Purchaser's operation that may be reduced as a result of such restriction. In the event of an actual restriction, the Purchaser may submit a proposal under which the Purchaser will provide Bonneville the energy associated with the actual restriction, in accordance with subsection (f)(4)(D) below.

(D) Simultaneously with any actual restriction pursuant to paragraphs (1)(B)(i) and/or (1)(B)(ii) above, Bonneville shall publicly call for a region-wide voluntary curtailment of non-essential uses of electric energy, and shall include in its region-wide appeal the information that Bonneville's ability to continue to meet its Firm Obligations depends on such voluntary curtailment as well as on actual restrictions of the Purchaser's load hereunder. In the case of actual restrictions imposed in Contract Years subsequent to the year of occurrence, such appeal shall be made simultaneously with such actual restrictions. All such appeals shall be repeated at regular intervals during any period when actual restrictions hereunder remain in effect.

(3)(A) Prior to its determination of the planned capabilities and planned completion dates of Federal System resources or Conservation Investment Resources that Bonneville plans to use to meet its Firm Obligations, other than Federal System resources committed to prior to the Effective Date, Bonneville shall afford to the Purchaser a reasonable opportunity to review and comment upon: (i) The preliminary determinations of such capabilities and dates, and (ii) the methodology used by Bonneville as the basis for such determinations. Such opportunity shall be afforded only for the purpose of assisting Bonneville in assembling information, including but no limited to technical data, that may be useful to Bonneville in making its final determinations as accurate and realistic as possible. The same opportunity shall be afforded by Bonneville prior to any

significant adjustment in such capabilities or completion schedules if adjustments in previously planned capabilities or completion dates are proposed for resources to be included in future final lists furnished pursuant to subparagraph (B) below. In the case of non-major resource programs involving more than one individual resource, Bonneville may to the extent necessary and appropriate determine the planned capability and planned completion date of the program as a whole, rather than specify individual resource capabilities and completion dates, and in such a case Bonneville shall also specify the average planned capability per individual unit, the planned number of units, and the planned schedule of implementation.

(B) Bonneville shall furnish the Purchaser by each June 1 a list of Federal System resources and Conservation Investment Resources for which the Purchaser's Second Quartile provides a reserve for the following Contract Year, listing initially planned completion dates and capabilities determined after the opportunity to comment pursuant to subparagraph (A) above. Such annual list shall be deemed a part of this contract. Such list shall be final for purposes of determining potential restrictions in such Contract Year in the case of restrictions for which notice is required prior to such Contract Year.

(4)(A) Delays in the construction of generating units to the extent caused by insufficient appropriated funds, or delays in the implementation of Conservation Investment Resources to the extent caused by a demonstrable insufficiency of funding, shall not be a cause for restriction of Industrial Firm Power under this subsection.

(B) Bonneville shall use its best efforts consistent with its legal obligations to avoid any delays, unexpected poor performance, or other reductions in resource capability to which it is entitled, including but not limited to delays or other reductions required by order of any governmental agency having jurisdiction, if such resource capability is needed to serve Bonneville's Firm Obligations.

(5) In order to avoid making or continuing a restriction of Industrial Firm Power under this subsection, Bonneville shall acquire or recall any electric power and energy which it is legally authorized to acquire or recall from any source, including the Industrial Purchasers, and which is available at a Reasonable Cost.

(6) No restriction or right to restrict pursuant to this subsection shall be effective for more than seven years from the date of the event described in paragraph (1) above which gave Bonneville the right to restrict. Following loss or other reduction of resource capability for any cause, Bonneville shall use its best efforts, consistent with prudent utility practice and its obligations under the Regional Act and other applicable provisions of law, to plan for and to acquire resources sufficient to meet any resource deficiency caused by resource capability which is delayed or otherwise reduced for any reason to the extent such capability is required to enable Bonneville to meet its Firm Obligations.

(7) Delay from the initially planned date of commercial operation of a planned Federal System resource, which in Bonneville's sole determination is due to an estimated lack of Firm Obligations to support the need for a resource (Resource Slowdown), shall not be a cause for restriction under paragraph (1)(A) above. In the event of such a determination, the limitation period specified in paragraph (6) above shall be suspended for the duration of such Resource Slowdown due to lack of Firm Obligations, and the initially planned date of commerical operation of the resource shall (for the purpose of measuring delay) be changed to the new date selected after the Resource Slowdown has ended.

(8) *Conservation Investment Resources.* (A) The restriction rights provided in paragraph (1) above shall be available to protect Bonneville's ability to meet its Firm Obligations in the event of the delayed completion or unexpected poor performance of planned Conservation Investment Resources that are implemented or acquired by Bonneville or, if implemented or acquired by another entity, relied upon by Bonneville in the calculation of its ability to meet its Firm Obligations.

(B) The term "Conservation Investment Resource" shall mean a conservation measure or resource for which power is (or is planned to be) saved by means of physical improvements, alterations, devices or other installations measurable in units, as distinct from conservation efforts that rely upon or promote changes in Consumer behavior. The restriction rights provided by this subsection (d) are not intended to, and do not, provide a reserve for unanticipated load growth, including unanticipated load growth caused by the failure of Consumers to behave in a manner that saves energy.

(C) Bonneville shall include in the list of resources to be made available to the Purchaser pursuant to paragraph (3)(B) above those Conservation Investment Resources to which this subsection applies. A description of the Conservation Investment Resource, its planned schedule of implementation, and the planned savings it is expected to achieve for each Contract Year during such schedule, shall also be included for the purpose of determining planned completion dates and planned performance. Such list shall also include the available information on the actual rate of implementation of such resource in the case of lists made available to the Purchaser after the plan date on which implementation of the resource was to have begun.

(D) For purposes of determining the amount of electric power and energy to have been saved but not saved in fact by any such Conservation Investment Resource, the following formula shall be used to compute actual savings achieved in each Contract Year, and such savings shall be deemed to have been achieved in the absence of reliable evidence to the contrary:

A_s = Actual savings deemed achieved;
A_u = Actual physical units improved, altered, installed or otherwise appropriately implemented;
P_u = Physical units planned to have been improved, altered, installed or otherwise implemented; and
P_s = Planned savings (to be determined by multiplying planned savings per unit times P_u).

(E) The determination of P_u, P_s and planned savings per unit in the foregoing formula shall be made independently by Bonneville for all Conservation Investment Resources, on the basis of historical experience and realization factors, and other available information likely to help produce realistic values for these variables: *Provided, however,* that in the case of Conservation Investment Resources relied upon by Bonneville in the calculation of its ability to meet its Firm Obligations but planned to be implemented or acquired by another party, such determination may be made through a process selected by Bonneville and available for review and comment by the Purchaser as contemplated in subsection (d)(3) above. Such determination shall give particular weight to the appropriate historical experience, if any, with similar resources, which shall be the starting point in determining the estimated amount of power those types of resources may produce, with the goal of arriving at values for P_u and P_s that are likely to equal A_u and A_s, respectively. The parties agree that the objective of a Conservation Investment Resource program is that P_u should not exceed A_u, and P_s should not exceed A_s, except for unforeseeable reasons, and that the values adopted for P_u and P_s should be readily achievable in actual practice.

(F) In accordance with the foregoing provisions, a Conservation Investment Resource shall be deemed to have been delayed in completion or to have had unexpected poor performance if, and to the extent, that A_s is less that P_s, each determined as set forth above. Bonneville shall make such determination of A_s prior to each June 1, based on A_s for the prior calendar year.

(G) If and when Bonneville learns that A_s is less than P_s for any given Conservation Investment Resource, at any point during the implementation of such resource, subject to the provisions of paragraph (6) above, Bonneville shall take appropriate steps to replace the capability unavailable to it, as if a planned generating resource had been delayed in completion or had failed to achieve its designed capability.

(e) *Third Quartile Restriction Rights.* (1) Bonneville may restrict deliveries of Industrial Firm Power to the Purchaser to serve its Third Quartile load during a Contract Year, subject to the provisions of paragraph (5) below, up to the amount of electric energy evidenced by:

(A) The greater of the outstanding debits in the Purchaser's Delivered FELCC Account or the Purchaser's applicble Shifted FELCC Account, if, for such Contract Year, the FELCC is established from the last Contract Year of a Critical Period; or

(B) The lesser of the outstanding debits in the Purchaser's Delivered FELCC Account or the Purchaser's applicable Shifted FELCC Account, if, for such Contract Year, the FELCC is established from other than a last Contract Year of a Critical Period.

(2) Simultaneously with any actual restriction in a Contract Year for which FELCC is established from the last Contract Year of a Critical Period Regulation pursuant

to paragraph (1)(A) above, that Bonneville shall publicly call for a region-wide voluntary curtailment of non-essential uses of electric energy, and shall include in its region-wide appeal the information Bonneville's ability to continue to meet its Firm Obligations depends on such voluntary curtailment as well as on actual restrictions of the Purchaser's load hereunder. All such appeals shall be repeated at regular intervals during any period when actual restrictions hereunder remain in effect.

(3) If during a Contract Year Bonneville borrows FELCC from later months of such Contract Year and uses such borrowed FELCC to serve the Purchaser's First Quartile load, Bonneville may restrict deliveries of Industrial Firm Power later in such Contract Year up to 25 percent of the Purchaser's Operating Demand. Such restriction shall not exceed the lesser of (A) the amount of energy delivered to the Purchaser as borrowed FELCC, or (B) the Purchaser's share of the amount of energy by which Bonneville is otherwise unable to meet its Firm Obligations during such Contract Year by reason of the borrowed FELCC during such Contract Year.

(4) Bonneville shall use its best efforts to store and conserve water and energy associated therewith in order to avoid or to reduce the Purchaser's exposure to restriction pursuant to paragraphs (1) and (3) above.

(5) The total of restrictions pursuant to this subsection shall not exceed in any case the lesser of:

(A) 25 percent of the Purchaser's Operating Demand less the amount of the Purchaser's Third Quartile load curtailment pursuant to section 9(c); or

(B) The Purchaser's share of the amount of energy by which Bonneville is otherwise unable to meet its Firm Obligations, by reason of the borrowed or Shifted FELCC, after using its full FELCC, including the operation or replacement of all the resources included therein.

(6) Bonneville shall not restrict the Purchaser's Third Quartile load for the purpose of selling nonfirm energy under the NF–1 rate schedule, its successor, or any other rate schedule. Bonneville shall not be obligated to plan for or acquire resources to alleviate a Third Quartile restriction pursuant to this subsection, but Bonneville will treat the Purchaser's Third Quartile load as a firm load for purposes of resource operation.

(f) *Notices and Purchaser Proposals.* (1) *Auxiliary Demand and First Quartile.* Bonneville shall give as much advance notice as possible for a restriction pursuant to subsection (c) above, or subsection (i) below.

(2) *Forced Outage and Stability.* Bonneville may impose a restriction pursuant to subsection (b) above without notice.

(3) *Annual Notice—Second and Third Quartiles.* (A) By June 1, Bonneville shall give written notice to the Purchaser of any potential restriction pursuant to subsections (d) and/or (e)(1) above, except for a restriction made during the Contract Year of occurrence pursuant to subsection (d)(2) above, that Critical Period Regulation indicate may be required during the next Contract Year, including anticipated delays. The notice shall inform the Purchaser of the potential amount and period of potential restriction applicable in each such Critical Period Regulation pursuant to each such subsection. Such notice shall also inform the Purchaser of Bonneville's estimate of the FELCC which will be established for the next Contract Year.

If any of the possible Critical Period Regulationss indicate a possible need for a restriction pursuant to subsection (d) above, Bonneville will specify the unit(s), resource(s), or measure(s), initially planned capability(s), and initially planned date(s) of commercial operation involved, along with the amount of reduction(s) from initially planned capability and/or estimated delay(s).

(B) If Bonneville expects that it will need to impose a restriction pursuant to subsections (d) and/or (e)(1) above between July 1 and August 31 of the Next Contract Year, it shall so state in the June 1 notice, indicating the subsections pursuant to which it expects to restrict and its estimate of the amounts and periods of restriction for each such subsection.

If between June 1 and August 31, Bonneville revises the estimated amount or period of any such restriction, it shall notify the Purchaser as soon as possible. Bonneville may begin imposing such restrictions on the date and in the amount specified in the latest notice to the Purchaser.

(C) Not later than August 15, Bonneville shall notify the Purchaser of the FELCC established for that Contract Year, and of any revisions of the information provided in notices since June 1. Bonneville may begin a restriction pursuant to such notice at 2400 hours on August 31.

(4) *Notice of Actual Restriction—Second and Third Quartiles.* (A) *Second Quartile.* Bonneville will determine actual restrictions of energy under subsection (d) above for the Purchaser by multiplying the actual amount of restriction in kilowatthours for all Industrial Purchasers by the ratio of the amount of Operating Demand subject to restriction in subsection (d) above for the Purchaser to the total amount of Operating Demands subject to the same restriction for all Industrial Purchasers. Such actual restriction shall not exceed the amount of potential restriction indicated in the applicable notice given to the Purchaser pursuant to paragraph (3) above.

(B) *FELCC—Third Quartile.* Bonneville shall determine the amount of energy needed for an actual restriction pursuant to subsection (e)(1) above.

(C) *Flexibility—Third Quartile.* Pursuant to section 8(d)(3), Bonneville will determine the amount of Flexibility Replacement Energy required, if any, for a restriction pursuant to subsection (e)(3) above, and the date by which the Purchaser and other Industrial Purchasers shall deliver their respective shares of Flexibility Replacement Energy.

(D) *Notice and Proposal.* Bonneville will notify the Purchaser as soon as possible of any actual restriction necessary under subsections (d) and/or (e) above, including any restriction pursuant to subsection (d)(2) above. The notice shall state the date by which the restriction will be implemented. Upon receipt of the notice, the Purchaser shall as soon as practicable submit a proposal which will provide delivery to Bonneville, prior to the date specified in the notice, of the energy associated with the actual restriction in the amounts determined in this paragraph (4), under conditions which enable Bonneville to use such energy to supply its Firm Obligations. The Purchaser shall supply such energy by any method including, but not limited to, reductions of its load on the Federal System. The Purchaser shall not be required to reduce its load on the Federal System to less than 25 percent of its Operating Demand but will have the option of doing so. Bonneville will notify the Purchaser in a timely manner whether or not the proposal is acceptable. If the Purchaser does not submit a timely proposal which Bonneville accepts, Bonneville will implement the restriction pursuant to subsections (d) and/or (e) above, as the case may be.

(g) *Revision of Quartile Restrictions.* Bonneville may revise the amount and estimated duration of any actual restrictions imposed in accordance with subsections (c), (d), and (e) above. If so revised, Bonneville shall give the Purchaser as much advance notice as possible. The total amount of such revised restriction(s) may not exceed the lesser of the maximum amounts permitted in accordance with said subsections or the amounts set forth in the notices submitted pursuant to subsections (f)(3) and (f)(4) above.

(h) *Restriction for Advance Replacement Energy.* If the Purchaser fails to submit a satifactory proposal for delivery of Advance Replacement Energy in accordance with section 8(c)(10), Bonneville shall impose a restriction of deliveries to the Purchaser. Said restriction will be in the amount and for the duration of the period estimated by Bonneville in its notice to deliver Advance Replacement Energy pursuant to section 8(c)(10), unless Bonneville notifies the Purchaser of a different amount and period of restriction prior to imposing the restriction.

(i) *Auxiliary Demand Restriction Rights.* Bonneville may restrict deliveries of Auxiliary Power in whole or in part for any reason.

(j) *General Provisions Regarding Restrictions.* (1) Bonneville shall to the extent practicable apportion restrictions among the Purchaser's production facilities in the region as requested by the Purchaser.

(2) Upon mutual agreement of the parties, this contract may be amended to adjust the provisions whereby Bonneville restricts the delivery of Industrial Firm Power to the Purchaser in order to reflect changed operating conditions, or to use means other than restrictions of the Purchaser's demands to provide more cost-effective reserves for Bonneville's Firm Obligations.

(3) Unless otherwise agreed, restrictions of deliveries under subsections (c), (d), and (i) above shall be made proportionately among all Industrial Purchasers on the basis of their respective Operating Demands and/or Auxiliary Demands subject to such restrictions: *Provided, however,* That restrictions pursuant to subsection (i) above shall be made before restrictions pursuant to subsections (c), (d) and (e) above: *Provided, further,* That an Industrial Purchaser which

has voluntarily curtailed deliveries pursuant to sections 9(a), 9(b), and/or 9(c) shall not be further restricted until all other Industrial Purchasers have been restricted to the same percentage of Auxiliary Demand and/or Operating Demand, as applicable. Commencing with the billing period next following the imposition of such restrictions, the nondelivery of electric power and energy shall be treated for all purposes as a restriction, and not a curtailment, up to the amount of the restriction.

(4) if the Purchaser's Plant is shut down in whole or in part because of a restriction pursuant to this section, whether alone or in combination with the exercise of the Purchaser's option under sections 9 (e) and/or (f), prior to the resumption of deliveries of power under this contract, the Purchaser shall supply Bonneville with a schedule of requested deliveries for a period, not in excess of three months, during which the Purchaser's Plant will return to full operation, or, if deliveries are only partially restored during such period, the optimum operation possible with such partial restoration. The Purchaser shall use its best efforts to restore Plant operation in accordance with such schedule. The three months' period may be extended at Bonneville's discretion for such additional time as is justified by the requirements of resumption of full operation.

(5) Bonneville shall use its best efforts to include contractual oversight provisions in its resource acquisition contracts with resource owners and operators to assure prudent construction and operation of their resources in order to minimize restrictions hereunder.

(6) The restriction rights provided in subsection (d) above do not provide a reserve for the purpose of meeting unanticipated load growth or because the Region has failed to plan adequate resources.

(7) Prior to a restriction under subsections (c), (d), or (e) above, Bonneville shall permit, without additional demand or unauthorized increase charges, nonrecurring demand overruns of the existing operating level necessary for the Purchaser to adequately prepare for such restriction. When any such restriction ends, Bonneville shall also permit, without additional demand or unauthorized increase charges, nonrecurring demand overruns of the resumed scheduled operating level. Such overruns shall not exceed a period of four hours: *Provided, however,* That overruns occasioned by peak restrictions pursuant to subsection (c)(4) above, or forced outage and stability restrictions pursuant to subsection (b) above shall not exceed a period of 24 hours. Bonneville shall serve such overruns with Auxiliary Power, if available, and will bill the Purchaser at the energy charge associated with the overrun.

8. *Operation.* (a) *Principles.* (1) Bonneville is obligated to and will treat 75 percent of the Industrial Purchasers' Operating Demands as a firm load for purposes of both resource planning and operation, and the remainder of such Operating Demands as a firm load for purposes of resource operation only.

(2) Bonneville will meet the foregoing obligaton while retaining the restriction rights set forth in this contract. Nonfirm energy will not be sold under the NF-1 rate schedule, its successor, or any other rate schedule if, in Bonneville's sole determination, such energy could be prudently conserved for service to the Industrial Purchasers' First Quartile loads.

(3) In addition to conserving energy, consistent with section 7(c), for service to the First Quartile, Bonneville will provide First Quartile service through use of techniques and rights enabling Bonneville to move firm load and/or firm power between and among periods of time, subject to prudent operation, to the extent permitted by law and other operating limitations, including but not limited to the Coordination Agreement.

(A) The purpose of these efforts by Bonneville is to achieve the highest possible availability of Industrial Firm Power, consistent with the treatment of the First Quartile as a firm load for purposes of resource operation, to the extent this load can be met without diminishing the level of protection of all of Bonneville's Firm Obligations against the worst historical streamflows and maintaining an ability to exercise the restriction rights pursuant to section 7, and other rights provided hereunder.

(B) The techniques that Bonneville will or may use to achieve this purpose include, but are not necessarily limited to:

(i) The shifting of FELCC from one year of the Critical Period to another;

(ii) The borrowing of FELCC within given years of the Critical Period;

(iii) The use of FELCC available to Bonneville prior to the beginning of the Critical Period in the early months of given Contract Years; and

(iv) The use of Advance Energy and other provisional reservoir drafts.

(C) The terms and conditions applicable to such techniques when used to provide First Quartile service shall be those described in this section, unless otherwise mutually agreed. In the event that Bonneville allocates energy associated with any of the techniques in subparagraph (B) above, Bonneville will deliver such energy to the Purchaser in the order, if any, and during the periods, if any, specified in the operating agreements or annual operating plans described in paragraph (4) below, or such longer period as determined by Bonneville.

(D) The techniques in subparagraph (B) above are independent of one another and may be used by Bonneville either separately or in any combination.

(4) Operating agreements between Bonneville and the Industrial Purchasers exist as of the Effective Date of this contract. Operating agreements or annual operating plans are contemplated to exist from time to time during the term of this contract. The annual operating agreement for the 1981–82 Contract Year presented in the letter dated August 14, 1981, from Bonneville to the Industrial Purchasers is hereby incorporated herein.

(A) Such operating agreements or annual operating plans may, and ordinarily will, differentiate between operations providing service for the First Quartile and operations providing service in lieu of restriction for other Quartiles, reflecting the distinctions set forth in paragraph (1) above.

(B) The parties shall use their best efforts to arrive at an operating agreement or annual operating plan prior to each Contract Year.

(C) If an operating agreement or annual operating plan for First Quartile service is not agreed upon by the parties, Bonneville will use its best efforts under this section to provide First Quartile service in accordance with the annual operating agreement for the 1981–82 Contract Year, or under an annual operating plan that would provide comparable service for the first half of the Contract Year with comparable risks and benefits for the Industrial Purchasers and Bonneville.

(D) Operating agreements or annual operating plans may by agreement alter the provisions that would otherwise apply pursuant to sections 7, 8, and 9 of this contract.

(E) Unless Bonneville determines, upon agreement with the Industrial Purchasers, that a larger or longer shift of FELCC would be prudent under the circumstances, Bonneville shall not shift non-surplus FELCC for service to the Purchaser's first Quartile load into that portion of the Contract Year following the date of availability of the forecast, determined by Bonneville to be the first reliable forecast, of the Columbia River Basin volume runoff. This limitation shall not apply to Advance Energy or Flexibility Energy.

(F) Bonneville shall consult with the Industrial Purchasers in order to attempt to develop an energy accounting system for the purpose of reflecting the impact of operations under this section on Bonneville's ability to meet its Firm Obligations, and adjusting the obligation of the Industrial Purchasers for replacement of energy accordingly.

(G) Prior to agreeing to any modification of the Coordination Agreement or taking any other action that would reduce the expected average availability of Industrial Firm Power under this contract by altering Bonneville's ability to operate the resources available to it, or by altering the bases on which Bonneville plans its acquisition or operation of resources, Bonneville will consult with the Industrial Purchasers as to any amendments to the DSI Contracts that may be possible to preserve for the Industrial Purchasers such expected average availability. In the event of any such modification or action, Bonneville will use its best efforts to continue to provide the Industrial Purchasers with Industrial Firm Power in the average amounts expected to be available pursuant to the DSI Contracts, and both parties will negotiate in good faith any such contract amendment.

(b) *Shift of FELCC.* (1) During the period February through July of each year, the Firm Energy Load Carrying Capability (FELCC) of the Federal Columbia River Power System is determined for the next Critical Period according to the terms of the Coordination Agreement. Subject to the terms and conditions of this section, the Coordination Agreement and prudent utility practice, Bonneville shall shift non-surplus FELCC (Shifted FELCC) and Surplus FELCC into the first Contract Year, or portion thereof, of the Critical Period to serve the Industrial Purchasers' First Quartile loads in addition to

Bonneville's other Firm Obligations. Bonneville shall make available and deliver such energy subject to the provisions of this subsection and subsection (d) below.

(A) Bonneville shall determine in its sole discretion how Shifted FELCC shall be made available. Bonneville will specify whether: (i) Shifter FELCC shall be made available for limited periods or amounts, or (ii) Shifted FELCC shall be allocated. If it is to be allocated, Bonneville shall allocate such energy proportionately among all Industrial Purchasers on the basis of each Industrial Purchaser's projected operating level in excess of 75 percent of its Operating Demand unless otherwise agreed by the parties.

(B) For each Contract Year of a Critical Period Bonneville will maintain an account and will record therein in kilowatthours the resulting debits and credits to be made to the Purchaser hereunder based on FELCC shifted from such year for the purpose of making Shifted FELCC available to the Purchaser by Bonneville pursuant to this subsection (Shifted FELCC Account).

Prior to the first Contract Year of each Critical Period during the term hereof, the Purchaser will receive for each succeeding Contract Year of such Critical Period a debit of one kilowatthour for each kilowatthour of FELCC shifted from such succeeding Contract Year to be made available during the first Contract Year of such Critical Period pursuant to this subparagraph: *Provided, however,* That the total of all such debits shall not be greater than the amount of Shifted FELCC indicated for the Purchaser in the most recent notice given pursuant to section 7(f)(3). Monthly amounts of outstanding debits used for purposes of subparagraph (B)(iii) below shall be determined based on the actual deliveries of Shifted FELCC or the last month in which Bonneville determines such Shifted FELCC was made available.

At the beginning of each Contract Year during the term hereof, the Purchaser will receive for each month of the previous Contract Year:

(i) A credit or debit, as the case may be, of one kilowatthour for each kilowatthour of Shifted FELCC reassigned pursuant to paragraph (b)(4) below;

(ii) A credit to the Shifted FELCC Account for the Contract Year, determined by Bonneville at the time of the restriction, of one kilowatthour for each kilowatthour of (I) Shifted FELCC which was not delivered because of a restriction pursuant to section 7(c) or Uncontrollable Force or an Event during such month, and (II) Shifted FELCC returned to Bonneville through a restriction pursuant to section 7(e)(1) during such month; and

(iii) A debit of kilowatthours in the amount of FELCC head Losses associated with the net outstanding debits in the Shifted FELCC account for such month.

(C) Bonneville will maintain an account and will record therein in kilowatthours the debits and credits to be made to the Purchaser based upon Shifted FELCC made available to the Purchaser by Bonneville hereunder (Delivered FELCC Account). At the end of each month in the term hereof, the Purchaser will receive:

(i) A credit of one kilowatthour for each kilowatthour of (I) Shifted FELCC which was not delivered because of a restriction pursuant to section 7(c) or Uncontrollable Force or an Event during such month, and (II) Shifted FELCC returned to Bonneville through a restriction pursuant to section 7(e)(1) during such month;

(ii) A debit of kilowatthours in the amount of FELCC Head Losses associated with the net outstanding debits in the Delivered FELCC Account for such month; and

(iii) A debit of one kilowatthour for each kilowatthour of Shifted FELCC to be made available to the Purchaser by Bonneville during the following month;

Provided, however, That for the purpose of section 7(e)(1)(A) the total of outstanding debits for all the Industrial Purchasers shall not exceed at any time the amount by which Bonneville determines that the appropriate Reservoirs' contents were below the contents they would have attained had Bonneville not actually delivered such Shifted FELCC to the Industrial Purchasers.

(D) The outstanding debits in the Purchaser's Shifted FELCC Account shall be cancelled and no credits or debits shall accrue to such account thereafter:

(i) For the current Contract Year of any Critical Period at 2400 hours on June 30 of such Contract Year;

(ii) For a Contract Year for all Critical Periods other than the Critical Period from which such Contract Year's FELCC is established, at 2400 hours on July 31, of such Contract Year; and

(iii) For each Contract Year of a Critical Period at such time as the FELCC for the first Contract Year of such Critical Period is established from a Contract Year other than the first Contract Year of such Critical Period.

(E) The Outstanding debits in the Purchaser's Delivered FELCC Account shall be cancelled as of the beginning of a Contract Year if, for such Contract Year, the FELCC is established from a first Contract Year of a Critical Period.

(2) If the FELCC which is established for the Contract Year includes service to part or all of the Industrial Purchasers' First Quartile loads Bonneville shall use all of its firm resources, including its rights to secure energy to support FELCC, to serve such portions of the Operating Demands so included up to the amount of energy shifted therefor in paragraph (1) above.

(3) *Rejection of Proposed First Quartile FELCC Shift.* (A) Upon receipt of Preliminary Regulation results, Bonneville shall notify the Industrial Purchasers of the anticipated amount of Shifted FELCC to be made available for the succeeding Contract Year and the portion of such year in which it is anticipated to be made available (First Quartile FELCC Shift). Within two weeks thereof, the Purchaser may by written notice reject all or any portion of its share of a First Quartile FELCC Shift for the following Contract Year, and Bonneville shall not shift for the Purchaser the amount so rejected. Such notice shall specify the amount of First Quartile FELCC Shift rejected and the period covered by the rejection (a minimum of 30 consecutive days unless waived by Bonneville).

(B) For the period specified in the notice or the period of First Quartile FELCC Shift, whichever is shorter (Prior Notice Period), Bonneville may, but will not be obligated to, serve the portion of the First Quartile that could have been served with rejected FELCC. The Purchaser may curtail its Plant load, but if it does not or if it restores Plant load during the Prior Notice Period after a curtailment, and if Bonneville is able to serve such portion of the First Quartile, such service will be provided with Auxiliary Power, which may not be displaced by the Purchaser's use of non-Federal energy. With respect to the demand associated with any portion of the load not served by Bonneville during the Prior Notice Period and which is not curtailed and could have been served with the rejected FELCC, the Purchaser shall pay Bonneville the partial demand charge specified in section 9(c)(2), subject to the conditions specified therein.

(C) The conditions in subparagraph (B) above shall apply unless:

(i) Bonneville indicates in its notice by August 15, pursuant to section 7(f)(3)(C), the established FELCC did not include a non-surplus FELCC shift for the First Quartile; or

(ii) Bonneville is able to find another Industrial Purchaser(s) who will agree to accept within the same Prior Notice Period the rejected FELCC shift: *Provided, however,* That deliveries of Industrial Firm Power to such other Industrial Purchaser(s) shall not in total exceed 100 percent of each such other Industrial Purchaser's Operating Demand, nor exceed the amount of energy that can be returned through Third Quartile restriction rights pursuant to section 7(e) in years from which FELCC was shifted.

(4) *Rejection After First Quartile FELCC Shift.* By written notice to Bonneville at least 24 hours before the first day of any month, the Purchaser may reject all or a portion of deliveries of First Quartile FELCC Shift without reducing its Plant load, but it may elect to do so under the same or a separate notice. Such written notice shall specify the amount of First Quartile FELCC Shift rejected and the period covered by the rejection. Each such rejection shall be in force in the amount, and for the period of time, specified in the Purchaser's notice (but at least 30 consecutive days unless waived by Bonneville), unless subsequently changed by the Purchaser giving similar notice. For the period specified in the notice or the period of First Quartile FELCC Shift, whichever is shorter (Post Notice Period), such rejection shall not reduce the Purchaser's Third Quartile restriction obligations unless Bonneville is able to find another Industrial Purchaser(s) who will agree to accept within the same Post Notice Period (unless otherwise agreed by Bonneville) the energy associated with the rejected FELCC shift and the subsequent return obligation: *Provided, however,* That deliveries of Industrial firm Power to such other Industrial Purchaser(s) shall not in total exceed 100 percent of each such other Industrial Purchaser's Operating Demand, nor exceed the amount of energy that such Industrial Purchaser(s) can return through Third Quartile restriction rights pursuant to section 7(e) in years from which

FELCC was shifted. Bonneville shall not be obligated to treat as a firm load for the purpose of resource operation that portion of the Purchaser's First Quartile load that could have been served with the energy associated with the rejected FELCC shift.

If the Purchaser has reduced its Plant load, it may, after a minimum period of 30 days from the initial date of the Post Notice Period, unless waived by Bonneville, increase its Plant load prior to the end of the Post Notice Period. In such event, Bonneville shall operate to serve the increased portion of the Purchaser's First Quartile load as though it were firm to the extent that it is possible to do so with any previously rejected FELCC, and to the extent that Bonneville at that time is providing similar service to the other Industrial Purchasers. If insufficient rejected FELCC is available, Bonneville may serve the increase with Auxiliary Power, if it is available, or the Purchaser may serve such increase with non-Federal energy.

(5) For the duration of the Post Notice Period, the Purchaser shall pay Bonneville the full charges pursuant to Exibit A for the portion of its Operating Demand not directly served by Bonneville because of rejected FELCC. Bonneville will endeavor to mitigate such charges. Energy shall be determined on the basis of the average Plant load factor experienced over the three months prior to such notice period.

(c) *Advance Energy.* (1) Bonneville at its sole discretion may make available to its Industrial Purchasers such Advance Energy as it determines can be make available by making releases from Federally controlled and Canadian reservoirs (hereinafter called "Reservoirs"), in addition to those releases it would otherwise make. Advance Energy so made available will be accounted for in the Advance Energy Account as provided in paragraph (8) below.

(2) Bonneville shall determine in its sole discretion how Advance Energy shall be made available. Bonneville will specify whether: (A) Advance Energy shall be made available for limited periods or amounts to minimize restriction by Bonneville; (B) Advance Energy may be used by the Purchaser in conjunction with other supplies of energy within a time specified by Bonneville; and (C) Advance Energy will be made available only to serve a portion of the Purchaser's Operating Demand. The Purchaser may reject all or a portion of the Advance Energy under the same conditions provided for rejection of FELCC pursuant to subsection (b)(3) above; *Provided, however,* That use of FELCC may be extended as provided in subsections (a)(3)(C), (a)(4), and (b)(4) above.

(3) Prior to each delivery of Advance Energy Bonneville shall determine, and notify the Purchaser, whether it shall be used as it is made available to the Industrial Purchasers or be allocated among the Industrial Purchasers. If it is to be allocated, such allocation shall be in proportion to the Industrial Purchasers' respective Operating Demands at the time Advance Energy is first made available, unless Bonneville determines that such allocation would not treat the Industrial Purchasers equitably; in such event, Bonneville shall allocate in proportion to the Industrial Purchasers' respective Plant operating levels, supplied by Bonneville, at the time Advance Energy is first made available, or to some previous respective Plant operating levels, supplied by Bonneville, of the Industrial Purchasers. Any allocation of Advance energy in such Contract Year shall be made in the manner specified in the notice pursuant to paragraph (4) below. Bonneville reserves the right to exclude allocations of Advance Energy to load supplied with Auxiliary Power.

(4) On or before August 15 of each Contract Year, if possible, or in any event prior to the delivery of Advance Energy in such Contract Year, Bonneville will notify the Purchaser of the terms of availability and of allocation, if any, pursuant to paragraph (3) above, of such Advance Energy and the Replacement Correction Factor to be in effect for such Contract Year. Such notification will request any information required of the Purchaser by Bonneville with respect to the Purchaser's method of use of Advance Energy. As soon as any additional amount of Advance Energy is available or the period of availability is extended, Bonneville will as soon as practicable notify the Purchaser.

(5) Bonneville may, but under ordinary conditions will not, make Advance Energy available to the Purchaser hereunder:

(A) During any period in which the total number of debits in the Advance Energy Account of this and similar contracts with the Industrial Purchaser equals or exceeds the product obtained by multiplying 3.4 billion kilowatthours by the appropriate Replacement Correction Factor, provided in the notice pursuant to paragraph (4) above, in effect during the period in which such debits were entered;

(B) During any period in which forecasts of future loads and resources, including forecasts of Columbia River Basin volume runoff based on reliable indices such as snowpack, indicate a substantial failure to refill the Reservoirs before the next August 15; or

(C) In an amount which, including the application of the Replacement Corection Factor, is in excess of the amount which the Purchaser could replace in the manner described in paragraph (10) below over the period which in Bonneville's judgement is the minimum period in which such replacement can be effected.

(6) As soon as the following information is available for each Contract Year, Bonneville will furnish to the Purchaser:

(A) At the Purchaser's request, Bonneville's proposed operating plans, based on the latest load and resource estimates available, for the Reservoirs for such year under both critical year streamflow conditions and median month streamflow conditions; and

(B) A date when the Purchaser's uncancelled obligation to replace Advance Energy delivered during such Contract Year will terminate: *Provided, however,* That such date shall not be later that two years after the end of the Critical Period which begins with such Contract Year.

(7) Bonneville will maintain an account and will record therein in kilowatthours the debits and credits to be made to the Puchaser hereunder ("Advance Energy Account"). At the end each month in the term hereof the Purchaser will receive:

(A) A debit of one kilowatthour for each kilowatthour of Advance Energy delivered to the Purchaser by Bonneville during such month;

(B) A credit of one kilowatthour for each kilowatthour of Advance Replacement Energy, delivered to Bonneville pursuant to paragraph (10) below; and

(C) A debit of kilowatthours in the amount of Advance Head Losses associated with the net outstanding debits in the Advance Energy Account.

(8) All outstanding debits in the Advance Energy Account will be cancelled at any time when (A) the Reserviors from which water was released to make the Advance Energy available, or to which such a release is, or can be considered as having been, transferred, are completely full or at or above the maximum elevations permitted by flood control requirements; (B) water is released from such Reservoirs for the primary purpose of providing space for flood control; or (C) Bonneville determines that it has sufficient electric energy to meet its Firm Obligations, without requiring the return of Advance Replacement Energy pursuant to paragraph (10) below. The elevations of the Reservoirs will be examined periodically. If such Reservoirs do not refill or reach the maximum level required by flood control or other appropriate constraints, but do refill at any time above the highest level, adjusted for non-Federal storage, at which the Reservoirs could hold the return of all the Advance Energy released from such Reservoirs, plus any release of Advance Energy from another reservoir which is, or can be considered as having been, transferred to such Reservoirs (Maximum Level), outstanding debits will be cancelled at that time to the extent of the energy equivalent of refill above the Maximum Level. Outstanding debits entered for a particular Contract Year will be cancelled on the date specified for that Contract Year pursuant to paragraph (6)(B) above; *Provided, however,* That Bonneville may cancel all or any portion of the outstanding debit at any earlier time.

(9) To the extent that Bonneville sells nonfirm energy in accordance with the provisions of this contract using water which could have been stored or conserved for purpose of avoiding or reducing the Purchaser's Advance Replacement Energy obligation, Bonneville shall acquire or recall any electric energy which it is legally authorized to acquire or recall, and which is available at a Reasonable Cost, before requiring delivery of Advance Replacement Energy.

(10)(A) At any time Bonneville determines that, as a result of prior deliveries of Advance Energy hereunder, there will be a shortage of energy to supply its Firm Obligations, Bonneville may require the Purchaser to replace all or any portion of the electric energy evidenced by outstanding debits in the Purchaser's Advance Energy Account ("Advance Replacement Energy"). If Bonneville so determines that such shortage of energy exists or is anticipated, it shall promptly notify the Purchaser in writing of

the amount of such shortage and the date by which the Purchaser and other Industrial Purchasers shall deliver their respective shares of Advance Replacement Energy, based on the then outstanding debits of the Advance Energy Accounts for all Industrial Purchasers.

(B) Upon receipt of the notice, the Purchaser shall as soon as practicable submit a proposal which will provide delivery to Bonneville of the required amount of Advance Replacement Energy, prior to the date specified in the notice, under conditions which will enable Bonneville to use such energy to supply its Firm Obligations. The Purchaser shall supply such Advance Replacement Energy by any method, including but not limited to, reduction of its load on the Federal System. The Purchaser shall not be required to reduce its load on the Federal System to less than 25 percent of its Operating Demand but shall have the option of doing so. Bonneville will notify the Purchaser on a timely basis whether the proposal is acceptable. If the Purchaser does not submit a timely proposal which Bonneville accepts, Bonneville will implement a restriction pursuant to section 7(h). Except as provided in section 7(h), Advance Replacement Energy supplied by reduction of load on the Federal System shall not include any energy associated with a restriction, pursuant to section 7, in effect at the time of such reduction.

(C) Bonneville shall not enter into any Firm Obligations, subsequent to delivery of Advance Energy, which on a planning basis can be served only by recall of such Advance Energy.

(11) Any outstanding debits in the Advance Energy Account as accrued under the Prior Contracts are hereby transferred to the Advance Energy Account established under this agreement as of the Effective Date.

(d) *Borrowed FELCC (Flexibility Energy).* (1) Bonneville may provide service to the Purchaser's First Quartile loads during a Contract Year using FELCC borrowed from later months of such Contract Year (borrowed FELCC or Flexibility Energy) as permitted under the Coordination Agreement.

(2) Bonneville will maintain an account and will record therein in kilowatthours the debits and credits to be made to the Purchaser hereunder (Flexibility Account). At the end of each month in the term hereof the Purchaser will receive:

(A) A debit in the amount of the kilowatthours of Flexibility Energy delivered to the Purchaser by Bonneville during such month; and

(B) A credit of one kilowatthour for each kilowatthour of Flexibility Replacement Energy obtained by:

(i) Minimizing deliveries of Flexibility Replacement Energy pursuant to paragraph (4) below;

(ii) Restrictions of energy pursuant to section 7(e)(3); and

(iii) Other returns of energy approved by Bonneville for the purpose of reducing the Flexibility Account.

(3) To the extent that Bonneville determines at any time that there will be a shortage of FELCC to meet its Firm Obligations in the Contract Year in which the FELCC was borrowed, Bonneville may require the Purchaser to return all or any portion of the electric energy evidenced by outstanding debits in the Purchaser's Flexibility Account (Flexibility Replacement Energy).

(4) Bonneville will use its best efforts, including use of water previously stored in reservoirs for this purpose, to avoid the need for return of Flexibility Energy. To the extent that returns are not required in any month in which such returns had been originally indicated pursuant to paragraph (3) above, Bonneville will credit the Purchaser's Flexibility Account equal to the difference between the return originally required for such month and the actual return.

(5) At the end of each Contract Year any remaining balance in the Flexibility Account shall be cancelled, and the account reduced to zero: *Provided, however,* That Bonneville may cancel all or any portion of the outstanding debit at any earlier time.

(e) *Surplus FELCC.* To the extent possible, as permitted under the Coordination Agreement, Bonneville shall use FELCC in excess of its Firm Obligations, whether from the current Contract Year or shifted from other periods of the Critical Period into such Contract Year (Surplus FELCC), to serve the Industrial Purchasers' First Quartile loads, and shall do so prior to proceeding under subsections (b), (c), and (d) above. The Purchaser shall not be obligated to provide Third Quartile restriction rights for such use of Surplus FELCC.

9. *Curtailment by the Purchaser.* (a) *Curtailment of Auxiliary Power.* By written notice to Bonneville given at least 24 hours prior to the first day of any month, the Purchaser may curtail deliveries of Auxiliary Power, beginning on or after the first day of such month. Each such curtailment shall be in force in the amount(s), and for the period of time specified in the Purchaser's notice (but at least 30 consecutive days unless waived by Bonneville), unless subsequently changed by the Purchaser giving a similar notice.

(b) *Curtailment Above Level of First Quartile FELCC Shift.* By written notice to Bonneville given at least 24 hours prior to the first day of any month, the Purchaser may curtail deliveries of Industrial Firm Power, beginning on or after the first day of such month, in amounts not greater than the lesser of 25 percent of its Operating Demand or the amount by which the Purchaser's First Quartile load exceeds the non-surplus FELCC shifted to meet the Purchaser's First Quartile load at any time during the period of such curtailment (First Quartile FELCC). Such written notice shall specify the level of curtailment and probable duration thereof. Each such curtailment shall be in force in the amount(s), and for the period of time specified in the Purchaser's notice (but at least 30 consecutive days unless waived by Bonneville), unless subsequently changed by the Purchaser giving a similar notice.

(c) *Curtailment Below First Quartile.* By written notice to Bonneville at least 30 days prior to the beginning of curtailment, the Purchaser may curtail deliveries of Industrial Firm Power below the First Quartile in amounts up to and including the remaining 75 percent of its Operating Demand. Each such curtailment shall be in force in the amount(s), and for the period of time specified in the Purchaser's notice (but at least 30 consecutive days unless waived by Bonneville), unless subsequently changed by the Purchaser giving similar notice: *Provided, however,* That in any sequence of notices, the Purchaser shall give Bonneville 60 days' notice prior to partial or complete revocation of curtailment under this subsection.

(1) The "contract kilowatt-months" on any date in the term hereof shall be the sum of products computed by multiplying each Contract Demand for Industrial Firm Power specified in this contract by the number of months or fractions thereof during which each such Contract Demand has been and is to be in effect. In making such computation such Contract Demand shall not be reduced as the result of any curtailment in Operating Demand made, or which could be made, under this section, section 8, or as the result of any restriction in Operating Demand made or which could be made, pursuant to section 7.

(2) For each month during periods of curtailment of deliveries in accordance with this subsection, the Purchaser shall pay Bonneville, in addition to the payment for electric power and energy provided under this contract, the product obtained by (A) multiplying the difference in the billing demand for Industrial Firm Power, determined as provided in paragraph (3) below, by the appropriate demand charge in Exhibit A, and (B) multiplying the product so obtained by whichever of the following factors is applicable:

(i) 0.4, during the period when such curtailments (expressed in kilowatt-months) total not more than 3.75 percent of such contract kilowatt-months;

(ii) 0.9, during the period when such curtailments total more than 3.75 percent, but not more than 7.5 percent of the contract kilowatt-months; or

(iii) 1.0, during the period when such curtailments total more than 7.5 percent of the contract kilowatt-months.

If a curtailment is in effect under this subsection during a portion of a month, the charge computed as provided in this subsection shall be reduced by multiplying it by the ratio of the number of days in such month that the curtailment was in effect to the total number of days in such month.

(3) The "difference in the billing demand" shall be the lesser of the difference calculated by subtracting the requested Curtailed Demand from (A) 75 percent of the Operating Demand, and from (B) the Restricted Demand in effect at the time of request or any subsequent lower Restricted Demand: *Provided, however,* That if Bonneville imposes a Restricted Demand less than the Curtailed Demand said "difference in the billing demand" shall be zero.

(d) The curtailments provided in this section are independent of one another and may be made separately or together: *Provided, however,* That curtailment pursuant to subsection (c) above may be made only if and to the extent that the Purchaser's First Quartile load is restricted pursuant to section 7, curtailed pursuant to

this section or section 8, or served with non-surplus FELCC or Advance Energy. The total curtailments pursuant to subsection (b) and sections 8(b)(3), and 8(b)(4), and restrictions pursuant to section 7(c) in effect from time to time may not exceed 25 percent of the then effective Operating Demand.

(e) The Purchaser may completely shut down the Plant (including in response to any restriction by Bonneville hereunder), but will remain liable for amounts due under this contract after giving effect to all billing adjustments for curtailments and/or restrictions made or permitted pursuant to this contract.

(f) If the Purchaser's Plant is shut down in part because of a curtailment pursuant to this section, or in whole pursuant to subsection (e) above, at least two weeks prior to the resumption of deliveries of power under this contract the Purchaser shall supply Bonneville a schedule of requested deliveries for a period, not in excess of three months, during which the Purchaser's Plant will return to full operation or, if deliveries are only partially restored during such period, the optimum operation possible with such partial restoration. The Purchaser shall use its best efforts to restore Plant operation in accordance with such schedule. The three-month's period may be extended at Bonneville's discretion for such additional time as is justified by the requirements of resumption of full operation.

(g) The Purchaser shall not submit more than three levels of Curtailed Demand for any month if notices of curtailment are given under this section.

(h) If Bonneville restricts all or any portion of the Purchaser's Operating Demand and the Purchaser is physically unable to reduce its Plant load to the Restricted Demand level, the Purchaser may make additional load reduction to achieve a practical operating level. Such additional reduction shall not be treated as a curtailment. Bonneville will not assess any demand charge against the portion of the Purchaser's Operating Demand not served because of such additional reduction.

10. *Use of Power.* The power to be delivered to the Purchaser hereunder shall be used by the Purchaser only for the production of ———— and related products.

11. *Fish and Wildlife Responsibilities.* In meeting its obligations under this contract, Bonneville affirms its obligations under sections 4 and 6 of the Regional Act and other applicable law with respect to implementation of measures and objectives for the protection, mitigation, and enhancement of fish and wildlife, while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. This contract shall not impair compliance with such obligations.

12. *Mid-Term Contract Review.* To facilitate mutual planning, the parties agree that on the 5th, 10th, and 12th year of this contract, and at other mutually agreed times, the parties shall review:

(a) The status of Bonneville's planned and existing resources;

(b) Forecasts of Bonneville's need for such resources to serve firm load and other obligations; and

(c) Each party's then current expectations regarding their ability and intent to negotiate new contract service for later time periods.

If the Purchaser desires service from Bonneville beyond the term of this contract, the Purchaser shall request a new power sales contract not later than the end of the 12th Contract Year. Bonneville shall not be obligated to offer the Purchaser a new power sales contract because of any request, but shall promptly proceed to attempt to acquire sufficient resources to enable it to grant such request. If, as a result of such request, Bonneville acquires resources or makes other expenditures to serve the Purchaser under a new power sales contract and offers to negotiate in good faith a new power sales contract with the Purchaser, the Purchaser shall reimburse Bonneville for all otherwise unrecoverable costs incurred as a result of said acquisitions or other expenditures should the Purchaser fail to sign such contract. Bonneville shall use its best efforts to mitigate such costs.

13. *Miscellaneous.* (a) Any determinations, estimates, consents, agreements, or approvals under this contract by either party shall be reasonable.

(b) Except as otherwise expressly provided to the contrary in this contract with regard to specific exhibits, the provisions of this contract may be amended only by the mutual written agreement of the parties hereto subsequent to the date of execution of this contract. This subsection (b) shall not prevent oral waiver of performance on a temporary basis by either party, or temporary informal arrangements between the parties in response to operational conditions on the system of either party not specifically provided for in this contract.

(c) If Bonneville offers to enter into a written amendment of any other Industrial Purchaser's power sales contract, other than informal arrangements between the parties referred to in subsection (b) above, Bonneville shall offer to the Purchaser a corresponding amendment of this contract, to the extent such a corresponding amendment would be applicable to the Purchaser under this contract. Bonneville shall advise and use reasonable efforts to consult with the Purchaser during the development or consideration of any offer to enter into such amendments. This contract is offered pursuant to sections 5(d) and 5(g), including, but not limited to, section 5(g)(7), of the Regional Act, and amendments hereto shall not be construed to represent the offer of a new contract.

(d) The Purchaser shall have one year from the date it receives a signed copy of this contract from Bonneville to accept the contract. Bonneville's offer to make Industrial Firm Power available hereunder shall expire unless Bonneville has received a signed contract from the Purchaser by the end of such year.

(e) Provisions of sections 7 and 8 notwithstanding, Bonneville reserves the right to enter into separate arrangements, with certain Industrial Purchasers, that Bonneville determines are appropriate to fulfill the intention of the Regional Act, including section 7(d)(2) thereof. Such separate arrangements may contain provisions relative to operations and restrictions of deliveries that differ significantly from the operation and restriction provisions of this contract and that affect the operations and restrictions among Industrial Purchasers as provided in this contract.

14. *Definitions.* (a) *"Advance Head Losses"* means the quantity of energy, in addition to the amount of Advance Energy delivered, which is required to restore Bonneville's reservoirs to the same condition they would have been if no Advance Energy had been delivered. (For example, if the Replacement Correction Factor was "1.008 per month," such quantity of energy would be determined monthly as the product of 0.008 and the outstanding balance in the Advance Energy Account.)

(b) *"Auxiliary Power"* means an amount of electric power associated with the Auxiliary of electric energy used on an intermittent basis.

(c) *"Contract Year"* means the period commencing each July 1 and ending the following June 30.

(d) *"Coordination Agreement"* means that contract among bonneville and Northwest generating entities, providing for coordinated operation of regional resources, designated as Contract No. 14–03–48221, as amended or replaced.

(e) *"Curtailed Demand"* means the number of kilowatts of Industrial Firm Power which results from the Purchaser's request for such power in amounts less than the Operating Demand specified therefor in Exhibit C, determined pursuant to sections 8 and 9.

(f) *"Customer"* means anyone who contracts for the purchase of electric power or energy from Bonneville.

(g) *"FELCC Head Losses"* means the quantity of energy, in addition to the energy shifted, required to restore the Federal reservoirs to the same condition they would have been had FELCC not been shifted. FELCC Head Losses are computed in the same manner as Advance Head Losses, using the Replacement Correction Factor, or such smaller factor as may be determined by Bonneville. The Industrial Purchasers shall not be assessed any FELCC Head Losses associated with Surplus FELCC, Flexibility energy or FELCC shifted but subsequently restricted.

(h) *"Firm Obligations" means all of Bonneville's firm commitments to supply electric power and/or energy (Firm Commitments:)*

(1) Existing on the Effective Date,

(2) In the Region incurred on or after the Effective Date,

(3) Other Firm Commitments that Bonneville may incur that are supported by Bonnevill's firm resources when incurred.

Seventy-five percent of the Industrial Purchasers' Operating Demands shall be a Firm Obligation for purposes of both resource planning and operation, and, in addition, 25 percent of such Operating Demands (the Industrial Purchasers' First Quartiles) shall be a Firm Obligation for the purpose of resource operation only, subject to restriction provisions pursuant to section 7. In its

application of restrictions pursuant to section 7, and in its operations pursuant to section 8, Bonneville shall first serve the remaining 75 percent of the Industrial Purchasers' loads before serving the Industrial Purchasers' First Quartiles.

Bonneville will compensate the Purchaser for the restriction rights provided in this contract in the determination of Bonneville's rate through the rate adjustment process. If in such process it is determined that such compensation is not already povided, and/or that Bonneville is relying on such restriction rights for use in circumstances in which the Purchaser is not required by the Regional Act to provide reserves, appropriate additional compensation shall be provided through such process. By accepting this contract, including this definition of the term "Firm Obligations," the Purchaser does not waive, and expressly preserves, any rights or claims the Purchaser may have or assert with respect to the acts or omissions of third parties that result in a restriction or restrictions of deliveries to the Purchaser under circumstances in which the Purchaser is not required by the Regional Act to provide reserves.

(i) *"Industrial Firm Power"* means a unified class of electric power which Bonneville will make continuously available to the Purchasr on a contract Demand basis subject to:

(1) the restriction applicable to deliveries of all firm power pursuant to Uncontrollable Forces and Continuity of Service provisions of Exhibit B;

(2) the additional restrictions that apply to the Purchaser under section 7; and

(3) a restriction which is made necessary because the operation of generation or transmission facilities used by Bonneville to serve the Purchaser and one or more priority and new resource firm power purchasers is suspended, interrrupted, interfered with, curtailed, or restricted as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service provisions of Exhibit B, at which time Bonneville shall restrict the Purchaser's Operating Demand for Industrial Firm Power to the extent necessary to prevent, if possible, or minimize restriction of priority and new resource firm power; the extent of such restrictions shall be limited for Industrial Firm Power by section 7 of this contract.

(j) *"Integrated Demand"* means the number of kilowatts which is equal to the number of kilowatt hours delivered to any point during a clock hour.

(k) *"Reasonable Cost"* means that cost of electric power and energy up to a level fixed by power supply circumstances base on the price that Bonneville would prudently pay for a resource at a given time to prevent restriction of a Firm Obligation. The cost of a resource acquired by Bonneville, the use or opertion of which is deferred until a later period in the Coordination Agreement Critical Period by means of shifting FELCC for the benefit of firm loads or by other similar techniques, is a Reasonable Cost for the amount so deferred.

(l) *"Region"* means the Pacific Northwest region as defined in the Reginal Act.

(m) *"Replacement Correction Factor"* means Bonneville's determination of a factor which, when multiplied by the Advance Energy delivered, would result in the quantity of energy required to restore the Reservoirs to the same condition they would have been had no Advance Energy been delivered. (For example, if the Replacement Correction Factor was "1.008 per month," such quantity of energy would increase each month by the amount of energy determined as the product of 0.008 and outstanding balance in the Advance Energy Account.)

(n) *"Restricted Demand"* means the number of kilowatts of Industrial Firm Power which results when Bonneville has restricted delivery of such power below the Operating Demand specified therefor in Exhibit C for one clock-hour or more pursuant to section 7.

(o) *"Quartile"* means 25 percent of the Purchaser's Operating Demand. *"First Quartile"* means the 25 percent of the Purchaser's Operating Demand which is not treated as a firm load for Bonneville's resources acquisition planning purposes.

In witness whereof, the parties hereto have executed this contract in several counterparts.

United States of America, Department of Energy.

By ————,

Bonneville Power Administrator.

By———— ————
Title———— ————
Date———— ————

Attest:
By———— ————
Title———— ————
Date———— ————

Exhibit A.—Wholesale Power Rate Schedule For Industrial Firm Power and General Rate Schedule Provisions

Published in the **Federal Register** in its entirety at 46 FR 33542 (June 30, 1981).

Exhibit B.—General Contract Provisions

See Exhibit B of Attachment 1.

Exhibit C.—Purcher's Demands

This exhibit is uique to the Customer.

Exhibit D.—Points of Delivery and Special Provisions

This exhibit is unique to the Customer.

Attachment 3

Contract No. DE–MS79–81BP9———— ————
August 22, 1981.

Residential Purchase and Sale Agreement Executed by the United States of America, Department of Energy, Acting by and Through the Bonneville Power Administration and ————

Index to Sections

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This agreement, executed ————, by the United States of America (Government), Department of Energy, acting by and through the Bonneville Power Administration (Bonneville), and ———— (Utility), a corporation of the State of————,

Witnesseth

Whereas the 96th Congress of the United States of America at the Second Session enacted the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96–501, as amended (Regional Act); and

Whereas the Regional Act, among other matters, provides that a Pacific Northwest electric utility may sell electric power to Bonneville at the average system cost (ASC) of that utility's resources and that Bonneville shall sell in return an equivalent amount of electric power for resale to that utility's residential and farm users within the Pacific Northwest (Region); and

Whereas, Bonneville is required under Section 4(g)(1) of the Regional Act to maintain comprehensive programs to insure widespread public involvement in the formulation of regional power policies; and

Whereas Bonneville is authorized pursuant to law to dispose of electric power and energy generated at various hydroelectric projects in the Pacific Northwest or acquired from other resources, to construct and operate transmission facilities, to provide transmission and other services, and to enter into related agreements to carry out such authority;

Now, therefore, the parties hereto mutually agree as follows:

1. *Term of Agreement.* This agreement shall be effective on the later of (1) 2400 hours on the date of execution; or (2) 2400 hours on September 30, 1981, and shall terminate at 2400 hours on June 30, 2001, unless terminated pursuant to section 9 below. Notwithstanding termination of this agreement, all liabilities incurred hereunder shall continue until satisfied.

2. *Purchase by Bonneville.* Subject to the provisions of section 4 below and subject to the per centum limitations specified in section 5(c)(2) of the Regional Act which shall apply separately to each Jurisdiction, as defined in Exhibit C, in which the Utility provides service, the Utility shall sell and Bonneville shall purchase each month an amount of electric power not in excess of the Utility's Residential Load, as defined in Exhibit D, for such month. The amount of power to be sold by the Utility under this section shall be determined pursuant to

Exhibit D at the ASC determined pursuant to Exhibit C. The Utility may sell power hereunder only for Residential Load that is associated with its retail service areas. An exception to this is that the Utility may also sell power for the Residential Loads of another utility as agent for the other utility in accordance with an agreement with the other utility that is approved by Bonneville and terminable at will by the other utility.

3. *Purchase by the Utility.* Subject to the per centum limitations in section 5(c)(2) of the Regional Act, Bonneville shall sell and the Utility shall purchase each month an amount of electric power not in excess of the Utility's Residential Load for the month. The amount of energy purchased shall be determined pursuant to Exhibit D, and the purchase price shall be the rate determined pursuant to Exhibit A. Exhibit A shall be the then effective rate established pursuant to section 7(b) of the Regional Act. For billing purposes, the Utility's load factor shall be as determined pursuant to Exhibit E.

4. *In Lieu Purchase by Bonneville.* (a) In lieu of purchasing all or a portion of the electric power referred to in section 2 above, Bonneville may acquire an equivalent amount of electric power from other sources if the cost of such acquisition is less than the cost of purchasing the electric power referred to in section 2. For the purpose of determining the cost of any such in lieu purchase, transmission and production costs, and transmission losses, as determined by Bonneville, shall be included. Bonneville shall give the Utility not less than seven years prior written notice of Bonneville's intent to use such acquisition in lieu of purchasing all or a portion of the electric power referred to in section 2 above. This notice shall state the amount, duration, source, estimated cost and estimated scheduling provisions of the intended acquisition. Any intended acquisition shall be at least five years in duration.

(b) The Utility shall elect upon reciept of such notice: (1) To reduce, in a manner determined by Bonneville pursuant to prudent utility practice, the amount of power purchased by Bonneville pursuant to section 2 above by the amount of the intended acquisition; or (2) to reduce to the cost of the intended acquisition the ASC applicable to a portion of the power purchased by Bonneville pursuant to section 2 above equal to the amount of the intended acquisition. A Utility shall have 60 working days from the receipt of the notice in subsection (a) above to elect (1) or (2).

(c) Bonneville shall not acquire power from a resource for an in lieu purchase hereunder if the Utility or another utility under a similar contract has reduced its ASC rate pursuant to section 4(b)(2) above. Such resource may be used for an in lieu purchase hereunder if such utility which reduced its ASC later terminates its purchase from Bonneville under this agreement of such similar agreement.

(d) Bonneville shall acquire power from a resource for an in lieu purchase hereunder only if such resource is not needed to meet Bonneville's obligations to supply firm power to customers in the Region, and such resource shall not be a resource the cost of which previously has been assigned to Bonneville's New Resource Firm Power rate under section 7(f) of the Regional Act. Bonneville shall not execute a resource purchase agreement to acquire power on behalf of the Utility in lieu of the electric power offered by the Utility hereunder during periods when Bonneville has issued a notice of restriction to any investor-owned utility, public body, cooperative, or Federal agency.

5. *Provisions Relating to Delivery.* The Utility shall submit to Bonneville no more frequently than once in any 30-day period an accounting invoice with supporting documentation for the Utility's Residential Load billed during the billing period selected by the Utility. Such documentation shall include the kilowatthours of energy which the Utility billed to its Residential Load in each Jurisdiction. This accounting invoice shall be deemed to be the receipt for the purchase and sale of power under this agreement.

6. *Accounting, Review, and Budgeting.* The Utility shall keep up-to-date records and documents showing all transactions and other arrangements made pertaining to the terms of this agreement. These records and documents shall contain information supporting the Utility's ASC as determined pursuant to Exhibit C and the Utility's Residential Load. The Utility shall retain these records and documents on file for at least five years. At Bonneville's expense, Bonneville or its designee may, from time to time, conduct reviews or inspection of the Utility's records, accounts, and related documents pertaining to this agreement. The Utility shall fully cooperate in good faith with any such reviews or inspections.

7. *Payment.* Within 30 days after receipt of the invoice referred to in section 5 above, Bonneville shall verify the invoice, compute the amount due the Utility from the sale under section 2 and the amount due Bonneville from the sale under section 3, and either pay or bill the Utility for the difference, as appropriate.

8. *Cost Benefits.* The cost benefits to the Utility within each Jurisdiction attributable to Bonneville's providing electric power and energy to the Utility's Residential Load under this agreement shall be passed through directly to the Utility's Residential Load within such Jurisdiction. Cost benefits means the reduction in the Utility's wholesale power costs during the term of this agreement as a result of this agreement.

9. *Termination of Agreement.* The Utility may terminate of suspend this agreement for a period of at least one year if the supplemental rate charge provided for in section 7(b)(3) of the Regional Act is applied by Bonneville and the cost of electric power sold to the Utility under section 3 of this agreement exceeds the ASC of the power sold to Bonneville under section 2.

10. *Election to Equalize Rates.* The Utility may elect to have its Exhibit C rate for any Jurisdiction deemed equal to the Exhibit A rate. Such election shall be made in writing to Bonneville within 25 working days following confirmation and approval by the Federal Energy Regulatory Commission or its successor agency (FERC), on an interim or final basis, of a change in the Exhibit A rate or in Exhibit C methodology, and will take effect as of the effective date of that change.

During any period that such election is in effect, Bonneville shall debit to a separate account the net exchange payment to Bonneville, if any, that would have been required of the Utility if the Utility had not made such election and shall credit to that account any exchange payments that would have been made. The net balance in such account shall accumulate interest at the rate specified in section IV.E. of Exhibit C.

During the period of any such election, any portion of the costs for terminated resources associated with section 7(g) of the Regional Act included in the Exhibit A rate which would have been charged to the Utility shall be payable by the Utility by means of a surcharge tro the Utility's power sales contract payments pursuant to section 5(b) of the Regional Act or, if the Utility is not party to such a contract, monthly in cash as accrued. Such surcharge payments shall not exceed the total costs incurred by Bonneville during the same period and attributable to terminated resources which the Utility has sold to Bonneville and which total costs are not otherwise recovered currently through such section 7(g) allocations to any other rate or rates paid by the Utility. Such payment also shall not exceed the payments which the Utility would have made to Bonneville during each exchange period had it not made such election. Section 7(g) costs so paid shall be excluded from the separate account maintained pursuant to this section.

The Utility may rescind such election and resume full participation in the exchange provided at that (a) the debit balance of such separate account be less than or equal to zero; or (b) the Utility makes payments to Bonneville in agreed upon installments to bring the debit balance to zero. Such rescission may be either by notice in writing effective upon delivery to Bonneville within 25 working days following confirmation and approval by FERC, on an interim or final basis, of a change in Exhibit A, or by notice in writing effective on a date to be agreed upon by Bonneville and the Utility, which date shall be within 13 months following delivery to Bonneville of the notice of rescission.

Upon termination of this agreement, any debit balance in such separate account shall not be a cash obligation of the Utility, but shall be carried forward to apply to any subsequent exchange by the Utility for the Jurisdiction under any new or succeeding agreement.

11. *Relating Only to Residential Purchase and Sale Agreements.* The Utility agrees to comply with the following statutes, Executive Orders, and regulations to the extent applicable:

(a) the Rehabilitation Act of 1973, Pub. L. 93-112, as amended, and 41 CFR Part 60-741 (affirmative action for handicapped workers);

(b) the Vietnam Era Veterans Readjustment Assistance Act of 1974, Pub. L. 92-540, as amended, and 41 CFR Part 60-250 (affirmative action for disabled veterans and veterans of the Vietnam era);

(c) Executive Order 11625 and 41 CFR 1-1.1310-2(a) (utilization of minority business enterprises);

(d) The Small Business Act, as amended,

(e) Certification of Nonsegregated Facilities, 41 CFR 1–12.803–10.

12. *Exhibits.* Exhibit A (Priority Firm Power Rate, Schedule PF–1, and General Rate Schedule Provisions), Exhibit B (General Contract Provisions [GCP Form PSC–1), Exhibit C (Average System Cost Methodology), Exhibit D (Residential Load Definition), Exhibit E (Load Factor Specification), and Exhibit F (Determination of New Large Single Loads) are hereby made part of this contract. Exhibit D shall be revised to incorporate additional qualifying tariff schedules, subject to Bonneville's determination that the loads served under these schedules are qualified under the Act. Each time Bonneville has a new rate adjustment date, the Utility shall submit a revised Exhibit E, prepared in the same manner as Exhibit E attached hereto, to Bonneville within 20 working days of such date. The revised Exhibit E shall become effective as of such date.

In witness whereof, the parties have executed this Agreement in several counterparts.

United States of America,
Department of Energy
By _____
Bonneville Power Administrator
By _____
Title _____
Date _____
Attest:
By _____
Title _____
Date _____

Exhibit A.—Priority Firm Power Rate Schedule PF–1 and General Rate Schedule Provisions

Published in the **Federal Register** in its entirety at 46 FR 33542 (June 30, 1981).

Exhibit B.—General Contract Provisions

See Exhibit B of Attachment 1.

Exhibit C.—Average System Cost Methodology

I. Summary

This exhibit sets forth the method for computation and payment of "average system cost" for the purpose of an exchange of power between Bonneville and a Utility pursuant to section 5(c) of Pub. L. 96–501 (Regional Act). The method provides that for an exchanging Utility the average system cost (ASC) is: the costs allowed or established for retail ratemaking that are eligible for exchange divided by the kilowatthours of load assumed for retail ratemaking, adjusted consistent with this methodology. Under this method, a separate ASC will be calculated for each exchanging Utility for each jurisdiction in which the Utility does business. Each ASC so calculated will be changed when revised retail rates go into effect.

This exhibit sets forth specific procedures for reporting cost items and recognition of those items in determining ASC, including procedures for the exclusion of particular costs as required by statute. The exhibit also sets forth the procedures for the filing of relevant data by the Utility and for the review of that data by Bonneville.

II. Definitions

The following definitions apply to all sections of Exhibit C.

A. "Average System Cost" or "ASC" means for each Jurisdiction and each Exchange Period the quotient obtained by dividing Contract System Costs by Contract System Load.

B. "Commission" means a State regulatory body, preference Utility governing body, or other entity authorized to establish retail electric rates in a Jurisdiction.

C. "Contract System Costs" means the Utility's costs for production and transmission resources, including power purchases and conservation measures, which costs are includable in, jurisdictionally allocated by, and subject to the provisions of Appendix 1. Contract System Costs do not include costs required to be excluded from ASC by section 5(c)(7) of the Regional Act; the exclusion of these costs is provided for in Footnote 15 to Appendix 1.

D. "Costs" means the aggregate dollar amount or any portion of the amount allowed or relied upon by the Commission to determine the Test Period revenue requirement for the Utility in a Jurisdiction.

E. "Exchange Period" means the period of time during which a Utility's Jurisdictional retail rate schedules are in effect, commencing with the effective date of these schedules and ending with the effective date of new retail rate schedules in the Jurisdiction: *Provided,* That no Exchange Period shall commerce prior to or extend beyond the term of the Utility's Residential Purchase and Sale Contract Agreement.

F. "Contract System Load" means the firm energy load used by the Commission for the purpose of establishing retail rates, adjusted pursuant to Appendix 1.

G. "Jurisdiction" means the service territory of the exchanging Utility within which a Commission has authority to approve the retail rates.

H. "New Large Single Load" means that load defined in section 3(13) of the Regional Act, and as determined by Bonneville as specified in power sales contracts with its customers.

I. "Regional Power Sales Customer" means any entity that contracts directly with Bonneville for the purchase of power for delivery in the region as defined by section 3(14) of the Regional Act.

J. "Test Period" means the time period, not to exceed 12 months, used by the Commission to determine Costs for retail ratemaking.

III. Procedures for Determining Average System Cost

The procedures set forth in this section will enable Bonneville to determine the ASC, in accord with the methodology in Appendix 1, for each exchanging Utility for each Jurisdiction within the region where the Utility provides service. The ASC so determined will be in effect during the Exchange Period and will apply to the amount of exchange power acquired by Bonneville from the Utility during the Exchange Period. The amount of exchange power will be equal to the Utility's eligible load within the Jurisdiction. Bonneville will determine and pay a separate ASC for the exchange power related to the Utility's eligible load in each Jurisdiction. The procedures are as follows:

A. Appendix 1 is a form that identifies Contract System Costs and Contract System Load and permits the calculation of ASC. Appendix 1 is an integral part of this document.

B. For each Exchange Period and for each regional Jurisdiction in which a Utility provides service, the Utility shall complete and file with Bonneville five copies of Appendix 1 as follows:

1. On or prior to the effective date of the Utility's residential exchange contract, the Utility shall file an Appendix 1 reflecting its existing Costs for each Jurisdiction for which it is participating in the exchange. Subject to the provisions of Section IV, the ASC determined from each Appendix 1 shall be the rate applicable to exchange power from that Jurisdiction during the initial Exchange Period.

2. Thereafter, not later than five working days after filing for a Jurisdictional rate change or otherwise commencing a rate change proceeding, the Utility shall file with Bonneville a preliminary Appendix 1, setting forth the Costs proposed by the Utility. In addition, within five working days from the day a Utility files for a Jurisdictional rate change or otherwise commences a rate change proceeding, the Utility shall deliver to Bonneville all information initially provided to the Commission. The Utility also will provide to Bonneville within a reasonable period of time any other information reasonably requested by Bonneville.

3. Not later than five working days following the commencement date of a new Exchange Period, the Utility shall file with Bonneville a revised Appendix 1, reflecting its Costs as approved by the Commission. In addition, the Utility shall provide within 20 working days following the commencement date of a new Exchange Period a reconciliation of all differences between the preliminary Appendix 1 and the revised Appendix 1. Subject to the provisions of Section IV, the ASC included in the revised Apendix 1 will be the ASC applicable to exhange power for that Jurisdiction during the Exchange Period: *Provided,* That if a Utility files a revised Appendix 1 after the five-day deadline Bonneville may make the new ASC payable only from the date the revised Appendix 1 was actually filed. However, Bonneville shall not delay as a result of a late filing of an Appendix 1 the effective date of any change in the ASC for power provided to it under this agreement if the late filing was the result of unavoidable delay or excusable neglect, and the Utility proceeded to correct the filing error in good faith and with diligence.

C. If Bonneville or any of its Regional Power Sales Customers have been denied the right to participate in a Jurisdictional rate review proceeding on the basis of standing as an intervenor or otherwise with rights equivalent to any retail customer of the Utility, no change in ASC based on a change of Costs authorized in that proceeding shall

be effective until Bonneville has completed its review pursuant to Section IV.

IV. Bonneville Review Process

A. Each Appendix 1 shall be reviewed by Bonneville or its designate to determine whether the Costs are not inconsistent with generally accepted accounting principles for electric utilities, whether Contract System Costs contains only allowed Costs, and whether the Appendix 1 complies with the requirements of this Exhibit C including applicable definitions and requirements incorporated from the FERC Uniform System of Accounts. If a retail rate change is authorized without substantive Commission findings as to Costs or if Bonneville or any of its Regional Power Sales Customers are denied the right to participate in a Jurisdictional rate review proceeding on the basis of standing as an intervenor or otherwise with rights equivalent to any retail customer of the Utility, the review by Bonneville or its designate also may consider whether Contract System Costs have changed by the amount of the retail rate change, and Bonneville shall not be obligated to pay an ASC different than the ASC based on Contract System Costs as determined by Bonneville.

B. The Appendix 1 described in Section III(B)(1) shall be subject to review for a period of 180 days following the effective date of the contract. A revised Appendix 1 described in Section III(B) (2) and (3) shall be subject to review for a period of 120 days from the start of the relevant Exchange Period.

C. Bonneville or its designate will conduct its review as promptly as reasonably possible, shall make a written report of its determinations, and shall make any resulting increase or decrease in the ASC for the relevant Exchange Period; provided, that if Bonneville has not issued a report as of the last date of the review period, then the ASC rate shown on the revised Appendix 1 described in Section III(B)(3) filed by the Utility shall be the ASC for the Exchange Period.

D. Bonneville will afford its Regional Power Sales Customers and other interested persons an opportunity to comment in writing on each Appendix 1 filed by a Utility. To facilitate this process, a Utility filing an Appendix 1 shall mail written notice thereof to each of Bonneville's Regional Power Sales Customers or their designates, in accordance with a list provided by Bonneville. This notice shall summarize the adjustment to costs proposed, make reference to the customers' right to comment thereon, and specify where materials relevant to the Cost adjustment process may be examined. The Utility and Bonneville shall permit Regional Power Sales Customers and interested parties to examine each Appendix 1 submitted to Bonneville. The utilities shall respond to reasonable information requests revelant to ASC from Bonneville and its Regional Power Sales Customers, provided that the furnishing of proprietary or confidential information to Bonneville or to a Regional Power Sales Customer may be made contingent on the granting of proper safeguards to prevent unauthorized use or disclosure. All comments from Bonneville's Power Sales Customers and interested parties must be received in writing by Bonneville no later than 20 days prior to the end of Bonneville's review period. All such comments will be included as part of the record supporting the ASC determined by Bonneville.

E. If Bonneville determines that the ASC computed by the Utility in Appendix 1 was excessive or inadequate, the injured party shall recover the excess or deficiency with interest which shall be computed from time to time on the outstanding balance at the rate or rates of interest charged to Bonneville by the U.S. Treasury during the period unless another form of refund is ordered by the Joint State Board, the FERC, or a reviewing court. If a final order of the Joint State Board, the FERC or a reviewing court revises Bonneville's ASC determination, the difference between this revised ASC and the ASC determined by Bonneville, together with the interest at the above rate, shall be paid to the party entitled thereto by the other party, unless another interest rate is so ordered.

F. If costs associated with a generating facility are included in ASC and that generating facility is later terminated prior to the date of inititial commercial operation, Bonneville shall be entitled to recover revenues as follows.

For any exchange period in which Construction Work in Progress (CWIP) was incuded in the rate base:

1. If the CWIP included in the rate base was identified with a particular generating facility terminated prior to the date of initial commercial operation, Bonneville shall recover revenue based on the amount of CWIP identified with that terminated facility that was included in the ASC rate base.

2. If the terminated facility was among a group of facilities for which CWIP was allowed in the ASC rate base, Bonneville shall recover revenues based on the amount that the CWIP included in the ASC rate base exceeded the utility's total available jurisdictional CWIP for the same group of facilities, after exclusion of any CWIP for generating facilities subsequently terminated prior to the date of initial commercial operation.

When a generating plant is terminated prior to the date of initial commercial operation, the Utility will submit to Bonneville a calculation of the recoverable revenue attributable to the inclusion of the amount of CWIP specified above, if any, for each exchange period, including a reconcilation with the final Appendix 1 for that period. This calculation shall include the effect of any inclusion of Allowance For Funds During Construction (AFUDC) as an offset to test year revenue requirement and the impact on related taxes. The interest rate on revenue to be recovered shall be calculated as in Section IV(E). Bonneville shall bill the Utility in equal monthly installments over a period of the same length as the period during which costs of the terminated facility were included in ASC unless another arrangement is mutually agreed upon.

V. FERC Procedure (Applicable Only to Utilities Subject to Part II of the Federal Power Act)

A. Each Utility that is subject to the FERC's jurisdiction under Part II of the Federal Power Act shall file Bonneville's written report, the ASC determined by Bonneville, and the Utility's Appendix 1 with the FERC, its delegate or successor, within 15 working days of Bonneville's determination of ASC according to Section IV(C) above. During the period between the date of Bonneville's determination of ASC and the date of the final order issued by the FERC, its delegate or successor, the ASC determined by Bonneville shall be in effect.

This filing with the FERC shall be deemed to be compliance by the Utility with Section 205(c) of the Federal Power Act. The ASC ordered by the FERC, its delegate or successor, shall be the lawful ASC in effect from the start of the relevant Exchange Period, and the FERC shall be deemed to have so ordered under Section 205(d) of the Federal Power Act. The Utility may contest any ASC adjustment made by Bonneville in any ASC review proceeding before the FERC, its delegate or successor, and may argue for an ASC to be effective from the start of the relevant Exchange Period calculated pursuant to the Appendix 1 described in Section III(B)(3) it filed with Bonneville.

B. The Utility shall notify all parties that made comment to Bonneville on the Utility's Appendix 1 of its ASC filing with the FERC. The FERC shall publish notice of the filing in the **Federal Register**. The notice shall specify that parties will be allowed an opportunity to comment in writing and to respond in writing to comments filed by any other party. If one or more members of the FERC, its delegate or successor, determine that a substantial issue of fact or law exists, an opportunity for oral presentation of arguments shall be provided.

C. The FERC's review of ASC shall ascertain whether Bonneville's ASC was determined in accord with the methodology described in this Exhibit C. If the FERC, its delegate or successor, should determine that Bonneville's ASC rate was not determined in accord with the methodology, it shall order that such ASC be changed, specifying in the order the necessary changes. The FERC shall publish its final order approving or disapproving the ASC in the **Federal Register**

VI. Change in Average System Cost Methodology

The Administrator, at his or her discretion, or upon written request from three-quarters of the utilities who are parties to contracts pursuant to section 5(C) of the Regional Act, or from three-quarters of his preference customers, or from three-quarters of Bonneville's direct-service industry customers, shall initiate a consultation process as provided for in section 5(c) of the Regional Act. After completion of this process, the Administrator may propose a new ASC methodology: *Provided;* That any consultation process may not be initiated sooner than 1 year after the immediately previous ASC methodology has been adopted by Bonneville and approved by the FERC.

Exhibit C.—Appendix 1, Instructions

Average System Cost Methodology

Exhibit C—Appendix 1 is the form on which a Utility participating in a Residential Purchase and Sale Agreement shall report its Contract System Costs and other necessary data for the calculation of ASC.

The form consists of six schedules that shall be completed by the Utility in accord with these instructions and the provisions of the footnotes following the schedules. Any items not applicable to the Utility shall be so identified.

The schedules are as follows:

1 Plant Investment/Rate Base/Rate-of-Return
2 Capital Structure and Cost of Capital
3 Expenses
4 Income Taxes
5 Average System Cost
6 Total Utility and Jurisdictional Results of Operations

The filing Utility shall reference and attach workpapers that support Costs, including details of allocation and functionalization.

All references to the FERC accounts are to the FERC Uniform System of Accounts as of October 1, 1981. The Costs includable in the attached schedules are those includable by reason of the definitions in the FERC accounts. If the FERC accounts are later revised or renumbered, any changes shall be incorporated into this form by reference, except to the extent that Bonneville, upon a showing of good cause, demonstrates that a particular change results in a substantial change in the type of Costs allowable for exchange purposes. If the Utility does not follow the FERC accounts, its filing must include a reconciliation between its accounts and the items allowed as Contract System Costs.

Bonneville may require the Utility to account for purchase power transactions with affiliated entities as though the affiliated entities were owned in whole or in part by the utility, if necessary to properly determine and/or functionalize the utility's costs.

A Utility operating in more than one Jurisdiction shall allocate its total system costs among Jurisdications in accord with the same allocation methods and procedures used by the Commission to establish jurisdictional Costs and resulting revenue requirements. Appendix 1 shall include details of the allocation. This allocation also accomplishes the exclusion of the Costs of additional resources to meet loads outside the region, as required by section 5[c][7] of the Regional Act.

All schedule entries and supporting data shall be in accord with generally accepted accounting principles and practices as these principles and practices apply to the electric utility industry.

Exhibit C.—Appendix 1, Schedule 1

Bonneville Power Administration Residential Purchase and Sale Agreement; Average System Cost Methodology

Plant Investment/Rate Base/Rate-of-Return Jurisdiction

Line No.	Items/FERC accounts/footnotes (1)	Jurisdiction total (2)	Excluded amount [1][3a]-T[3]	Total to be functionalized (4)	Functionalization			
					Production (5)	Transmission (6)	Total for exchange (7)	Other (8)
1	Plant-in-Service/310-373[1][7]							
2	General Plant/389-399[3]							
3	Intangible Plant/301-303[3]							
4	CWIP/107, 120.1[3]							
5	Acquisition Adjustment/114[1]							
6	Total Gross Plant							
7	Less:							
8	PIS Depreciation Reserve/108[1][7]							
9	General Plant Depreciation Reserve/108[4]							
10	Accumulated Amortization/111, 115[4]							
11	Total Plant Deductions							
12	Total Net Plant							
13	Plant Held for Future Use/105[3]							
14	Nuclear Fuel/120.2-120.4 Less 120.5[1]							
15	Accumulated Deferred Debits/186[3]							
16	Less:							
17	Customer Advances/252[1][8]							
18	Accumulated Deferred Investment Tax Credits/255[3]							
19	Accumulated Deferred Income Taxes/281-283[3]							
20	Other Accumulated Deferred Credits/253, 256-257[3]							
21	Total Net Accumulated Deferred Debits/Credits							
22	Cash Working Capital/Various[9]							
23	Materials and Supplies/151-157, 163[3]							
24	Other/106, 124, 154, Various[3][10]							
25	Total Rate Base							
26	Times Rate-of-Return@—%[10][11]							

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 1A

Bonneville Power Administration Residential Purchase and Sale Agreement; Average System Cost Methodology

Rate Base Summary Jurisdiction

Line No.	Items	Jurisdiction total	Excluded amount [1][3b][4]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Utility Plant-in-Service							
2	Less: Accumulated Provision for Depreciation and Amortization Net Utility Plant-in-Service.							
3	Net Utility Plant-in-Service							
4	Construction Work in Progress							
5	Plant Held for Future Use							
6	Utility Plant Acquisition Adjustments							
7	Nuclear Fuel							
8	Customer Advances for Construction							
9	Materials and Supplies							
10	Cash Working Capital							

Bonneville Power Administration Residential Purchase and Sale Agreement; Average System Cost Methodology—Continued

Rate Base Summary Jurisdiction

Line No.	Items	Jurisdiction total	Excluded amount [1b-c]	Total to be functionalized	Functionalization: Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
11	Unamortized Leasehold Improvements and Other Miscellaneous Deferred Items							
12	Weatherization-Interest Free Loans							
13	Extraordinary Property Losses [a]							
14	Total Rate Base							
	Electric Plant-in-Service Jurisdiction							
1	Intangible Plant Production Plant:							
2	Steam Production Plant							
3	Nuclear Production Plant							
4	Hydraulic Production Plant							
5	Other Production Plant							
6	Total Production Plant							
7	Transmission Plant							
8	Distribution Plant							
9	General Plant							
10	Total Electric Plant-in-Service							
	Reserve for Depreciation and Amortization of Electric Plant-in-Service Jurisdiction							
	Depreciation Reserve							
	Production Plant:							
1	Steam Production							
2	Nuclear Production							
3	Hydraulic Production							
4	Other Production							
5	Transmission							
6	Distribution							
7	General							
8	Total Depreciation Reserve							
9	Amortization Reserve							
10	Total Depreciation and Amortization Reserve							

Note: 1. Supporting workpapers are to be attached; 2. Footnotes referenced on Schedule 1 will be relied upon in determining ASC.
See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 2

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology

Capital Structure and Cost of Capital Jurisdiction

Line No.	Items/Footnotes	Amount	Ratio	Component cost	Weighted cost
	(1)	(2)	(3)	(4)	(5)
1	Debt				
2	Preferred Stock				
3	Common Equity				
4	Deferred Income Taxes [10]				
5	Deferred Investment Tax Credit [10]				
6	Total Weighted Cost				

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 2A

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology

Debt Summary [11] Jurisdiction

Line No.	Items	Date of issue	Date of maturity	Interest rate	Face amount	Premium	Discount	Issue expense	Net proceeds	Interest expense
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 2B

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology

Preferred Stock Summary Jurisdiction

Line No.	Items	Shares issued	Dividend rate	Outstanding balance	Premium	Issue expense	Net proceeds	Dividends
		(1)	(2)	(3)	(4)	(5)	(6)	(7)

Exhibit C.—Appendix 1, Schedule 3

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology

Expenses Jurisdiction

Line No.	Items/FERC accounts/footnotes	Jurisdiction total	Excluded amount [12b,c]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Production:							
2	Fuel/501, 518, 547 [1]							
3	Purchased power/555 [1]							
4	Other/500, 502-517, 519-546, 548-577 [1]							
5	Transmission/560-573 [1,4]							
6	Distribution/580-598 [1,4]							
7	Customer accounting/901-905 [19]							
8	Customer assistance/907-910 [21]							
9	Admin. and general/920-932 [19]							
10	Total operations and main							
11	Depreciation and amortization/403-407 [1,4]							
12	Taxes other than Federal income/408, 409.1 [3,4,13,15]							
13	Federal income tax/409.1, 410.1, 411.1, 411.4 [3]							
14	Other/411.6, 411.7 [3]							
15	Less:							
16	Nonfirm sales for resale rev./447 [22]							
17	Other operating rev./450-456 [3,23]							
18	Billing credits [5]							
19	Total operating expenses							
20	Return from schedule 1							
21	Less subsidiary income							
22	Total cost [18]							

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 3A

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology

Electric Operating Expenses Jurisdiction

Line No.	Items	Jurisdiction total	Excluded amount [12b,c]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Power production expenses:							
	Steam Power Generation:							
3	Other							
4	Maintenance							
5	Total Steam Power Generation							
	Nuclear Power Generation:							
6	Operation:							
7	Fuel							
8	Other							
9	Maintenance							
10	Miscellaneous Nuclear Research							
11	Total Nuclear Power Generation							
	Hydraulic Power Generation:							
12	Operation							
13	Maintenance							
14	Total Hydraulic Power Generation							
	Other Power Generation:							
15	Operation							

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology —Continued

Electric Operating Expenses Jurisdiction

Line No.	Items	Jurisdiction total	Excluded amount 15b c	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
16	Maintenance							
17	Total Other Power Generation							
	Other Power Supply Expenses:							
18	Purchased Power							
19	Other							
20	Total Other Power Supply Expenses							
21	Total Power Production Expenses							
	Transmission expenses:							
22	Operation:							
23	Wheeling							
24	Other							
25	Maintenance							
26	Total Distribution Expenses							
	Distribution expenses:							
27	Operation							
28	Maintenance							
29	Total Distribution Expenses							
30	Customer accounts expenses							
31	Customer service and information expenses							
	Administrative and general expenses:							
32	Operation							
33	Maintenance							
34	Total Administrative and General Expenses							
35	Total electric operating expenses							

NOTE.—1. Supporting workpapers are to be attached. 2. Footnotes referenced on Schedule 3 will be relied upon in determining ASC.
See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 3B

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology

Depreciation and Amortization Accrual Jurisdiction

Line No.	Items	Jurisdiction total	Excluded amount 15b c	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Depreciation:							
1	Steam Production Plant							
2	Nuclear Production Plant							
3	Hydraulic Production Plant							
4	Other Production Plant							
5	Transmission Plant							
6	Distribution Plant							
7	General Plant							
8	Total Depreciation							
9	Amortization of Limited-Term Plant							
10	Amortization of Utility Plant Acquisition Adjustment							
11	Amortization of Property Losses							
12	Total Depreciation and Amortization Accrual							

NOTE.—1. Supporting workpapers are to be attached. 2. Footnotes referenced on Schedule 3 will be relied upon in determining ASC.
See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 3C

Bonneville Power Administration—Residential Purchase and Sale Agreement

[Average system cost methodology]

Line No.	Line No. and Items (1)	Taxes other than Federal income taxes Jurisdiction—			Functionalization			
		Jurisdiction total (2)	Excluded amount 15b and c/(3)	Total to be functionalized (4)	Production (5)	Transmission (6)	Total for exchange (7)	Other (8)
	Federal:							
1	—Insurance Contributions							
2	—Unemployment							
	State:							
	California:							
3	—Property							
4	—Unemployment							
	Oregon:							
5	—Property							
6	—Tri-Met							

Bonneville Power Administration—Residential Purchase and Sale Agreement—Continued

[Average system cost methodology]

Line No. and items (1)	Taxes other than Federal income taxes Jurisdiction—			Functionalization			
	Jurisdiction total (2)	Excluded amount 15b and c/(3)	Total to be functionalized (4)	Production (5)	Transmission (6)	Total for exchange (7)	Other (8)
7 —Lane County							
8 —Unemployment							
9 —Regulatory Commission							
Washington:							
10 —Property							
11 —Unemployment							
12 —Generating Tax							
13 —Pollution Control Credit							
14 Idaho—Property							
Montana:							
15 —Property							
16 —Unemployment							
Wyoming:							
17 —Property							
18 —Unemployment							
19 Utah—Property							
20 Local—Occupation and Franchise							
21 State income taxes							
22 In-lieu taxes							
23 Other							
24 Total							

Note: 1. Supporting workpapers are to be attached; 2. Footnotes referenced on Schedule 3 will be relied upon in determining ASC.
See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 4

Bonneville Power Administration—Residential Purchase and Sale Agreement

[Average system cost methodology]

Line No. and items (1)	Income taxes jurisdiction—			Functionalization			Other (8)
	Jurisdiction total (2)	Excluded amount 15b and c (3)	Total to be functionalized (4)	Production (5)	Transmission (6)	Total for exchange (7)	
1 Federal income taxes							
2 Deferred income taxes							
3 Income taxes deferred in prior years							
4 Investment tax credit adjustment							
5 Total Federal taxes							

See footnotes in Appendix I.

Exhibit C.—Appendix 1, Schedule 4A

Bonneville Power Administration—Residential Purchase and Sale Agreement

[Average system cost methodology]

Line No. and items (1)	Federal taxes on income jurisdiction—			Functionalization			Other (8)
	Jurisdiction total (2)	Excluded amount 15b and c (3)	Total to be functionalized (4)	Production (5)	Transmission (6)	Total for exchange (7)	
Income							
1 Operating revenues							
Deductions							
2 Operating and maintenance expense							
3 Depreciation expense							
4 Amortization expense							
5 Taxes other than Federal income taxes							
6 Interest expense							
7 Total deductions							
8 Net income before Federal income tax							
Tax adjustments							
9 Book depreciation							
10 Tax depreciation							
11 Charges to construction							
12 Coal depletion							
13 Other adjustments							
1							
2							
14 Total tax adjustments							
15 Taxable income							
16 Preferred dividends paid—credit							
17 Total taxable income							
18 Federal income tax							
19 Less investment credit							
20 Net Federal income tax							

Note: 1 Supporting work papers are to be attached; 2. Footnotes referenced on Schedule 4 will be relied upon in determining ASC.
See footnotes in Appendix 2.

Exhibit C.—Appendix 1, Schedule 4B

Bonneville Power Administration—Residential Purchase and Sale Agreement

[Average system cost methodology]

Line No.	Line No. and items/FERC account (1)	Other included items jurisdiction— Jurisdiction total (2)	Excluded amount 15b and c (3)	Total to be functionalized (4)	Functionalization Production (5)	Transmission (6)	Total for exchange (7)	Other (8)
	Operating revenues:							
1	Nonfirm sale for resale/447							
2	1							
3	2							
4	3							
	Other operating revenues/450–456							
5	Acct. 450							
6	Acct. 451							
7	Acct. 452							
8	Acct. 453							
9	Acct. 454							
10	Acct. 455							
11	Acct. 456							
12	Total revenues							
	Other items:							
13	Investment tax credit adjustment/411.S							
14	Deferred current year							
15	Restored current year							
16	Restored from prior years							
17	Total ITC adjustment							
18	Deferred income tax—current/410.1							
19	Deferred income tax from prior years/411.1							
20	Other accounts							

Note: 1 Supporting workpapers are to be attached; 2. Footnotes referenced on Schedule 4 will be relied upon in determining ASC.
See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 5

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Average system cost jurisdiction]

Line	Items	Amount,
1	Contract System Cost:	
2	Production Cost (from Schedule 3)	
3	Transmission Cost (from Schedule 3)	
4	Total Contract System Costs	
5	Contract System Load:	
6	Total Load (MWh)	
7	Less:	
8	Nonfirm Adjustment (MWh)	
9	Other Adjustments (MWh)	
10	Net Load (MWh)	
11	Plus:	
12	Distribution Losses (MWh)[17]	
13	Total Net Load (MWh)	
14	Less:	
15	Excluded Load (MWh)	
16	Excluded Load Distribution Losses (MWh)	
17	Total Contract System Load (MWh)	
18	Average System Cost (mills/kWh)	
	(Line 4 ÷ Line 17)	

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6A

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Electric plant-in-service jurisdiction]

Line No.	Items (1)	Total utility (2)	Allocation basis [18] (3)	Jurisdictional amount (4)
1	Intangible Plant			
	Production Plant:			
2	Steam Production Plant			
3	Nuclear Production Plant			
4	Hydraulic Production Plant			
5	Other Production Plant			
6	Total Production Plant			
7	Transmission Plant			
8	Distribution Plant			

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology—Continued

[Electric plant-in-service jurisdiction]

Line No.	Items	Total utility	Allocation basis [15a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
9	General Plant			
10	Total Electric Plant-in-Service			

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6B

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Reserve for depreciation and amortization of electric plant-in-service jurisdiction]

Line No.	Items	Total Utility	Allocation basis 15a/	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Depreciation Reserve			
	Production Plant:			
1	Steam Production			
2	Nuclear Production			
3	Hydraulic Production			
4	Other Production			
5	Transmission			
6	Distribution			
7	General			
8	Total Depreciation Reserve			
9	Amortization Reserve			
10	Total Depreciation and Amortization Reserve			

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6C

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Rate base summary jurisdiction]

Line No.	Items	Total utility	Allocation basis 15a/	Jurisdictional amount
	(1)	(2)	(3)	(4)
1	Utility Plant-in-Service			
2	Less: Accumulated Provision for Depreciation and Amortization			
3	Net Utility Plant-in-Service			
4	Construction Work in Progress			
5	Plant Held for Future Use			
6	Utility Plant Acquisition Adjustments			
7	Nuclear Fuel			
8	Customer Advances for Construction			
9	Materials and Supplies			
10	Cash Working Capital			
11	Unamortized Leasehold Improvements and Other Miscellaneous Deferred Items			
12	Weatherization-Interest Free Loans			
13	Extraordinary Property Losses			
14	Total Rate Base			

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6D

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Electric operating expenses jurisdiction]

Line No.	Items	Total utility	Allocation basis [15a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Power Production Expenses:			
	Steam Power Generation:			
1	Operation			
2	Fuel			
3	Other			

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology—Continued

[Electric operating expenses jurisdiction]

Line No.	Items (1)	Total utility (2)	Allocation basis [1b] (3)	Jurisdictional amount (4)
4	Maintenance			
5	Total Steam Power Generation			
	Nuclear Power Generation:			
6	Operation			
7	Fuel			
8	Other			
9	Maintenance			
10	Miscellaneous Nuclear Research			
11	Total Nuclear Power Generation			
	Hydraulic Power Generation:			
12	Operation			
13	Maintenance			
14	Total Hydraulic Power Generation			
	Other Power Generation:			
15	Operation			
16	Maintenance			
17	Total Other Power Generation			
	Other Power Supply Expenses:			
18	Purchased Power			
19	Other			
20	Total Other Power Supply Expenses			
21	Total Power Production Expenses			
	Transmission Expenses:			
22	Operation			
23	Wheeling			
24	Other			
25	Maintenance			
26	Total Distribution Expenses			
	Distribution Expenses:			
27	Operation			
28	Maintenance			
29	Total Distribution Expenses			
20	Customer Accounts Expenses			
31	Customer Service and Information Expenses			
	Administrative and General Expenses:			
32	Operation			
33	Maintenance			
34	Total Administrative and General Expenses			
35	Total Electric Operating Expenses			

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6E

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Depreciation and amortization accrual jurisdiction]

Line No.	Items (1)	Total utility (2)	Allocation Basis [1b] (3)	Jurisdictional amount (4)
1	Depreciation:			
2	Steam Production Plant			
3	Nuclear Production Plant			
4	Hydraulic Production Plant			
5	Other Production Plant			
6	Transmission Plant			
7	Distribution Plant			
8	General Plant			
9	Total Depreciation			
10	Amortization of Limited-Term Plant			
11	Amortization of Utility Plant Acquisition Adjustments			
12	Amortization of Property Losses			
13	Total Depreciation and Amortization Accrual			

Exhibit C.—Appendix 1, Schedule 6F

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Taxes other than Federal income taxes jurisdiction]

Line No.	Items	Total utility	Allocation basis 1.5*	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Federal:			
1	Insurance Contributions			
2	Unemployment			
	State:			
	California:			
3	Property			
4	Unemployment			
	Oregon:			
5	Property			
6	Tri-Met			
7	Lane County			
8	Unemployment			
9	Regulatory Commission			
10	Excise			
	Washington:			
11	Property			
12	Unemployment			
13	Generating Tax			
14	Pollution Control Credit			
	Idaho:			
15	Property			
	Montana:			
16	Property			
17	Unemployment			
	Wyoming:			
18	Property			
19	Unemployment			
	Utah:			
20	Property			
21	Local: Occupation and Franchise			
22	In-Lieu Taxes			
23	Total			

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6G

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Federal taxes on income jurisdiction]

Line No.	Items	Total utility	Allocation basis [1]*	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Income:			
1	Operating Revenues			
	Deductions:			
2	Operating and Maintenance Expense			
3	Depreciation Expense			
4	Amortization Expense			
5	Taxes Other Than Federal Income Taxes			
6	Interest Expenses			
7	Total Deductions			
8	Net Income Before Federal Income Tax			
	Tax Adjustments:			
9	Book Depreciation			
10	Tax Depreciation			
11	Charges to Construction			
12	Coal Depletion			
13	Other Adjustments			
	1			

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology—Continued

[Federal taxes on income jurisdiction]

Line No.	Items (1)	Total utility (2)	Allocation basis [1][2][6] (3)	Jurisdictional amount (4)
	2.			
	3.			
	4.			
	5.			
14	Total Tax Adjustments			
15	Taxable Income			
16	Preferred Dividends Paid—Credit			
17	Total Taxable Income			
18	Gross Federal Income Tax			
19	Less Investment Credit			
20	Net Federal Income Tax			
WP–PLB–0016n				

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6H

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Other included items jurisdiction]

Line No.	Items/FERC accounts (1)	Total utility (2)	Allocation basis [1][2][6] (3)	Jurisdictional amount (4)
1	Operating Revenues:			
2	Nonfirm Sale for Resale/447			
3	1.			
4	2.			
5	3.			
6	Other Operating Revenues/450–456			
7	Acct. 450			
8	Acct. 451			
9	Acct. 452			
10	Acct. 453			
11	Acct. 454			
12	Acct. 455			
13	Acct. 456			
14	Total Revenues			
15	Other Items:			
16	Investment Tax Credit Adjustment/411.S			
17	Deferred Current Year			
18	Restored Current Year			
19	Restored from Prior Years			
20	Total ITC Adjustment			
21	Deferred Income Tax-Current/410.1			
22	Deferred Income Tax from prior years/411.1			
23	Other Accounts			

See footnotes in Appendix 1.

Appendix 1, Footnotes

Average System Cost Methodology Footnotes

[1]Functionalized directly from the FERC Uniform System of Accounts.

[2]Unless it can be determined that a plant item or plant related item is associated directly with regional generation, transmission, distribution, customer or other directly functionalized category, the item shall be functionalized on the following basis in the following order:

(a) If the location codes of the plant item can be used to identify a principal generation, transmission, distribution or customer-related facility at that location, the plant item shall be functionalized based on the functionalization of such principal facility.

(b) For plant items not otherwise functionalized, the functionalization formula in footnote 24 shall apply.

[3]See the following:

(a) The utility shall functionalize these items according to an analysis it performs that demonstrates the actual and/or intended functional use of the items, or the plant item related thereto, and include a detailed showing of the factors used to determine the functionalization as a supplement to Exhibit C, Appendix 1. Costs incurred only because the utility is engaged in the retail distribution of electricity shall be functionalized to Other. These items include, for example, retail revenue taxes and uncollectible amounts for retail sales.

(b) In cases where items included are not directly assigned to a particular function, these items shall be separately identified, and a statement shall be provided as to why the items are not directly functionalized by the 3(a) procedure. The functionalization formula described in footnote 24 herein shall apply to these items.

[4]Calculation of functionalized amount is to be consistent with property items included in functionalized Total Gross Plant.

[5]The offset against Contract System Costs for billing credit revenue arising from implementation of conservation measures and retail rate structures that induce conservation shall limited to the costs included in Contract System Cost of the related conservation measures and retail rate structures. These billing credit revenues shall be functionalized on the same basis as the cost of the related conservation measure.

[6]Functionalization is to be directly related to the functional nature of the items included in the Working Capital calculation approved by the Commission. Should items included in the approved Working Capital calculation not be directly assignable to a function and should there be no footnote in this methodology directing the functionalization of the item, these items shall be separately identified and the functionalization formula in footnote 24 shall apply.

[7]Transmission plant means all land, conversion structures, and equipment employed at a primary source of supply (i.e., generating station or point of receipt in the case of purchased power) to change the voltage or frequency of electricity for the purpose of its more efficient or convenient transmission; all land, structures, lines switching and conversion stations, high tension apparatus and their control in protection of equipment between a generating or receiving point and the entrance to a distribution center or wholesale point; and all lines and equipment whose primary purpose is to augment, integrate or tie together the source of power supply. The entrance to a distribution center means all land, structures, conversion equipment, lines, line transformers and other facilities utilized to deliver power to specific customers or distribution substations.

[8]Distribution plant means all land, structures, conversion equipment, lines, line transformers, and other facilities employed between the primary source of supply (i.e., generating station, or point of receipt in the case of purchased power) and of delivery to customers, which are not includable in transmission system, as defined in footnote 7, whether or not such land, structures, and facilities are operated as part of a transmission system or as part of a distribution system.

NOTE.—Stations that change electricity from transmission to distribution voltage shall be classified as distribution stations.

Where poles or towers support both transmission and distribution conductors, the poles, towers, anchors, guys, and rights-of-way shall be classified as transmission system. The conductors, crossarms, braces, grounds, tiewire, insulators, etc., shall be classified as transmission or distribution facilities, according to the purpose for which they are used.

Where underground conduit contains both transmission and distribution conductors, the underground conduit and right-of-way shall be classified as distribution facilites. The conductors shall be classified as transmission or distribution facilities according to the purpose for which they are used.

Land (other than rights-of-way) and structures used jointly for transmission and distribution purposes shall be classified as transmission or distribution according to their major use.

[9]Functionalized as specified in Schedule 4.

[10]If these items are treated in Schedule 1 as deductions from gross plant investment in determining rate base, these items shall not be included in the capital structure.

[11]Should a Commission approve a method for determining debt costs by a means other than that shown here, Schedule 2A shall be modified in a manner that shows the approved method, including accompanying explanatory material.

[12]Expensed related to the FERC Accounts 9020–932 shall be functionalized in accord with the following:

FERC account	Functionalization method (footnotes)	FERC account	Functionalization method (footnotes)
920	3	927	19
921	3	928	19
922	3	929	3
923	3	930.1	19
924	3(a) or 24(a)	930.2	3
925	3	931	3
926	13	932	4

[13]Functionalization is to be determined on a pro rata percentage basis using the salary and wage data for production, transmission, and distribution/other functions included in the Test Period costs on which Appendix 1 is based. If, however, this informatin is unavailable, comparable data shall be used for the most recent calendar year as reported on the FERC Form 1 (at page 355), or similar document. Futhermore, a portion of this expense shall be included in Schedule 3, column 3, Excluded Amount, based on the amount of labor-related costs included therein.

[14]A tax-exempt Utility may include in-lieu taxes up to an amount that is comparable, for each unit of government paid in-lieu taxes, with taxes that would have been paid by a non-tax exempt Utility to that unit of government, but in no event shall the jurisdictional total in column 2 be greater than the actual amount paid.

[15]Excluded Resources:

(*) The cost of additional resources in an amount sufficient to meet any additional load outside the region occurring after December 5, 1980, will be determined by utilizing allocation notes of multi-State utilities as assigned and utilized in State retail rate filings.

(*) The cost of additional resources sufficient to serve any New Large Single Load that was not contracted for, or committed to, prior to September 1, 1979, is to be determined as follows:

(1) To the extent that any New Large Single Loads are served by dedicated resources, at the cost of those resources, including applicable transmission;

(2) In the amount that New Large Single Loads are not served by dedicated resources, at Bonneville's New Resource rate as established from time to time pursuant to section 7(f) of the Regional Act and as applicable to the Utility, and applicable Bonneville transmission charges if transmission costs are excluded in the determination of Bonneville's New Resource rates, to the extent such costs are recovered by the Utility's retail rates in the applicable jurisdiction; and

(3) To the extent that New Large Single Loads are not served by dedicated resources plus the Utility's purchases at the New Resource rate, the costs of such excess load shall be determined by multiplying the kilowatthours not served under subsections (1) and (2) above by the cost (annual fixed plus variable cost, including an appropriate portion of general plant, administrative and general expense and other items not directly assignable) per kilowatthour of all baseload resources and long term power purchases (five years or more in duration), as allowed in the regulatory jurisdiction to establish retail rates during the Exchange Period, exclusive of the following resources and purchases: (a) purchases at the New Resources rate pursuant to section 7(f) of the Act; (b) purchases at the Federal Base System rate, pursuant to section 5(c) of the Act; (c) resources sold to Bonneville, pursuant to section 6(c)(1) of the Act; (d) dedicated resources specified in footnote 15(b)(1) of this agreement; (e) resources and purchases committed to the Utility's load as of September 1, 1979 under a power requirements contract or that would have been so committed had the Utility entered into such a contract; and (f) experimental or demonstration units or purchases therefrom. Transmission needed to carry power from such generation resources or power purchases shall be priced at the average cost of transmission for the Jurisdiction during the Exchange Period.

(4) Any kilowatthours of New Large Single Loads not met under subsections (1), (2), or (3) above will be assumed to be supplied from the most recently completed or acquired baseload resource(s) or long term power purchase(s), exclusive of dedicated resources and experimental or demonstration resources or purchases therefrom, that are committed to the Utility's load as of September 1, 1979, under a power requirements contract with Bonneville or would have been so committed had the Utility entered into such a power requirements contract. The cost of these generation resources and long-term power purchases and the transmission cost associated with these resources or purchases will be calculated as specified in subsection (3) above.

(5) If the New Large Single Load is served on an energy or capacity interruptible basis, the Utility shall prepare a calculation subject to review by Bonneville of the fixed (if any) and variable costs of providing such service, except that amount excluded from ASC for the New Large Single Load shall not be less than the transmission and generation costs included in the retail rate charged the New Large Single Load.

(*) Any costs associated with a generation facility that is terminated prior to initial commercial operation shall be excluded if termination occurred after December 5, 1980.

[16]Authorized Jurisdictional rate of return as specified in Schedule 2.

[17]The losses shall be the distribution energy losses occurring between the transmission portion of the Utility's system and the meters measuring firm energy load used by the Commission for the purpose of establishing retail rates. Losses shall be established according to a study (engineering, statistical or other) that is submitted to Bonneville by the exchanging Utility subject to review by Bonneville. This study shall be in sufficient detail so as to accurately identify average distribution losses associated with the Utility's total load, excluded loads, and the Residential load. Distribution losses shall include losses associated with distribution substations, primary distribution facilities, distribution transformers, secondary distribution facilities and service drops.

[18]This amount is to be reduced by revenues from firm sales for resale (to the extent that these sales are included in the Jurisdictional allocation factors) to be determined by the firm resale revenue for the Test Period as used for retail ratemaking purposes.

[19]Functionalize entirely to distribution/other unless Utility demonstrates that other functionalization treatment is appropriate.

[20]"Other" rate base items may include Unclassified Plant-In-Service (106), Extraordinary Property Losses (182), Other Investments (124), or other investments approved for rate base treatment by a Commission consistent with the provisions of this Exhibit.

[21]Only the conservation-related portion is to be functionalized to production.

[22]These revenues shall be divided proportionally between Excluded Amount and Total To Be Functionalized based on the total expenses in those two categories shown on Schedule 3 (sum of lines 1 to 13, 19, and 20), less all terminated plant expenses excluded pursuant to footnote 15(c). The portion to be functionalized shall be functionalized to production.

[23]Public Agencies shall be allowed a total return (operating income) on Schedule 1, line 26, column 2, equal to their demonstrated need for revenues exceeding Total Operating Expenses shown on Schedule 3 to cover the cost of capital. These demonstrated capital costs generally will be in the form of coverage requirements or the need to maintain an equity ratio consistent with favorable bond ratings for that Utility. In order to receive an operating income in addition to interest expense, the utility must submit evidence of the specific coverage or equity ratio needed by that utility and a calculation of the corresponding minimum operating income. Assignment to excluded resources and functionalization of the operating income shall be based on the assignement and functionalization of the rate base.

[24]Functionalization of these items shall be based on a formula that averages on an equal weighting basis the percentages for generation, transmission, distribution, and customer-related functions for (a) the gross plant in each function, including general plant and other plant items functionalized in step 1 of footnote 2 and, (b) the functionalized operations and maintenance (O&M) expenses shown in Schedule 3, except that the fuel cost included in O&M shall not include the cost of fuel acquired from non-Utility sources. Material detailing the application of the functionalization formula shall be included as a supplement to Appendix 1.

[25]Revenues from the transmission of electricity for others shall be functionalized to transmission.

Exhibit D.—Residential Load Definition

I. The Utility's Residential Load means the sum of the Regional loads the Utility elects to use as a basis for the exchange under the tariff schedules described below adjusted for distribution losses as determined pursuant to Exhibit C, as the same may be amended, supplemented, or superseded. If Bonneville determines that any such action changes the Utility's general tariffs or service schedules in a manner which would allow loads other than residential loads, as defined in the Regional Act, to be included under these tariff schedules, such nonresidential loads shall, from the date the Utility is notified of Bonneville's determination, be excluded from the residential purchase and sale transaction hereunder.

Such tariff schedules, as presently effective include:

A. all schedules listed below, the following designated percentages, or ———— kilowatthours of the load supplied by the Utility under:

B. a portion of the load as determined pursuant to section II below supplied by the Utility under:

II. Any farm's monthly irrigation and pumping load qualifying hereunder for each billing period shall not exceed the amount of the energy determined by the following formula:

400 × 0.746 × days in billing period × 24:
Provided, however, That this amount shall not exceed that farm's measured energy for the same billing period.

where:

400 is equal to the horsepower limit defined in the Regional Act, 0.746 is the factor for converting horsepower to kW, days in billing period is determined in accordance with prudent and normal utility business practices, and 24 is the number of hours in a day.

III. When more than one farm is supplied from a common pumping installation, the irrigation and pumping load of the installation shall be allocated among the farms using the installation, based on the method (e.g., water shares, acreage) that the farms use to allocate the power costs among themselves. These allocated loads shall then be combined with any other irrigation and pumping loads attributed to the farms under section II above. In no instance shall any farm's total qualifying irrigation loads for any billing month exceed 222,000 kWh.

IV. For purposes of this contract, a farm is defined as a parcel or parcels of land owned or leased by one or more persons (person includes partnerships, corporations, or any legal entity capable of owning farm land) that is used primarily for agriculture. Agriculture is defined to include the raising and incidental primary processing of crops, pasturage, or livestock. Incidental primary processing means those activities necessarily undertaken to prepare agricultural products for safe and efficient storage or shipment. All electrical loads ordinarily associated with agriculture as defined above shall be considered as usual farm use.

Contiguous parcels of land under single-ownership or leasehold shall be considered to be one farm and noncontiguous parcels of land under single-ownership or leasehold shall be considered as one farm unit when operated as a single farm, unless demonstrated otherwise by the owner or lessee of the parcels.

A number of factors shall determine whether contiguous or noncontiguous parcels constitute one or more farms. These factors shall include but are not limited to:

—size
—use
—ownership
—control
—operating practices
—distance between parcels
—custom in the trade
—billing treatment by the utility.

V. Unused irrigation allocations may not be reallocated to other farms or to another billing period.

VI. The operator of a farm may be required to certify to the Utility all irrigation accounts, including horsepower rating, with the Utility for that farm, including all irrigation accounts commonly shared.

Exhibit E.—Load Factor Specification

Using data from the 60 months prior to the last Bonneville rate filing, the monthly Load Factor of the Utility shall be averaged over each seasonal period in Bonneville's demand charge according to the formula below. The seasonal period is all months of the year that have the same demand charge in Exhibit A.

$$\text{Load Factor} = \frac{E}{D} \times \frac{N}{H} \text{ for each month;}$$

where,

E = the sum of monthly energy loads in the seasonal periods the Utility filed with the FERC or other appropriate body for the previous five years.

D = the sum of monthly peak demands in the seasonal periods the Utility filed with the FERC or other appropriate body for the previous five years.

N = the number of months in the seasonal period.

H = the sum of hours in the month for all months in the seasonal period.

If the Utility acts as an agent for another utility (Principal Utility) the Load Factor for the portion of the purchase equal to the Residential Load of the Principal Utility shall be determined based on the Principal utility's own load data.

If Bonneville commences billing the majority of its public agency customers on a basis other than monthly noncoincidental demand, the Utility's Load Factor shall be computed from the 60 month historic data using a basis comparable to the billing criteria applied to the majority of public agencies.

The historic data used for Load Factor computation shall not be adjusted for normal temperature or streamflow. The historic data used for Load Factor computations shall not include surplus or special sales. The Utility shall provide, at Bonneville's request, the necessary information regarding the incidence and timing of such sales.

Exhibit F.—Determination of New Large Single Loads

(a) *Determination of a Facility.* Bonneville and the utility shall make a reasonable determination of what constitutes a single facility, for the purpose of identifying a New Large Single Load, based upon the following criteria: (1) Whether the load is operated by a single Consumer; (2) whether the load is in a single location; (3) whether the load serves a manufacturing process which produces a single product or type of product; (4) whether separable portions of the load are interdependent; (5) whether the load is contracted for, served, or billed as a single load under the individual Utility's customary billing and service policy; (6) consistent application of foregoing criteria is similar fact situations; and (7) any other factors the parties determine to be relevant.

(b) *Determination of Ten Average Megawatt Increase.* An increase in load shall be considered a New Large Single Load if the energy consumption of the consumer's load associated with a new facility, existing facility or expansion of an existing facility during the immediately past 12-month period exceeds by 10 average megawatts or more the consumer's energy consumption for such new facility, existing facility, or expansion of an existing facility for the consecutive 12-month period one year earlier, or the amount of the contracted for, or committed to load of the consumer as of September 1, 1979, whichever is greater.

The contracted for, or committed to load as of September 1, 1979, shall be the maximum amount of energy specified in such contract or commitment, or the maximum energy consumption of the load or the capacity limitation contained in such contract or commitment if energy is not specified or limited.

(c) *Identification of Potential New Large Single Loads.* The Utility shall make reasonable efforts to identify potential New Large Single Loads, and shall report to Bonneville (1) the addition of electrical equipment of ten MVA or more by a single consumer; (2) the installation of additional transformation capacity of ten MVA or more by the utility or a consumer which is designed to serve a single facility; or (3) the potential change in operation of a facility which may result in an increase of 10 average megawatts or more in a 12-month period.

(d) *Service to New Large Single Loads.* If a consumer of a purchaser provides a renewable or cogeneration resource to serve all or a portion of a load associated with a facility which would otherwise be a New Large Single Load, and thereby reduces the demand on the Utility, that portion of such load on the Utility, if any, shall not be a New Large Single Load, unless the load or portion thereof on the Utility is 10 average megawatts or more: *Provided, however,* That if a consumer sells, displaces or removes a resource or portion thereof, from service to the consumer's load at such facility, then all the load on the Utility shall be a New Large Single Load unless Bonneville, after consultation with the Utility and the consumer, determines that uncontrollable events prevent service to the consumer's load by such resource.

(e) *Normalization of Consumer's Load.* For the sole purpose of computing the increase in energy consumption between any two consecutive 12-month periods of comparison under this exhibit, reductions in the consumer's load associated with a facility during the first 12-month period of comparison due to unusual events reasonably beyond the control of the consumer shall be determined, and the energy consumption shall be computed as if such reductions had not occurred.

(f) *Changes in Load.* If an increase in load becomes a New Large Single Load, such increase shall, subject to the last paragraph of this subsection, remain a New Large Single Load and all subsequent increases in such load or portion thereof shall also be considered a New Large Single Load.

Load reductions to a consumer's load at a facility shall be on a last on, first off basis. Any load reductions made by a consumer at a facility shall first reduce that portion of the consumer's load at that facility which has been identified as a New Large Single Load.

If a consumer with a New Large Single Load physically and permanently removes equipment which imposes a load at a facility identified as a New Large Single Load the consumer's load may be reclassified as no longer being a New Large Single Load if Bonneville determines such equipment imposed a load equivalent to the original increase in load at each facility which caused such load to be classified as a New Large Single Load.

(g) *Renewal, Relocation, and Transfer.* The following events shall not cause a load to be considered a New Large Single Load, if such event does not result in an increase in power requirements of a consumer on the Utility of 10 average megawatts or more during any consecutive 12-month period: (1) Renewal or replacement of a contract between the Utility and the consumer if the capacity specified in the new contract based on the original

commitment or contract does not exceed the capacity specified in the contract being renewed or replaced; (2) relocation, replacement, or renovation of a consumer's facility within the Utility's service area; and (3) transfer of a facility to a successor-in-interest: *Provided*, That the service or product associated with the facility is essentially unchanged.

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Part III

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Formula Grants for Juvenile Justice; Proposed Rulemaking

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

28 CFR Part 31

Formula Grants Program for Juvenile Justice; Request for Public Comment

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Proposed regulations: request for public comment.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing for additional public comment proposed regulations to implement the formula grant program authorized by Part B of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended by the Juvenile Justice Amendments of 1980 (Pub L. 96-509 December 8, 1980). This program allocates funds among the States by formula to undertake juvenile justice improvement efforts in accord with broad statutorily-specified purposes.

DATE: All comments are due on or before October 5, 1981. All comments will be considered in the publication of the final regulations.

ADDRESS: Send all comments to David D. West, Director, Formula Grants and Technical Assistance Division, OJJDP, 633 Indiana Avenue, NW., Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: Frank M. Porpotage, II (202) 724-5911.

SUPPLEMENTARY INFORMATION: Draft regulations were originally published in the **Federal Register** on June 1, 1981 for public comment. Upon review of written responses from 23 separate organizations and individuals, the Office has rewritten the proposed regulations. Three major changes have occurred through this process. First, the regulations have been shortened and redrafted to streamline the formula grant application requirements and to simplify overall program administration. Secondly, the redraft encourages States to allocate additional resources to the violent juveile crime area. This encouragement has taken the form of a written declared policy (see § 31.303(e)). Thirdly, substantive changes were made in the proposed "valid court order" exception to the deinstitutionalization mandate of the Act. These changes are proposed after careful consideration of comments received. They would permit judges to hold status offenders alleged to have violated a valid court order in secure detention, pending a violation hearing, based on a judicial determination, at a hearing, that there is probable cause to believe the juvenile violated the court order. Such a juvenile could then be held for such period of time as is permitted by State law, with a recommended maximum of ten days. Following the violation hearing, the judge would be required to "determine" that all the elements of a valid court order were provided at the violation hearing (rather than providing a "certification on the record") and there would be no requirement for a finding of "no rational alternative" to incarceration of the juvenile.

The change to permit secure detention prior to a due process violation hearing is based on the fact that a plain reading of the statute excepts juveniles *alleged* to have violated a valid court order, as well as those adjudicated, from the scope of the deinstitutionalization requirement. The requirement that the judge "determine" that the elements have been met leaves the State free to establish appropriate procedures to meet this requirement. The deletion of the "no rational alternative" language does no harm to the substantive protections afforded juveniles by the regulation.

Since substantive revisions have been made to the originally proposed regulations, OJJDP invites comment for an additional period of 30 days. Particular attention should be directed toward § 31.303(e) and (i)(3) and the streamlining of State requirements for administration of the formula grant program.

This announcement does not constitute a "major" rule as defined by Executive Order 1229 because it does not result in: (a) An effect on the economy of $100 million or more, (b) a major increase in any costs or prices; or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

This rule will not have "significant" economic impact on a substantial number of small "entities", as defined by the Regulatory Flexibility Act (P.L. 96-354).

Accordingly, it is proposed to revise 28 CFR Part 31 to read as follows:

PART 31—FORMULA GRANTS

Subpart A—General provisions

Sec.
31.1 General.
31.2 Statutory authority.
31.3 Submission date.

Subpart B—Eligible Applicants

31.100 Eligibility.
31.101 Establishment of State Criminal Justice Council.
31.103 Membership.

Subpart C—General

Sec.
31.200 General.
31.201 Audit.
31.202 Civil Rights.
31.203 Open meetings and public access to records.

Subpart D—Juvenile Justice Act Requirements

31.300 General.
31.301 Fund allocation.
31.302 State Council.
31.303 Substantive requirements.
31.304 Definitions.

Subpart E—General Conditions and Assurances

31.400 Compliance with Statute.
31.401 Compliance with other Federal Laws, Orders, Circulars.
31.402 Application on File.
31.403 Non-discrimination.

Authority: Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (42 U.S.C. 5601 et seq).

Subpart A—General Provisions

§ 31.1 General.

This part defines eligibility and sets forth requirements for application for and administration of formula grants to State governments authorized by Part B, Subpart I, of the Juvenile Justice and Delinquency Prevention Act.

§ 31.2 Statutory authority.

The statute establishing the Office of Juvenile Justice and Delinquency Prevention and giving authority to make grants for juvenile justice and delinquency prevention improvement programs is the *Juvenile Justice and Delinquency Prevention Act of 1974*, as amended (42 U.S.C. 5601 et seq).

§ 31.3 Submission Date.

Juvenile Justice Plans for Fiscal Year 1982 shall be submitted to the OJJDP 60 days after States are notified of FY 1982 Formula Grant allocations.

Subpart B—Eligible Applicants

§ 31.100 Eligibility.

All States as defined by Section 103(7) of the JJDP Justice and Delinquency Prevention Act.

§ 31.101 Establishment of State Criminal Justice Council.

Each State which chooses to apply for a formula grant shall establish or designate by law a State Criminal Justice Council unless an alternative State agency is approved pursuant to Section 261(c) of the JJDP Act. States must assure they have available for review a copy of the State law

establishing the Council, and a current list of Council membership.

§ 31.102 Membership of Council.

Pursuant to Section 1301(i) of the Justice System Improvement Act (JSIA) of 1979, States participating in the formula grant program of the Juvenile Justice and Delinquency Prevention Act, must include on the Council the chairperson and at least two additional citizen members of any advisory group established pursuant to Section 222(a)(3) of that Act. For purposes of this requirement a citizen member is defined as any person who is not a full-time government employee or elected official. Any executive committee of the Council must include the same proportion of juvenile justice advisory group members as are included in the total Council membership.

Subpart C—General Requirements

§ 31.200 General.

This subpart sets forth general requirements applicable to formula grant recipients under the JJDP Act of 1974, as amended. Applicants must assure compliance or submit necessary information on these requirements.

§ 31.201 Audit.

The State must assure that it adheres to the audit requirements enumerated in the "Financial and Administrative Guide for Grants" Manual, Guideline OJARS 7100.1B. Chapter 8 of the Manual contains a comprehensive statement of audit policies and requirements relative to grantees and subgrantees.

§ 31.202 Civil Rights.

(a) To carry out its Federal civil rights responsibilities the State plan must:

(1) Designate a civil rights contact person who has lead reponsibility in insuring that all applicable civil rights requirements, assurance, and conditions are met and who shall act as liaison in all civil rights matters with OJJDP and the OJARS' Office of Civil Rights Compliance (OCRC).

(2) Contain the Council's Equal Employment Opportunity Program (EEOP), if required to maintain one under 28 CFR 42.301 *et.seq.*, where the application is for $500,000 or more.

(b) The application must provide assurance that the State will:

(1) Require that every applicant required to formulate an EEOP in accordance with 28 CFR 42.301 *et. seq.*, submit a certification to the State that it has a current EEOP on file, which meets the requirement therein.

(2) Require every criminal or juvenile justice agency applying for a grant of $500,000 or more to submit a copy if its EEOP (if required to maintain one under 28 CFR 42.301, *et. seq.*) to OCRC at the same time it submits its application to the State;

(3) Inform the public and subgrantees of affected persons' rights to file a complaint of discrimination to OCRC for investigation;

(4) Cooperate with OCRC during compliance reviews of recipients located within the State; and

(5) Comply, and that its subgrantees and contractors will comply with the requirement that, in the event that a Federal of State court or administration agency makes a finding of discrimination on the basis of race, color, religion, national origin, or sex (after a due process hearing) against a State or a subgrantee or contractor, the affected recipient or contractor will forward a copy of the finding to OCRC.

§ 31.203 Open Meetings and Public Access to Records.

The State must assure that it will comply with the requirements of Section 402(c)(2) of the Justice System Improvement Act.

Subpart D—Juvenile Justice Act Requirements

§ 31.300 General.

This subpart set forth specific JJDP Act requirements for application and receipt of formula grants.

§ 31.301 Funding.

(a) *Allocation to States.* Each State receives a base allotment of $225,000 except for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands where the base amount is $56,250. Funds are allocated among the States on the basis of relative population under 18 years of age.

(b) *Funds for Local Use.* At least two-thirds of the formula grant allocation to the State must be used for programs *by local government*, or local private agencies unless the State applies for and is granted a waiver by the Office of Juvenile Justice and Delinquency Prevention.

(c) *Match.* Formula grants under the JJDP Act shall be 100% of approved costs, with the exception of planning and adminstration funds. Construction projects funded under Section 227(a)(2), require a 50% cash match.

(d) *Funds for Administration.* Not more than 7.5% of the total annual formula grant award may be utilized to develop the annual juvenile justice plan and pay for administrative expenses, including project monitoring and evaluation. These funds are to be matched on a dollar for dollar basis. The State shall make available needed funds for planning and administration to units of local government or combinations on an equitable basis. Each annual application must identify uses of such funds.

§ 31.302 Applicant State Agency.

(a) Pursuant to Section 223(a)(2) and Section 261(c) of the JJDP Act, the State assures that a Council or other State agency has been designated as the sole agency for supervising the preparation and administration of the plan and has the authority to implement the plan.

(b) The Chief Executive shall establish a Juvenile Justice Advisory Group pursuant to Section 223(a)(3) of the JJDP Act. The State shall provide a list of all current advisory group members, indicating their respective dates of appointment and how each member meets the membership requirements specified in this Section of the Act.

(c) The State shall assure that it complies with the requirements of 222(d) and 223(a) of the JJDP Act.

§ 31.303 Substantive requirements.

(a) *Consultation with and Participation of Units of General Local Government.* The State assures that it complies with Sections 223(a) (4) and (6) of the Act.

(b) *Participation of Private Agencies.* The State assures that it will comply with Section 223(a)(9) of the Act.

(c) *Pass-Through Requirement.* The State assures that it shall comply with Section 223(a)(5) of the Act. For purposes of this requirement, local private agency is defined as a private non-profit agency or organization that provides program services within an identifiable unit or a combination of units of general local government.

(d) *Rights of Privacy of Recipients of Services.* Pursuant to Section 223(a)(17) and 229 of the JJDP Act, the State shall assure that it has established procedures to meet this requirement.

(e) *Serious and Violent Juvenile Offender Emphasis.* Pursuant to Sections 101(a)(8), 223(a)(10) and 223(a)(22) of the JJDP Act, the Office encourages States that have identified serious and violent juvenile offenders as a priority problem, to allocate a minimum of 30% of the formula grant award to programs designed for these offenders. Particular attention should be given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation. In accord with future Administration policy direction, the

Office will attempt to assist States to reach this goal.

(f) *Deinstitutionalization of status offenders and non-offenders.* Pursuant to Section 223(a)(12)(A) of the JJDP Act, the State shall:

(1) Describe its plan, procedure, and timetable covering the three-year planning cycle, for assuring that the requirements of this section are met. Refer to § 31.303(i)(3) for the rules related to the valid court order exception to this Act requirement.

(2) Describe the barriers the State faces in achieving full compliance with the provisions of this paragraph.

(3) For those States that have achieved "substantial compliance" as outlined in Section 223(c) of the Act, indicate the unequivocal commitment to achieving full compliance. Attach documentation.

(4) Those States which, based upon the most recently submitted monitoring report, have been found to be in full compliance with Section 223(a)(12)(A) must, in lieu of addressing paragraphs (f) (1), (2), and (3) of this section, provide an assure that adequate plans and resources are available to maintain full compliance.

(5) Submit the report required under Section 223(a)(12)(B) of the Act as part of the annual monitoring report required by Section 223(a)(15) of the Act.

(g) *Contact with incarcerated adults.* (1) Pursuant to Section 223(a)(13) of the JJDP Act the State shall:

(i) Describe its plan and procedure, covering the three-year planning cycle, for assuring that the requirements of this section are met. The term regular contact is defined as sight and sound contact with incarcerated adults, including inmate trustees. This prohibition seeks as complete a separation as possible and permits no more than haphazard or accidental contact between juveniles and incarcerated adults. In addition, include a timetable for compliance and justify any deviation from a previously approved timetable.

(ii) In those isolated instances where juvenile criminal type offenders remain confined in adult facilities or facilities in which adults are confined, the State must set forth the procedures for assuring no regular sight and sound contact between such juveniles and adults.

(iii) Describe the barriers which may hinder the separation of alleged or adjudicated criminal type offenders, status offenders and non-offenders from incarcerated adults in any particular jail, lockup, detention or correctional facility.

(iv) Those States which, based upon the most recently submitted monitoring report, have been found to be in compliance with Section 223(a)(13) will, in lieu of addressing paragraphs, (g)(1)(i), (ii), and (iii) of this section, provide an assurance that adequate plans and resources are available to maintain compliance.

(v) Assure that offenders are not reclassified administratively and transferred to a correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. However, this does not prohibit or restrict waiver of juveniles to criminal court for prosecution, according to State Law. It does, however, preclude a State from administratively transferring a juvenile offender to an adult correctional authority or a transfer within a mixed juvenile and audit facility for placement with adult criminals either before or after a juvenile reaches the statutory age of majority. It also precludes a State from transferring adult offenders to a juvenile correctional authority for placement.

(2) *Implementation.* The requirement of this provision is to be planned and implemented immediately by each sate in light of the constraints on immediate implementation. Immediate compliance is required where no constraints exist. Where constraints exist, the date of period of time provided within the latest approved plan is the compliance period deadline. Those states not in compliance must show progress toward achieving compliance annually until compliance is reached.

(h) *Removal of juveniles from adult jails and lock-ups.* Pursuant to Section 223(a)(14) of the JJDP Act, the State shall:

(1) Describe its plan, procedure, and timetable for assuring that requirements of this section will be met by December 8, 1985. Refer to § 31.303(i)(4) to determine the special (exceptional) circumstances which would have to exist to permit, in areas characterized by low population density with respect to the detention of juveniles and where no existing acceptable alternative placement is available, the temporary detention of juveniles accused of serious crimes against persons.

(2) Describe the barriers which the State faces in removing all juveniles from adult jails and lock-ups.

(3) For those States that have achieved "substantial compliance" with Section 223(a)(14) as specified in Section 223(c) of the Act, indicate the unequivocal commitment to achieving full compliance. Attach documentation.

(4) Those States which, based upon the most recently submitted monitoring report, have been found to be in full compliance with Section 223(a)(14) must, in lieu of addressing paragraphs (h)(1), (2), and (3) of this section, provide an assurance that adequate plans and resources are available to maintain full compliance.

(i) *Monitoring of jails, detention facilities and correctional facilities.*

(1) Pursuant to Section 223(a)(15) of the JJDP Act, and except as provided by paragraph (i)(7) of this section, the State shall:

(i) Indicate how it will annually identify and survey all secure detention or correctional facilities, jails, lock-ups, and other facilities usable for the detention and confinement of juveniles.

(ii) Provide a plan for an annual on-site inspection of all such facilities identified in paragraph (i)(1)(i) of this section. Such plan shall include a procedure for reporting and investigating compliance complaints in accordance with Section 223(a)(12)(A), (13), and (14).

(iii) Include a description of the barriers which the State faces in developing a monitoring system to establish and report the level of compliance with Sections 223(a) (12), (13), and (14).

(2) For the purpose of monitoring for compliance with Section 223(a)(12)(A) of the Act a secure detention or correctional institution or facility is:

(i) Any secure public or private facility used for the lawful custody of *accused* or adjudicated juvenile offenders or non-offenders; or

(ii) Any secure public or private facility, which is also used for the lawful custody of accused or convicted adult criminal offenders.

(3) *Valid Court Order.* For the purpose of determining whether a valid court order exists and a juvenile has been found to be in violation of that valid order all of the following conditions must be present, where applicable, prior to secure incarceration:

(i) The juvenile must have been brought into a court of competent jurisdiction and made subject to an order issued pursuant to proper authority. The order must be one which regulates future conduct of the juvenile.

(ii) The court must have entered a judgment and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedures.

(iii) The juvenile in question must have received adequate and fair warning of the consequences of violation of the order at the time it was issued and such warning must be provided to the juvenile in writing or be

reflected in the court record and proceedings.

(iv) All judicial proceedings related to an alleged violation of a valid court order must be held before a court of competent jurisdiction. A juvenile accused of violating a valid court order may be held in secure detention beyond the 24-hour grace period permitted for a noncriminal juvenile offender under OJJDP monitoring policy, only if there has been a judicial determination, based on a hearing, that there is probable cause to believe the juvenile violated the court order. In such case the juvenile may be held, pending a violation hearing, for such period of time as is provided by State law, but in no event should detention prior to a violation hearing exceed ten days. A juvenile found in a violation hearing to have violated a court order may be held in a secure detention or correctional facility.

(v) Prior to and during the violation hearing the following full due process rights must be provided:

(A) The right to have the charges against the juvenile in writing served upon him a reasonable time before the hearing;

(B) The right to a hearing before a court;

(C) The right to an explanation of the nature and consequences of the proceedings;

(D) The right to legal counsel, and the right to have such counsel appointed by the court if indigent;

(E) The right to confront witnesses;

(F) The right to present witnesses;

(G) The right to have a transcript or record of the proceedings; and

(H) The right of appeal to an appropriate court.

(vi) In entering any order that directs or authorizes disposition of placement in a secure facility, the judge presiding over an initial probable cause hearing or violation hearing must determine that all the elements of a valid court order, (paragraphs (i)(3), (i), (ii), (iii)) of this section and, in the case of a violation hearing, the applicable due process rights, (paragraph (i)(3), (v) of this section), were afforded the juvenile.

(4) *Removal Exception (Section 223(a)(14).* The following conditions must be met in order for an accused juvenile to be temporarily detained (for up to 48 hours) in an adult jail or lock-up:

(i) The geographic area which has jurisdiction over the juvenile has been certified as having a low population density, based upon specific criteria developed by the State and approved by OJJDP. The criteria developed must take into account total county population per square mile. The State must provide rationale for the criteria proposed.

(ii) The juvenile must be accused of a serious crime against persons to include: Criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, and extortion accompanied by threats of violence.

(iii) A determination has been made that there is no existing acceptable alternative placement available pursuant to criteria developed by the State.

(iv) The county is not served by a local or regional juvenile detention facility.

(5) *Reporting Requirement.* The State shall report annually to the Administrator of OJJDP on the results of monitoring for Sections 223(a) (12), (13) and (14) of the JJDP Act. Three copies of the report shall be submitted to the Administrator of OJJDP no later than December 31 of each year.

(i) To demonstrate the extent of compliance with Section 223(a)(12(A) of the JJDP Act, the report must at least include the following information for both the baseline and the current reporting periods.

(A) Dates of baseline and current reporting period.

(B) Total number of public and private juvenile detention and correctional facilities AND the number inspected on-site.

(C) Total number of accused status offenders and non-offenders held in any secure detention or correctional facility as defined in § 31.303(i)(2) for longer than 24 hours excluding those held pursuant to a judicial determination, based upon a hearing, that there is a probable cause to believe the juvenile violated a court order.

(D) Total number of adjudicated status offenders and non-offenders held in any secure detention or correctional facility as defined in § 31.303(i)(2) excluding those held pursuant to a finding of violation of a valid court order.

(E) Total number of status offenders held in any secure detention or correctional facilities pursuant to a judicial determination that there is probable cause to believe the juvenile violated a court order or pursuant to a finding of a violation of a valid order.

(F) Total number of accused and adjudicated status offenders and non-offenders held in any adult jail or lock-up as defined in § 31.304.

(ii) To demonstrate the extent to which the provisions of Section 223(a)(12)(B) of the JJDP Act are being met, the report must include the total number of accused and adjudicated status offenders and non-offenders placed in facilities that are:

(A) Not near their home community;

(B) Not the least restrictive appropriate alternative; and

(C) Not community-based.

(iii) To demonstrate the progress and extent that the requirements of Section 223(a)(13) of the JJDP Act are being met, the report must at least include the following information for both the baseline and the current reporting periods.

(A) Designated date for achieving full compliance.

(B) The total number of facilities that can be used for the secure detention and confinement of both juvenile offenders and adult criminal offenders.

(C) Both the total number of facilities used for the secure detention and confinement of both juvenile offenders and adult criminal offenders during the past 12 months AND the number inspected on-site.

(D) The total number of facilities used for secure detention and confinement of both juvenile offenders and adult criminal offenders AND those which did not provide adequate separation.

(E) The total number of juvenile offenders and non-offenders NOT adequately separated in facilities used for the secure detention and confinement of both juveniles and adults.

(iv) To demonstrate the progress and extent of compliance with Section 223(a)(14) of the JJDP Act the report must at least include the following information for the baseline and the current reporting periods.

(A) Dates of baseline and current reporting period.

(B) Total number of adult jails in the State AND the number inspected on-site.

(C) Total number of adult lock-ups in the State AND the number inspected on-site.

(D) Total number of adult jails holding juveniles during the past twelve months.

(E) Total number of adult lock-ups holding juveniles during the past twelve months.

(F) Total number of adult jails and lock-ups in areas meeting the "removal exceptions" as noted in subparagraph 4 above, including a list of such counties.

(G) Total number of juveniles held in all adult jails in excess of six hours.

(H) Total number of juveniles held in all adult lock-ups in excess of six hours.

(I) Total number of juveniles held in adult jails in areas meeting the "removal exception" as noted in paragraph (i)(4) of this section.

(J) Total number of juveniles held in excess of 48 hours in jails and lock-ups in areas meeting the "removal exceptions" as noted in paragraph (i)(4) of this section.

(6) *Compliance.* A State must demonstrate the extent to which the requirements of Section 223(a)(12)(A), (13), and (14) of the Act are met and should a state fail to demonstrate the requirements of these Sections within the designated time frame, eligibility for formula grant funding shall terminate. The compliance levels are:

(i) Substantial compliance with Section 223(a)(12)(A) requires within three years of initial plan submission achievement of a 75% reduction in the aggregate number of status offenders and non-offenders held in secure detention or correctional facilities; or through removal of 100% of such offenders from secure correctional facilities only, and the State has made an unequivocal commitment through appropriate executive and legislative action to achieve full compliance within two additional years. Full compliance is achieved when a State has removed 100% of such juveniles from secure detention and correctional facilities or can demonstrate full compliance with *de minimis* exceptions pursuant to the policy criteria contained in the **Federal Register** of January 9, 1981 (46 FR 2466–2569).

(ii) Compliance with Section 223(a)(13) has been achieved when a State can demonstrate that:

(A) The last submitted monitoring report, covering a full 12 months of data, demonstrates that no juveniles were incarcerated in circumstances that were in violation of Section 223(a)(13); or

(B)(*1*) State law, regulation, court rule, or other established executive and judicial policy clearly prohibits the incarceration of all juvenile offenders in circumstances that would be in violation of Section 223(a)(13);

(*2*) All instances of noncompliance reported in the last submitted monitoring report were in violation of, or departures from, the State law, rule, or policy referred to in paragraph (i)(6)(B)(1) of this section;

(*3*) The instances of noncompliance do not indicate a pattern or practice but rather constitute isolated instances; and

(*4*) Existing mechanisms for the enforcement of the State law, rule, or policy referred to in paragraph (i)(6)(B)(1) of this section are such that the instances of noncompliance are unlikely to recur in the future.

(iii) Substantial compliance with Section 223(a)(14) requires the achievement of a 75% reduction by December 8, 1985 in the number of juveniles held in adult jails and lock-ups and that the State has made a unequivocal commitment, through appropriate executive or legislative action, to achieving full compliance within two additional years.

(7) *Monitoring Report Exceptions.* States which have been found by the OJJDP Administrator to have achieved full compliance with Section 223(a)(12)(A) and compliance with Section 223(a)(13) of the Juvenile Justice Act and which wish to be exempted from the annual monitoring report must submit a written request to the OJJDP Administrator which demonstrates that:

(i) The State provides for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to enable an annual determination of State compliance with Sections 223(a)(12)(A), (13), and (14) of the JJDPA;

(ii) State legislation has been enacted which conforms to the requirements of Sections 223(a)(12)(A) and (13) of the Juvenile Justice Act; and

(iii) The enforcement of the legislation is statutorily or administratively prescribed, specifically providing that:

(A) Authority for enforcement of the statute is assigned;

(B) Time frames for monitoring compliance with the statute are specified; and

(C) Adequate sanctions and penalties that will result in enforcement of the statute and procedures for remedying violations are set forth.

(j) *Juvenile crime analysis.* Pursuant to Section 223(a)(12) (A) and (B) the State shall conduct an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs.

(1) *Analysis.* The analysis must be provided in the multi-year application. A suggested format for the analysis is provided in the Formula Grant Application Kit.

(2) *Product.* The product of the analysis is a series of brief written problem statements set forth in the application that define and describe the priority problems.

(3) *Programs.* Applications are to include descriptions of programs to be supported with Juvenile Justice Act formula grant funds. A suggested format for these programs is included in the application kit.

(4) *Performance Indicators.* A list of performance indicators must be developed and set forth for each program. These indicators show what data will be collected at the program level to measure whether objectives and performance goals have been achieved and should relate to the measures used in the problem statement and statement of program objectives.

(k) *Concentration of State Effort.* Pursuant to Section 223(a)(8)(C) the State shall assure that it has on file a plan for the concentration of State efforts as they relate to the coordination of all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities.

(l) *Annual Performance Report.* Pursuant to Section 223(a) and Section 223(a)(21) the State Plan shall provide for submission of an annual performance report. The State shall report on its progress in the implementation of programs, as described in the three-year plan. The performance indicators will serve as the objective criteria for a meaningful assessment of progress toward achievement of measurable goals.

(m) *Equitable Distribution of Juvenile Justice Funds and Assistance to Disadvantaged Youth.* The State shall assure that it complies with Section 223(a)(7) and (16) of the JJDP Act.

(n) *Advanced Techniques.* The State shall assure that it complies with Section 223(a)(10) of the JJDP Act.

(o) *Analytical and Training Capacity.* The State Council shall assure that it complies with Section 223(a) (11) and (12) of the JJDP Act.

(p) *Equitable Arrangements for Employees Affected by Assistance Under the Act.* Pursuant to Section 223(a)(18) the State shall assure that fair and equitable arrangements are made to protect the interest of employees affected by assistance under the Act.

(q) *Technical Assistance.* States shall include, within their plan, a description of technical assistance needed. Specific directions regarding the development and inclusion of all Technical Assistance needs and priorities will be provided in the "Application Kit for Formula Grants under the JJDPA."

(r) *Other Terms and Conditions.* Pursuant to Section 223(a)(22) of the JJDP Act, States shall agree to other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of programs assisted under the formula grant.

§ 31.304 Definitions.

(a) *Private Agency.* A private non-profit agency, organization or institution is:

(1) Any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control; and

(2) Any other agency, organization or institution which operated primarily for scientific, educational, service, charitable, or similar public purposes, but which is not under public supervision or control, and not part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax-exempt under the provisions of Section 501(c)(3) of the 1954 Internal Revenue Code.

(b) *Secure.* As used to define a detention or correctional facility this term includes residential facilities which have fixtures designed to physically restricted the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures.

(c) *Facility.* A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.

(d) *Juvenile who is accused of having committed an offense.* A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occured alleging that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender, and no final adjudication has been made by the juvenile court.

(e) *Juvenile who has been adjudicated as having committed an offense.* A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal-type offender, or a status offender.

(f) *Juvenile Offender.* An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law.

(g) *Criminal-type Offender.* A juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(h) *Status Offender.* A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(i) *Non-Offender.* A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

(j) *Lawful Custody.* The exercise of care, supervision and control over a juvenile offender or non-offender pursuant to the provisions of the law of a judicial order or decree.

(k) *Other individual accused of having committed a criminal offense.* An individual, adult or juvenile, who has been charged with committing a criminal offense in a court exercising criminal jurisdiction.

(l) *Other individual convicted of a criminal offense.* An individual, adult or juvenile, who has been convicted of a criminal offense in a court exercising criminal jurisdiction.

(m) *Adult Jail.* An locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

(n) *Adult Lockup.* Similar to jail for adults except that is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

Subpart E—General Conditions and Assurances

§ 31.401 Compliance with statute.

The applicant State must assure and certify that the State and its subgrantees and contractors will comply with applicable provisions of the Omimbus Crime Control and Safe Streets Act of 1968, Pub. L. 90–35, as amended, and with the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93–415, as amended, and the provisions of the OJARS Financial and Administrative Guide for Grants, M 7100.1B.

§ 31.402 Compliance with other Federal Laws, Orders, Circulars.

The applicant State must further assure and certify that the State and its subgrantees and contractors will adhere to regulations of the Department and other applicable Federal laws, orders and circulars. These general Federal laws and regulations are described in greater detail in the "Fiscal Year 1982 Application Kit for Formula Grant under the JJDP Act."

§ 31.403 Application on file.

Any Federal funds awarded pursuant to an application must be distributed and expended pursuant to and in accordance with the programs contained in the applicant State's current approved application and any advance funds will not be awarded for any program not specifically approved and clearly set forth in the current comprehensive application. Any departures therefrom, other than to the extent permitted by current program and fiscal regulation and guidelines, will be submitted for advance approval by the Administration or of OJJDP.

§ 31.404 Non-discrimination.

The State assures that it will comply, and that its subgrantees and contractors will comply, with all applicable nondiscrimination requirements, including:

(a) Section 815(c)(1) of the Justice System Improvement Act of 1979, as made applicable by Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended;

(b) Title VI of the Civil Rights Act of 1964;

(c) Section 504 of the Rehabilitation Act of 1973, as amended;

(d) Title IX of the Education Amendments of 1972;

(e) The Age Discrimination Act of 1975; and

(f) The Department of Justice's Nondiscrimination Regulations, 28 CFR, Subparts C, D, E, and G.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

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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.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

REMINDERS

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.

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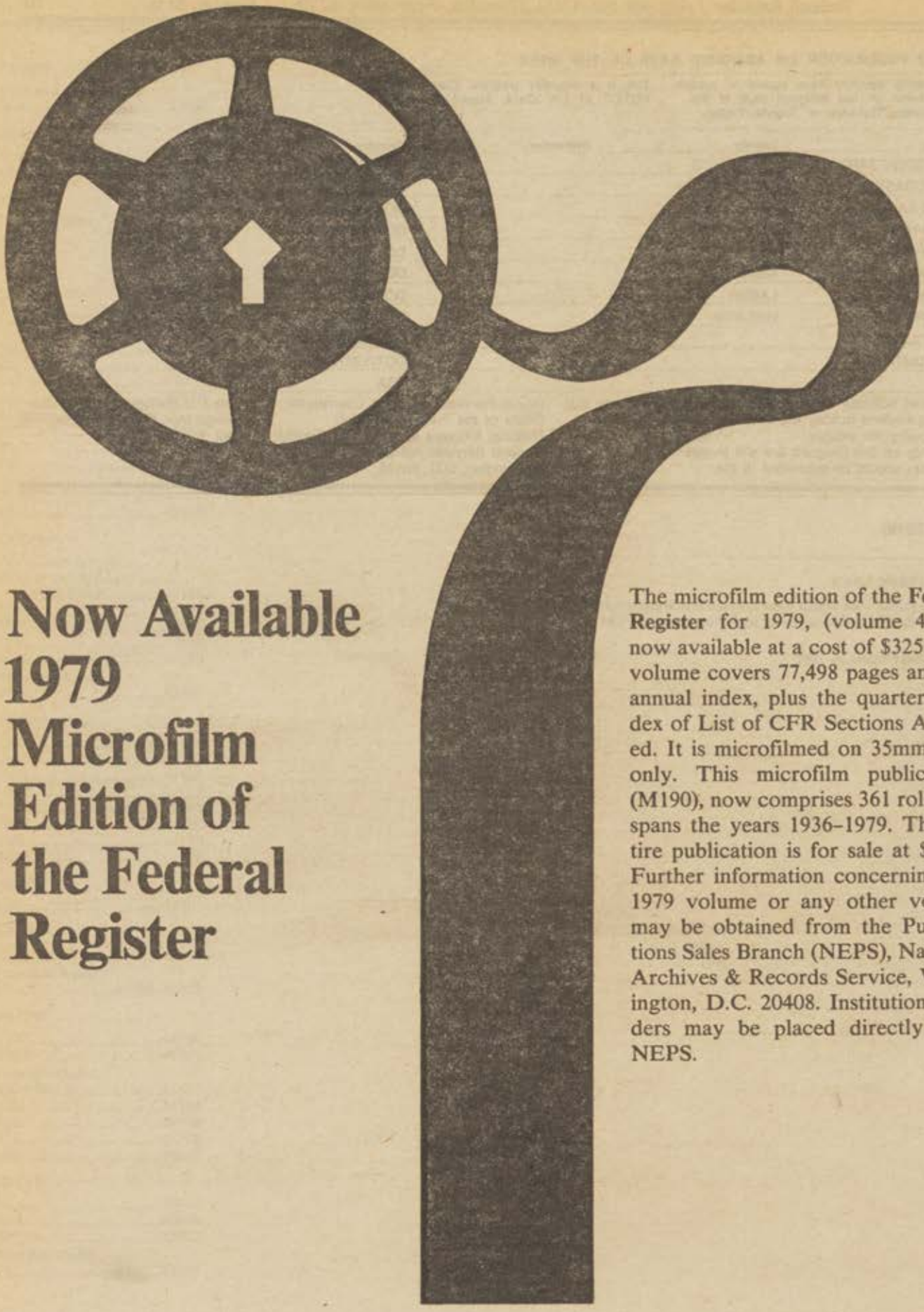

Now Available 1979 Microfilm Edition of the Federal Register

The microfilm edition of the **Federal Register** for 1979, (volume 44), is now available at a cost of $325. This volume covers 77,498 pages and the annual index, plus the quarterly index of List of CFR Sections Affected. It is microfilmed on 35mm rolls only. This microfilm publication, (M190), now comprises 361 rolls and spans the years 1936–1979. The entire publication is for sale at $4693. Further information concerning the 1979 volume or any other volume may be obtained from the Publications Sales Branch (NEPS), National Archives & Records Service, Washington, D.C. 20408. Institutional orders may be placed directly with NEPS.