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federal register

Thursday
November 19, 1981

Highlights

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56841 **Steel Trigger Price Mechanism** Commerce/ITA announces first quarter 1982 trigger price levels for most steel mill products and elimination of preclearance program.

56838 **Grant Programs—Arms Control and Disarmament** Arms Control and Disarmament Agency conducts competition for one year Hubert H. Humphrey Fellowships.

56998 **Forests** USDA/FS revises National Environmental Policy Act implementation procedures. (Part III of this issue)

56968 **Railroads** RRB announces 8 percent contribution rate to finance 1982 railroad unemployment insurance program.

56823 **Highway Safety** DOT/NHTSA terminates proposed rule on speed measuring radar devices performance standards.

56911 **Medical Care** HHS/PHS assesses safety and clinical effectiveness of electrical neuromuscular stimulation for treatment of disuse atrophy.

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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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56786 **Procurement** GSA revises reporting of identical bids procedure.

56955 **Drugs** Justice/DEA establishes 1982 aggregate production quotas for Schedule I and II controlled substances.

56969 **Aircraft** DOT/FAA announces that used engines may be used in new production aircraft under certain conditions.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 528]

Navel 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 navel oranges that may be shipped to market during the period November 20–26, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: November 20, 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. 907, as amended (7 CFR Part 907), regulating the handling of navel 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 Navel 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 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 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 November 17, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

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 this regulatory provision 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.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. Section 907.828 is added as follows:

§ 907.828 Navel Orange Regulation 528.

The quantities of navel oranges grown in Arizona and California which may be handled during the period November 20, 1981, through November 26, 1981, are established as follows:

(a) District 1: 880,000 cartons;

(b) District 2: Unlimited cartons;

(c) District 3: 120,000 cartons;

(d) District 4: Unlimited cartons.

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

Dated: November 18, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-33650 Filed 11-18-81; 12:15 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records; Revised Delegations of Authority

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule sets forth the authority of the General Counsel within the Immigration and Naturalization Service. The rule incorporates changes necessitated by the attorney consolidation program recently enacted by the Service with the approval of the Associate Attorney General. All attorneys in district offices will be re-classified as general attorneys and specific designations such as naturalization attorney and trial attorney will no longer be used. Acting through the regional counsels, the General Counsel oversees the professional activities of all Service attorneys assigned to the field offices.

EFFECTIVE DATE: November 19, 1981.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone (202) 633–3048.

For Specific Information: Paul W. Schmidt, Deputy General Counseil, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone (202) 633–3195.

SUPPLEMENTARY INFORMATION: On July 28, 1980, the Associate Attorney General approved a plan to consolidate all INS attorney functions under the direction of the INS General Counsel. The plan was developed from a joint study by INS and the Justice Management Division. The study team determined that

consolidation of all attorneys under the supervision of the General Counsel would result in more productive, efficient, and economical use of INS attorneys. The study team also determined that career opportunities for INS attorneys would be enhanced by a broader range of experience. Under this plan, all attorneys in district offices will be classified as general attorneys without designation as naturalization attorneys or trial attorneys. A supervisory attorney will be designated in each district office with the title of chief legal officer. This final rule reflects changes made as a result of the consolidation plan.

This rule falls within the exemption set forth in section 1(a)(3) of Executive Order 12291 as it deals solely with agency organization, management and personnel. A regulatory analysis is therefore not required. Similarly, the requirements of 5 U.S.C. 553 as to notice and delayed effective date are inapplicable because the rule relates to internal management functions.

The Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities because it relates to internal management functions which have no impact upon the public.

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

In § 103.1, paragraph (e) is revised to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *General Counsel.* The General Counsel advises, on legal matters, the Commissioner and his staff, the Attorney General, the Associate Attorney General, the Solicitor General, and other officers of the Department of Justice, and other officers of other Departments of the Government. The General Counsel prepares legislative reports, and assists in litigation, including the preparation of briefs and other legal memoranda as necessary. The General Counsel directs the activities of the regional counsels and the appellate trial attorneys. Acting through the regional counsels, the General Counsel oversees the professional activities of all Service attorneys assigned to field offices. The General Counsel makes recommendations to the Associate Attorney General, or other designated Department of Justice official, on all personnel matters involving Service attorneys, including attorney discipline, which require the final action or approval of the Associate Attorney General, or other designated Department of Justice official. The General Counsel is authorized to approve production or disclosure in response to subpenas or demands of courts or other authorities, as provided in 28 CFR 16.23(b)(2)(iii).

* * * * *

(Sec. 103, 66 Stat. 173 (8 U.S.C. 1103))

Dated: November 16, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-33430 Filed 11-18-81; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-WE-2-AD; Amdt. 39-4266]

Airworthiness Directives; Hughes Helicopters Model 369 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Hughes Helicopters Model 369 series helicopters equipped with any cargo hook by clarifying cargo hook operating time recordation. This amendment is needed to relieve an undue burden on operations.

DATES: Effective November 30, 1981.

Compliance schedule—As prescribed in the body of the AD unless already accomplished.

FOR FURTHER INFORMATION CONTACT: Harold W. Ferris, Aerospace Engineer, Propulsion Section, AWP-214, Engineering and Manufacturing Branch, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: 213-536-6381.

SUPPLEMENTARY INFORMATION: Amendment 39-4077 (46 FR 20534), AD 81-07-10, currently imposes an inspection schedule on the overrunning clutch assembly P/N 369A5350-601 and a retirement life on P/N 369A5364 sprag assemblies on Hughes Helicopters Model 369 series helicopters equipped with any cargo hook. After issuing Amendment 39-4077, the FAA has determined that the basis of accumulating time in service on helicopters equipped with cargo hooks, for the purpose of establishing inspection intervals and retirement life, was unduly conservative. This conservatism was recognized at the time of issuance of Amendment 39-4077 but was considered necessary in the interests of safety in that there was no universal system for recording external load operation as a sub-element of total operating time, which is critical to this consideration.

As a result of comments received since the issuance of Amendment 39-4077, the FAA has reconsidered this matter and prescribed a method for universal recordation of external load operating (mission) time which will provide the relief requested by the commenters. Therefore, the FAA is amending Amendment 39-4077 by specifying a method of recording time in service relative to the inspection intervals of the overrunning clutch assembly and the establishment of a retirement life on the sprag assembly which is a part of the clutch assembly.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Amendment 39-4077 (46 FR 20534), AD 81-07-10 by adding a new paragraph (f) to read as follows:

* * * * *

(f) For the purpose of establishing the "time in service" specified in paragraphs (a), (b), and (c) of this AD either the clutch total time with hook attached may be used, or a separate and permanent log of external load operating mission time (take-off to landing on a flight which involves external load operations), may be used. This log must meet the requirements of FAR 91.173.

* * * * *

Amendment 39-4077 became effective on November 6, 1980.

This amendment becomes effective November 30, 1981.

(Secs. 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.)

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 Los Angeles, California on November 9, 1981.

Robert F. Smith,

Acting Director, FAA Western-Pacific Region.

[FR Doc. 81-33115 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-SO-57; Amdt. No. 39-4255]

Airworthiness Directives; Piper Models PA-32R and PA-32RT Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires modification of the nose landing gear on certain Piper Models PA-32R and PA-32RT series airplanes. The AD is needed to prevent a possible down lock failure which could result in collapse of the nose landing gear during landing and ground operation.

DATES: Effective November 20, 1981.

Compliance required within the next 50 hours after the effective date of this AD unless already accomplished.

ADDRESSES: The applicable Service Letter No. 927 may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lockhaven, Pennsylvania 17745.

A copy of the Service Letter is contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: W. H. Trammell, Systems and Equipment Section, ASO-213, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7781.

SUPPLEMENTARY INFORMATION: There have been reports of failures of the nose landing gear down lock on certain Piper Models PA-32R and PA-32RT series airplanes. This failure has resulted in collapse of the nose gear in a significant number of instances. The failure of the nose gear down lock during landing and ground operation is considered to be potentially hazardous. Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive (AD) is being issued which requires modification of the nose landing gear on certain Piper Models PA-32R and PA-32RT series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the amendment

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

Piper Aircraft Corporation: Applies to:

Models Affected and Serial Numbers Affected

PA-32R-300 Lance—32R-7680001 through 32R-7880068
PA-32RT-300 Lance II—32R-7885001 through 32R-7985105
PA-32RT-300T Turbo Lance II—32R-7787001, 32R-7887002 through 32R-7987126
PA-32R-301 Saratoga S.P.—32R-8013001 through 32R-8113112
PA-32R-301T Turbo Saratoga S.P.—32R-8029001 through 32R-8129104

Applies to airplanes certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent a potentially hazardous condition during landing and ground operation due to the failure of landing gear down lock, accomplish the following:

a. Within the next 50 hours time in service after the effective date of this AD, modify the nose landing gear in accordance with Piper Service Letter No. 927, dated October 2, 1981, and Piper Kit, P/N 764135V.

b. Make an appropriate maintenance record entry.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

This amendment becomes effective November 20, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended [49 U.S.C. 1354(a), 1421, and 1423]; Sec. 6(c), Dept. of Trans. Act [49 U.S.C. 1655(c)]; 14 CFR 11.85)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. An evaluation has been prepared and placed in the docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in East Point, Georgia, on October 29, 1981.

George R. Lacaille,

Acting Director Southern Region.

[FR Doc. 81-33117 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-SO-59; Amdt. No. 39-4259]

Airworthiness Directives; Gulfstream American Models G-1159 and G-1159A

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires the installation of a vacuum relief valve in the combined/auxiliary hydraulic system reservoir on Gulfstream American Models G-1159 and G-1159A. The AD is needed to prevent a partial vacuum in the reservoir which would cause a loss of fluid flow in the auxiliary hydraulic system following a complete loss of fluid in the combined hydraulic sytem. This could result in the loss of braking action during a landing.

DATES: Effective November 23, 1981.

Compliance required within the next 75 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable Aircraft Service Changes may be obtained from Gulfstream American Corporation, P.O. Box 2206, Savannah, Georgia 31402.

A copy of each of the Aircraft Service Changes is contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: George Carver, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7781.

SUPPLEMENTARY INFORMATION: There have been reports of the loss of braking functions on some airplanes on which there had been a complete loss of

hydraulic fluid from the combined hydraulic system. A rupture in any line in the combined system downstream of the engine driven pump can induce a failure in the auxiliary system by depleting all fluid in the combined side of the reservoir. The resulting partial vacuum in the reservoir prevents flow in the auxiliary system even though there may be ample fluid in the auxiliary side of the reservoir. Since this condition is likely to develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires the installation of a vacuum relief valve in the combined/auxiliary reservoir to preclude the possibility of starving the auxiliary pump in the event of this type failure in Gulfstream American Models G–1159 and G–1159A. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

Gulfstream American Corporation (Grumman American Aviation Corporation) applies to Model G–1159 Serial Numbers 1 through 248, 250, 251, 253 through 258 and 775; Model G–1159A Serial Numbers 249, 252, 300 through 338 and 875.

Compliance required within the next 75 hours time in service after the effective date of this AD, unless already accomplished. To prevent the loss of fluid flow in the auxiliary hydraulic system following a complete loss of fluid in the combined hydraulic system, install a check valve in the reservoir system in accordance with Gulfstream American Aircraft Service Change (ASC) No. 295 (for the Model G–1159) and ASC No. 21 (for the Model G–1159A), both dated September 1, 1981. An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

This amendment becomes effective November 23, 1981.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. An evaluation has been prepared and placed in the docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in East Point, Georgia, on October 29, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-33118 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWP-23]

Alteration of Control Zone; Long Beach, Calif.

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of the Long Beach, California, Control Zone by deleting the control zone extension to the northwest and reducing the hours of control zone operation to coincide with staffing of the Long Beach Tower.

EFFECTIVE DATE: November 19, 1981.

FOR FURTHER INFORMATION CONTACT: 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

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to decrease the area encompassed by the Long Beach, California, Control Zone operation. Operational procedures have been modified to preclude the need of the control zone extension.

The rule change is minor in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure are unnecessary and the rule may be made effective in less than 30 days.

The Rule

This amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the description of the Long Beach, California, Control Zone by excluding the control zone extension and reducing the hours of the control zone. Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was republished in the **Federal Register** on January 2, 1981 (46 FR 353).

Adoption of the Amendment

Accordingly pursuant to the authority delegated to me by the Administrator, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 353) is amended, effective 0901 GMT, November 26, 1981, as follows:

§ 71.171 Long Beach, California

Within a 5-mile radius of Long Beach Municipal Airport (latitude 33°49'07"N., longitude 118°09'04"W.), and within a 5-mile radius of Los Alamitos AAF, California (latitude 33°47'30"N., longitude 118°02'50"W.), excluding the portion within a 1-mile radius of Sunset Beach, California Airport (latitude 33°43'08"N., longitude 118°02'13"W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510, E.O. 10654 (24 FR 9565); sec. 6(c), Dept. of Trans. 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 November 5, 1981.

Robert F. Smith,

Acting Director, Western Pacific Region.

[FR Doc. 81-33121 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-10]

Establishment of Low Altitude Airway V-462 Fort Dodge, IA, to Sioux Falls, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a low altitude airway between Fort Dodge, IA, VORTAC and Sioux Falls, SD, VORTAC. Approximately 1,000 IFR flights per year request this routing. Because of other IFR traffic and the lack of both an established route and radar coverage below 15,000 feet, their requests are denied by air traffic control. The establishment of V–462 will rectify the above situation and, as compared to the present routes between these two points, save approximately 50 miles of flying distance.

EFFECTIVE DATE: January 21, 1982.

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:

History

On July 9, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a low altitude airway V–462 between Fort Dodge, IA, VORTAC and Sioux Falls, SD, VORTAC (46 FR 35528). Approximately 1,000 IFR flights per year request this routing. Because of other IFR traffic and the lack of both an establish route and radar coverage below 15,000 feet, their requests are denied by air traffic control. The establishment of V–462 will rectify the above situation and, as compared to the present routes between these two points, save approximately 50 miles of flying distance. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes a low altitude airway V–462 between Fort Dodge, IA, VORTAC and Sioux Falls, SD, VORTAC.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 GMT, January 21, 1982, by adding the new airway description "V–462 From Fort Dodge, IA; to Sioux Falls, SD."

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1354(a)); sec. 6(c), Dept. of Trans. 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); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on November 10, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–33118 Filed 11–18–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–ANW–8]

Extension of VOR Federal Airway; Mullan Pass, Idaho, to Seattle, Washington

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends V–120 from Mullan Pass, ID, to Seattle, WA, and revokes three alternate airway segments. This action supports objectives to eliminate alternate airways from the National Airspace System which do not justify continued designation as airways. Chart clutter is also reduced.

EFFECTIVE DATE: January 21, 1982.

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:

History

On August 20, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend V–120 from Mullan Pass, ID, to Seattle, WA, and revoke V–2S, V–23E, and V–357N in the vicinity of Spokane, WA, (46 FR 42281).

This action supports our agreement with the International Civil Aviation Organization (ICAO) to eliminate alternate airways from the National Airspace System. Also, this action reduces chart clutter. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One comment objecting to the proposal was received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) extends V–120 from Mullan Pass, ID, to Seattle, WA, and revokes alternate airways V–2S, V–23E, and V–357N in the Spokane, WA, area. This action supports our agreement to eliminate alternate airways from the National Airspace System.

Discussion of Comments

The Washington State Division of Aeronautics objected to deletion of V–2N between Mullan Pass and Spokane. They believe reducing the option of three routes to one would cause delays during IFR weather conditions, radio and/or radar failure. The same objection applied to the revocation of V–23E between Medford, OR, and Fort Jones, CA.

Our airspace review of this proposal indicates alternate airway V–2S is seldom used because traffic flow procedures in effect between Spokane approach control and Seattle ARTCC utilize radar vector techniques, making the alternate segments redundant. The air route surveillance radar site near Mullan Pass, ID, (Mica Peak) provides good weather coverage to this area for assisting pilots in circumnavigating weather cells over the mountains west of Spokane, WA. Additionally, V–2N will be redesignated V–120.

The analysis of this proposal further indicates traffic usage of V–23E between Fort Jones and Medford does not justify continued designation as an airway. Radar coverage over Southern Oregon is sufficient to provide for radar vector transition for IFR approaches to Siskiyou County Airport and weather avoidance when requested by pilots.

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 (46 FR 407), and amended (45 FR 85441 and 46 FR 39993) is further amended, effective 0901 GMT, January 21, 1982, as follows:

V–120 [Amended]

By deleting the words "From Mullan Pass, ID" and substituting for them the words "From Seattle, WA; Wenatchee, WA; Ephrata, WA; Spokane, WA; INT Spokane 072° and Mullan Pass, ID, 291° radials; Mullan Pass"

V–2 [Amended]

By deleting the words between "From Seattle," and "Missoula, MT" and substituting the words "WA; Ellensburg, WA; Moses Lake, WA; Spokane, WA; Mullan Pass, ID; 5 miles, 53 miles, 91 MSL,"

V–23 [Amended]

After the words "Medford, OR" delete the words ", including an east alternate via INT Fort Jones 041° and Medford 157° radials"

V–357 [Amended]

After the words "to Wenatchee;" delete the words "including a N alternate from Moses Lake via Ephrata, WA, to Wenatchee."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Dept. of Trans. 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); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on November 9, 1981.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-33120 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-13-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 212

Implementation of the Equal Access to Justice Act

AGENCY: International Trade Commission.

ACTION: Notice of interim rulemaking and request for comments.

SUMMARY: The interim rules would add a new Part 212 to the Commission's *Rules of Practice and Procedure* to implement the requirements of the Equal Access to Justice Act, Title II of Pub. L. 96–481, 94 Stat. 2325 (the Act), in investigations under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The Act authorizes in certain circumstances an award of attorney fees and other expenses to certain parties who prevail against the United States in adversary adjudications, defined as proceedings under 5 U.S.C. 554 in which the position of the United States is represented by counsel or otherwise. These rules are effective as interim rules pending the receipt of public comments and the issuance of final rules.

DATES: The rules are effective November 19, 1981. Comments will be considered if received on or before December 21, 1981.

ADDRESS: Comments should conform with Commission rule 201.8 (19 CFR 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Michael P. Mabile, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C., telephone 202–523–1626.

SUPPLEMENTARY INFORMATION: Authority for the interim rulemaking is found in 5 U.S.C. 504(c)(1), which provides that, after consultation with the Chairman of the Administrative Conference of the United States, each agency shall by rule establish uniform procedures for the submission and consideration of applications for awards of fees and other expenses under the Equal Access to Justice Act. The interim rules are patterned largely after the model rules for implementation of the Act promulgated by the Administrative Conference of the United States, 46 FR 32900 (June 25, 1981), with alterations to reflect or conform to statutory requirements and Commission practice in proceedings under section 337 of the Tariff Act of 1930.

Explanation of Interim Rules

Subpart A—General Provisions

Sections 212.01 Purpose and 212.02 When the Act applies.

Sections 212.01 and 212.02 are patterned after §§ 0.101 and 0.102, respectively, of the model rules, with minor alterations for conformity to Commission proceedings.

Section 212.03 Proceedings covered.

This section is based on § 0.103 of the model rules. Deleted from the language of the model rule are portions of paragraph (a) relating to ratemaking and licenses and all of paragraph (b), which have no relevance to Commission proceedings under the Act.

In keeping with the intended coverage of the Act, § 212.03 limits the proceedings covered by the proposed rules to unfair trade practice investigations under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), which are required to be conducted in part as adjudications in conformity with 5 U.S.C. 554. Other proceedings conducted by the Commission, none of which are of an adjudicative nature, are excluded. Paragraph (a) further excludes any award for that portion of the section 337 process that is not conducted as an adjudication—the Commission's consideration of relief, the public interest, and bonding pursuant to subsections 337 (d), (e), and (f) and 19 CFR 210.14.

Paragraph (b) permits an award of fees against the Commission only in connection with a section 337 proceeding brought by the Commission on its own initiative. The Commission does not believe that the Act is intended to apply to cases brought by a private party in which the Commission investigative attorney merely appears as a third party in order to represent the public interest.

Section 212.04 Eligibility of applicants.

Section 212.04 is patterned after § 0.104 of the model rules, with minor alterations for conformity to Commission proceedings.

Section 212.05 Standards for awards.

Paragraph (a) has been added to the provisions of model rule § 0.105 to clarify that determination of the status of an applicant as a prevailing party is to be made on a case-by-case basis.

Paragraphs (b) and (c) are patterned after paragraphs (a) and (b) of the model rule, with minor alterations for conformity to Commission proceedings. The term "agency counsel" has been omitted in preference for the phrase "the Commission investigative attorney or counsel representing another agency

against which an award is sought," in order to reflect that counsel for another agency may on occasion appear in Commission section 337 proceedings to take a position on behalf of that agency.

Sections 212.06 Allowable fees and expenses, 212.07 Rulemaking on maximum rates for attorney fees, and 212.08 Awards against other agencies.

Sections 212.06, 212.07, and 212.08 are patterned after §§ 0.106, 0.107, and 0.108, respectively, of the model rules, with minor alterations for conformity to Commission proceedings. Section 0.109 of the model rules, relating to agency delegation of the authority to take final action on matters pertaining to the Act, has been deleted.

Subpart B—Information Required from Applicants

Sections 212.10 Contents of application, 212.11 Net worth exhibit, and 212.12 Documentation of fees and expenses.

Sections 212.10, 212.11, and 212.12 are patterned after §§ 0.201, 0.202, and 0.203, respectively, of the model rules, with minor alterations for conformity to Commission proceedings.

Section 212.13 When an application may be filed.

This section is based upon § 0.204 of the model rules. Paragraph (c) of the model rule has been omitted, and no definitive statement regarding when final disposition of the underlying adversary adjudication takes place is provided.

Subpart C—Procedures for Considering Applications:

Sections 212.20 Filing and service of documents, 212.21 Answer to application, 212.22 Reply, 212.23 Comments by other parties, 212.24 Settlement, 212.25 Further proceedings, and 212.26 Determination.

Sections 212.20 through 212.26 are patterned after §§ 0.301 through 0.307 of the model rules, with minor alterations for conformity to Commission proceedings.

Section 212.27 Agency review.

The language of interim § 212.27 differs substantially from that of § 0.308 of the model rules. The changes are intended to make the procedures for agency review of the presiding officer's decision on an award of fees and expenses consistent with the procedures established in 19 CFR 210.54 and 210.55 for Commission review of recommended determinations in the underlying proceedings under section 337 of the Tariff Act of 1930.

Sections 212.28 Judicial review and 212.29 Payment of award.

Sections 212.28 and 212.29 are patterned after §§ 0.309 and 0.310, respectively, of the model rules, with minor alterations for conformity to Commission proceedings.

Part 212 is added to 19 CFR Chapter II, Subchapter C to read as follows:

PART 212—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT

Subpart A—General Provisions

Sec.

212.01 Purpose.
212.02 When the Act applies.
212.03 Proceedings covered.
212.04 Eligibility of applicants.
212.05 Standards for awards.
212.06 Allowable fees and expenses.
212.07 Rulemaking on maximum rates for attorney fees.
212.08 Awards against other agencies.

Subpart B—Information Required From Applicants

212.10 Contents of application.
212.11 Net worth exhibit.
212.12 Documentation of fees and expenses.
212.13 When an application may be filed.

Subpart C—Procedures for Considering Applications

212.20 Filing and service of documents.
212.21 Answer to application.
212.22 Reply.
212.23 Comments by other parties.
212.24 Settlement.
212.25 Further proceedings.
212.26 Determination.
212.27 Agency review.
212.28 Judicial review.
212.29 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

Subpart A—General Provision

§ 212.01 Purpose.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before an agency. Under the Act an eligible party may receive an award when it prevails over an agency, unless the agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the Commission proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Commission will use to make them.

§ 212.02 When the Act applies.

The Act applies to any adversary adjudication pending before the Commission at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final Commission action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Commission action occurs.

§ 212.03 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Commission. These are adjudications under 5 U.S.C. 554 in which the position of the Commission or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. The Commission proceedings covered are those conducted under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337. No award shall be made, however, for fees and expenses related to those portions of the proceedings conducted for the consideration of relief, the public interest, and bonding pursuant to subsections 337(d), (e), and (f) of the Tariff Act of 1930 and 19 CFR 210.14.

(b) An award may be made against the Commission only in connection with a proceeding brought by the Commission upon its own complaint.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 212.04 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3) and 19 CFR 210.04. The applicant must show that it meets all conditions of eligibility set out in this subpart and in Subpart B.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the

Agricultural Marketing Act (12 U.S.C. 1144j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the new worth and number of employees of an applicant shall be determined as of the date the adversary adjudication was initiated.

(d) An applicant who owns an unincorporated business will be considered to be an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the presiding officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the presiding officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 212.05 Standards for awards.

(a) The determination whether an applicant is a prevailing party shall be made on a case-by-case basis.

(b) A prevailing applicant may receive an award for fees and expenses incurred in connection with an adversary adjudication, or in a significant and discrete substantive portion of the adversary adjudication, unless the position of the Commission investigative attorney or counsel representing another agency over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the Commission investigative attorney or counsel representing another agency against which an award is sought. An award may be avoided by showing that the position of the Commission or other agency was reasonable in law and fact.

(c) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the adversary adjudication or if special circumstances make the award sought unjust.

§ 212.06 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Commission pays expert witnesses. However, an award may include the reasonable expenses of the attorney, agent, or expert witness as a separate item if the attorney, agent or expert witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the presiding officer shall consider the following:

(1) If the attorney, agent or expert witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the full allocated cost of the service;

(2) The prevailing rate for similar services in the community in which the attorney, agent or expert witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the adversary adjudication; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded to the extent that the charge for the service does not exceed the prevailing rate for similar services and the study or other matter was necessary for preparation of the applicant's case.

§ 212.07 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Commission may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in the proceedings covered by this part. The Commission will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with the Commission a petition for rulemaking to increase the maximum rate for attorney fees. The petition should identify the rate the petitioner believes the Commission should establish. It should also explain fully the reasons why the higher rate is warranted. The Commission will respond to the petition within 60 days after it is filed by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

§ 212.08 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in an adversary adjudication before the Commission and takes a position that is not substantially justified, the award or an appropriate portion of the award shall be made against that agency.

Subpart B—Information Required From Applicants

§ 212.10 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the adversary adjudication for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the Commission investigative attorney or counsel representing another agency in the adversary adjudication that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Commission to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 212.11 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 212.04(f) of this part) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The presiding officer may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the presiding officer in a sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain in detail why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on the Commission investigative attorney or counsel representing another agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the presiding officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Commission's established procedures under the Freedom of Information Act, 19 CFR 201.17 through 201.21.

§ 212.12 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The presiding officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 212.13 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the adversary adjudication or in a significant and discrete substantive portion of the adversary adjudication, but in no case later than 30 days after the Commission's final disposition of the adversary adjudication.

(b) If review or reconsideration is sought or taken of a determination as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

Subpart C—Procedures for Considering Applications

§ 212.20 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the adversary adjudication in the same manner as other pleadings in the adversary adjudication, except as provided in § 212.11(b) for confidential financial information.

§ 212.21 Answer to application.

(a) Within 30 days after service of an application, the Commission investigative attorney shall file an answer to the application. If an award is sought against another agency, counsel for that agency may file an answer to the application within 30 days after service of the application; unless agency counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an anwer within the 30-day period may be treated as a consent to the award requested.

(b) If the applicant and the Commission investigative attorney or counsel representing another agency against which an award is sought believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the presiding officer upon request by the applicant and the Commission investigative attorney or counsel representing another agency against which an award is sought.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the position of the Commission or other agency against which an award is sought. If the answer is based on any alleged facts not already in the record of the adversary adjudication, the Commission investigative attorney or counsel for another agency against which an award is sought shall include with the answer supporting affidavits or a request for further proceedings under § 212.25.

§ 212.22 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the adversary adjudication, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 212.25.

§ 212.23 Comments by other parties.

Any party to the adversary adjudication other than the applicant and the Commission investigative attorney or counsel representing another agency against which an award is sought may file comments on an

application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the presiding officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 212.24 Settlement.

The applicant and the Commission or other agency against which an award is sought may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying adversary adjudication, or after the underlying adversary adjudication has been concluded. If a prevailing party and the Commission investigative attorney or counsel representing another agency against which an award is sought agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 212.25 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or the Commission investigative attorney or counsel representing another agency against which an award is sought, or on his or her own initiative, the presiding officer may in his or her discretion order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the presiding officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 212.26 Determination.

The presiding officer shall issue a recommended determination on the application within 90 days after completion of proceedings on the application. The determination shall include written findings and conclusions on the applicant's eligibility and status as prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The determination shall also include, if at issue, findings on whether the position of the Commission investigative attorney or counsel representing another agency against which an award is sought was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the determination shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 212.27 Agency review.

Except as otherwise authorized by the presiding officer, the parties shall be allowed ten (10) days from the date of service of the recommended determination to file exceptions to the recommended determination and alternative findings of fact and conclusions of law with the Commission. Upon receipt of the recommended determination, the Commission shall review the same and issue a final determination on the application or remand the application to the presiding officer for further proceedings.

§ 212.28 Judicial review.

Judicial review of final Commission determinations on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 212.29 Payment of award.

An applicant seeking payment of an award shall submit to the comptroller or other disbursing official of the paying agency a copy of the Commission's final determination granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. The address for submission to the Commission is: United States International Trade Commission, Finance and Budget Division, 701 E Street, NW., Washington, D.C. 20436. The agency will pay the amount to the applicant within 60 days, unless judicial review of the award or of the underlying determination of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

Issued: November 9, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary

[FR Doc. 81-33390 Filed 11-18-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 420

[Docket No. R-81-944]

Assistance Payments, Homes for Lower Income Families; Revocation of Part.

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: Pursuant to HUD's deregulation effort, 24 CFR 420 is being revoked as unnecessary and duplicative of provisions contained in Chapter II, Part 235, Subpart C, Assistance Payments—Homes for Lower Income Families.

EFFECTIVE DATE: February 3, 1982.

FOR FURTHER INFORMATION CONTACT: Richard B. Buchheit, Director, Single Family Mortgage Servicing Division, Office of Single Family Housing, Room 9272, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755-6700. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: As a result of a HUD organizational realignment certain regulations have become duplicative and superfluous. Subchapter C, Part 420 is wholly incorporated within Subpart C, Part 235—Assistance Payments—Homes for Lower Income Families. The revocation of Part 420 will not affect or diminish the body of regulatory requirements as they apply to the administration of assistance payments contracts.

Public participation with respect to this revocation is unnecessary since no change in policy or procedure is intended. The provisions of Part 420, identically contained in Chapter II, Part 235, Subpart C, remain in effect.

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 at the address set forth above.

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.

(Catalog of Federal Domestic Assistance Program Number 14.105)

PART 420—ASSISTANCE PAYMENTS—HOMES FOR LOWER INCOME FAMILIES [REMOVED]

Accordingly, 24 CFR Part 420 is hereby removed.

(Section 221, National Housing Act, as amended (12 U.S.C. 1715b))

Issued at Washington, D.C., October 28, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-33340 Filed 11-18-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-95 Re: Notice No. 350]

Guenoc Valley Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This rule establishes a viticultural area in Lake County, California, named "Guenoc Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) feels that the establishment of viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape-growing areas where their wines come from and will enable consumers to better identify the wines they purchase.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Roger Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines procedures for proposing an American viticultural area.

In response to a petition, ATF published a notice of proposed rulemaking on October 27, 1980, in the Federal Register (45 FR 70911) proposing the Guenoc Valley viticultural area in Lake County, California. ATF solicited public comment concerning the proposed area and held a public hearing on January 15, 1981, in Santa Rosa, California.

Historical Evidence

Based on the testimony received at the public hearing and information contained in the petition, ATF has determined that "Guenoc Valley" is the appropriate name for this viticultural area. Guenoc Valley has been locally known by that name, at least, since the original Mexican land grant in 1845. Grapes were grown in the area as early as 1887 when Lillie Langtry purchased Guenoc Ranch. Historical evidence also indicates that a winery existed on the property at that time. According to the testimony, the boundaries of the viticultural area reasonably delineate the area historically known as Guenoc Valley.

Geographical Features

In accordance with 27 CFR 9.3(b)(3), a viticultural area must possess geographical features which distinguish the viticultural features of the area from those of surrounding areas. Based on the evidence presented at the hearing and information presented in the petition, ATF has determined that Guenoc Valley possesses geographical features which distinguish the area viticulturally.

Commenters at the public hearing presented evidence indicating that Guenoc Valley is a smaller inland valley comprising an alluvial fan of Arroyo Seco and Conejo Loam series soils isolated from surrounding areas by rocky ridges. This geographical location also affects the climate. Guenoc Valley has slightly less rainfall than the nearby Middletown area. Guenoc Valley receives approximately 45 to 50 inches of rain per year, while Middletown receives approximately 60 inches per year. Guenoc Valley also experiences slightly greater seasonal temperature extremes, being warmer in the summer and colder in the winter. Also, due to the surrounding ridges, fog is generally less severe than in Middletown.

Boundaries

ATF is approving the Guenoc Valley viticultural area boundaries as proposed. While these boundaries include some of the surrounding higher elevations, they reasonably delineate the area known as "Guenoc Valley." The language in § 9.26(c) has been changed to make the regulatory language clearer. The regulations describe the Guenoc Valley viticultural area through the use of angles and feet from one reference point to another. Basically, the viticultural area compromises 4,396.3 acres located south of McCreary Lake and east of Detert Reservoir.

Executive Order 12291

In compliance with Executive Order 12291 ATF has determined that this final rule is not a major rule since it will not result in—

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

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

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

Regulatory Flexibility Act

This final rule relates to a notice of proposed rulemaking published prior to January 1, 1981, and therefore, is not subject to the requirements of the Regulatory Flexibility Act.

Drafting Information

The principal author of this document is Thomas Minton of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

This Treasury decision is issued under the authority of 27 U.S.C. 205.

Regulations

On the basis of the foregoing, 27 CFR Part 9 is amended by the addition of § 9.26 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended by adding the title of § 9.26 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.26 Guenoc Valley.

Par. 2. Subpart C is amended by adding § 9.26 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.26 Guenoc Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Guenoc Valley viticultural area are four USGS maps. They are titled:

(1) "Middletown Quadrangle, California-Lake Co.," 7.5 minute series;

(2) "Jericho Valley Quadrangle, California," 7.5 minute series;

(3) "Detert Reservoir Quadrangle, California," 7.5 minute series; and

(4) "Aetna Springs Quadrangle, California," 7.5 minute series.

(c) *Boundaries.* The Guenoc Valley viticultural area is located within Lake County, California. The beginning point of the boundary is Station 20 of Denton's Survey of Guenoc Rancho, presently marked by a 1½ inch galvanized pipe located atop Jim Davis Peak. On the approved maps, Jim Davis Peak is the unnamed peak (elevation 1,455 feet) located on the western boundary of Section 35, Township 11 North, Range 6 West. From this beginning point the boundary runs—

(1) South 07°49'34" East, 9,822.57 feet to the USGS triangulation station "Guenoc;"

(2) Then, South 29°14'31" West, 10,325.08 feet;

(3) Then, South 00°00' West, 2,100.00 feet;

(4) Then, North 90°00' West, 4,150.00 feet;

(5) Then, North 24°23'11" West, 16,469.36 feet;

(6) Then, North 75°47'20" East, 7,943.08 feet; and

(7) Then, North 60°47'00" East, 7,970.24 feet to the beginning point.

Signed: October 19, 1981.

G. R. Dickerson,

Director.

Approved: November 4, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-33342 Filed 11-18-81; 8:45 am]

BILLING CODE 4810-31-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 5A

[APD 2800.3 CHGE 26]

Reports of Identical Bids

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations (GSPR 5A) are amended to revise the reporting of identical bids procedure to include the requirement that a copy of Department of Justice Form DJ-1500, Identical Bid Report for Procurement, be forwarded to the Office of Inspector General. This change was requested by the Office of Inspector General. The effect of this change is to improve the procurement system.

EFFECTIVE DATE: December 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703) 557-8947.

PART 5A-1—GENERAL

1. The Contents of Part for Part 5A-1 is amended to add new §§ 5A-1.1603 and 5A-1.1603-3, Subpart 5A-1.16, and to reserve under Subpart 5A-1.50, § 5A-1.5009 as follows:

Subpart 5A-1.16—Reports of Identical Bids

Sec.
5A-1.1603 Reporting requirements.
5A-1.1603-3 Submission of reports.

Subpart 5A-1.50—Reports

Sec.
5A-1.5001 [Reserved].

2. Subpart 5A-1.16, Reports of Identical Bids, is added to Part 5A-1, General, as follows:

Subpart 5A-1.16—Reports of Identical Bids

§ 5A-1.1603 Reporting requirements.

§ 5A-1.1603-3 Submission of reports.

Identical bid reports shall be prepared by contracting officers on U.S. Department of Justice Form DJ-1500, Identical Bid Report for Procurement, in accordance with § 1-1.1603. The report shall be reviewed by the Director of the procuring activity and shall be transmitted as follows:

(a) Two copies as required by FPR 1-1.1603-3(b) shall be sent to the Attorney General, Ref. AT-IBR, Washington, DC 20530 (No transmittal letter is required), and

(b) One copy to the appropriate GSA Special Agent in Charge, Field Investigations Office, Office of Investigations, Office of Inspector General.

Subpart 5A-1.50—Reports

3. Section 5A-1.5001 is removed and the section is reserved as follows:

§ 5A-1.5001 [Reserved]

4. Section 5A-1.5009 is revised as follows:

§ 5A-1.5009 Report of identical bids.

Reports of identical bids shall be submitted to the Department of Justice and the Office of Inspector General in accordance with FPR 1-1.1603 and § 5A-1.1603 respectively.

5. Section 5A-1.5074 is revised as follows:

§ 5A-1.5074 Report of vendor performance.

The requirements for reporting vendor performance appear in § 5A-53.473.

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

Dated: October 30, 1981.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 81-33420 Filed 11-18-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6075

[U-49399]

Utah; Modification of Executive Order No. 5347

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order modifies Executive Order No. 5327 in part as to 928,022 acres withdrawn as oil shale lands. This action will restore the public lands containing oil shale deposits to the operation of the public land laws as to sales and will restore the deposits of oil shale and the public lands containing such deposits to the operation of the public land laws as to exchanges.

EFFECTIVE DATE: December 19, 1981.

FOR FURTHER INFORMATION CONTACT: Deen Bowden, Utah State Office, 801-524-4245.

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 ordered as follows:

1. Executive Order No. 5327 of April 15, 1930, as amended, withdrawing oil shale deposits and lands containing such deposits for classification, is hereby modified to open the public lands containing oil shale deposits to the operation of the public land laws as to sales and will open the deposits of oil shale and the public lands containing such deposits to the operation of the public land laws as to exchanges insofar as it affects the following described lands:

Salt Lake Meridian

T. 6 S., R. 21 E., east of Green River,
Secs. 13, 14, 23, 24.
T. 6 S., R. 22 E., south and east of Green River,
Secs. 7, 8;
Secs. 12 to 36, inclusive.
T. 6 S., R. 23 E.,
Secs. 13 to 36, inclusive.
T. 6 S., R. 24 E.,
Secs. 19 to 23, inclusive;
Secs. 25 to 36, inclusive.
T. 6 S., R. 25 E.,
Secs. 29 to 33, inclusive.
T. 7 S., R. 21 E., east of Green River,
Secs. 1 to 17, inclusive;
Secs. 20 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 7 S., Rs. 22, 23, 24, 25 E.,
T. 8 S., R. 21 E.
Secs. 1 to 4, inclusive;
Secs. 7 to 36, inclusive.
T. 8 S., Rs. 22, 23, 24, 25 E.
T. 9 S., R. 19 E., east of Green River,
Secs. 1, 12, 13;
Secs. 23 to 28, inclusive;
Secs. 33 to 35, inclusive.
T. 9 S., R. 20 E., east of Green River.
T. 9 S., R. 21 E.,
Secs. 1 to 24, inclusive;
Secs. 28 to 31, inclusive.
Sec. 33.
T. 9 S., Rs., 22, 23, 24, 25 E.
T. 10 S., R. 18 E., east of Green River,
Secs. 25, 26, 35.
T. 10 S., R. 19 E., east of Green River.
T. 10 S., Rs. 20, 21, 22, 23, 24, 25 E.
T. 11 S., R. 18 E., east of Green River,
Sec. 1;
Secs. 12 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 34 to 36, inclusive.
T. 11 S., Rs. 19, 20, 21, 22, 23, 24, 25 E.
T. 12 S., R. 18 E., east of Green River,
Secs. 1 to 3, inclusive;
Sec. 5;
Secs. 8 to 17, inclusive;
Secs. 20 to 36, inclusive.
T. 12 S., Rs. 19, 20, 21, 22, 23, 24 E.
T. 12 S., R. 25 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29, 30.
T. 13 S., R. 18 E.
T. 13 S., R. 20 E.,
Secs. 15 to 36, inclusive.
T. 13 S., R. 21 E.,
Secs. 1 to 9, inclusive;
Secs. 11 to 14, inclusive;
Secs. 16 to 21, inclusive.
Secs. 23, 24;
Secs. 28 to 32, inclusive.
T. 13 S., R. 22 E.,
Secs. 1 to 30, inclusive;
Secs. 33 to 36, inclusive.
T. 13 S., R. 23 E.,
Secs. 1 to 30, inclusive;
Secs. 34 to 36, inclusive.
T. 13 S., R. 24 E.,
Secs. 1 to 24, inclusive;
Secs. 28 to 31, inclusive.
T. 13 S., R. 25 E.,
Secs. 4 to 9, inclusive;
Secs. 16, 17.
T. 14 S., R. 20 E.
T. 14 S., R. 21 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 19, inclusive;
Secs. 22 to 36, inclusive.
T. 14 S., R. 22 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive;
Secs. 22 to 27, inclusive.
T. 1415 S., R. 23 E.,
Secs. 1 to 3, inclusive;
Secs. 9 to 16, inclusive;
Secs. 18, 19, 24.
T. 14 S., R. 24 E.,
Secs. 7, 18, 19.
T. 15 S., R. 21 E.
T. 15 S., R. 22 E.,
Secs. 16 to 36, inclusive.

The areas described aggregate approximately 928,022 acres in Uintah County.

2. At 10 a.m. on December 19, 1981, the public lands containing oil shale deposits shall be open to operation of the public land laws as to sales and the deposits of oil shale and the public lands containing such deposits shall be open to operation of the public land laws as to exchanges, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 19, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

November 12, 1981.

[FR Doc. 81-33371 Filed 11-18-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6083

[BLM 077361]

Florida; Partial Revocation of Executive Order of October 29, 1900

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will revoke in part Executive Order of October 29, 1900, which withdrew certain land for lighthouse purposes. This action will restore the land to operation of the public land laws, including the mining and mineral leasing laws.

EFFECTIVE DATE: December 19, 1981.

FOR FURTHER INFORMATION CONTACT: Jeff O. Holdren, Eastern States Office 703-235-2844.

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 ordered as follows:

1. Executive Order of October 29, 1900, which withdrew certain public land for lighthouse purposes is hereby revoked as to the following described land:

Tallahassee Meridian

T. 6 S., R. 11 W.,
Sec. 31, lot 10 (formerly fractional portion of lot 5).

The area described contains 39.93 acres in Gulf County, Florida.

2. At 8:00 a.m. on December 19, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:00 a.m. on December 19, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to applications and offers under the mineral leasing laws, and to locations under the United States mining laws, at 8:00 a.m. on December 19, 1981.

Inquiries concerning the land should be addressed to the Chief, Division of Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

November 12, 1981.

[FR Doc. 81-33370 Filed 11-18-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 45

[CCGD 80-116]

Portable Deadlights on Great Lakes Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the regulations which require hinged inside deadlights on side scuttles of vessels assigned Great Lakes loadlines. The revision allows superstructure end bulkhead, companionway, and deckhouse doors leading to the freeboard decks to have either hinged or portable inside deadlights on side scuttles. Portable inside deadlights would facilitate the use of screen doors and avoid awkward screen door arrangements. Screen doors would enhance ventilation without compromising safety.

EFFECTIVE DATE: This final rule becomes effective on December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Frank K. Thompson, Office of Merchant Marine Safety (G-MMT/12), U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-2174, between 7:30 a.m. and 5 p.m., Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making was published in the **Federal Register** of July 20, 1981 (46 FR 37292). The public was invited to submit comments until September 3, 1981. No comments were received and, with the following minor correction, the rules are issued as proposed. Although the phrase "portable inside deadlight" was used in the preamble of the NPRM, the word "inside" was omitted in the rule itself. To correct this oversight and clarify the permissible location for a portable deadlight, the word "inside" has been added to § 45.139(c).

Drafting Information

The principal persons involved in drafting this final rule are Mr. Frank K. Thompson, Project Manager, Office of Merchant Marine Safety, and Lieutenant Collin Lau, Project Attorney, Office of the Chief Counsel.

Discussion of the Final Rule

The former rule in § 45.139(b) of this part required the use of hinged inside deadlights on side scuttles of Great Lake loadlines certificated vessels. Hinged deadlights on doors hinder the installation of inside screen doors. This has caused awkward screen door arrangements.

The new rules, §§ 45.139 (b) and (c), permit the use of portable deadlights on superstructure, companionway, and deckhouse doors. Portable deadlights would enhance ventilation because they would facilitate the installation of inside screen doors, but would not detract from the safety of the vessel.

Regulatory Evaluation

These regulations have been evaluated under the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations", dated May 22, 1980, and Executive Order 12291 and have been determined to be neither significant nor major. The rule relaxes the former regulations which required hinged inside deadlights on side scuttles of vessels assigned Great Lakes loadlines. It merely permits the use of portable deadlights which in turn would avoid awkward screen door arrangements. The use of portable deadlights is permissive, not mandatory. Consequently, there would be insignificant effect on the economy in terms of domestic or international competition, cost, or price increases, employment, investment, productivity, or innovation.

Regulatory Flexibility Analysis

These regulations have been evaluated under the Regulatory Flexibility Act, (Pub. L. 96-354, 94 Stat. 1168) and are certified to have no significant economic impact on a substantial number of small entities. No significant impact was found because this permissive rule relaxes former regulations which required hinged inside deadlights on side scuttles of vessels assigned Great Lakes loadlines and the cost of deadlights is insignificant in relation to the cost of constructing or operating a vessel.

PART 45—GREAT LAKES LOADLINES

In consideration of the foregoing, 46 CFR 45.139 is amended by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 45.139 Side scuttles.

* * * * *

(b) Except as provided for in paragraph (c) of this section, each side scuttle to a space below the freeboard deck, or to a space within an enclosed superstructure, must have a hinged inside deadlight which is designed so that it can be secured watertight over the side scuttle.

(c) A side scuttle of a superstructure end bulkhead door, companionway door, or deckhouse door may have a portable inside deadlight which is designed so that it can be:

(1) Secured watertight over the side scuttle; and

(2) Stowed inside the superstructure, companionway, or deckhouse when not in use, in a readily accessible location on or adjacent to the door.

(46 U.S.C. 88a, 49 U.S.C. 1655(b)(1), and 49 CFR 1.4(b) and 1.46(b))

Dated: November 10, 1981.

L. N. Hein,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 81-33432 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-403; RM-3751]

FM Broadcast Station in DeRidder, Louisiana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 221A to DeRidder, Louisiana, in response to a petition filed by KATY Associates. The proposed station could provide a second FM broadcast service to DeRidder.

DATE: Effective January 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (DeRidder, Louisiana), BC Docket No. 81-403, RM-3751.

Report and Order—Proceeding Terminated

Adopted: November 6, 1981.

Released: November 16, 1981.

1. The Commission herein considers a *Notice of Proposed Rule Making* 46 FR 34608, published July 2, 1981, proposing the assignment of Channel 221A to DeRidder, Louisiana, as its second FM assignment. The *Notice* was issued in response to a petition filed by KATY Associates ("petitioner"). Supporting comments were filed by the petitioner. No oppositions to the proposal were received.

2. DeRidder (population 8,030),[1] seat of Beauregard Parish (population 22,888), is located approximately 320 kilometers (200 miles) west-northwest of New Orleans. It is served locally by daytime-only AM Station KDLA and FM Station KEAZ (Channel 269A).

3. In comments to the proposal, the petitioner incorporated by reference the demographic information in the *Notice*, which contained sufficient information to demonstrate the need for a second FM assignment. Petitioner restated its intent to apply for the channel, if assigned.

4. As stated in the *Notice*, the assignment of Channel 221A to DeRidder will cause preclusion on Channel 221A within 65 miles. Alternate channels have been shown to be available to the communities in the precluded area.

5. The Commission believes that it would be in the public interest to assign Channel 221A to DeRidder. The petitioner has shown that there is a need for an additional assignment and the preclusion impact is minimal. The assignment can be made in compliance with the minimum distance separation requirements.

6. In view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective January 12, 1982, the FM Table of Assignments, § 73.202(b) Commission's rules, is amended with respect to DeRidder, Louisiana, as follows:

City	Channel No.
DeRidder, Louisiana	221A, 269A

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33392 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 81-402; RM-3764]

FM Broadcast Stations in Yuma, Ariz.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 265A to Yuma, Arizona, in response to a petition filed by People Broadcasting Company. The proposed station could provide a third FM broadcast service to Yuma.

DATE: Effective January 11, 1982.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Yuma, Arizona); Report and order (Proceeding Terminated).

Adopted: November 5, 1981.

Released: November 13, 1981.

By the Acting Chief, Policy and Rules Division:

1. In response to a petition filed by People Broadcasting Company ("petitioner") the Commission adopted a Notice of Proposed Rule Making, 46 FR 35127, published July 7, 1981, which proposed the assignment of Channel 265A to Yuma, Arizona, as its third FM assignment. Supporting comments were filed by the petitioner. Comments in opposition to the proposal were filed by Purr Broadcasting, Inc., licensee of FM Station KTTI (Yuma, Arizona).

2. Yuma (population 42,433),[1] seat of Yuma County (population 90,554), is located approximately 248 kilometers (155 miles) southwest of Phoenix, Arizona. It is served locally by two full-time AM stations, one daytime-only AM station, and two FM stations.

3. In its comments, the petitioner incorporated by reference the information contained in the Notice which demonstrated the need for an additional FM assignment at Yuma. Petitioner also restated its intent to apply for the channel, if assigned.

4. Purr Broadcasting, in opposition to the proposal, argues that Yuma is more than sufficiently served by three AM stations, two FM stations, local cable service, and commercial TV. In addition to the broadcast services, it has two newspapers which provide printed media coverage. Purr asserts that petitioner has failed to demonstrate the existence of any special circumstances which would justify deviating from the current population guidelines. Purr also maintains that based on the consideration of Yuma's present FM service, service received from nearby communities, and its small population, the Commission's current policy on FM assignments should be upheld.[2] Finally Purr suggests that a third FM station at Yuma would be disastrous to the broadcast media, resulting in a fragmentation of both audience and advertising dollars.

5. The Notice requested the petitioner (in the absence of a preclusion study) to submit a list of alternate channels available to the communities with a population greater than 1,000 precluded by the proposed assignment. Petitioner did not submit a listing of alternate channels as requested in the Notice. However, it did state that at least two Class A channels are available to the three communities (Somerton and Wellton, Arizona, and Winterhaven, California) precluded by the assignment.

6. As we stated in the Notice, the assignment of Channel 265A to Yuma would result in an intermixture of Class A and Class C channels. The Commission's policy has been one of permitting such an intermixture where no other Class C channels are available for assignment and where, as here, the petitioner is willing to apply for the Class A channel in spite of the unfavorable competitive situation. See, *Yakima, Washington*, 42 FCC 2d 548, 550 (1973); and *Key West, Florida*, 45 FCC 2d 142, 145 (1974). The petitioner in response to the Notice states that no Class C channels are available for assignment to Yuma that would not be short-spaced to existing stations or allocations.

7. After careful consideration of the proposal and comments, we believe that the public interest would be served by the proposed assignment. The fact that Yuma has adequate local service should not necessarily foreclose an additional assignment to that community. The issues raised by the opposition regarding the impact on revenues are of a competitive nature which should be considered at the application stage. As stated in the Notice and discussed in the opposition's comments, a third assignment to Yuma exceeds current population guidelines. However, where,

[1] Population figures are taken from the 1960 U.S. Census.

[2] *Citing, Naples and North Naples, Florida*, 41 RR 2d 1549 (1979).

as here, the preclusion impact is considered to be insignificant due to the availability of channels in the precluded areas, the guidelines are applied with flexibility and assignments are made in excess of the population criteria. See, *Waycross, Ga.*, 47 RR 2d 319 (1980). The transmitter site is restricted to approximately 9.9 kilometers (6.2 miles) east-southeast of Yuma to avoid short spacing to Calipatri, California (Channel 265A).

8. Mexican concurrence has been obtained in the assignment of Channel 265A to Yuma, Arizona.

9. In view of the above and pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective January 11, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to the community listed below:

City	Channel No.
Yuma, Arizona	226, 236, 265A

10. It is further ordered, that this proceeding is terminated.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33407 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-373; RM-3790]

FM Broadcast Station in Eureka Springs, Ark.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 265A to Eureka Springs, Arkansas, in response to a petition filed by Beverly Ann and Tom S. Butler. The assignment would provide a first commercial FM broadcast service to Eureka Springs.

DATE: Effective January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b) *Table of Assignments* FM Broadcast Stations. (Eureka Springs, Arkansas), BC Docket No. 81-373, RM-3790.

Report and Order—Proceeding Terminated

Adopted: November 6, 1981.

Released: November 16, 1981.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 35129, published July 7, 1981, proposing the assignment of Channel 265A to Eureka Springs, Arkansas, as that community's first FM assignment, in response to a petition filed by Beverly Ann and Tom S. Butler ("petitioners"). Supporting comments were filed by the petitioners restating their intent to apply for the channel, if assigned.

2. Eureka Springs (pop. 1,989) [1] one of the seats of Carroll County (pop. 16,203), is located in the northwest corner of Arkansas, approximately 232 kilometers (145 miles) northwest of Little Rock. It is presently served by noncommercial educational FM station KESP (Channel 215A).

3. The *Notice* requested the petitioners to furnish demographic data to demonstrate the need for a first FM assignment. In comments, petitioners assert that Eureka Springs is an incorporated city with interests and needs that could be met by its own broadcast voice. Its economy is primarily based on tourist trade. They further state that noncommercial FM Station KESP is currently silent, thus the only source of media is a weekly newspaper.

4. The Commission believes that the public interest would be served by assigning Channel 265A to Eureka Springs. The petitioners have shown that there is an apparent need and a willingness to operate a first commercial FM service in that community.

5. Accordingly, pursuant to Sections 4(i), 5(d)(1), 303(g) and (r), of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, That effective January 12, 1982, the FM Table of Assignments (§ 73.202(b)) of the Commission's rules, is amended with respect to the following community:

City	Channel No.
Eureka Springs, Arkansas	265A

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tryee, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33399 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population data is taken from the 1980 U.S. Census.

47 CFR Part 73

[BC Docket No. 81-347; RM-3765 and RM-3952]

FM Broadcast Station in Glenwood and Alexandria, Minn.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 296A to Glenwood, Minnesota, in response to a petition filed by Dove Broadcasting, Inc. The channel could provide a first aural broadcast service to Glenwood.

DATE: Effective January 11, 1982.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (*Glenwood* and Alexandria,[1] *Minnesota*), BC Docket No. 81-347, RM-3765, RM-3952.

First Report and Order

Adopted: November 5, 1981.

Released: November 12, 1981.

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 30153, published June 5, 1981, proposing the assignment of Channel 257A to Glenwood, Minnesota, as its first FM assignment, in response to a petition filed by Dove Broadcasting, Inc. ("petitioner"). The petitioner filed supporting comments, restating its intent to apply for the channel, if assigned. A counterproposal was filed by Principals Three Company ("Principals"),[2] proposing the assignment of Channel 296A to Glenwood and Channel 257A to Alexandria, Minnesota, to which the petitioner responded.

[1] This community has been added to the caption.

[2] Public Notice of the counterproposal was given on August 5, 1981, Report No. 1301.

2. Glenwood (population 2,584),[3] seat of Pope County (population 11,107), is located approximately 192 kilometers (120 miles) northwest of St. Paul, Minnesota. It has no local aural broadcast service.

3. In its comments the petitioner argues that Glenwood should obtain Channel 257A as proposed since Alexandria is adequately served by three broadcast facilities. It further notes that the counterproposal was untimely filed. As an alternative, Channel 296A could be assigned to Alexandria with a 3.63 mile site restriction, we are told by petitioner. Petitioner also claims that assigning the channel to Elbow Lake, Minnesota, would be a better utilization of the spectrum, since that community is without local broadcast service, citing *Summerville, Pineville, and Mullen, West Virginia*, 40 RR 2d 929 (1977). Dove states that it opposes the assignment of Channel 257A to Alexandria, in view of the fact that Alexandria could be assigned Channel 268B1, operating on 20,000 watts at 300 feet above average terrain, if Docket 80-90 is adopted.[4]

4. Petitioner's alternate proposal of assigning Channel 296A to Alexandria, with a site restriction, would be less efficient since Channel 257A can be assigned to that community without a site restriction. The suggestion that a channel be assigned to Elbow Lake, Minnesota, is relevant since that community has no local aural service and the Alexandria assignment would exceed our population criteria. Thus we are issuing a separate *Further Notice of Proposed Rule Making* seeking preclusion information and alternative available channels from Principals to justify the Alexandria assignment. In doing so, we do not consider herein the comments of Principals in support of a third Alexandria assignment, although we are separately proposing Channel 257A for assignment there.

5. Finally the petitioner's statement regarding BC Docket 80-90 is premature, since we cannot predict whether the relevant proposal will be adopted and with what modifications. Thus, the petitioner has not satisfactorily demonstrated why Channel 296A should not be assigned to Glenwood instead of Channel 257A as proposed in the *Notice*.

6. After careful consideration of the proposal and comments, we are satisfied that there is a need for an FM assignment to Glenwood, and that the public interest would be served by a first FM assignment to that community. We shall therefore assign Channel 296A to Glenwood, Minnesota, and simultaneously issue a *Further Notice of Proposed Rule Making* to allow for comments to the proposal to assign Channel 257A to Alexandria, Minnesota.

7. Canadian concurrence in the assignment of Channel 296A to Glenwood, Minnesota, has been obtained.

8. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, That effective January 11, 1982, the FM Table of Assignments, § 72.202(b) of the Commission's rules, is amended with regard to Glenwood, Minnesota, as follows:

City	Channel No.
Glenwood, Minnesota	296A

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33398 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

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7 CFR Part 73

[BC Docket No. 81-37; RM-3674]

FM Broadcast Station in Liberal, Kans.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns three Class C channels to Liberal, Kansas. Two of the Class C channels are substituted for Class A channels with the licenses modified accordingly, in response to a petition filed by Lawrence E. Steckline.

EFFECTIVE DATE: January 11, 1982.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Liberal, Kansas), BC Docket No. 81-37, RM-3674.

Report and Order—Proceeding Terminated

Adopted: November 5, 1981.

Released: November 16, 1981.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 19773, published February 4, 1981, proposing the substitution of Class C Channels 268 and 298 for Channels 257A and 288A, respectively, at Liberal, Kansas, in response to a petition filed by Lawrence E. Steckline ("petitioner"), licensee of Station KSLS(FM), Liberal, Kansas. The *Notice* also proposed modification of the Class A licenses (KSLS, Channel 257A and KEZS, Channel 288A) to specify operation on the Class C channels. Comments in support of the petition were filed by the petitioner and Seward County Broadcasting, licensee of Station KEZS (Channel 288A), Liberal. Comments in partial opposition to the proposal were filed by Don M. Kelly, to which the petitioner and Seward responded.

2. In comments, the petitioner and Seward County Broadcasting restate their support of the petition and their intent to promptly convert from a Class A to a Class C facility, if the proposal is adopted.

3. Don M. Kelly states that while he supports the proposal to assign two Class C Channels to Liberal, he is opposed to the automatic modification of the license of Station KEZS(FM) to specify operation on Channel 298. Kelly states that he intends to apply for Channel 298 or Channel 268, should the Commission assign only one Class C channel. He cites the Commission's policy in which modification is not permitted where an additional interest is expressed in the proposed new channel, see *Statesboro, Georgia*, 40 R.R. 2d 1021 (1977). He notes that although the Commission raised the possibility of assigning a third Class C channel to Liberal, under the Commission's population criteria, a community the size of Liberal would be limited to two FM assignments.

4. Petitioner, in reply comments, asserts that Kelly's opposition while mostly concerned with the modification of Channel 288A to Channel 298, indicates a remote possibility of only one Class C assignment to Liberal. Petitioner argues that the Commission should proceed with the proposal to modify his license and leave the other

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[3] Population figures are taken from the 1970 U.S. Census.

[4] As it pertains here, the Commission has proposed in BC Docket No. 80-90 to add two intermediate classes of channels (B1 and C1) on Class B/C channels with specified facilities.

proposed Class C channel open for competitive filings. He argues that denying his station's license to be modified to a Class C channel in the interim would serve only to protect KEZS(FM) while depriving the area around Liberal of service immediately.

5. Seward in reply comments claims that Kelly's opposition and proposal could result in a comparative proceeding which is both unnecessary and time consuming. Instead, another Class C channel is available for Kelly to pursue independent of this proceeding and without a comparative hearing. Seward submitted an engineering study indicating the possibility of at least nine other Class C assignments available for Liberal. Thus, Seward urges the Commission to adopt the proposal as stated in the Notice and also assign a third Class C channel to Liberal.

6. Liberal (population 14,911),[1] seat of Seward County (population 17,071), is located approximately 328 kilometers (205 miles) west of Wichita, Kansas. It is served locally by daytime-only AM Station KLIB, by fulltime AM Station KSCB, and by FM Station KSLS (Channel 257A) and KEZS (Channel 288A).

7. As for preclusion, the information submitted by the petitioner indicated that at least six Class A and seven Class C channels meet the spacing requirements. Seward indicated nine Class C channels are available. We are therefore presuming that alternate channels are available to the precluded communities.

8. After careful consideration of the proposal, we believe that the public interest would be served by the proposed substitution of channels. The petitioner and Kelly have provided an adequate showing for the need of wide area coverage service in the southwest portion of Kansas. Also, we have given less priority to the numerical distribution of channels, while focusing on the needs of the community when considering the allocation of additional channels. Thus, where an interest has been shown in a channel allocation and the preclusion impact is minimal, the Commission feels that the public interest is best served by exceeding our population guidelines. See, *Waycross, Georgia*, 47 R.R. 2d 319 (1980). We believe that three Class C assignments are appropriate at Liberal in view of the generally unserved nature of the area and the interests expressed in having Class C stations by each of the three parties. See also *Helena, Montana*, R.R. 2d (1981).

[1] Population figures are taken from the 1980 U.S. Census.

9. In view of the above, we shall substitute Channel 268 for Channel 257A and Channel 298 for Channel 288A. See *Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1976). We shall also modify the licenses of FM Stations KSLS (Channel 275A) and KEZS (Channel 288A) to specify operation on Channels 268 and 298, respectively. A staff study indicates that Channel 274 is available for assignment to Liberal, Kansas, as a third FM allocation in response to the interest expressed by Don M. Kelly.

10. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective January 11, 1982, the FM Table of Assignments, § 73.202(b) of the rules, is amended with respect to Liberal, Kansas, as follows:

City	Channel No.
Liberal, Kansas	268, 274, 298

11. It is further ordered, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding licenses held by Lawrence E. Steckline, for Station KSLS(FM) and Seward County Broadcasting, Inc. for Station KEZS(FM), at Liberal, Kansas, are modified to specify operation on Channels 268 and 298, respectively, instead of Channels 257A and 288A, respectively, subject to the following conditions:

(a) At least 30 days before operating on Channels 268 and 298, the licensees shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channels 268 and 298.

(b) At least 10 days prior to commencing operation on Channels 268 and 298, the licensees shall submit the measurement data required of an applicant for an FM broadcast license; and

(c) The licensees shall not commence operation on Channels 268 and 298 without prior Commission authorization.

12. Furthermore, nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's rules.

13. It is further ordered, that the Secretary of the Commission shall send a copy of this *Order* by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to Lawrence E. Steckline, 1104 S. Kansas Street, Liberal, Kansas 67901, and to Seward County Broadcasting Co., E. 8th Street, Liberal, Kansas 67901.

14. It is further ordered, that this proceeding is terminated.

15. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33395 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-407; RM-3813]

FM Broadcast Station in Lowville, N.Y.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 257A to Lowville, New York, in response to a petition filed by DeHart Broadcasting Corporation. The assignment could provide Lowville with a first local aural service.

DATE: Effective January 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Lowville, New York), BC Docket No. 81-407, RM-3813.

Report and Order—Proceeding Terminated

Adopted: November 6, 1981.

Released: November 13, 1981.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 46 Fed. Reg. 35132, published July 7, 1981, proposing the assignment of FM Channel 257A to Lowville, New York, as that community's first FM channel assignment, in response to a request filed by DeHart Broadcasting Corporation ("petitioner"). Supporting comments were filed by the petitioner in

which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Lowville (population 3,364),[1] the seat of Lewis County (population 25,035), is located approximately 184 kilometers (115 miles) northwest of Albany, New York. This community presently has no local aural service.

3. Petitioner has submitted sufficient information with respect to Lowville which is persuasive as to its need for a first local FM assignment.

4. In view of the above, we believe that the public interest would be served by the assignment of Channel 257A to Lowville, New York. An interest has been shown for its use, and such an assignment could provide the community with an FM station which could render a first full time local aural broadcast service.

5. In order to comply with the Commission's minimum distance separation requirements (§ 73.207), a site restriction of 3 kilometers (2 miles) south of Lowville is required for this assignment to avoid short-spacing to Station WSNN (Channel 257A), Potsdam, New York.

6. Canadian concurrence in the assignment has been obtained.

7. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective January 12, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with regard to the following community:

City	Channel No.
Lowville, New York	257A

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin **Blumenthal.**

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33306 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are extracted from the 1980 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-282; RM-3411, RM-3425, RM-3736]

FM Broadcast Stations in Woodward and Alva, Okla.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C Channel 266 to Woodward, Oklahoma, in response to a petition for reconsideration filed by Omni Communications, Inc. A Class C channel at Woodward could provide first and second FM services to approximately 14,673 and 18,021 persons, respectively.

EFFECTIVE DATE: January 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Woodward and Alva, Oklahoma), BC Docket No. 80-282, RM-3411, RM-3425, RM-3736.

Memorandum Opinion and Order

Adopted: November 6, 1981.

Released: November 20, 1981.

1. A petition has been filed seeking reconsideration of the Commission's *Report and Order*, 48 R.R. 2d 1537 (Broadcast Bureau 1981), assigning FM Channels 221A and 272A to Woodward, Oklahoma, as that community's second and third FM assignments.[1] The petition was filed by Omni Communications, Inc. ("Omni"), one of the original petitioners in the proceeding, who requests that Class C Channels 253 and 266 be added to Woodward instead of the two Class A channels. An opposition to the petition was filed by George C. Hamilton ("Hamilton"), another of the original petitioners in this proceeding and the proponent of the Class A assignments. Omni filed a response to Hamilton's opposition.

2. The factual background of this proceeding is important to an understanding of the action taken in the *Report and Order*. Woodward is currently served by the Station KSIW(FM) operating on Channel 228A. The Commission originally proposed assigning two Class C channels to Woodward and modifying KSIW's license to specify operation on one of the Class C channels. The purpose of the proposal was to avoid intermixing Class A and Class C channels in the same community. Later, it was discovered that, due to minimum separation requirements, KSIW could not operate on either of the proposed Class C channels without relocating its transmitter. Although the licensee of Station KSIW indicated its willingness to change operating frequencies, it did not indicate whether it would agree to a transmitter site relocation. Absent KSIW's approval of the transmitter relocation, the Commission would not modify its license. Having decided that we would not force KSIW to change transmitter sites in order to operate on a Class C channel, we were faced with Omni's request to assign a Class C channel to Woodward and create intermixture, or assign Class A channels to Woodward and avoid intermixture. We noted that in cases where the addition of a Class C channel would provide substantial first and second FM service to surrounding areas, the intermixture of Class A and Class C channels could be approved. However, in the instant case, Omni had provided no data regarding first and second service. Since no information was before the Commission to justify an exception to our intermixture policy, we assigned two additional Class A channels to Woodward as suggested by Hamilton.

3. In its petition for reconsideration, Omni reiterates its view that Woodward deserves Class C assignments. In support of its position, Omni presents an engineering report which shows that a Class C station in Woodward would provide a first FM service to 14,673 people over a 6,827 square kilometer (2,667 square mile) area and a second FM service to 18,021 people over a 6,410 square kilometer (2,504 square mile) area. Omni further explains that if only presently licensed or authorized facilities are considered, a Class C station at Woodward would provide a first FM service to 22,905 people. Citing *Grand Rapids and Hibbing, Minnesota*, 47 R.R. 2d 413 (Broadcast Bur. 1980), Omni asserts that such a showing of first and second service fully supports the addition of Class C channels to Woodward in spite of the resultant intermixture. Regarding Station KSIW, Omni states that it would be free to apply for one of the Class C assignments. Omni contends that KSIW, by its silence in not responding to the issue of relocating its transmitter, has frustrated the Commission's statutory mandate to assign channels in a fair, efficient, and equitable manner. Omni requests that Channels 253 and 266 be

[1] Public Notice of the petition was given on March 25, 1981, Report No. 1276.

assigned to Woodward and that Channel 228A be retained at Woodward in order to allow KSIW to remain on that channel if it so wishes.

4. In opposition to the petition, Hamilton lists several reasons why the Commission should not grant reconsideration. Hamilton states that although Omni did present a *Roanoke Rapids* study which examined FM service in the area, it did not conduct an *Anamosa* study which would examine the effect of AM radio coverage. Hamilton asserts that both studies are necessary before the Commission will allow intermixture. Hamilton also claims that Omni's engineering study is deficient because it is based on a broadcast facility operating at 100 kW at 1000 feet. Hamilton claims that the area around Woodward is flat and that Omni has not committed itself to building a 1000 foot tower. Also, citing § 1.429(b) of the Commission's rules, Hamilton submits that Omni should have presented its engineering information at the previous stages of the proceeding and that failure to do so is grounds for denying a petition for reconsideration. Finally, Hamilton notes the plight of Station KSIW: if intermixture is granted, the station would be at a competitive disadvantage; if it chose to upgrade its facilities to Class C status, it would be forced to move its transmitter site. Hamilton opines that KSIW would suffer whether it remains operating on the only Class A channel at Woodward, or whether it upgrades to a Class C operation.

5. Omni states in reply that "not only is Mr. Hamilton's position without merit, it is wholly disingenuous in light of his earlier submissions to this Commission * * *." Omni states that in the original *Notice of Proposed Rule Making*, 45 FR 42727 (1980), no intermixture was proposed. Rather, the proposal called for deleting the Class A channel, assigning two Class C channels, and modifying KSIW's license to specify operation on one of the Class C channels. Omni thus claims that because no intermixture was anticipated, it had no reason to submit *Roanoke Rapids* information. Omni points out that in Hamilton's original comments to the Commission, he proposed the addition of two Class C channels and the retention of Channel 228A in Woodward. Omni also restates Hamilton's original comments to the effect that the question of whether intermixture would be present was entirely up to Station KSIW, which would have the option of operating on one of the Class C channels or remaining on Channel 228A. Omni further avers that the new information it has submitted should be accepted pursuant to § 1.427(b) of the Commission's rules which allows new facts to be presented when consideration of the facts is required by the public interest. The public interest requires such consideration in this case, asserts Omni, because of the substantial first and second FM service that the Class C operations would provide. Regarding the requirement for an *Anamosa* study, Omni claims that such a study is not a prerequisite for granting intermixture and that such a study represents a needless waste of time and money. Finally, Omni states that it has priced and will construct a 1000 foot tower if it receives a license to operate in Woodward.

6. The unique facts of this case bring three well-established Commission policies into direct conflict. These policies are: our refusal to modify a station's license if operation on the new channel would force the licensee to change transmitter sites to meet mileage separation requirements; the avoidance of intermixture in a market; and the provision of first and second FM service to as many people as possible. As stated above, in the *Report and Order* the Commission refused to modify Station KSIW's license to specify operation on a Class C channel because such operation would have required KSIW to relocate its transmitter. Since KSIW would remain a Class A operation, we invoked our intermixture policy and denied the request to assign Class C channels to the community. Now we have new information that Class C channels in Woodward would provide first and second FM service to a substantial number of people. Given the unusual set of facts in this case, we believe that the Commission's policy against intermixture must give way to the provision of first and second service to the areas around Woodward. Therefore, we shall grant Omni's petition for reconsideration in part and assign Channel 266 to Woodward.

7. As stated in the *Report and Order*, on rare occasions the Commission has approved adding Class C channels to markets in which Class A stations were operating. In such cases, the Commission found that the avoidance of intermixture, while an important Commission policy, was a lesser priority than the provision of first and second service. *See, e.g., Lewiston, Idaho*, 46 R.R. 2d 1525 (Broadcast Bur. 1980); *Grand Rapids and Hibbing, Minnesota*, 47 R.R. 2d 413 (Broadcast Bur. 1981); *Fayetteville, Arkansas*, 43 R.R. 2d 1344 (Broadcast Bur. 1978). The assignment of a Class C channel at Woodward would provide a first and second FM service to 14,673 and 18,021 persons, respectively. We believe that these figures clearly represent sufficient justification for creating intermixture at Woodward.[2] However, even when we have condoned intermixture by assigning a Class C channel to a community where an existing Class A station is operating, we have never gone so far as Omni suggests and assigned two Class C channels while not modifying the existing Class A station. Such an action would further exacerbate the competitive disadvantage of the Class A station and might force the licensee to risk its license by applying for one of the available Class C channels. Furthermore, there is evidence to suggest continuing interest in the Class A channels already assigned to Woodward. An application for Channel 272A has already been tendered [3] and Hamilton has not indicated in its recent comments that it is interested in anything other than a Class A channel. As in the *Fayetteville, Ark.*, case, the impact of a Class C station on more than one Class A station is not as substantial as it would be on one Class A station. We are also influenced by the failure of Station KSIW to object to the intermixture result and its apparant lack of interest in not responding to Omni's petition for reconsideration. Therefore, we shall assign only one Class C channel to Woodward and we shall retain the Class A channels recently assigned there in the *Report and Order* in response to the various interests in operating additional FM stations there.

8. We think it bears repeating that our actions in assigning a Class C channel to Woodward should not be construed as a disavowal of our general policy against intermixture of channels in the same community. We shall continue to uphold the policy in the absence of countervailing factors such as those that are present in this case. When such factors are presented in intermixture cases, the Commission will continue to take an *ad hoc* approach in making its decisions. Thus, this case should not be regarded as precedent for any weakening of our intermixture policy; it simply represents an unusual factual

[2] Given the size of the first and second FM service areas demonstrated in Omni's *Roanoke Rapids* study, we do not believe the failure of Omni to present an *Anamosa* study is fatal to its petition. The provision of first and second FM service is, in its own right, sufficient justification for permitting intermixture in this particular case. The public interest benefit in making the assignment also justified our acceptance of Omni's new information pursuant to § 1.427(b) of the Commission's rules.

[3] C&P Broadcasting tendered an application for Channel 272A on August 31, 1981.

situation in which our policy favoring the provision of first and second FM service outweighs our policy against intermixture.

9. Since Channel 266 involves less restrictions on site availability, we shall assign that channel to Woodward.[4] Channel 266 requires a site restriction of 17.4 kilometers (10.8 miles) southwest. Because Omni forecasts its first and second service figures using proposed facilities of 100 kW at 1000 feet, we shall expect Omni's application for a channel at Woodward to specify such facilities.

10. Accordingly, it is ordered, that the petition for reconsideration filed by Omni Communications, Inc., is granted to the extent indicated herein and is in all other respects denied.

11. It is further ordered, that effective January 12, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended as follows:

City	Channel No.
Woodward, Oklahoma	221A, 228A, 266, 272A

12. Authority for the actions taken herein are contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

13. It is further ordered, that this proceeding is terminated.

14. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33397 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-372; RM-3777]

FM Broadcast Station in Madison, Minn.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 221A to Madison, Minnesota, in response to a petition filed by Maynard R. Meyer. The assignment could provide Madison with a first local aural broadcast service.

DATE: Effective January 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Madison, Minnesota); Report and Order (Proceeding Terminated).

Adopted: November 6, 1981.

Released: November 17, 1981.

By the Acting Chief, Policy and Rules Division.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 31695, published July 17, 1981, in response to a petition filed by Maynard R. Meyer ("petitioner"), proposing the assignment of FM Channel 221A to Madison, Minnesota, as that community's first FM assignment. Supporting comments were filed by petitioner in which he reaffirmed his intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Madison (population 2,242),[1] the seat of Lac Qui Parle County (population 11,164), is located approximately 240 kilometers (150 miles) west of St. Paul, Minnesota. Channel 221A could be assigned to Madison in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

3. In support of his proposal, petitioner submitted information with respect to Madison which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 221A to Madison, Minnesota. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local aural broadcast service.

5. Accordingly, it is ordered, that effective January 12, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to the following community:

City	Channel No.
Madison, Minnesota	221A

6. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33403 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-404; RM-3784]

FM Broadcast Station in Sidney, New York; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 265A to Sidney, New York, in response to a petition filed by Mark D. Humphrey. The assignment could provide Sidney with a first local aural broadcast service.

DATE: Effective January 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Sidney, New York); Report and order (Proceeding Terminated).

Adopted: November 6, 1981.

Released: November 13, 1981.

1. Before the Commission is a Notice of Proposed Rule Making, 46 FR 34607, published July 2, 1981, proposing the assignment of FM Channel 265A to Sidney, New York, as that community's first FM assignment, in response to a petition filed by Mark D. Humphrey ("petitioner"). Comments in support of the proposal were filed by the petitioner, and no oppositions were received

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[4] We note that with certain restrictions, Channels 253 and 235 were also available for assignment to Woodward.

[1] Population figures are extracted from the 1970 U.S. Census.

2. Sidney (population 4,861),[1] in Delaware County (population 46,931), is located approximately 208 kilometers (130 miles) northwest of New York, New York. It currently has no local aural service. The assignment of Channel 265A to Sidney will require a transmitter site restriction of 1.9 kilometers (1.2 miles) southeast of the community to avoid short-spacing to Station WEZG (Channel 265A), in North Syracuse, New York, in compliance with § 73.207 of the Commission's rules.

3. In his comments, petitioner incorporated by reference the information contained in the notice which demonstrated the need for a first FM assignment to Sidney, and reaffirmed his intent to apply for the channel, if assigned.

4. We believe that the public interest would be served by the assignment of Channel 265A to Sidney, New York. An interest has been shown for its use and such assignment could provide the community with a first local aural broadcast service.

5. Canadian concurrence in the assignment has been obtained.

6. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's rules, it is ordered, That effective January 12, 1982, the FM Table of Assignments, § 73.202(b) of the rules, is amended with regard to Sidney, New York, as follows:

City	Channel No.
Sidney, New York	265A

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33406 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are extracted from the 1980 U.S. Census.

[1] Throughout its comments, petitioner referred to Channel 250 as the third Class C FM channel proposed to be assigned to Minot. We assume this in an inadvertent reference.

47 CFR Part 73

[BC Docket No. 81-324; RM-3735]

FM Broadcast Station in Minot, N. Dak.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channels 260 and 287 to Minot, North Dakota. The assignments would provide Minot with the opportunity for a third and fourth local commercial FM station.

DATE: Effective January 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Minot, North Dakota); BC Docket No. 81-324, RM-3735; Report and order (Proceeding Terminated).

Adopted: November 6, 1981.

Released: November 18, 1981.

1. The Commission has under consideration a Notice of Proposed Rule Making, 46 Fed. Reg. 26514, published May 13, 1981, proposing the assignment of Class C FM Channel 260 to Minot, North Dakota, as its third FM channel. The notice was issued in response to a petition file by Kitten Radio, Inc. ("petitioner"), licensee of AM Station KTYN, Minot, North Dakota. Comments in support of the notice were filed by petitioner and by K-HRT Broadcasting Corporation ("KHRT"), licensee of AM Station KHRT, Minot. Opposing comments were filed by letters from Sid Lenertz ("Lenertz"), Art Eissinger ("Eissinger"), Charles E. Crank ("Crank"), and the Garrison Civic Club ("GCC").

2. In its comments, petitioner maintains its assertion that Minot needs an additional FM assignment and that if Channel 260 [1] is assigned it will promptly apply for a construction permit. KHRT, while supporting the instant proposal, requests in addition that two Class C FM channels be assigned to Minot. It states that its facility, like that of petitioner, is a daytime-only operation at Minot. It asserts that the assignment of an additional FM channel would also provide it with an opportunity to furnish fulltime broadcast service to the community, and would enhance the competitive structure of the Minot broadcast market.

3. In opposing comments, Lenertz stresses that the community of New Town, North Dakota is in the center of an area which is experiencing considerable energy development and, as a result, he states that a significant increase in the population growth is anticipated. He indicates that because of these factors, there will be a need for FM stations in that area in the future, and therefore opposes any change in the FM Table of Assignments at this time. Likewise, Eissinger opposes the assignment on the same basis as does Lenertz, concerning the community of Parshall, North Dakota. And, finally, Charles E. Crank, the Mayor of Garrison, North Dakota and GCC state their support for an FM station at Garrison.

4. Minot (population 32,843),[2] the seat of Ward County (population 58,392), is located approximately 160 kilometers (100 miles) north of Bismarck, North Dakota. It is presently served by two daytime-only AM stations (KHRT and KTYN), two fulltime AM stations (KCJB and KKOA) and two FM stations (KCJB, Channel 246, and KKIZ, Channel 229).

5. In our notice, we pointed out that preclusion would occur as a result of the assignment of Channel 260 on Channels 257A, 259, 261A, 262 and 263. Twenty-two communities with a population exceeding 1,000 lie within the precluded areas. Of these, twelve currently have no FM assignment, and three of the twelve involve the opposing communities of New Town (population 1,335), Parshall (population 1,059), and Garrison (population 1,830).

6. A staff study indicates that there are several Class A channels available to Garrison. While the other communities were not studied individually, it appears at this time that, based on the number of available channels in Minot and the remoteness of the area, there are channels available to all twelve communities currently without any FM service. Therefore, the preclusion impact does not appear to be substantial enough to warrant denial of the proposal.

7. In addition to the channel proposed in our notice (Channel 260), we believe a fourth channel should be assigned to Minot based on the comments of KHRT which stated its expression of interest and noted the desirable competitive

[1] Throughout its comments, petitioner referred to Channel 250 as the third Class C FM channel proposed to be assigned to Minot. We assume this in an inadvertent reference.

[2] Population figures are taken from the 1980 U.S. Census, unless otherwise noted.

effect of providing fulltime facilities for the daytime-only stations. To this end, we will also assign Channel 287 to that community as a fourth FM assignment. The channel can be assigned in accordance with the minimum distance separation requirements of Section 73.207 of the Commission's Rules. We find that sufficient information has been submitted by the petitioner and KHRT with respect to Minot which is persuasive as to the need for the additional channel assignments.

8. As we pointed out in the notice, petitioner states that the proposed assignment would provide a second FM service to an area of 642 square kilometers (251 square miles), having a population of 1,000 persons. The request for a third and fourth commercial FM assignment to Minot exceeds the Commission's population guidelines which limit a city of its size to an allotment of two FM channels. However, as the Commission has stated on numerous occasions, the population guidelines are not applied inflexibly, and assignments exceeding the guidelines have been made when the preclusive impact of the assignment is considered insignificant. As noted above, alternate channels are available to the precluded communities. Therefore, the population guidelines are not an obstacle to the proposed assignments. *See, Poplar Bluff, Missouri*, BC Docket No. 78-188, 45 FR 21636, published April 2, 1980; *North Platte, Nebraska*, BC Docket No. 79-114, 44 FR 67666, published November 27, 1979; and *St. Simons Island, Georgia*, BC Docket No. 79-149, 45 FR 25806, published April 16, 1980. Should an interest come to our attention to operate a station at New Town, Parshall or Garrison, we would consider assigning a channel to any or all of these communities. It appears that several channels are available for assignment to each place.

9. In view of the expressed interest in the proposed channel allocations, the demonstrations of need for additional service, and the fact that the preclusion impact does not appear to be significant, we believe that the public interest would be served by a grant of the requested assignments.

10. Canadian concurrence in the assignments has been obtained.

11. Accordingly, it is ordered, that effective January 12, 1982, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments is amended with regard to the community listed below, as follows:

City	Channel No.
Minot, North Dakota	229, 246, 260, 287.

12. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's rules.

13. It is further ordered, that this proceeding is terminated.

14. For further information concerning this proceeding, contact Nancy Joyner, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33405 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-491; RM-3611]

FM Broadcast Station in Madras, Oreg.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 243 to Madras, Oregon, in response to a petition filed by Peregrine Broadcasting Company, Inc. The assignment could provide Madras, Oregon, with a first FM and full-time aural broadcast service.

DATE: Effective January 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Madras, Oregon); Report and Order (Proceeding Terminated).

Adopted: November 6, 1981.

Released: November 18, 1981.

1. The Commission herein considers the Notice of Proposed Rule Making, 45 FR 63531, published September 25, 1980, proposing the assignment of Class C FM Channel 243 to Madras, Oregon, in response to a request filed by Peregrine Broadcasting Company, Inc. ("petitioner"). Opposing comments were filed by High Lakes Broadcasting Company ("High Lakes"), licensee of co-owned Stations KRCO (AM) and KIJK (FM) (Channel 237A), both in Prineville, Oregon. Also, comments were filed by Capps Broadcasting Group ("Capps"), licensee of Stations KGRL (AM) and KXIQ (FM) (Channel 231), in Bend, Oregon. Petitioner filed reply comments reaffirming its intention to apply for the channel, if assigned, and responding to the opposing arguments.

2. Madras (population 1,689),[1] seat of Jefferson County (population 8,548), is located approximately 157 kilometers (98 miles) southeast of Portland, Oregon. It presently has no local aural service. Petitioner indicates that other central Oregon FM stations are poorly received in Madras due to insurmountable terrain problems.

3. Petitioner has supplied information to demonstrate a need for the proposed assignment. Its *Roanoke Rapids* study indicates that a Class C station operating with 50 kW power at an antenna height of 305 meters (1,000 feet) AAT, could provide a first FM service to 9,032 persons in an area of 7,531 square kilometers (2,942 square miles), and a second FM service to 985 persons in an area of 450 square kilometers (176 square miles).

4. In opposing the proposed assignment, High Lakes states that its AM facility has consistently strived to serve both its community of Prineville and Madras over the years, and that it proposes to continue this service in the operation of its FM station. It argues that an assignment to Madras would cause it to be in direct competition with petitioner for advertising revenue and audience since it obtains over 25% of its broadcast revenue from Madras merchants. Additionally, it states that as Prineville is located approximately 42 kilometers (26 miles) from Madras and 18 kilometers (11 miles) from the proposed transmitter site, it could not compete with a high-powered Class C facility in such close proximity. As a further matter, it questions whether petitioner is in reality proposing a "*de facto*" assignment of a Class C channel to Prineville based on the petitioner's proposed transmitter location. It alleges that it would be stifled by a high-powered Class C assignment to Madras, and that, according to Commission policy, Madras' small population dictates assignment of a Class A channel.

5. High Lakes further asserts that the *Roanoke Rapids* data is inaccurate because only existing stations are used and that petitioner has no authority to

[1] Population figures are extracted from the 1970 U.S. Census.

use the proposed transmitter site location on which it based its figures, since the land is not designated for such use. It states that if Madras is assigned a Class C channel, one should also be assigned to Prineville.

6. Capps has requested that this proceeding be combined with three others since they are geographically and economically related.[2] Further, it asserts that service to Jefferson County can be expected from existing or authorized stations in Redmond and Prineville. It urges that a Class A channel be assigned to Madras instead since a Class C station would cause substantial preclusion impact.

7. In response to the opposition comments regarding its population data, petitioner states that the 1980 U.S. Census reveals a significant increase in population in the central Oregon area. Further, it states that during periods of peak recreational activity, the population of the area increases notably. It states that because of the recreational nature of the area the population is scattered throughout several smaller cities and towns. It adds that the central Oregon area has a void of local FM service other than that provided by two stations in Bend, Oregon, which is approximately 40 miles south of Madras.

8. A copy of the coverage map for Station KICE (Channel 264), Bend, Oregon, provided by High Lakes, indicates that this station provides a 1 mV/m or better signal over Madras. However, petitioner's original *Roanoke Rapids* map shows the KICE 1 mV/m contour south of Madras. With regard to whether Stations KICE and KXIQ (Channel 231), Bend, Oregon, place a 60 dBu signal over Madras, a staff study, utilizing the Commission's F 50/50 curves, indicates that they do not. KICE's 60 dBu contour falls short of Madras (based on an operation at 100 kW and antenna height of 600 feet, AAT). Our analysis of petitioner's *Roanoke Rapids* showing indicates that proper criteria were utilized and the estimated figures are reasonable.

9. With respect to High Lakes' argument concerning potential adverse economic impact, it must be noted that such is a matter which could be raised at the application stage where it would be feasible to investigate and consider the merits of various allegations, rather than at the rule making level. See, *Beaverton, Michigan,* 44 RR 2d 55 (Broadcast Bureau, 1978).

10. Insofar as service from existing facilities to Madras is concerned, it should be noted that in establishing and implementing the FM Table of Assignments, the Commission has consistently given high priority to providing each community with at least one FM assignment, especially if a community, such as Madras, lacks local aural service. Even if area stations do provide coverage and offer programming directed to Madras, that is not a basis for denying a request for a first local broadcast outlet. Assignment of an FM channel in this instance could provide a community with a local station to present programs designed to meet its special needs, interests, and issues. No station owing a primary obligation to another locality could be expected to provide the equivalent of such local service. See, *Clinton, Louisiana,* 45 RR 2d 1587–88 (Broadcast Bureau, 1979). Although Madras is of a size that usually warrants a Class A assignment, there is a basis here for departure from our policy of making Class A assignments to smaller communities and Class C assignments to metropolitan areas and larger cities. Where the small community is in a sparsely settled area located far from any metropolitan region or population centers and assignment of the higher class and channel would provide service to unserved or underserved areas, we find it appropriate to assign the Class C channel. Based on a proposal to locate the transmitter site approximately 26 kilometers (16 miles) southeast of Madras, operating with a power of 50 kW at 305 meters (1,000 feet) AAT, the assignment could provide a first FM service to 9,032 persons in an area of 7,531 square kilometers (2,942 square miles), and a second FM service to 985 persons in an area of 450 square kilomters (176 square miles).[3]

11. As set forth in the Notice, petitioner indicated that assignment of proposed Channel 243 to Madras would cause preclusion to occur in all or parts of eighteen counties in Oregon and Washington, assuming the transmitter was located 26 kilometers (16 miles) southeast of that community. Although petitioner did not indicate in its reply comments what, if any, alternate channels are available in the precluded areas, our study of this area from recent cases indicates that availability of channels should not be a problem.

12. In response to High Lakes' restated concern of unfair competition, as we pointed out in the Notice, it may seek a Class C assignment for its own station. It did suggest a Class C channel in its opposition but we shall not, of our own volition, make such an assignment without a proper request. If High Lakes desires to upgrade its facilities to a Class C status, considering the fact that we have previously indicated that channels are currently available to its community, then it should set forth its proposal in a formal rule making petition, as prescribed by the Commission's Rules, including a mileage separation study and a preclusion study.

13. In view of the above, we find that the public interest, convenience and necessity would be served by assigning Channel 243 to Madras, Oregon. Accordingly, It is ordered, that effective January 12, 1982, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the following community:

City	Channel No.
Madras, Oregon	243

14. Authority for adoption of the above amendment is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

15. It is further ordered that this proceeding is terminated.

16. For further information concerning the above, contact Nancy Joyner, Broadcast Bureau (202) 632–7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33404 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

[2] In its comments, Capps moved to consolidate the instant proceeding with three other pending rule makings. It states that all four proposals seek to add Class C FM channels to the central Oregon area. It requests consolidation so that they may be examined jointly to determine the viability of the proposed stations and their affects on the service offered by existing stations in the area. The proceedings which Capps seeks to have consolidated are, in addition to the instant proposal, the proposed assignment of two Class C channels to Bend, Oregon (Dkt. 81-155), and the proposed assignment of two Class C channels to Redmond, Oregon (Docket 81-438). We have taken note of the ramifications of the proposed assignments and have determined that consolidation is not necessary in order to consider the reciprocal impact in each instance. The contention of Capps that we consider the viability of the proposed stations is a matter that is more appropriately considered at the application stage for each assignment.

[3] The study has been based on existing allocations with reasonable facilities if the channel is unoccupied or under-utilized in accordance with appropriate *Roanoke Rapids* criteria. However, we should note that the proposed Class C channels for Bend and Redmond will have an affect on these estimated services, if assigned.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 387 and 399

[BMCS Docket Nos. MC-94; and MC-58-1]

Minimum Levels of Financial Responsibility for Motor Carriers; Form MCS-82 and Employee Safety and Health Standards; Correction and Technical Amendment

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; correction and technical amendment.

SUMMARY: On September 24, 1981, (46 FR 47073), the FHWA published a clarification of certain technical corrections to the minimum levels of financial responsibility for motor carrier regulations. The regulations were published at 46 FR 30974, June 11, 1981, and later corrected at 46 FR 45612, September 14, 1981. This document makes a technical correction to Form MCS-82 as published September 14, 1981.

This document also makes a technical amendment to Part 399 to reflect the postponement of the effective date until September 1, 1982, as published at 44 FR 70721, December 10, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety (BMCS), 202-426-9767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, 202-426-0346, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

1. FR Doc. 81-27797 appearing at page 47073, September 24, 1981, is corrected as follows: In Form MCS-82 (Illustration II) appearing on page 47077, in the section titled "CONDITIONS," second paragraph, first sentence, the word "insure" is corrected to read "inure."

2. Section 399.203 is amended by deleting "April, 1982" and inserting "September 1, 1982."

(Sec. 30 Pub. L. 96-296, 94 Stat. 793; 49 U.S.C. 304, 1655; 49 CFR 1.48 and 301.60)

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: November 12, 1981.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 81-33123 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-22-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Twenty-seventh revised service order No. 1473.

SUMMARY: Pursuant to section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE: 12:01 a.m., November 16, 1981, and continuing in effect until 11:59 p.m. November 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275-7840.

SUPPLEMENTARY INFORMATION: Pursuant to section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for implementation of long range solutions for continued rail service over RI lines, and in consideration of a recent complaint by the Trustee regarding the continued use of his property by certain rail carriers, the Commission has requested any carriers, shippers, or interested parties to file comments in the interest of continued operations. Also to be considered in these comments is the status of negotiations for sale or lease, and the reasonableness of the Frisco Formula for compensating the Trustee.

Appendix A, to the previous order, is revised by adding at Item 16, the authority for The La Salle and Bureau County Railroad Company to operate for the purpose of bridge rights only between Pullman Junction and the Chicago International Port, at Chicago, Illinois. That Appendix is further revised by including the authority for the Iowa Railroad Company to operate between Council Bluffs and McClelland, Iowa, pursuant to the Commission's decision in F.D. No. 29766. This will permit a continuous operation between Council Bluffs and Dexter, Iowa.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

PART 1033—CAR SERVICE

It is ordered,

§ 1033.1473 Service order 1473.

(a) Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee.) Various railroads are authorized to use track and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by section 122(a) Pub. L. 96-254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the

RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(1) In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(l) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., November 16, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Transportation 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 Assocation. Notice of this order 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 J. Warren McFarland, Bernard Gaillard, and John H. O'Brien. J. Warren McFarland not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A

RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (LA):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (PPU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebrasks, to RI Milepost 581.5 north of Hallam, Nebraska

4. *Toledo, Peoria and Western Railroad Company (TPW):*

A. Keokuk, Iowa

B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois

5. *Chicago and North Western Transportation Company (CNW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0)

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6)

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364)

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7)

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 90)

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9)

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2)

J. From Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9)

K. From Bricelyn, Minnesota (milepost 59.7) to Ocheyedan, Iowa (milepost 246.7)

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502)

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2)

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6)

P. Sibley, Iowa

Q. Worthington, Minnesota

R. Altoona to Pella, Iowa

S. Carlisle to Indianola, Iowa

T. Omaha, Nebraska, (between milepost 502 to milepost 504)

U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5)

V. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40)

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland

B. Washington, Iowa

C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota

D. From Davenport to Iowa City, Iowa

E. At Davenport, Iowa

7. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Moline, Illinois

B. Rock Island, Illinois, including 26th Street yard

C. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex

D. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island Arsenal

8. *St. Louis Southwestern Railway Company (SSW):*

A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas

B. At North Topeka and Topeka, Kansas

9. *Little Rock & Western Railway Company (LRWN):* from Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

10. *Missouri Pacific Railroad Company (MP):* from Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island (milepost 4.7).

11. *Norfolk and Western Railway Company (NW):* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

12. *Southern Railway Company (SOU):*

A. At Memphis, Tennessee.

13. *Cadillac and Lake City Railroad (CLK):*

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado.

B. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

C. From Limon, Colorado (milepost 532) to but not including Caruso, Kansas (milepost 429.3), with over-head rights from Caruso to Colby, Kansas, in order to effect interchange with the Union Pacific.

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado.

14. *Baltimore and Ohio Railroad Company (BO):*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. From Bureau, Illinois (milepost 114–12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.

15. *Keota Washington Transportation Company (KWTR):*

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. At Vinton, Iowa (milepost 120.0 to 123.0).

C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

16. *The La Salle and Bureau County Railroad Company (LSBC):*

A. From Chicago (milepost 0.60) to Blue Island, Illinois (milepost 16.61) and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island Illinois.

C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.

* D. From Pullman Junction, Chicago, Illinois, (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights only.

17. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. At Alva, Oklahoma.

18. *The Brandon Corporation (BRAN):*

A. From Belleville, Kansas (milepost 226.1), to Manhattan, Kansas (milepost 143.0), a distance of approximately 83 miles.

19. *Iowa Northern Railroad Company (IANR):*

A. From Cedar Rapids, Iowa (milepost 100.5), to Waterloo, Iowa (milepost 150.76).

B. From Shell Rock, Iowa (milepost 172.1), to Nora Springs, Iowa (milepost 211.40).

C. At Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.

20. *Iowa Railroad Company (IRRC):*

** A. From Council Bluffs (milepost 490.15) to Dexter, Iowa (milepost 393.0) a distance of approximately 97.15 miles.

B. From Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. From Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

21. *Missouri-Kansas-Texas Railroad Company (MKT):*

A. From Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.

22. *Chicago Short Line Railway Company (CSL):*

A. From Pullman Junction easterly for approximately 1,000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.

* Added.

** Changed.

[FR Doc. 81-33354 Filed 11-18-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 223
Thursday, November 19, 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 AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 418

Wheat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to revise and reissue the Wheat Crop Insurance Regulations (7 CFR Part 418), effective with the 1982 crop year, to incorporate several changes designed to simplify and shorten the document, making the regulations more effective administratively.

The principal changes include different termination for indebtedness dates and cancellation dates to provide for the insuring of winter wheat crops in counties not previously approved for such insurance, replacing the present single crop application form with a multiple-crop application form to eliminate excess paperwork, removing a section no longer required under the Federal Crop Insurance Act, as amended, and redesignating the Appendix B to 7 CFR Part 418, plus generally conforming the regulations to make them easier to understand and more effective administratively. This proposed rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than December 9, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Office of the Chairman, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

The Draft Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

Melvin E. Sims, Chairman, FCIC, has determined that an emergency situation exists which warrants less than a 60-day comment period on this proposed action because the Wheat Crop Insurance Regulations (7 CFR Part 418) provide that any amendments to the regulations must be placed on file 15 days prior to the cancellation date in order to allow policyholders to decide on their insurance plans. The cancellation date established for the wheat crop insurance program is December 31; therefore, the amendments contained in this proposed rule must be placed on file in the office for the county by not later than December 15, 1981, in order to be effective for the 1982 crop year. It has been determined that there would not be sufficient time to permit public comment for the regular 60-day period and still conform to the requirements of the regulations with regard to placing the amended regulations on file 15 days prior to the cancellation date.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981).

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

The information requirements, both recordkeeping and reporting, contained in this regulation must be cleared by the Office of Management and Budget under the Paperwork Reduction Act. These requirements will not become effective until that clearance has been granted.

The title and number of the Federal Assistance Program to which this revision and reissuance applies is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that this proposed action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). A revised sunset review date will be established in order to assure that these regulations will not be in effect for more than 5 years without review. Such date will be published with these regulations as a final rule following the period of public comment.

In reviewing these regulations, it was determined that the following specific changes should be made:

1. The cancellation and termination for indebtedness dates should be changed to provide for the insuring of winter wheat crops in counties not previously approved for such insurance in Minnesota, northern Wisconsin, and a portion of South Dakota. Presently, spring wheat crop insurance only is available in these counties.

2. Replacing the present single crop application form with a multiple-crop application form to eliminate the need for filing a separate application for each crop to be insured. This will result in filing a single form which lists all crops to be insured, causing less effort and duplication for both the applicant and FCIC.

3. The removal and reservation of 7 CFR 418.3. This subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county. Such provisions were contained in the Federal Crop Insurance Act. The 1980 amendments to the Act (Pub. L. 96–365), September 26, 1980) deleted this provision and FCIC is no longer required to post such lists.

4. The redesignation of Appendix B and Appendix A to 7 CFR Part 418.

5. The inclusion of an Appendix A to 7 CFR Part 418 in the Table of Contents, to designate counties wherein wheat crop insurance is authorized to be offered.

6. Addition of new counties in Appendix A to 7 CFR Part 418, to list those counties approved by the Board of Directors for such insurance.

In addition to the above-listed changes, minor changes and corrections to language have been made in this proposed rule.

Proposed Rule

Accordingly, under the authority of the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC proposes to revise and reissue the Wheat Crop Insurance Regulations (7 CFR Part 418) effective with the 1982 and succeeding crop years to read as follows:

PART 418—WHEAT CROP INSURANCE

Subpart—Regulations for the 1982 and Succeeding Crop Years

Sec.

418.1 Availability of wheat insurance.
418.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
418.3 Reserved.
418.4 Creditors.
418.5 Good faith reliance on misrepresentation.
418.6 The contract.
418.7 The application and policy.
Appendix A: Counties Designated for Wheat Crop Insurance.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1982 and Succeeding Crop Years

§ 418.1 Availability of Wheat Insurance.

Insurance shall be offered under the provisions of this subpart on wheat in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Chairman of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published the names of the counties in which wheat insurance will be offered.

§ 418.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Chairman of the Corporation shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for wheat. Such premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price election at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 418.3 [Reserved]

§ 418.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 418.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the wheat insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured, or for which the insured person is not entitled to an idemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Chairman of the Corporation in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 418.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the wheat crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and applicable dates. Any changes made in the contract shall not affect the continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 418.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the wheat crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Chairman of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Chairman's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1969 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a wheat contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Wheat Insurance Policy for the 1982 and Succeeding Crop Years, and the Appendix to the Wheat Insurance Policy are as follows:

BILLING CODE 3410-08-M

FCI-12
Rev. (9-81)

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

CROP INSURANCE APPLICATION

CONTINUOUS CONTRACT

1 Name of Applicant

6 State ☐☐ - County ☐☐☐ - 7 Contract Number ☐☐☐☐☐

2 Agent, Administrator, Executor, Etc.

8 County

9 State ☐☐

3 Street or Mailing Address

10 Identification Number ☐☐☐☐☐☐☐☐☐

11 SSN - TAX

4 City and State

5 ZIP Code

12 Type of Entity

13 Applicant is Over 18 Yes____ No____ If No, Date of Birth

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the crop(s) shown below planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and, where applicable, a price election or plan of insurance. **THE PREMIUM RATE AND APPLICABLE PRODUCTION GUARANTEE OR AMOUNT OF INSURANCE PER ACRE SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.**

14 Effective Crop Year	15 Crop	16 Type, Class Plan of Ins.	17 Price Election	18 Level Election	19	20 For Agency Use Only (A)	21 (P)
					☐		
					☐		
					☐		
					☐		
					☐		
					☐		
					☐		
					☐		

22 Crop(s) **NOT** insured the first year:

B. This application is accepted by the Corporation unless the applicant is notified of rejection within 30 days of the date hereof. Rejection shall be accomplished by depositing notification thereof in the United States Mail, postage paid, to the above address. Rejection may be for any reason which would also serve as a basis for termination under the policy, the Federal Crop Insurance Act, or the regulations issued thereunder. Outstanding and delinquent indebtedness to any United States Government Agency may be grounds for rejection. The contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, **AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED** as provided in the contract. This accepted application, the insurance policy(ies), the attached appendix(es), and the provisions of the county actuarial table showing the insurable and uninsurable acreage, coverage levels, premium rates, and where applicable, the production guarantees, amounts of insurance, or plan of insurance shall constitute the contract. No term or condition of the contract shall be waived or changed except in writing by the Corporation. A material failure to include complete and accurate information on this application may invalidate the automatic acceptance provision hereof.

23 ☐ Applicant has received the policy(ies) and appendix(es) for the crop(s) shown above.

24 ☐ Previous Carrier_____ 25 Policy Number_____

26 Applicant's Signature

27 Date 19__

28 Code No. ☐☐☐☐☐

29 Witness to Signature

30 Location of Farm Headquarters	31 Address of Your Service Office
Phone	Phone

SEE REVERSE SIDE OF FORM FOR STATEMENT REQUIRED BY PRIVACY ACT OF 1974

32 N S I O T - F U R

33 Page____ of ____ pages

BILLING CODE 3410-08-C

Wheat Crop Insurance Policy

Terms and Conditions

1. *Causes of Loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with causes of loss that are shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants, or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and Acreage Insured.* (a) The crop insured shall be wheat which is seeded for harvest as grain and for which the actuarial table shows a guarantee and premium rate per acre, which is grown on insured acreage.

(b) The acreage insured for each crop year shall be that acreage seeded to wheat on insurable acreage, as shown on the actuarial table and as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, in which the insured has a share: *Provided,* That insurance shall not attach or be considered to have attached as determined by the Corporation to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (3) which is destroyed and after such destruction it was practical to reseed to wheat and such acreage was not reseeded, (4) initially seeded after the date established by the Corporation and placed on file in the office for the county as being too late to initially seed and expect a normal crop to be produced, (5) of volunteer wheat, (6) seeded to a type or variety of wheat not established as adapted to the area or shown as noninsurable on the actuarial table, or (7) seeded with another crop.

(c) Insurance may attach only by written agreement with the Corporation on acreage which is seeded for the development or production of hybrid seed or for experimental purposes.

3. *Responsibility of Insured to Report Acreage and Share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing all acreage of wheat seeded in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and the insured's share therein at the time of seeding. Such report shall be submitted each year not later than a date on file in the office for the county.

4. *Production Guarantees, Coverage Levels and Prices for Computing Indemnities.* (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be reduced by the lesser of 3 bushels or 20 percent for any unharvested acreage.

5. *Annual Premium.* The annual premium is earned and payable at the time of seeding and shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of seeding, times the premium adjustment percentage in paragraph (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

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% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE																
	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

BILLING CODE 3410-08-C

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; however, if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance Period.* Insurance on insured acreage shall attach at the time the wheat is seeded (except that for fall seeded wheat in the following states and counties insurance will attach April 15 following seeding provided that there is an adequate stand on this date to produce a normal crop as determined by the Corporation: Minnesota; North Dakota; Daniels, Roosevelt, Sheridan, and Valley Counties, Montana; Corson, Campbell, Edmunds, Spink, Beadle, Jerauld, Aurora, Douglas, and Bon Homme Counties, South Dakota, and all South Dakota counties lying north and east thereof; and Trempealeau, Jackson, Wood, Portage, Waupaca, Outagamie, Brown, Kewanee Counties, Wisconsin, and all Wisconsin counties lying north and west thereof). Insurance shall cease upon the earliest of (a) final adjustment of a loss, (b) combining, threshing, or removal of the wheat from the field, (c) October 31 of the calendar year in which wheat is normally harvested, or (d) total destruction of the insured wheat crop.

7. *Notice of Damage or Loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the wheat on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to reseed to wheat. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in paragraph (b) of this section, if a loss is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 days* after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire wheat crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for Indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of wheat on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any shall be determined by (1) multiplying the insured acreage of wheat on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of wheat to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Mature production which grades No. 4 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 13.5 percent, and if, due to insurable causes any wheat does not grade No. 4 or better, or is graded smutty, garlicky, or ergoty, in accordance with the Official U.S. Grain Standards, the production shall be adjusted by dividing the value per bushel of the damaged wheat (as determined by the Corporation) by the price per bushel of U.S. No. 2 wheat and multiplying the result by the number of bushels of such wheat. The applicable price for No. 2 wheat shall be the local market price on the earlier of: the day the loss is adjusted or the day the damaged wheat was sold.

(2) Any harvested production from volunteer crops growing with the seeded wheat crop or small grains seeded in the growing wheat crop on acreage which the Corporation has not given consent to be put to another use shall be counted as wheat on a weight basis.

(3) Appraised production to be counted shall include: (i) the greater of the appraised production or 50 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is seeded before wheat harvest becomes general in the current crop year to any other crop insurable on such acreage (excluding any crop(s) maturing for harvest in the following calendar year), (ii) any appraisals by the Corporation for potential production on harvested acreage, for uninsured causes, and for poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the appraisal in excess of the lesser of 3 bushels or 20 percent of the production guarantee for all other unharvested acreage.

(d) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. However, if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of wheat becomes general in the county, (2) is harvested, or (3) is further damaged by an insured

cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. *Misrepresentation and Fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. *Transfer of Right to an Indemnity on Insured Share.* If the insured transfers any part of the insured share during the crop year, the insured may transfer the right to an indemnity on an approved form. The insured shall be liable for the premium if such form is, or is not, executed. If such form is executed, the transferee shall have the same rights and responsibilities as the original insured for the current crop year.

11. *Records and Access to Farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all wheat produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for puroses related to the contract.

12. *Life of Contract: Cancellation and Termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be cancelled for such crop year. Thereafter, either party may cancel insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) deducted from an indemnity claim shall be the date the insured signs such claim or (2) deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State and county	Cancellation date	Termination date for indebtedness
Colorado, Kansas, New Mexico, Oklahoma, and Texas.	April 30	September 15.
Idaho, Montana (except Daniels, Roosevelt, Sheridan, and Valley Counties, Oregon, and Washington).	June 30	November 30.
Minnesota; North Dakota; Daniels, Roosevelt, Sheridan, and Valley Counties, Montana; Corson, Campbell, Edmunds, Spink, Beadle, Jerauld, Aurora, Douglas, and Bon Homme Counties, South Dakota, and all South Dakota counties lying north and east thereof; and Trempealeau, Jackson, Wood, Portage, Waupaca, Outagamie, Brown, and Kewaunee Counties, Wisconsin, and all Wisconsin counties lying north and west thereof.	December 31	March 31.
Nebraska and Wyoming	April 30	October 10.
All other States and counties.	June 30	October 10.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix to the Wheat Insurance Policy, the contract shall continue in force for each succeeding crop year.

Appendix to the Wheat Insurance Policy—(Additional Terms & Conditions)

1. *Meaning of Terms*

For the purposes of wheat crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding wheat insurance in the county.

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

(c) "Crop year" means the period within which the wheat crop is normally grown and shall be designated by the calendar year in which the wheat crop is normally harvested.

(d) "Harvest" means the severance of mature wheat from the land for combining or threshing.

(e) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

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

(i) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured wheat crop at the time of seeding as reported by the insured or as determined by the Corportion, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

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

(k) "Unit" means all insurable acreage of wheat in the county on the date of seeding for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the wheat crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Acreage Insured*

(a) The Corporation reserves the right to limit the insured acreage of wheat to any acreage limitations established under any Act of Congress, provided the

insured is so notified in writing prior to the seeding of wheat.

(b) If the insured does not submit an acreage report on or before the date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Irrigated Acreage*

(a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of seeding.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of seeding, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. *Annual Premium*

(a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; however, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. *Claim for and Payment of Indemnity*

(a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured wheat acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1506(c) as amended: *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the wheat is seeded for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. *Subrogation*

The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The insured thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. *Termination of the Contract*

(a) The contract shall terminate if no premium is earned for five consecutive years.

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

8. *Coverage Level and Price Election*

(a) If the insured has not elected on the application a coverage level and price election at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. *Assignment of Indemnity*

Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. *Contract Changes*

The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Appendix A—Counties Designated for wheat Crop Insurance—7 CFR Part 418

In accordance with the provisions of 7 CFR 418.1, the following counties are designated for wheat crop insurance:

Alabama

(All counties)

Alaska

(All counties)

Arizona

(All counties)

Chochise	Navajo
Graham	Pima
Greenlee	Pinal
Maricopa	Yavapai
Mohave	Yuma

Arkansas

(All counties)

California

Alameda	Imperial
Amador	Kern
Butte	Kings
Colusa	Lake
Contra Costa	Lassen
Fresno	Los Angeles
Glenn	Madera

Merced
Modoc
Monterey
Napa
Placer
Riverside
Sacramento
San Benito
San Bernardino
San Diego
San Joaquin
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Shasta
Sierra
Siskiyou
Solano
Sonoma
Stanislaus
Sutter
Tehama
Tulare
Ventura
Yolo
Yuba

Colorado

Adams
Alamosa
Arapahoe
Archuleta
Baca
Bent
Boulder
Cheyenne
Conejos
Costilla
Crowley
Custer
Delta
Dolores
Douglas
Eagle
Elbert
El Paso
Fremont
Garfield
Grand
Huerfano
Jefferson
Kiowa
Kit Carson
La Plata
Larimer
Las Animas
Lincoln
Logan
Mesa
Moffatt
Montezuma
Montrose
Morgan
Otero
Ouray
Park
Phillips
Pitkin
Prowers
Pueblo
Rio Blanco
Rio Grande
Routt
Saguache
San Miguel
Sedgwick
Washington
Weld
Yuma

Connecticut

(All counties)

Delaware

(All counties)

Florida

Alachua
Calhoun
Columbia
Dixie
Escambia
Gadsden
Gilchrist
Gulf
Hamilton
Hernando
Holmes
Jackson
Jefferson
Lafayette
Liberty
Madison
Okaloosa
Pasco
Santa Rosa
Suwannee
Walton
Washington

Georgia

(All counties except the following)

Camden
Charlton
Chattahoochee
Cobb
De Kalb
Douglas
McIntosh
Muscogee
Towns

Idaho

(All counties except Shoshone)

Illinois

(All counties)

Indiana

(All counties)

Iowa

(All counties)

Kansas

(All counties)

Kentucky

(All counties except the following)

Bell
Elliott
Harlan
Lawrence
Leslie
Letcher
Martin
Perry
Pike

Louisiana

(All parishes)

Maine

Aroostook
Kennebec
Penobscot
York

Maryland

(All counties)

Massachusetts

Berkshire
Franklin
Hampden
Hampshire

Michigan

(All counties)

Minnesota

(All counties)

Mississippi

(All counties)

Missouri

(All counties)

Montana

(All counties)

Nebraska

(All counties except the following)

Arthur
Grant
Hooker
Thomas

Nevada

(All counties)

New Jersey

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

New Mexico

(All counties except Lincoln)

New York

Albany
Allegany
Broome
Cattaraugus
Cayuga
Chautauqua
Chemung
Chenango
Columbia
Cortland
Dutchess
Erie
Essex
Genesee
Greene
Herkimer
Jefferson
Lewis
Livingston
Madison
Monroe
Montgomery
Niagara
Oneida
Onondaga
Ontario
Orange
Orleans
Oswego
Otsego
Rensselaer
St. Lawrence
Saratoga
Schenectady
Schoharie
Schuyler
Seneca
Steuben
Suffolk
Sullivan
Tioga
Tompkins
Ulster
Washington
Wayne
Wyoming
Yates

North Carolina

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

North Dakota

(All counties)

Ohio

(All counties)

Oklahoma

(All counties)

Oregon

(All counties except the following)

Clatsop
Coos
Curry
Hood River
Lincoln
Tillamook

Pennsylvania

(All counties except Philadelphia and Wayne)

Rhode Island

Newport
Washington

South Carolina

(All counties)

South Dakota

(All counties except the following)

Armstrong	Washington
Washabaugh	

Tennessee

(All counties)

Texas

Anderson	Armstrong	Lamar	Liberty	Brooke	Monroe
Andrews	Atascosa	Lamb	Limestone	Cabell	Morgan
Archer	Austin	Lampasas	Lipscomb	Fayette	Nicholas
Bailey	Bosque	La Salle	Live Oak	Grant	Ohio
Bandera	Bowie	Lavaca	Llano	Greenbrier	Pendleton
Bastrop	Brazoria	Lee	Lubbock	Hampshire	Pleasants
Baylor	Brazos	Leon	Lynn	Hancock	Pocahontas
Bee	Briscoe	McCulloch	Menard	Hardy	Preston
Bell	Brown	McLennan	Midland	Harrison	Putnam
Bexar	Burleson	McMullen	Milam	Jackson	Randolph
Blanco	Burnet	Madison	Mills	Jefferson	Ritchie
Borden		Marion	Mitchell	Marshall	Summers
Caldwell	Collin	Martin	Montague	Mason	Tucker
Calhoun	Collingsworth	Mason	Moore	Mineral	Wood
Callahan	Colorado	Matagorda	Morris		
Carson	Comal	Maverick	Motley		
Castro	Comanche	Medina			
Chambers	Concho	Nacogdoches	Nolan		
Cherokee	Cooke	Navarro			
Childress	Coryell	Ochiltree			
Clay	Cottle	Oldham			
Cochran	Crockett	Palo Pinto	Parmer		
Coke	Crosby	Panola	Pecos		
Coleman	Culberson	Parker	Potter		
Dallam	De Witt	Rains	Refugio		
Dallas	Dickens	Randall	Roberts		
Dawson	Dimmit	Reagan	Robertson		
Deaf Smith	Donley	Real	Rockwall		
Delta	Duval	Red River	Runnels		
Denton		Reeves	Rusk		
Eastland	Ellis	San Patricio	Somervell		
Ector	El Paso	San Saba	Starr		
Edwards	Erath	Schleicher	Stephens		
Falls	Foard	Scurry	Sterling		
Fannin	Fort Bend	Shackelford	Stonewall		
Fayette	Franklin	Shelby	Sutton		
Fisher	Freestone	Sherman	Swisher		
Floyd	Frio	Smith			
Gaines	Gonzales	Tarrant	Titus		
Galveston	Gray	Taylor	Tom Green		
Garza	Grayson	Terry	Travis		
Gillespie	Grimes	Throckmorton			
Glasscock	Guadalupe	Upton	Uvalde		
Goliad		Van Zandt	Victoria		
Hale	Henderson	Waller	Wilbarger		
Hall	Hidalgo	Washington	Williamson		
Hamilton	Hill	Wharton	Wilson		
Hansford	Hockley	Wheeler	Wise		
Hardeman	Hood	Wichita	Wood		
Harris	Hopkins	Yoakum	Young		
Harrison	Houston	Zavala			
Hartley	Howard				
Haskell	Hudspeth				
Hays	Hunt				
Hemphill	Hutchinson				
Irion	Jim Wells				
Jack	Johnson				
Jackson	Jones				
Jeff Davis					
Karnes	Kimble				
Kaufman	King				
Kendall	Kinney				
Kent	Kleberg				
Kerr	Knox				

Utah

(All counties except Daggett)

Vermont

(All counties)

Virginia

(All counties except Arlington)

Washington

(All counties except the following)

Jefferson	Pacific
King	Wahiakum

West Virginia

Barbour	Berkeley

Wisconsin

(All counties)

Wyoming

Big Horn	Lincoln
Campbell	Natrona
Carbon	Niobrara
Converse	Park
Crook	Platte
Fremont	Sheridan
Goshen	Uinta
Hot Springs	Washakie
Johnson	Weston
Laramie	

Done in Washington, D.C., on November 13, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Melvin E. Sims,

Chairman.

Dated: November 13, 1981.

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BILLING CODE 3410-08-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility Agenda

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Regulatory Flexibility Act requires each federal agency to publish twice each year a regulatory flexibility agenda listing rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. In this document the Commission publishes its second semiannual regulatory flexibility agenda.

DATE: The Commission welcomes comments from small entities, including small businesses, small organizations, and small governmental units, upon each subject area of the agenda. Written comments concerning the agenda should be received in the Office of the Secretary by January 18, 1982.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, (202) 634-7700, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: William Menza, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6754. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "contact" for that particular item.

SUPPLEMENTARY INFORMATION: The recently enacted Regulatory Flexibility Act (5 U.S.C. 601 et seq.), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act (5 U.S.C. 602) requires each agency to publish during the months of October and April of each year a regulatory flexibility agenda containing a brief description of any rule expected to be proposed or promulgated which will likely have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the objectives and legal basis for each agenda item and a schedule for acting on each item as well as the name and address of the agency official knowledgeable concerning the items listed. Further agencies are required to provide notice of their agendas to small entities and solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, President Reagan's Executive Order 12291 requires executive agencies to publish, in October and April of each year, a regulatory agenda of proposed regulations issued or expected to be issued, and further states that such an agenda may be incorporated with an agenda published under the Regulatory Flexibility Act. While the Commission, as an independent agency, is not required to follow E.O. 12291, the Commission plans to comply voluntarily with those provisions concerning publication of a regulatory agenda. On May 7, 1981, the Commission published its first agenda under the Regulatory Flexibility Act. (See 46 FR 25479). In this document the Commission publishes its second semi-annual agenda. The agenda below has one new entry that did not appear on the May 7 agenda. Consideration of a possible proposed exemption from child-resistant packaging under the Poison Prevention Packaging Act of 1970 for certain prednisone tablets has been added to this agenda. In addition, seven entries that appeared on the May 7 agenda have been dropped. Listings on miniature Christmas tree lights and benzene-containing consumer products have been deleted because in both cases the Commission has withdrawn the proposed rules. (See 46 FR 45940 and 46 FR 27910). The swimming pool slide standard revocation item has been dropped because the Commission has decided not to revoke the remaining portions of the standard. The toy chest regulation listing has been deleted because no regulatory action concerning toy chests is planned at this time. The sulfuric acid drain cleaner listing has been deleted because the Commission, based on voluntary action by the industry, has decided not to proceed with a proposal to ban. The general formaldehyde regulation item has been deleted because, while the Commission staff continues to study health effects associated with exposure to formaldehyde in consumer products, no regulatory activity (aside from ureaformaldehyde foam insulation which is a separate listing) is planned for the next several months in this area. Finally, the dual purpose closure entry has been deleted because the Commission voted in October, 1981 not to begin regulatory action to restrict or prohibit the use of dual purpose packaging as special packaging under the Poison Prevention Packaging Act of 1970 (PPPA).

The Commission received one comment in response to its May 7, 1981 regulatory flexibility agenda. A law firm representing the Upholstered Furniture Action Council (UFAC) reiterated its concern that mandatory regulation of the cigarette resistance of upholstered furniture would have a severe impact on small businesses in the upholstered furniture industry. The commenter urged the Commission to continue monitoring the UFAC voluntary program and to defer action on a mandatory standard. It should be noted, in this regard, that on October 21, 1981, the Commission met to consider upholstered furniture flammability issues and decided to continue to encourage voluntary action addressing the risk of injury.

In accordance with the Regulatory Flexibility Act, the Commission publishes its second semi-annual regulatory flexibility agenda below. The agenda lists all of the Commission's anticipated regulatory activities under development or review; a brief description and summary of each regulatory activity (including objectives and legal basis for each); an approximate schedule of target dates (subject to revision) for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda.

Dated: November 13, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

SEMIANNUAL REGULATORY FLEXIBILITY AGENDA ENTRIES

Anticipated regulatory activities	Legal basis	Brief description and summary	Approximate schedule for development or completion	Contact
Upholstered Furniture Cigarette Flammability Standard.	FFA	A finding of possible need for a flammability standard to decrease injuries and deaths associated with cigarette ignited upholstered furniture fires was published on November 29, 1972 (37 FR 25239). In October, 1981 the Commission voted to defer indefinitely regulatory action in order to work with manufacturers participating in a voluntary action program of the Upholstered Furniture Action Council that may eliminate the need for a mandatory standard. This action followed a series of tests to evaluate the effectiveness of the voluntary program. Second evaluation of the industry's voluntary program will be made by the Commission staff in late 1982.	September-October, 1982—Second Evaluation of effectiveness of program.	James Hoebel, Office of Program Management, 301-492-6453.
Thermal Underwear Labeling Rule.	FFA	In July, 1980, the Commission voted to grant a petition (FP 79-2) to consider a labeling rule indicating that children's thermal underwear does not comply with the children's sleepwear flammability standards. The rule would alert consumers that this product is not flame resistant. On October 14, 1981, the Commission tentatively voted not to propose a draft rule and to terminate this proceeding. A final vote is expected in November of 1981.	November, 1981—Final Commission decision on proposed rule.	Do.
Mattress Flammability Standard Amendment.	FFA	As part of a statutory review of the mattress standard, the standard may be amended to eliminate production testing of mattresses, thereby, reducing the sampling and recordkeeping costs to manufacturers while maintaining the level of protection the standard affords consumers.	December, 1981-January, 1982 Commission decision on advance notice of proposed rulemaking.	Do.
Unvented Gas-Fired Space Heater Rule.	CPSA	The Commission published a rule on September 17, 1980 that requires all manufacturers to equip their heaters with oxygen depletion sensors (ODS) which would shut off the heaters, if the oxygen level in the room falls below a safe range. An extension of its effective date from June 15, 1981 to December 31, 1981 was granted on June 3, 1981 (46 FR 29696). On April 2, 1981 a stockpiling rule was issued (46 FR 20030), effective May 4, 1981 to limit the number of heaters which can be produced before the effective date of the rule. However, the Gas Appliance Manufacturers' Association has petitioned the Commission to revoke the rule since the applicable voluntary standards now require the ODS. The Commission staff is evaluating the issues raised by this petition.	December, 1981—Final Rule becomes effective.	Do.
Coal and Wood Burning Stoves Labeling Requirements.	CPSA	On June 6, 1979 the Commission granted a petition that requested that manufacturers be required to label and provide instructions on the minimum clearance to combustibles and the chimney type required for these stoves. Hazard data shows injuries and deaths associated with these stoves, some of which may be prevented by this rule. On November 17, 1980 (45 FR 76016) labeling requirements were proposed. In July, 1981 the Commission decided to defer a decision on a final rule pending staff review of current changes in voluntary standards and industry conformance to those standards.	Schedule—to be determined	Do.
Antenna Standards	CPSA	On April 12, 1979 the Commission decided to proceed on internal development of a safety standard for omnidirectional CB base-station antennas to address the hazard of electrocution and other electrical injuries when putting up or taking down these antennas. Notice of proceeding to develop the standard was issued September 14, 1979 (44 FR 53676). On August 14, 1981 the Commission proposed the standard and a nonmandatory test method (46 FR 41062).	April, 1982—Commission decision on the final standard and certification rule.	Carl Blechschmidt, Office of Program Management, 301-492-6557.
Chain Saw	CPSA	Efforts in 1979 and 1980 to develop a voluntary chain saw standard were deemed unsuccessful. Subsequently, the Commission decided that a mandatory standard was needed to reduce kickback and other injuries and that it should be developed by Commission staff. On May 11, 1981 the Commission published (46 FR 26262) a notice of proceeding to develop a safety standard. Before taking further procedural steps toward proposal of a mandatory standard, the Commission will review an industry voluntary standard which the Chain Saw Manufacturers Association should submit to the Commission by December 1981.	Schedule to be determined. Preliminary review of voluntary standard by February 1982.	Do.

SEMIANNUAL REGULATORY FLEXIBILITY AGENDA ENTRIES—Continued

Anticipated regulatory activities	Legal basis	Brief description and summary	Approximate schedule for development or completion	Contact
Lawn Mowers	CPSA	On May 5, 1977 (42 FR 23052) a lawn mower standard was proposed, which contained requirements for blade contact, thrown objects, fuel ignition, electrically powered mowers, and riding mowers. On February 15, 1979, the Commission finalized a standard on walk behind power mowers addressing blade contact only. The Commission has decided to propose to withdraw the portions of its May 5, 1977 proposal relating to thrown objects, fuel ignition, and electrically powered mowers. On September 9, 1981 the Commission proposed (46 FR 44992) to amend the lawn mower standard to allow manual restart after engine-kill blade stop, as directed by Congress.	November, 1981—Commission decision on amendment. December, 1981—Commission decision on proposed withdrawal.	Do.
Benzidine Congener Dyes Ban	CPSA	Hazard information shows that benzidine congener dyes may present a carcinogenic health hazard. Consumer exposure to the dyes occurs usually from dye products for home dyeing application or those sold as arts and crafts materials. The Commission has granted a petition to proposed a ban on consumer dye products containing benzidine congener dyes.	Summer, 1982—Commission decision on proposed rule.	Abbie Gerber, Directorate for Health Sciences, 301-492-6984.
Asbestos Regulation	CPSA	Hazard information shows that asbestos presents a risk of cancer and respiratory disease. On October 17, 1979, the Commission issued an advance notice of proposed rulemaking (44 FR 60057) on asbestos in consumer products.	Springs, 1982—Commission decision on consideration of alternatives on selected asbestos-containing consumer products.	Rory Fausett, Directorate, for Health Sciences, 301-492-6984.
Unstable Refuse Bins; Partial Revocation.	CPSA	As a result of a petition from a group of trash companies in southern California, the Commission proposed on March 30, 1981 (46 FR 19247) a rule to partially revoke the unstable refuse bins ban as it would apply to certain small size, straight sided bins, since such bins were found not to present a significant risk of causing injury.	November, 1981—Commission issued final partial revocation.	Douglas L. Noble, Office of Program Management, 301-492-6557.
Urea-Formaldehyde Foam Insulation Regulation.	CPSA	Hazard information shows that formaldehyde gas from urea-formaldehyde foam insulation may cause adverse health effects of an acute and chronic nature. On February 5, 1981 the Commission proposed a ban of urea-formaldehyde foam insulation installed in residences and on March 20, 1981, held a public meeting on this proposal.	February, 1982—Commission decision on final ban.	Henry Cohen, Office of Program Management, 301-492-6453.
Crib Amendment	FHSA	In December, 1978 the Commission directed staff to prepare an amendment to the full size crib regulation after identifying neck and head entrapment hazards associated with certain cutout designs on cribs. The amendment under consideration would apply also to nonfull size cribs and would prohibit hazardous configurations by adding to the crib requirements a performance test to simulate the entrapment hazard pattern.	January, 1982—Commission decision on final amendment.	Elaine Besson, Office of Program Management, 301-492-6458.
Strings and Elastics on Infant Toys Regulation.	FHSA	Hazard information identified a serious risk of strangulation presented by some of the products. This project may result in a proposed regulation that will address the generic problems associated with these toys.	December, 1981—Commission decision on alternatives.	Do.
Potassium Supplements Exemption.	PPPA	The Commission exempted on September 30, 1980 (45 FR 64557) potassium supplement drugs in effervescent tablets containing not more than 40 mEq. of potassium from child resistant packaging requirements. On July 8, 1981 (46 FR 35296) the Commission proposed to amended this exemption by issuing a generic exemption to cover all dosage forms of the drug from this special packaging.	January, 1982—Commission decision on final rule.	Virginia White, Directorate for Health Sciences, 301-492-6984.
Prednisone Tablets Exemption	PPPA	On June 5, 1981 Maynend Pharmaceutical Company petitioned the Commission to exempt certain prednisone tablets from child resistant packaging requirements.	December, 1981—Commission decision on proposed exemption.	Do.
Physician Drugs Samples Policy Statement.	PPPA	The Commission proposed on March 23, 1978 (43 FR 12029) a policy to require safety packaging on drug samples dispensed by physicians to be consistent with its policy for pharmacists which states that manufacturers are responsible for placing a drug in child resistant packaging when the package is intended to be dispended to consumers.	March 1982—Commission decision on final policy statement.	Do.

[FR Doc. 81-33249 Filed 11-18-81; 8:45 am]
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16 CFR Part 1025

Equal Access to Justice Act Regulations

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes a regulation implementing the Equal Access to Justice Act (EAJA) which took effect October 1, 1981. The purpose of the EAJA is to provide for the award of fees and expenses to eligible parties who prevail over the Commission in certain adversarial adjudicative proceedings. An additional purpose of the EAJA and the Commission's proposed regulation is to establish uniform procedures for making awards of fees and expenses.

DATES: (1) Interested persons are invited to submit, on or before January 18, 1982, written comments regarding the proposed regulation. (2) The proposed regulation will serve as guidelines for any application filed between October 1, 1981 and the date a final regulation is issued.

ADDRESS: Comments and any accompanying material should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C., 20207 and titled "Equal Access to Justice Act Regulation".

FOR FURTHER INFORMATION CONTACT: Eric N. Wise or Alan H. Schoem, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207 (202) 634–7770.

SUPPLEMENTARY INFORMATION: The Equal Access to Justice Act (hereinafter, the "EAJA"), Pub. L. 96–481, 94 Stat. 2325, 5 U.S.C. 504, mandates agencies to establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses to qualified parties who prevail over the government in certain adversarial administrative proceedings.

The Act applies to adversarial adjudicative proceedings conducted by the Commission and which are pending at any time between October 1, 1981 and September 30, 1984, regardless of when they were initiated or when final Commission action occurs. 5 U.S.C. 504, note. These are adjudications which, pursuant to 5 U.S.C. 554, are "required by statute to be determined on the record after opportunity for an agency hearing." Covered adversarial adjudicative proceedings are identified in § 1025.70(c) of this proposal. This rule will also govern proceedings designated by Commission order as an adjudicative proceeding for purposes of the EAJA. Furthermore, if the Commission does not designate a proceeding as an adversarial adjudication, that will not preclude a party who believes the proceeding is covered by the EAJA from filing an application.

In an effort to promote uniformity of procedures, the Administrative Conference developed draft model rules to implement the EAJA and solicited comment from all affected agencies. The Administrative Conference issued a model regulation, 46 FR 32900 (June 25, 1981), and has encouraged agencies to follow its model regulation where possible in adopting the agencies' regulations. The Commission's proposed regulation tracks the model regulation with few exceptions.

The Commission's proposed regulation implementing the EAJA will appear as new Subpart H, § 1025.70 *et seq.* to the Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR Part 1025. The following discussion will highlight the provisions of the proposed regulation and explain where the Commission's proposal differs from the Administrative Conference's model rule.

Section 1025.70—General Provisions

Proposed § 1025.70 summarizes the purpose of the regulation and describes the proceedings to which the EAJA applies. In addition, proposed § 1025.70(d) identifies those parties eligible to receive awards under the EAJA. In accordance with the EAJA, parties eligible to receive awards include individuals with a net worth of no more than $1 million; sole owners of unincorporated businesses, partnerships, corporations, associations or organizations with a net worth of no more than $5 million and no more than 500 employees; and tax-exempt charitable organizations with no more than 500 employees, regardless of net worth. (5 U.S.C. 504(b)(1)(B).)

Section 1025.70(d)(8) of the proposed regulation presents a clarification to the model rules of the Administrative Conference. The model rules do not address the issue of whether a party who represents himself/herself or one or more persons or entities in an adversarial adjudicative proceeding and prevails over an agency will be allowed an award based on rates customarily charged by attorneys. The courts have split on whether to award attorney fees to litigants representing themselves under existing statutes. Moreover, Congress has provided no guidance on this issue either in the EAJA or in its legislative history.

The Commission's Rules of Practice are very broad on the issue of who may make appearances in adjudicative proceedings and allows persons to represent themselves without obtaining the services of an attorney. See 16 CFR 1025.61–1025.65. Accordingly, § 1025.70(d)(8) of the Commission's proposed rule has been drafted to allow eligible, prevailing parties representing themselves to be awarded expenses and fees.

Allowable Fees and Expenses

Proposed § 1025.70(f) in accordance with the EAJA, provides that no award for the fee of an attorney or other representative may exceed $75.00 per hour unless the Commission, by rule, amends this regulation to provide for higher rates.

In determining the reasonableness of a fee, the Presiding Officer shall consider the customary fee for similar services, the prevailing rate for similar services in the community, the time spent in the representation of the applicant, the time spent in view of the difficulty or complexity of the issues, and such other factors as may bear on the value of the services provided.

Paragraph (f)(1) of § 1025.70 of the Commission's proposed regulation follows the corresponding section in the model rules recommended by the Administrative Conference. The model rules state that awards will be based on rates customarily charged by attorneys or other representatives, even if the services upon which the award is based were made available without charge or at a reduced rate.

Paragraph (f)(5) of § 1025.70 further provides that awards will not be based on any services performed prior to the issuance of a complaint in accordance with the Commission's Rules of Practice. This provision is necessary because the EAJA applies only to adjudications; and an adjudication does not begin under the Commission's rules until a complaint is issued. (16 CFR 1025.11(a)).

Section 1025.71—Information Required From Applicants

Proposed § 1025.71 specifies the form and content of information required to be included in an application for an award of fees and expenses. It also includes provisions concerning documentation that must be submitted with an application and the stage of the proceeding at which the application may be filed. In no event may an application be filed more than 30 days from the agency's final disposition of the proceeding.

Proposed § 1025.71(b) requires that a net worth exhibit accompany the application for an award of fees and expenses. The Presiding Officer may require an applicant to file additional information to determine its eligibility for an award. Ordinarily, the net worth exhibit and other information submitted will be included in the public record of the fee award proceeding. An applicant, however, may request that any portion of the exhibit or other information submitted be treated *in camera* in accordance with the Commission's Rules of Practice for Adjudicative Proceedings (16 CFR 1025.45). Section 6(a)(2) of the Consumer Product Safety Act, 15 U.S.C. 2055(a)(2), prohibits the Commission from disclosing information it obtains under the Act which contains or relates to 1) trade secrets, 2) other matters referred to in 18 U.S.C. 1905, or 3) information subject to 5 U.S.C. 552(b)(4). Any request for *in camera*

treatment shall be accompanied by an explanation of why the information falls within this provision.

Section 1025.72—Procedures for Considering Applications

Proposed § 1025.72 contains provisions concerning the procedure the Commission will use in considering applications. These include the procedure for filing and serving documents and the period within which complaint counsel must file an answer to the application. This section also includes provisions for the involvement of other parties with respect to an application for an award of fees and provisions for further proceedings, if necessary, to determine if an award of fees and expenses should be made.

This section also includes provisions concerning (1) the period within which the presiding officer should make a decision on the application (proposed § 1025.72(g)); (2) Commission review of the Presiding Officer's decision (proposed § 1025.72(h)); (3) judicial review of a final agency decision (proposed § 1025.72(i)); and (4) payment of awards (proposed § 1025.72(j)).

Settlement

Proposed § 1025.72(e) concerns settlement of award applications. It is the policy of the Commission to seek to resolve matters in litigation as expeditiously as possible. Further, the Commission considers settlement relating to the merits of the case and settlement relating to fees and expenses as two separate and distinct matters.

To the extent the issue of awarding fees and expenses does not cause undue delay in settling the merits of the case, a settlement between the parties to an adversarial adjudicative proceeding may address both matters in the same agreement. If, however, it appears that a dispute as to fees and expenses may cause undue delay in accomplishing and transmitting a settlement of the merts of a case, the fees and expenses issue will be handled independently of that involving the merits of the case.

These proposed rules will serve as guidelines until issuance of the final regulation. The Commission is particularly interested in receiving comment on the issues of settlements (proposed § 1025.72(e)) and payment of expenses to *pro se* litigants. (proposed § 1025.70(d)(8)).

Regulatory Flexibility Act

In accordance with section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), we hereby certify that this regulation will not have a significant economic impact upon a substantial number of small entities. The Equal Access to Justice Act itself may have such an impact, since it applies to individuals and small business entities. It represents a congressional determination that small entities should not bear the burden of litigation where the Government's position is not substantially justified. The proposed regulation simply implements the EAJA, carrying out Congressional intention, and does not, by itself, impose significant economic burdens or benefits.

The recordkeeping requirements of the regulation (see § 1025.71(d)) appear to add little burden to small businesses, since such records should ordinarily be kept in the course of adjudication. Thus the regulation will not have a significant negative impact on small businesses. This certification shall be provided to the Chief Counsel for Advocacy of the Small Business Administration.

The Commission concludes that the public should be given a 60 day opportunity to comment on the proposed rules.

The Commission proposes a new Subpart H to 16 CFR Part 1025 as follows:

PART 1025—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

* * * * *

Subpart H—Implementation of the Equal Access to Justice Act in Adjudicative Proceedings With the Commission

Sec.
1025.70 General provisions.
1025.71 Information required from applicant.
1025.72 Procedures for considering applications.

Authority: Equal Access to Justice Act, Pub. L. 96-481, 94 Stat. 2325, 5 U.S.C. 504 and the Administrative Procedure Act, 5 U.S.C. 551 *et. seq.*

Subpart H—Implementation of the Equal Access to Justice Act in Adjudicative Proceedings With the Commission

§ 1025.70 General provisions.

(a) *Purpose of these rules.* The Equal Access to Justice Act, 5 U.S.C. § 504 (called "the EAJA" in this subpart), provides for the award of attorney fees and other expenses to eligible persons who are parties to certain adversarial adjudicative proceedings before the Commission. An eligible party may receive an award when it prevails over Commission complaint counsel, unless complaint counsel's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this subpart describe the parties eligible for awards and the proceedings covered. The rules also explain how to apply for awards and the procedures and standards that the Commission will use to make them.

(b) *When the EAJA applies.* The EAJA applies to any adversarial adjudicative proceeding pending before the Commission at any time between October 1, 1981 and September 30, 1984. This includes proceedings commenced before October 1, 1981 if final Commission action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Commission action occurs.

(c) *Proceedings covered.* (1) The EAJA applies to adversarial adjudicative proceedings conducted by the Commission. These are adjudications under 5 U.S.C 554 in which the position of the Commission or any component of the Commission is presented by an attorney or other representative who enters an appearance and participates in the proceeding. The rules in this subpart govern adversarial adjudicative proceedings relating to the provisions of sections 15(c), (d) and (f) and 17(b) of the Consumer Product Safety Act (15 U.S.C. 2064(c)(d) and (f); 2066(b)), sections 3 and 8(b) of the Flammable Fabrics Act (15 U.S.C. 1192, 1197(b)), and section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274), which are required by statute to be determined on the record after opportunity for a public hearing. These rules will also govern adminstrative adjudicative proceedings for the assessment of civil penalties under section 20(a) of the Consumer Product Safety Act (15 U.S.C. 2068(a)). *See* 16 CFR 1025.1.

(2) The Commission may designate a proceeding not listed in paragraph (c)(1) of this section as an adversarial adjudicative proceeding for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. The Commission's failure to designate a proceeding as an adversarial adjudicative proceeding shall not preclude the filing of an application by a party who believes the proceeding is covered by the EAJA. Whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(3) If a proceeding includes both matters covered by the EAJA and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

(d) *Eligibility of applicants.* (1) To be eligible for an award of attorney fees

and other expenses under the EAJA, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C 551(3) and 16 CFR 1025.3(f). The applicant must show that it meets all conditions of eligibility set out in this paragraph and in § 1025.71.

(2) The types of eligible applicants are:

(i) Individuals with a net worth of not more than $1 million;

(ii) Sole owners of unincorporated businesses who have a net worth of not more than $5 million including both personal and business interests, and not more than 500 employees;

(iii) Charitable or other tax-exempt organizations described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees:

(iv) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(3) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(4) An applicant who owns an unincorporated business will be considered as an "individual" rather than as a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(5) The number of employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(6) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. For this purpose, "affiliate" means (i) an individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, and (ii) any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest; however, the presiding officer may determine that such treatment would be unjust and contrary to the purposes of the EAJA in light of the actual relationship between the affiliated entities. In addition, the presiding officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(7) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

(8) An applicant that represents himself/herself regardless of whether he is licensed to practice law may be awarded all such expenses and fees available to other prevailing eligible parties. *See* §§ 1025.61 and 1025.65 of the Commission's rules.

(e) *Standards for awards.* (1) An eligible prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of Commission complaint counsel over which the applicant has prevailed was substantially justified. Complaint counsel bear the burden of proof that an award should not be made to an eligible prevailing applicant. Complaint counsel may avoid the granting of an award by showing that its position was reasonable in law and fact.

(2) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

(f) *Allowable fees and expenses.* (1) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(2) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Commission is authorized to pay expert witnesses. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(3) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the presiding officer shall consider the following:

(i) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(ii) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(iii) The time actually spent in the representation of the applicant;

(iv) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(v) Such other factors as may bear on the value of the services provided.

(4) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

(5) Fees may be awarded to eligible applicants only for service performed after the issuance of a complaint and the commencement of the adjudicative proceeding in accordance with 16 CFR 1025.11(a).

(g) *Rulemaking on maximum rates for attorney fees.* (1) If warranted by an increase in the cost of living or by special circumstances, the Commission may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this subpart. The Commission will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(2) Any person may file with the Commission a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with the Administrative Procedure Act, 5 U.S.C. 553(e). The petition should identify the rate the petitioner believes the Commission should establish and the types of proceedings in which the rate should be used. The petition should also explain fully the reasons why the higher rate is warranted. The Commission will respond to the petition within a reasonable time after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

(h) *Awards against other agencies.* An applicant may be entitled to an award because it prevails over another agency of the United States that participates in a proceeding before the Commission and take a position that is not substantially justified. In such an instance, the prevailing party should file an application for award with the agency over which it prevailed and the application should be made pursuant to that agency's EAJA regulation.

§ 1025.71 Information required from applicant.

(a) *Contents of application.* (1) An application for an award of fees and expenses under the EAJA shall identify

the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of complaint counsel in the adjudicative proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(2) The application shall also include a verified statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if it attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3)) of the Internal Revenue Code or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes that basis for the applicant's belief that it qualifies under such section.

(3) The application shall state the amount of fees and expenses for which an award is sought.

(4) The application may also include any other matters that the applicant wishes the Commission to consider in determining whether and in what amount an award should be made.

(5) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

(b) *Net worth exhibit; Confidential treatment.* (1) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 1025.70(d)(6) of this subpart) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this subpart. The presiding officer may require an applicant to file additional information to determine its eligibility for an award.

(2) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit or to public disclosure of any other information submitted, and believes there are legal grounds for withholding it from disclosure, may move to have that information kept confidential and excluded from public disclosure in accordance with § 1025.45 of the Commission rules for *in camera* materials. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)–(9).

(3) Section 6(a)(2) of the Consumer Product Safety Act, 15 U.S.C. 2055(a)(2), provides that certain information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, or subject to 5 U.S.C. 552(b)(4) shall not be disclosed. This prohibition is an Exemption 3 statute under the Freedom of Information Act, 5 U.S.C. 552(b)(3). The material in question shall be available to other parties only in accordance with § 1025.45(c) of the Commission rules and section 6(a)(2) of the CPSA. If the presiding officer determines that the information should not be withheld from disclosure because it does not fall within section 6(a)(2) of the CPSA, he shall place the information in the public record but only after notifying the submitter of the information in writing of the intention to disclose such document at a date not less than 10 days after the date of receipt of notification. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Commission's established procedures under the Freedom of Information Act (*See* 16 CFR Part 1015).

(c) *Documentation of fees and expenses.* The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The presiding officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

(d) *When an application may be filed.* (1) An application may be filed whenever the applicant has prevailed in a proceeding covered by this subpart or in a significant and discrete substantive portion of the proceeding. However, an application must be filed no later than 30 days after the Commission's final disposition of such a proceeding.

(2) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(3) For purposes of this subpart, final disposition means the later of:

(i) The date on which an initial decision by the presiding officer becomes final, *see* § 1025.52;

(ii) The date on which the Commission issues a final decision, *see* § 1025.55;

(iii) The date on which the Commission issues an order disposing of any petitions for reconsideration of the Commission's final order in the proceeding, *see* § 1025.56; or

(iv) Issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

(e) *Where an application must be filed.* The application for award and expenses must be submitted to the Office of the Secretary, 1111 18th Street N.W., Washington, D.C. in accordance with the application requirements of this section.

§ 1025.72 Procedures for considering applications.

(a) *Filing and service of documents.* Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as provided in the Commission's Rules of Practice, 16 CFR 1025.11–1025.19.

(b) *Answer to application.* (1) Within 30 days after service of an application for an award of fees and expenses, complaint counsel in the underlying administrative proceeding upon which the application is based may file an answer to the application. Unless complaint counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b)(2) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(2) If complaint counsel and the applicant believe that the issues in the fee application can be settled, they may

jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the presiding officer upon request by complaint counsel and the applicant.

(3) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of Commission counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, complaint counsel shall include with the answer either supporting affidavits or a request for further proceedings under parargaph (f) of this section.

(c) *Reply.* Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under paragraph (f) of this section.

(d) *Comments by other parties.* Any party to a processed other than the applicant and complaint counsel may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the presiding officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

(e) *Settlement.* The applicant and complaint counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with the Commission's standard settlement procedure; *see* 16 CFR 1115.20(b), 1118.20, 1025.26, and 1605.3 of the Commission rules of practice. If a prevailing party and complaint counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

(f) *Further proceedings.* (1) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or complaint counsel, or on his or her own initiative, the presiding officer may order further proceedings. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promplty as possible.

(2) A request that the presiding officer order further proceedings under this paragraph shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

(g) *Initial Decision.* The presiding officer shall endeavor to issue an initial decision on the application within 30 days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the complaint counsel's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision of this Commission will only address the allocable portion for which this Commission is responsible to the eligible prevailing party.

(h) *Agency review.* (1) Either the applicant or complaint counsel may seek review of the initial decision on the fee application, or the Commission may decide to review the decision on its own initiative, in accordance with §§ 1025.54, 1025.55 and 1025.56 of Subpart F of 16 CFR.

(2) If neither the applicant nor Commission complaint counsel seeks review and the Commission does not take review on its own initiative, the initial decision on the application shall become a final decision of the Commission 30 days after it is issued.

(3) If an appeal from or review of an initial decision under this subpart is taken, the Commission shall endeavor to issue a decision on the application within 90 days after the filing of all briefs or after receipt of transcripts of the oral argument whichever is later, or remand the application to the presiding officer for further proceedings.

(i) *Judicial Review.* Judicial review of final Commission decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

(j) *Payment of award.* An applicant seeking payment of an award shall submit to the Secretary of the Commission a copy of the Commission's final decision granting the award, accompanied by a verified statement that the applicant will not seek review of the decision in the United States courts. (Office of the Secretary, 1111 18th Street, NW., Washington, D.C. 20207.) The Commission will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

Comments and accompanying material may be seen in, or copies obtained from, the Office of the Secretary, 1111 18th St., N.W., Third Floor, Washington, D.C. 20207, during working hours Monday through Friday.

Dated: November 12, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-33253 Filed 11-18-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Louisiana—6)]

High-Cost Gas Produced From Tight Formations; James Lime Formation, Louisiana

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Louisiana Office of Conservation that the James Lime Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on December 14, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on November 30, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued November 13, 1981.

I. Background

On October 5, 1981, the State of Louisiana, Office of Conservation (Louisiana) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the James Lime Formation, in DeSoto Parish, northwestern Louisiana, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this notice of proposed rulemaking is hereby issued to determine whether Louisiana's recommendation that the James Lime Formation be designated a tight formation should be adopted. Louisiana's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Louisiana recommends that the James Lime Formation in the area of the Benson Field in the southern portion of DeSoto Parish, Louisiana be designated as a tight formation. The area recommended for designation, which covers 108 square miles, is as follows:

T10N–R13W	Sections 1–18
T10N–R14W	Sections 1–18
T11N–R13W	Sections 1–36
T11N–R14W	Sections 1–36

The top of the James Lime Formation is encountered at approximately −5072 feet subsea in the northwest portion of the recommended area and at approximately −5400 feet subsea in southern portion. It is situated directly below the Bexar Formation and above the Pine Island Formation. The maximum thickness of the formation is approximately 260 feet. Louisiana states that there are 6 wells currently producing from the James Lime Formation.

III. Discussion of Recommendation

Louisiana claims in its submission that evidence gathered and presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Louisiana further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Louisiana that the James Lime Formation as described and delineated in Louisiana's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 14, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Louisiana—6), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 30, 1981.

(Natural Gas Policy Act of 1978, (15 U.S.C. 3301–3432))

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Louisiana's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703 is amended by adding new paragraph (d)(78) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(78) *James Lime Formation in Louisiana. RM79–76 (Louisiana—6).*—(i) *Delineation of formation.* The James Lime Formation is found in the area of the Benson Field in the southern portion of DeSoto Parish, Louisiana. The formation underlies the following areas:

Township 10 North, Range 13 West, Sections 1 through 18;
Township 10 North, Range 14 West, Sections 1 through 18;
Township 11 North, Range 13 West, all Sections;
Township 11 North, Range 14 West, all Sections.

(ii) *Depth.* The top of the James Lime Formation is at approximately −5072 feet subsea in the northwest and approximately −5400 feet subsea in the south. The maximum thickness of the formation is approximately 260 feet.

[FR Doc. 81–33383 Filed 11–18–81; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 271

[Docket No. RM79–76 (Texas—3 Addition)]

High-Cost Gas Produced From Tight Formations; Cisco Sandstone Formation, Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas

Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that an additional area of the Cisco Sandstone Formation located in the Sallie (Cisco) Field be designated as a tight formation under § 271.703(d)

DATE: Comments on the proposed rule are due on December 14, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on November 30, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued: November 13, 1981.

I. Background

On September 21, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Cisco Sandstone Formation located in the northeastern corner of Reagan County, and the southwest corner of Sterling County, in west Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that an additional area of the Cisco Sandstone Formation in the Sallie (Cisco) Field be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Cisco Sandstone Formation encountered in Sections 58, 59, 60, Block 2, T&P RR Survey, Reagan County, and Section 42, Block 2, T&P RR Survey, Sterling County, be designated as a tight formation. Reagan County and Sterling County are part of Railroad Commission Districts No. 7C and 8, respectively. The formation is an expansion of the area previously designated as a tight formation in Order No. 125 issued January 23, 1981, in Docket No. RM79–76 (Texas—3). The Cisco Sandstone is located below the Wichita Formation and above the Canyon Formation. Cisco Sand deposition occurred in the Pennsylvania Period, in a shallow water environment, resulting in sands that are very shaley.

Currently, three wells are producing within the recommended area. The top of the Cisco Sandstone Formation appears at an approximate depth of 8,030 feet and is approximately 300 feet thick.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through infomation and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Cisco Sandstone Formation, as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed ruelmaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 14, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. Rm79–76 (Texas—3 Addition), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 30, 1981.

(Natural Gas Policy Act of 1978, (15 U.S.C. 3301–3342))

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by revising paragraph (d)(12) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(12) *Cisco Sandstone Formation in Texas. RM79–76 (Texas–3)*—(i) *Sallie (Cisco) Field*—(A) *Delineation of Formation.* The Cisco Sandstone

Formation is found in Section 72, Block 2, T&P RR Survey, northeast Reagan County, Texas.

(B) *Depth.* The top of the Cisco Sandstone Formation is located at an approximate depth of 8,260 feet with an approximate thickness of 28 feet.

(ii) *Sallie (Cisco) Field Addition*—(A) *Delineation of Formation.* The Cisco Sandstone Formation is located in Sections 58, 59, and 60, Block 2, T&P RR Survey, northeast Reagan County, Texas and Section 42, Block 2, T&P RR Survey, southwest Sterling County, Texas.

(B) *Depth.* The top of the Cisco Sandstone Formation appears at an approximate depth of 8,030 feet and is approximately 300 feet thick.

[FR Doc. 81-33384 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76 (Texas—11 Addition)]

High-Cost Gas Produced From Tight Formations; Wilcox Formation, Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by Section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking contains the recommendation of the Railroad Commission of Texas that an additional area of the Wilcox Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on December 14, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on November 30, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

I. Background

On September 21, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Wilcox Formation located in Starr County, Texas, be designated as a tight formation. The Commission currently has under consideration a recommendation that a portion of the Wilcox Formation in Webb County, Texas, be designated as a tight formation (Docket No. RM79-76, (Texas—11)). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Wilcox Formation in the Roma, W. (Wilcox 10,100) Field be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Wilcox Formation in the area of the Roma, W. (Wilcox 10,100) Field in the western portion of Starr County, Texas, Railroad Commission District 4, be designated as a tight formation. The area recommended is within a 2.5 mile radius around the Border Exploration Company No. 1 H.P. Guerra, Jr., et al., well and is adjacent to the Rio Grande River. The top of the recommended formation appears at approximately 9,750 feet and extends to 10,750 feet giving a total thickness of 1,000 feet. The Border Exploration Company No. 1 H.P. Guerra, Jr., et al. well is the only completion in the recommended formation.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Wilcox Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 14, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Texas—11 Addition), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 30, 1981.

(Natural Gas Policy Act of 1978 [15 U.S.C. 3301-3432.])

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set

forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703 is amended by adding paragraph (d)(58) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's offical file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(58) *Wilcox Formation in Texas.* RM79–76 (Texas—11)—(i) *Aviators, N. (12,000) Field*—(A) *Delineation of formation.* The Wilcox Formation found in the area of the Aviators, N. (12,000) Field, Webb County, Texas, is within a 2.5 mile radius around the Pennzoil Producing Company No. 53–1 B.M.T.—Alice B. Hall well and covers approximately 19.6 square miles.

(B) *Depth.* The top of the Wilcox Formation, Aviators, N. (12,000) Field, is at approximately—11,085 feet subsea and is 114 feet thick.

(ii) *Roma, W. (Wilcox 10,100) Field*—(A) *Delineation of formation.* The Wilcox Formation found in the area of the Roma, W. (Wilcox 10,100) Field, Starr County, Texas, is within a 2.5 mile radius around the Border Exploration Company No. 1 H.P. Guerra Jr., et al. well and is adjacent to the Rio Grande River.

(B) *Depth.* The top of the Wilcox Formation, Roma, W. (Wilcox 10,100) Field, is at approximately 9,750 feet and extends to 10,750 feet, resulting in a total thickness of 1,000 feet.

[FR Doc. 81-33386 Filed 11-18-81; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

23 CFR Part 1221

[Docket No. 81–01; Notice 2]

Performance Standards for Speed Measuring Radar Devices

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of termination of rulemaking.

SUMMARY: This notice terminates a rulemaking action begun by this agency on January 8, 1981, when it published a Notice of Proposed Rulemaking requesting comments on performance requirements and test methods for evaluating speed measuring radar devices. The performance requirements and test methods would have been used to establish a qualified products list which would have specified which radar devices could be purchased by State and local governments with Federal highway safety funds. The agency has decided that the benefits of the proposal can be achieved without the need to issue a final rule. In place of the final rule, NHTSA is hereby releasing the results of its technical research on radar, along with model specifications for consideration by State governments. The States will be free to rely on the test results and adopt the specifications or not, as they choose.

FOR FURTHER INFORMATION CONTACT: Kathy DeMeter, Office of Chief Counsel, NHTSA, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–1834) or Ronald Engle, Enforcement and Emergency Services Division, NHTSA, 400 Seventh Street, SW., Washington, D.C. 20590 (202–472–4913).

SUPPLEMENTARY INFORMATION: For almost 30 years, radar has been accepted by the courts and public as a reliable tool for measuring vehicular speed. Its use to enforce traffic laws has encouraged motorists to maintain safe speeds, thereby reducing the number and severity of traffic accidents and saving lives. Its continued use and acceptance are vital to traffic safety and energy conservation. To maintain radar's usefulness, it is essential that radar devices be accurate.

Until this time, there have been no industry-wide performance standards for police traffic radar devices. State administrators and purchasing agents have had no definitive guidelines on which to base their purchasing decisions. Recognizing these limitations, in 1976 the International Association of Chiefs of Police (IACP) passed a resolution to seek support from the NHTSA for the development of "health, safety and performance standards for speed measuring devices, testing of the devices, and publication of test results."

As a result of the IACP resolution, NHTSA began in 1977 to develop performance standards for radar devices to meet the needs of the police. The NHTSA called upon the expertise of the National Bureau of Standards (NBS) to test and determine the most desirable and useful features of radar devices. The NBS tests formed the basis for the performance standard proposed by the agency in a notice published January 8, 1981 (46 FR 2097).

The benefits of the proposed standard were stated to be:

—State administrators and purchasing agents would have definitive guidelines upon which to base their purchasing decisions;

—Compliance with the standard would result in better quality radar equipment being offered in the market; and

—Better quality radar equipment would result in more courts accepting evidence derived from radar, and more speeding convictions based on radar-derived evidence would be sustained.

Ultimately, NHTSA hoped that increased convictions would deter motorists from speeding, and reduce accidents resulting from excessive speed as well as the severity of injuries sustained in those accidents.

On further consideration, NHTSA has concluded that each of these benefits can be achieved without issuing the standard as a final rule. The State purchasing process can be improved by giving to the States the model specifications developed by NBS, together with the supporting research and test data.

Improvements in the quality of radar equipment are already evident. It now appears that most radar manufacturers can offer radar equipment for sale that complies with the proposed standard. Although this means that the costs of implementing the standard in final form would be low, it also means that issuance of the standard in final form is not necessary to achieve the benefit of higher quality equipment. The States' reliance on the standard and test results would maximize the chances that this higher quality equipment continues to be produced.

The benefit expected from an increase in the number of speeding convictions being sustained will also occur without Federal intervention. A State that shares our belief that higher quality equipment will lead to more speeding convictions can elect to adopt the model radar standard as a State standard or incorporate the terms of the model standard into its procurement procedures. Some States, on the other hand, may share the concern of three of the commenters in this proceeding, who expressed theiur concern over the possibility that the issuance of the standard will trigger challenges in the courts of pre-standard radar devices. Although the proposed standard did not

propose to address pre-standard radar, the development of a Qualified Products List (QPL) could have been interpreted as a statement of disapproval of the quality of existing radar units. It is not NHTSA's opinion that these units are obsolete, that they should be discarded before the end of their normal useful life or that citations based upon evidence derived from these devices will be unenforceable in courts of law. On the contrary, recent tests conducted by the NBS led NHTSA to conclude that existing radar devices render reliable and valid results when properly installed and used by skilled and knowledgeable operators.

A related concern of NHTSA is that the decision to select or reject a certain piece of radar equipment should remain entirely with the State governments. It is not an appropriate role for the Federal government to impose its view of the "best" radar equipment on 50 different states, whose needs may differ. It is in keeping with this Administration's commitment to giving State and local governments as much flexibility as possible that we are declining to issue a final standard in this matter.

Simultaneously with this notice, NHTSA is releasing the results of the NBS research and model radar specifications so that a State government that wishes to take advantage of the work NHTSA devoted to evaluating radar devices may do so. Upon completion of the testing of radar devices submitted to NBS, NHTSA will release the results of that testing so that States unable to conduct their own testing will have adequate information upon which to base their purchasing decisions. The International Association of Chiefs of Police (IACP) has been granted permission to adopt this research and the resulting standard for their own use. A copy of the model specifications and supporting research is available from NHTSA at the address listed in the beginning of this notice.

Despite NHTSA's reluctance to impose findings on the State governments, NHTSA encourages each State to consider adopting the NHTSA model specifications as its own, but recognizes that individual States may have reasons for not doing so.

To complement this research, the NHTSA has also developed and will soon distribute a model operator's training course for police traffic radar. When adopted by State and local jurisdictions, this model training course should improve the quality of radar training that many police officers receive. The training program, coupled with the model performance specifications, ensures the continued reliability and accuracy of radar devices. The agency also strongly encourages each State to consider adopting the model training program.

Since the benefits associated with the proposed standard can be achieved without the necessity of Federal regulations, if the States so choose, NHTSA has decided that a Federal standard regulating performance of radar devices is not necessary. For the above reasons this rulemaking action is terminated.

Issued on November 6, 1981.

Diane K. Steed,

Acting Administrator.

[FR Doc. 81-33183 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-58-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 5

[Notice No. 396; re: Notice No. 332]

Labeling and Advertising of Distilled Spirits; Grape Brandy

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: ATF is considering amending the standards of identity for grape brandy. Under the proposal, grape brandy may be labeled (1) with a grape variety designation if derived from wine made 100 percent from that grape variety and (2) with a grape vintage designation if derived 100 percent from grapes harvested in the designated year. These designations may also be used in advertising. The proposed standards of identity are informative terms which may be used in addition to present labeling designations so the consumer can further differentiate between grape brandies.

DATE: Written comments or requests to hold a public hearing must be received on or before January 18, 1982.

ADDRESS: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Post Office Box 385, Washington, DC, 20044. Attention: Notice No. 396.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch (202-566-7626).

SUPPLEMENTARY INFORMATION:

Rulemaking History

Petition

ATF was petitioned to allow the use of grape varietal designations on labels for grape brandy distilled from wine made 100 percent from a named grape variety and to allow the use of a grape vintage designation on labels for grape brandy distilled from a wine made 100 percent from grapes harvested in a named year. The petitioner claims there is clearly a taste difference among his brandies made from different grape varieties and vintages and that the U.S. market for grape brandy should be expanded to offer consumers a wider selection of brandies. The petitioner also stated that a varietal and vintage grape brandy produced in the United States may be able to compete favorably with premium imported brandies.

Public Participation

ATF announced its intention to gather information on the desirability of proposing regulations for varietal and vintage grape brandy by publishing in the **Federal Register** an advance notice of proposed rulemaking (Notice No. 332, 45 FR 50, on January 2, 1980).

ATF received 454 written comments during the comment period to the advance notice of proposed rulemaking. Eighty-five percent of the commenters favored the use of varietal and vintage designations for grape brandy.

Written comments were received from the industry segment (160), members of the U.S. Congress (11), foreign governments (2), and consumers (281). Seventy-one percent of the respondents from industry favored amending the standards of identity for brandy; 27 percent were against; 2 percent remained neutral. Ninety-seven percent of the consumers who responded were in favor because they (1) wanted more information about the brandy in the bottle; (2) felt front labels should describe the product by using credentials such as vintage and varietal designations; and (3) believed American brandies could compete more favorably with premium imported brandies. The remaining three percent rejected the proposed designations on the grounds that these designations would mislead and confuse rather than inform the consumer. The 11 members of the U.S. Congress commenting on the advance notice requested to be kept informed of the rulemaking process on the proposed designations. Both the French and Australian representatives felt the proposed designations would be of little value because most, if not all, grapes

would lose their varietal and vintage character in the distillation process.

The Federal Alcohol Administration (FAA) Act and President Regulations

Under the FAA Act, the Director is authorized to establish standards of identity (class and type) which provide adequate information as to the identity of the product and at the same time (1) prohibit consumer deception and (2) prohibit such statements relating to age, manufacturing processes, analyses, guarantees, and scientific or irrelevant matters that would be likely to mislead the consumer.

The standard of identity for brandy is set forth in 27 CFR 5.22(d). Brandy is a product of distillation from fermented juice, mash, or wine of fruit or from the residue thereof, which possesses the taste, aroma, and other characteristics generally attributed to brandy. In addition to the general standard of identity, brandy is further divided into types such as "fruit brandy," "marc brandy," and the like. Brandy derived from grapes is under the "fruit brandy" type and may be designated "grape brandy" or "brandy." Other fruit brandies derived from one kind of fruit are designated by the word "brandy" qualified by the name of the fruit; for example, "apricot brandy." However, brandy not conforming to any of the standards specified in 27 CFR 5.22(d) must be designated as "brandy" immediately followed by a truthful and adequate statement of composition.

Discussion of Regulatory History

Current regulations do not provide a standard of identity for varietal grape brandy. Rather, brandy made from grape wine may be designated only as "brandy" of "grape brandy." Under 27 CFR 5.33(f), this designation may be followed with additional information which may include the name of the grape variety provided 100 percent of the variety is used.

The Bureau has never established a standard of identity for varietal brandy because ATF had maintained that the process of distillation destroys any distinctive varietal grape characteristic associated with wine, and therefore such a designation would be misleading to consumers. Rather, ATF has maintained instead that it is factors such as the aging process and distillation process which create differences in brandies. To date, ATF has not received any results of scientific sensory tests or other detailed evidence showing that a varietal brandy or a vintage brandy would taste different than any other brandy.

Despite the fact that no evidence has been presented, ATF is considering reassessing its position because the interest of truthful labeling may outweigh the potential consumer misunderstanding. Furthermore, comments received in response to the advance notice of proposed rulemaking indicate that varietal as well as vintage grape brandy designations would not be misleading to consumers. Therefore, ATF has decided to propose regulations for varietal and vintage grape brandy standards of identity. ATF is also seeking additional information about consumer understanding and any possible problems by asking specific questions on the varietal and vintage grape brandy proposals.

A related topic, which was not the subject of the varietal and vintage grape brandy advance notice of proposed rulemaking, is the possibility of establishing American viticultural areas for grape brandy similar to American viticultural areas for wine. An advance notice of proposed rulemaking will be published to determine if American viticultural areas for grape brandy are feasible and desired. ATF will also want to know if other conditions should be a part of any American viticultural area grape brandy proposal, such as distillation method used, distillation proof, aging process, variety of grape, and the like, similar to that of some premium imported brandies. It is possible that the use of an American viticultural area designation may give the consumer desired additional information and also allow grape brandy producers to identify a special brandy in a manner similar to some European premium brandies.

Public Participation

Procedure

Written comments may be submitted to the Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Post Office Box 385, Washington, D.C. 20044, (Attention: Notice No. 396) on or before January 18, 1982.

Persons who desire an opportunity to comment orally at a public hearing on these proposals sould submit a written request to the Director at the above address within the 60 day comment period. The Director reserves the right to determine if a public hearing will be held.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future action by ATF.

Disclosure of Comments

Copies of written comments or suggestions are available for public inspection in the ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

Proposed Amendments and Issues on Which Comments Are Requested

ATF requests comments and supporting documentation on the following proposals with particular attention to the issue questions.

Varietal Grape Brandy

Proposal. It is proposed that brandy produced from wine made 100 percent from a grape variety may be labeled with that varietal designation.

As a standard of identity under 27 CFR 5.22(d), varietal grape brandy would be defined as a grape brandy produced from wine made 100 percent from a grape variety, and designated by the name of the grape variety followed by the word "brandy." Example:

MUSCAT BRANDY

or

XYZ
MUSCAT BRANDY

Any claim of taste characteristics attributed to the named grape variety would be prohibited, except when supported by approved sensory testing results.

Issues. 1. Will the proposal cause any consumer uncertainty or confusion about varietal grape brandy?

2. Would a varietal grape brandy designation cause a consumer to believe that the brandy is a premium product?

3. Does the distillation process for brandy destroy the peculiar characteristics of a grape variety, and if so, at what proof level are the peculiar characteristics destroyed?

4. If distillation above a certain proof level destroys those characteristics which a grape has because of its variety, does distillation also destroy those characteristics which a grape has because of environmental factors, such as climate, soil, water and elevation? If so, what implication is there on labeling brandy according to the area in which grapes were grown (e.g., Cognac)?

5. Should a varietal grape brandy designation be conditioned on other factors of production (e.g., limitation on the proof level to which varietal grape brandy can be distilled, the year the grapes are harvested, the area in which the grapes are grown, the type of barrels used for aging, the length of time the brandy is aged in the barrel, treatment

with caramel, blenders or smoothing agents)?

6. If through measurable sensory tests it can be established that only certain brandies are likely to retain the taste or other characteristics generally attributed to the named variety of grape, should only these varietal grape brandies be allowed?

7. Are there any issues or possible difficulties with the varietal grape brandy proposal not noted in the previous six questions?

Vintage Grape Brandy

Proposal. It is proposed that grape brandy may be labeled with a grape vintage year designation. The number of years the brandy is aged in wood would also be stated so the consumer would understand that the vintage year refers to the grape harvest year and not to the barrel age of the brandy.

As a standard of identity under 27 CFR 5.22(d), vintage grape brandy would be defined as a grape brandy produced from a wine made 100 percent from grapes harvested in the year designated. The label on a vintage grape brandy would state where the brandy was produced, the year the grapes were harvested, the wine appellation of origin and the number of years the brandy was aged in wood. Example:

CALIFORNIA BRANDY

VINTAGE 1971

This brandy was produced from California wine made from grapes harvested in 1971. The brandy was aged 2 years in oak barrels.

Any claim of taste characteristics attributed to the named vintage year would be prohibited, except when supported by approved sensory testing results.

Issues. 1. Will the proposal cause any consumer uncertainty or confusion about vintage grape brandy?

2. Is a requirement on the brandy label of where the brandy is producted and where the wine is produced necessary for consumer understanding? Is it confusing?

3. Does the distillation process for brandy destroy the peculiar characteristics of a particular vintage, and if so, at what proof level are the peculiar characteristics destroyed?

4. Should a vintage grape brandy designation be conditioned on other factors of production (e.g. limitation on the proof level to which varietal grape brandy can be distilled, the type of barrels used for aging, the length of time the brandy is aged in the barrel, treatment with caramel, blenders or smoothing agents)?

5. Are there any issues or possible difficulties with the vintage grape brandy proposal not noted in the previous four questions?

Drafting Information

The principal author of this notice of proposed rulemaking is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Executive Order 12291

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the proposed rule, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burden on a substantial number of small entities.

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

(Sec. 5, Federal Alcohol Administration Act, 49 Stat. 981, as amended (27 U.S.C. 205))

Signed: November 2, 1981.

G. R. Dickerson,

Director.

Approved: November 2, 1981.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-33345 Filed 11-16-81; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 5

[Notice No. 397]

Grape Brandy American Viticultural Areas

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF); Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: ATF is considering allowing brandy producers to use American viticultural area designations as an additional appellation of origin on grape brandy labels and in advertising. American viticultural areas for wine are in the process of being formally established. ATF wishes to gather information by inviting comments on the desirability of allowing brandy producers to use American viticultural areas for grape brandy.

DATES: Comments must be received on or before February 17, 1982.

ADDRESS: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobbaco and Firearms, P.O. Box 385, Washington, DC. 20044. Attention: Notice No. 397.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch (202-566-7626).

SUPPLEMENTARY INFORMATION: On January 2, 1980, the Bureau published an advance notice of proposed rulemaking to gather information from interested persons on the desirability of varietal and vintage grape brandy standards of identity. We received 454 written comments during the comment period. Ninety-seven percent of the 281 consumers who responded were in favor of the varietal and vintage brandy proposals because they wanted more information about the brandy in the bottle.

Commenters who favored the varietal and vintage grape brandy proposals also stated such designations would allow domestic brandy to compete with premium imported brandies. Since the geographic area where grapes are grown and brandy is produced is a quality factor (in addition to distillation method, aging process, grape variety, and the like) for many premium imported brandies, the concept of American viticultural areas for domestic grape brandy is being explored by this advance notice of proposed rulemaking.

ATF established 27 CFR Part 9, American Viticultural Areas, designating approved wine American viticultural areas for the purposes of labeling and advertising. These wine American viticultural area regulations

become mandatory on January 1, 1983. A wine American viticultural area is established after receipt of a petition and use of the rulemaking process. The information submitted to ATF for establishing an American viticultural area for wine includes:

(1) Evidence that the applied for name of the viticultural area is locally and/or nationally known;

(2) Historical or current evidence that the boundaries of the viticultural area are as specified in the application;

(3) Evidence relating to the geographical features (climate, soil, elevation, physical features, and the like) which distinguish the viticultural features of the poroposed area from surrounding areas;

(4) Specific boundaries of the viticultural area based on features which can be found on United States Geological Survey (USGS) maps of the largest applicable scale; and

(5) A copy of the appropriate USGS map with the boundaries prominently marked.

Before considering the issuance of proposed regulations for grape brandy American viticultural areas, ATF invites persons to submit comments, opinions, or other data so we can determine:

1. Is an area where grapes are grown a significant enough quality factor in brandy production to establish in regulations American viticultural areas for grape brandy?

2. Would an American viticultural area on a grape brandy label or in advertising be confusing or misleading to the consumer?

3. Are the characteristics which grapes may have as the result of being grown in a particular viticultural area destroyed as the result of distillation, and if so, at what proof level are the peculiar characteristics destroyed? What implication does this have for foreign brandies which are designated by the area in which the grapes are grown (e.g., Cognac)?

4. If a producer is allowed to use an American viticultural area designation on a brandy label or in advertising:

a. Should a new regulation Part be established for grape brandy American viticultural areas or should the regulations under 27 CFR Part 9 for wine apply?

b. Should American viticultural area brandy be derived from wine made 100 percent from grapes grown in the named viticultural area?

c. Should ATF propose any specific standards which influence production of brandy such as length of aging process, limitation on the proof level to which it can be distilled, grape variety, proof of distillation, use of the blenders, and the like, in grape brandy American viticultural area regulations?

5. Are there issues or problems with proposing American viticultural area regulations for grape brandy not noted in the foregoing questions?

Disclosure of Comments

Copies of written comments or suggestions are available for public inspection in the ATF Reading Room, Room 4407 Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

Drafting Information

The principal author of this advance notice of proposed rulemaking is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Executive Order 12291

It has been determined that this proposal will not result in a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because it will not a result in a final rule with a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the proposals in the advance notice of proposed rulemaking, if resulting in a final rule, will not have a significant economic impact on a substantial number of small entities.

Authority and Issuance

This advance notice of proposed rulemaking is issued under the authority contained in Section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended (27 U.S.C. 205).

Signed: November 2, 1981.

G. R. Dickerson,
Director.

Approved: November 2, 1981.

John M. Walker, Jr.,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-33373 Filed 11-18-81; 8:45 am]
BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 395]

Establishment of Rocky Knob Viticultural Area, Virginia

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in parts of Floyd and Patrick Counties in southern Virginia to be known as "Rocky Knob." This proposal is the result of a petition submitted by an industry member. ATF feels the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they purchase.

DATES: Written comments must be received by February 17, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044, (Notice No. 395).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226. (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

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

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

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been recognized and defined in 27 CFR Part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from the surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (USGS) maps of the largest applicable scale; and

(e) A copy of the appropriate USGS map with the boundaries prominently marked.

Petition

ATF has received a petition from Woolwine Winery proposing a viticultural area in parts of Floyd and Patrick Counties in southern Virginia to be known as "Rocky Knob." The proposed viticultural area consists of approximately 15,000 acres. Woolwine Winery is the only bonded winery located in the proposed viticultural area and has about 10 acres of grapes. Floyd County is noted for commercial apple production.

The name Rocky Knob is taken from the mountainous recreational area within the proposed viticultural area boundary. Rocky Knob Recreation Area appears on State maps on both sides of the Blue Ridge Parkway, which is the main highway through the scenic Blue Ridge Mountains. The community of Tuggle Gap is located at the north boundary and Rock Castle Gap at the southern boundary of the proposed viticultural area.

The petitioner states that the name Rocky Knob has been in existence since prior to 1770 and is a topographical description of the area.

The proposed viticultural area elevation varies from 1,600 feet at the north boundary in the vicinity of Widgeon Creek to 3,574 feet at the southern boundary in the vicinity of Hog Mountain. The proposed Rocky Knob viticultural area has a steep drop in elevation to the southeast in the vicinity of Rock Castle Gorge. The petitioner states that to the west there are intermittent plateaus of deep loam soil, comprising 4,000 acres, suitable for viticultural purposes. Two acres of grapes were planted in 1976 on top of Sugarloaf Mountain, which is in the proposed Rocky Knob area. This first commercial planting of wine grapes was experimental and the results were positive. According to the petitioner the average rainfall is 43.10 inches per year and the average temperature for the growing season, which lasts 160 days, is May 61.2, June 67.9, July 71.1, August 70.0, September 63.9, and October 54.3 degrees Fahrenheit. The petitioner claims that warm days with cool nights are typical during the growing season in the proposed area and provide excellent growing conditions. High winds afford good soil drying conditions which minimize grape diseases.

Two USGS 7.5 minute quadrangle maps (topographical), titled Willis Quadrangle Virginia and Woolwine Quadrangle Virginia and dated 1968, identify the proposed Rocky Knob viticultural area.

The boundaries as proposed by the petitioner are described in proposed § 9.43.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. This document proposes possible boundaries for the Rocky Knob viticultural area. However, comments concerning other possible boundaries for this proposed viticultural area will be considered.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action. ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request in writing to the Director on or before February 17, 1982. The Director, however, reserves the right to determine in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this notice of proposed rulemaking is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Executive Order 12291

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the proposed rule, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. This proposal is not expected to have any other significant effect on a substantial number of small entities or cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Available information indicates that this proposal, if promulgated as a final rule, would affect only one operating winery.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.43 to read as follows:

Subpart C—Approved American Viticultural Area

Sec.

* * * * *

9.43 Rocky Knob.

Par. 2. Subpart C is amended by adding § 9.43 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.43 Rocky Knob.

(a) *Name.* The name of the viticultural area described in this section is "Rocky Knob."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Rocky Knob viticultural area are two USGS maps. The maps are entitled: "Willis Quadrangle Virginia" 7.5 minute series and "Woolwine Quadrangle Virginia" 7.5 minute series.

(c) *Boundaries.* The Rocky Knob viticultural area is located in Floyd and Patrick Counties in southern Virginia. The boundaries are as follows: The starting point is the intersection of Virginia State Route Nos. 776 and 799 at Connors Grove. Follow State Route No. 799 south and east to the Blue Ridge Parkway and then south on the Parkway to State Route No. 758. Follow State Route No. 758 east to the intersection of State Route No. 726 at the southern boundary of the Rocky Knob Recreation Area. Follow the boundary of the Rocky Knob Recreation Area south and then in a northeastern direction to where the boundary first intersects State Route No. 8. From that point at State Route No. 8 proceed northeast in a straight line to State Route No. 719 and Widgeon Creek at a point one mile west of the intersection of State Route Nos. 719 and 710. Proceed northwest in a straight line to the intersection of State Route No. 710 and the Blue Ridge Parkway. Follow the Parkway southwest to the intersection with State Route No. 8 at Tuggle Gap. From that point and in a straight line proceed northwest to Dillons Chapel at State Route No. 726. From that point proceed southwest in a straight line back to the starting point at Connors Grove.

Signed: October 13, 1981.

G. R. Dickerson,

Director.

Approved: November 4, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-33344 Filed 11-18-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 64 and 66

[CGD 78-156]

Marking of Structures, Sunken Vessels, and Other Obstructions

AGENCY: Coast Guard, DOT.

ACTION: Proposed rulemaking.

SUMMARY: The Coast Guard is proposing to revise regulations which govern the marking of structures (including Offshore Thermal Energy Conversion (OTEC) facilities), sunken vessels, and other obstructions. The revisions will expand the scope of the regulations so as to correspond with statutory amendments to 14 U.S.C. 85 and 86 covering certain obstructions beyond the territorial seas of the United States, made by Pub. L. 93-283, §§ 1(2) and 1(3) (88 Stat. 139). Additional changes, primarily editorial, will delete redundant and archaic requirements. The changes will enable the regulations to be more clearly understood.

DATES: Comments must be received on or before January 18, 1982.

ADDRESSES: Comments may be submitted to Commandant (G-CMC/44), U.S. Coast Guard, Washington, D.C. 20593. Comments will be available for examination at the Marine Safety Council (G-CMC/44), (CGD 78-156), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St. SW, Washington, D.C. 20593, between 7 a.m. and 5 p.m., Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lt. Walter L. Johnson, Office of Navigation, Short Range Aids to Navigation Division (G-NSR/14), Room 1422, U.S. Coast Guard Headquarters, 2100 Second St. SW, Washington, D.C., 20593, (202) 426-1974, between 7 a.m. and 5:30 p.m. Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. comments should include the name and address of the person submitting them, identify this notice (CGD 78-156) and the specific section of the proposal to which the comment applies, and give the reasons for the comments. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the **Federal Register** if it is requested in writing by an interested person who is raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in drafting ths proposal are LT Walter L. Johnson, Project Manager, Office of Navigation, and LT Collin Lau, Project Attorney, Office of the Chief Counsel.

Background

The Coast Guard has had general authority, under Title 14, section 81 to establish aids to navigation in waters beyond the territorial sea. However, such authority, including the marking of obstructions, was limited to waters superjacent to the continental shelf of the United States. Section 86 provided specific authority for the marking of obstructions on a cost-reimbursable basis within territorial waters only.

On May 1, 1974, Pub. L. 93-283, amended Section 86 so that the Coast Guard could recover from the owner of an obstruction the costs of marking obstructions in waters superjacent to the continental shelf beyond the territorial limits of the United States.

Pub. L. 93-283 also amended sections 83 and 85 to extend and clarify the application of those sections to waters of the high seas to reach persons operating in those waters who are subject to the jurisdiction of the United States. These changes were to be a further extension of authority under section 81 for the purpose of maintaining and establishing aids to navigation in certain areas of the high seas. This change of law was not a geographical expansion of authority, which can be made only pursuant to an internationally recognized jurisdictional right, but rather an extension of in personam jurisdiction over United States citizens.

Pub. L. 93-283 also amended section 85 to eliminate any legal ambiguity about the Coast Guard's authority in the zone between the seaward limits of the States of Florida and Texas on the Gulf of Mexico and the landward boundary of the Outer Continental Shelf, and the usual boundary between State and

Federal lands. The delimitation between State and Federal lands and authority is coterminous with the territorial limits (3 miles) of the United States at all locations, except in the case of these two States which have title to submerged lands out to 10 miles. Because of this anomalous situation, Coast Guard authority over aids to navigation in this "hiatus zone" was uncertain, particularly as to novel structures or facilities. To clarify this situation, the word "floating" was added to section 85 to subject such floating structures as mooring buoys, floating docks, and oceanographic floats to the requirements of that section

On August 3, 1980, Pub. L. 93-320 was enacted giving the U.S. Coast Guard the authority to issue and enforce regulations with respect to lights and warning devices on Ocean Thermal Energy Conversion (OTEC) facilities. See 42 U.S.C. 9118 (b) and (c). OTEC facilities are considered to be structures for purposes of marking under this Part, and are subject to § 64.20 of this Part.

These proposed rules would revise existing Part 64 to reflect these statutory changes. In conjunction with these revisions, the proposed rules will also recodify existing 33 CFR 66.01-35 into 33 CFR Part 64, and will delete redundant archaic requirements. These changes will enable the regulations to be more clearly understood.

Discussion of the Proposed Rule

Proposed §§64.01-1 and 64.01-3 lay down the purpose and the scope of Part 64. The marking of structures, formerly § 66.01-35, will now be included in this part. The scope of this part will be expanded to reflect the changes made by Pub. L. 93-283.

Proposed § 64.01-6 defines terms in this Part which otherwise may be ambiguous.

Proposed § 64.10-1 requires the owners of sunken vessels to notify the District Commanders, instead of Coast Guard Marine Inspection Offices, of requisite markings, and it allows them to mark the wreck in accordance with Part 62 of this Subchapter.

Proposed §§ 64.10-3, 64.10-6 and 64.20-1 are substantially the same as the existing requirements. Proposed § 64.20-3 requires markings on structures to be established and maintained until the structure is removed or until such earlier time as designated by the District Commander.

Proposed § 64.30-1 informs owners of structures, sunken vessels and other obstructions of the criteria used by the District Commanders to determine the necessity of markings.

Regulatory Evaluation

The proposed regulations have been evaluated under E.O. 12291 and DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated May 22, 1980, and have been determined to be neither significant nor major.

The proposed rules would revise regulations which govern the marking of miscellaneous structures (not covered under 33 CFR Part 67), sunken vessels, and other obstructions. Due to expanded statutory jurisdiction, the regulations would require marking of structures, sunken vessels and other obstructions outside U.S. territorial waters. Current regulations require markings of structures, sunken vessels and other obstructions inside U.S. territorial waters. The Coast Guard expects the marginal impact of this proposed rule to be minimal. Of an estimated 500 private navigational aids to be put in service next year, less than 25 would be because of this regulation.

Where markings are required, the cost would be minimal when compared with the potential cost of ship and cargo loss, and the potential cost of pollution damage to the environment. The estimated cost of marking an obstruction varies considerably with the size of the object, its location, and the degree of hazard to navigation presented. The cost may range from $300 to $10,000 per year. An average cost is about $1,000 per year.

In the areas outside U.S. territorial waters, covered by the expanded applicability of these regulations, marking is only expected to be required on structures that have been erected for commercial purposes. In these instances, the cost associated with required obstruction marking is insignificant when compared with the total cost of the structure.

By comparison, the damage to a vessel caused by collision with a structure or other obstruction can range from $1,000 to $10,000. In addition there may be injuries or loss of life and environmental damage due to pollution. While the likelihood of such incidents can not be established, marking is required only in these instances where there is a reasonable risk that they may occur.

Regulatory Flexibility Analysis

The proposed regulations have been evaluated under Pub. L. 96-354 (94 Stat. 1168) and are certified as having no significant economic impact on a substantial number of small entities. No significant impact was found because the proposed regulations primarily update, simplify and consolidate existing regulations by clarifying the applicability of the regulations, deleting extraneous material, and organizing the regulations in a more logical manner. Few obstructions owned by small entities are likely to require marking in the areas of expanded jurisdiction.

In consideration of the foregoing, it is proposed that 33 CFR 66.01-35 be removed and that Part 64, Title 33, Code of Federal Regulations be revised as follows:

PART 64—MARKING OF STRUCTURES, SUNKEN VESSELS AND OTHER OBSTRUCTIONS

Subpart 64.01—General

Sec.

64.01-1 Purpose.
64.01-3 Scope.
64.01-6 Definition of terms.

Subpart 64.10—Sunken Vessels and Other Obstructions

64.10-1 Markings and notification requirements.
64.10-3 Approval of markings.
64.10-6 Duration of marking on sunken vessels in navigable waters.

Subpart 64.20—Structures

64.20-1 Marking and notification requirements.
64.20-3 Duration of marking on structures.

Subpart 64.30—Miscellaneous Provisions

64.30-1 Determination of marking necessity.
64.30-3 Marking by the Coast Guard.

Authority: 14 U.S.C. 81, 85, 86, 92, 633; Pub. L. 96-320; 94 Stat. 974 (42 U.S.C. 9118(f)); (49 CFR 1.46(b)).

Subpart 64.01—General

§ 64.01-1 Purpose.

This part prescribes rules relating to the marking of structures, sunken vessels and other obstructions for the protection of maritime navigation.

§ 64.01-3 Scope.

(a) Except as provided in paragraph (b) of this section these rules apply to:

(1) Structures located in or over waters subject to the jurisdiction of the United States and, in the high seas, for structures owned or operated by persons subject to the jurisdiction of the United States;

(2) Sunken vessels existing in the navigable waters or waters above the continental shelf of the United States; and

(3) Other obstructions existing on or in the navigable waters or waters above the continental shelf of the United States.

(b) The following obstructions are exempt from the requirements of this part:

(1) Dredging pipelines subject to subchapter D of this chapter;

(2) Bridges subject to subchapter J of this chapter;

(3) Vessels subject to the International Regulations for Preventing Collisions at Sea, 1972 (1972 COLREGS) or the Inland Navigational Rules;

(4) Deepwater port facilities subject to subchapter NN of this chapter; and

(5) Artificial islands subject to part 67 of this subchapter.

§ 64.01-6 Definition of terms.

As used in this part:

"Markings" means the lights and signals placed on or near structures, sunken vessels, and other obstructions for the protection of navigation.

"Structures" means any fixed or floating obstruction, intentionally placed in the water, which may interfere with or restrict marine navigation.

Subpart 64.10—Sunken Vessels and Other Obstructions

§ 64.10-1 Marking and notification requirements.

(a) Statutory law (33 U.S.C. 409) requires the owner of a vessel, raft or other craft wrecked and sunk in a navigable channel to mark it immediately with a buoy or daymark during the day and a light at night. The courts have interpreted the statute very broadly, holding that it is not to be applied to vessels only and that "navigable channel" is not limited to those channels marked by buoys or other aids to navigation. Vessels and other obstructions should be marked whenever they constitute a hazard to navigation.

(b) Owners of vessels sunk in the navigable waters of the United States shall promptly report to the District Commander the action they are taking to mark the sunken vessel giving, in addition to the report required by 46 CFR 4.05-1, the following information:

(1) Name and description of the sunken vessel;

(2) Accurate location of the vessel;

(3) Depth of water over the vessel; and

(4) Location and type of marking established, including color and shape of buoy or daymark and characteristics of the light.

(c) Owners of other obstructions may report the existence of such obstructions and mark them in the same manner as prescribed for sunken vessels.

Note.—Outer Continental Shelf (OCS) lessees are subject to additional notification requirements provided in OCS Order No. 1, paragraph 4 (44 FR 76216, December 21, 1979), issued by U.S. Geological Survey.

§ 64.10-3 Approval of markings.

(a) All markings on sunken vessels and other obstructions established in accordance with § 64.10-1 must be reported to and approved by the District Commander.

(b) If the District Commander determines these markings are inconsistent with Part 62 of this subchapter, they must be replaced as soon as practicable with approved markings.

§ 64.10-6 Duration of marking on sunken vessels in navigable waters.

Markings shall be maintained until:

(a) The sunken vessel is removed; or

(b) The right of the owner to abandon is legally established and exercised.

Subpart 64.20—Structures

§ 64.20-1 Marking and notification requirements.

Before building a structure, the owner shall notify the District Commander by letter of the location and description of the structure for a determination of marking requirements.

§ 64.20-3 Duration of marking on structures.

Markings determined to be required shall be established and maintained until:

(a) The structure is removed; or

(b) Otherwise directed by the District Commander.

Subpart 64.30—Miscellaneous Provisions

§ 64.30-1 Determination of marking necessity.

(a) In determining the necessity of marking for the protection of maritime navigation, the District Commander shall consider, but is not limited to the following:

(1) Physical characteristics of the obstruction;

(2) Depth of water in which it is located;

(3) Proximity of the obstruction to historic or designated vessel routes;

(4) Proximity of the obstruction to other obstructions or aids to navigation; and

(5) Type of vessel traffic at the obstruction site.

§ 64.30-3 Marking by the Coast Guard.

(a) The District Commander may mark for the protection of maritime navigation any structure, sunken vessel or other obstruction that is not suitably marked by the owner. Markings established by the Coast Guard do not relieve the owner's duty or responsibility to mark the sunken vessel or obstruction, or to remove it as required by law.

(b) Costs for markings established by the Coast Guard will be determined in accordance with Part 74 of this Chapter.

(c) Costs for marking of a sunken vessel or obstruction shall be charged to the owner and shall continue until:

(1) The vessel or obstruction is removed;

(2) The right of the owner to abandon is legally established and has been exercised; or

(3) Otherwise directed by the District Commander.

Note.—When the needs of navigation permit, the owner may be given reasonable opportunity to establish and maintain the necessary markings.

PART 66—PRIVATE AIDS TO NAVIGATION

It is proposed that 33 CFR 66.01-35 be removed.

§ 66.01-35 [Removed]

Dated: September 24, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 81-33431 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-771; RM-3923]

TV Broadcast Station in Greenwood, South Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 48 to Greenwood, South Carolina, in response to a petition filed by Metro Communications South, Inc. The assignment could provide Greenwood with its first local commercial television service.

DATES: Comments must be filed on or before December 31, 1981, and reply comments on or before January 15, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 5, 1981.

Released: November 16, 1981.

In the matter of amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations. (Greenwood, South Carolina), BC Docket No. 81-771, RM-3923.

1. A petition for rule making [1] was filed by Metro Communications South, Inc. ("petitioner") requesting the assignment of UHF television Channel 48 [2] to Greenwood, South Carolina, as that community's first commercial television channel. Petitioner stated its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Greenwood (population 21,613),[3] the seat of Greenwood County (population 57,847), is located in the western part of South Carolina, approximately 210 kilometers (130 miles) northeast of Atlanta, Georgia. There is no commercial channel presently available to Greenwood, and an application is pending for its reserved Channel *38.

3. Petitioner alleges that Greenwood County is part of a growing metropolitan area. Its population has increased substantially during recent years, according to petitioner, and it anticipates this trend will continue. Further, petitioner states that the area is presently receiving inadequate commercial television service for the coverage of local news, sports and public affairs presentations. It states that the area is capable of supporting its own service. Petitioner has submitted sufficient information to justify a need for the proposed television assignment to Greenwood.

4. In order to comply with the minimum distance separation requirements of § 73.610 of the Commission's rules, the transmitter site must be located 3.5 miles south of Greenwood to avoid short-spacing to Station WRET-TV (Channel 49), in Spartanburg, South Carolina.

5. In view of the foregoing, and the fact that the proposed television channel assignment would provide a first local commercial television broadcast service by Greenwood, the Commission believes that it is appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the rules of follows:

City	Channel No.	
	Present	Proposed
Greenwood, South Carolina	*38	*36,48+

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix below before a channel will be assigned.

7. Interested parties may file comments on or before December 31, 1981 and reply comments on or before January 15, 1982.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 3.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, member of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-771 RM-3923]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, Section § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promply. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-33398 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

[1] *Public Notice* of the petition was given on July 8, 1981, Report No. 1296.

[2] Initially, petitioner requested the assignment of UHF television Channel 32 to Greenwood. However, an engineering analysis determined that proposal to be short-spaced to unused Channel 32 in Toccoa, Georgia. Petitioner then submitted two alternate proposals, one of which requested reassignment of Channel 32 from Toccoa to Greenwood, and substitution of Channnel 56 therefor. The second proposed assigning Channel 48 to Greenwood and retaining the *status quo* at Toccoa. We have chosen the latter proposal since it would not disturb any existing assignments.

[3] Population figures are extracted from the 1980 U.S.Census.

47 CFR Part 73

[Docket No. 21513; RM-2882]

FM Broadcast Station in Freeport, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute FM Channel 277 for 273 at Freeport, Texas; Channel 279 for 277 at Sinton, Texas; and Channel 278 for 279 at San Marcos, Texas, and also proposes to modify the licenses of Stations KOUL, Sinton, and KCSW, San Marcos, to specify operation on Channels 279 and 278, respectively. These actions are taken at the request of Amaturo Group, Inc., who seeks the channel changes in order to resolve a mileage separation conflict between its station and Channel 273 at Freeport. Also, the listing for Channel 271 (Station KMJQ) is to be changed to Houston, Texas, to reflect the recent annexation of Clear Lake City.

DATES: Comments must be filed on or before January 4, 1982, and reply comments must be filed on or before January 19, 1982.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Further Notice of Proposed Rule Making and Orders to Show Cause

Adopted: November 6, 1981.

Released: November 19, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Freeport, Texas), Docket No. 21513, RM-2882.

1. A petition for "expedited" rule making has been filed by Amaturo Group, Inc. (AGI), seeking the substitution of FM Channel 277 for Channel 273 at Freeport, Texas. This requested substitution at Freeport would also require the substitution of Channel 279 for Channel 277 in Sinton, Texas, and Channel 278 for Channel 279 in San Marcos, Texas. AGI also asks the Commission to issue Orders to Show Cause to Station KOUL, Sinton, and Station KCSW, San Marcos, asking why those stations should not be ordered to operate on Channels 279 and 278, respectively. Because the original assignment of Channel 273 to Freeport [1] is still pending, due to a petition for reconsideration also filed by AGI, and the instant petition may resolve the existing conflicts in the reconsideration proceeding, we have decided to consolidate AGI's petition for rule making with the ongoing proceeding.

2. Before discussing AGI's petition, a brief summary of this proceeding is necessary. By Report and Order, 45 FR 21638, published April 2, 1980, the Commission assigned Channel 273 to Freeport, Texas. Although the assignment presently meets all Commission spacing requirements, the channel is short-spaced to the location at which AGI plans to move the transmitter for Station KMJQ (Channel 271) Clear Lake City, Texas.[2] AGI states that because of high-rise construction immediately adjacent to its existing antenna in downtown Houston, KMJQ and nine other co-located FM stations in the Houston area have been forced to seek alternative transmitter sites. AGI states that one suitable location has been found approximately 24 kilometers (15 miles) southwest of Houston, where a tower of sufficient height can be constructed which will enable all ten affected FM stations to serve the Houston listening area. AGI contends that due to FAA height restrictions, other possible locations would not permit provision of adequate service to Houston. In the Report and Order, the Commission stated that its policy with respect to a site preference of an existing station is that such a relocation is not sufficient justification to deny a new first assignment in another city. Thus, in a Request for Supplemental Information [3] issued in response to AGI's petition for reconsideration, AGI was given the burden of establishing that its existing transmitter was unusable for purposes of servicing its city of license, and that alternative sites, which would not cause short-spacing to the Freeport assignment, were unavailable.

3. According to AGI, adoption of its new proposal would have several benefits. Station KMJQ could relocate to the site southwest of Houston with no short-spacing to Freeport or any other community. Second, Freeport could have a Class C assignment with no short-spacing to any other community. Third, the area of site selection for the Freeport facility would be greatly increased, from approximately 17 square miles for Channel 273 to 149 square miles for Channel 277. Finally, the channel substitution would have no adverse preclusive impact, and would in fact decrease the present preclusion in some areas.

4. AGI acknowledges that the substitution at Freeport also requires related channel substitutions at Sinton and San Marcos, Texas. According to AGI, Stations KOUL in Sinton and KCSW in San Marcos would be affected only slightly because a change of no more than two channels is contemplated in either case. AGI states that it will reimburse KOUL and KCSW for their expenses in modifying their operating frequencies.

5. We believe the proposals presented by AGI would clearly serve the public interest and should therefore be submitted for comment. In addition to resolving AGI's site relocation conflict, the proposal appears to have significant additional benefits, as explained in paragraph three above. Concomitantly, we are proposing to modify the licenses of stations KOUL, Sinton, and KCSW, San Marcos. AGI has indicated that it is willing to reimburse those stations for the expenses incurred in changing channels. However, we believe fairness demands that the ultimate Freeport licensee share in these reimbursement expenses. Therefore, Weymer, Inc., the proponent of the Freeport assignment should indicate its willingness to contribute to the reimbursement costs of KOUL and KSCW. By adopting this *Further Notice* we need not at this time analyze the facts surrounding station KMJQ's proposed transmitter relocation. However, should the proposals presented herein for some reason not be adopted, it may be necessary to return to the relocation controversy for a final resolution to this proceeding.

6. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules for the following communities, as set forth below. Channel 271 was assigned to Alvin, Texas, and used at Clear Lake City under § 73.203(b) of the rules. We propose to reassign that channel to Houston where it is now used, see fn. 1, *supra*.

City	Channel No.	
	Present	Proposed
Alvin, Texas	271	
Freeport, Texas	273	277

[1] An application for Channel 273 has been filed by Freeport Radio Broadcasting Company (File No. 811013AB).

[2] AGI has requested that we designate Houston as the city of license for Station KMJQ and change the Table of Assignments accordingly since Houston recently annexed Clear Lake City. We propose to do so in para. 6, infra.

[3] 46 FR 27169, published April 21, 1981.

City	Channel No.	
	Present	Proposed
Houston, Texas	229, 233, 239, 243, 250, 256, 262, 266, 275, 281, 289	229, 233, 239, 243, 250, 256, 262, 266, 271, 275, 281, 289
San Marcos, Texas	279	278
Sinton, Texas	267, 277	267, 279

7. It is ordered, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing its channel, the licensee of Station KOUL, Sinton, Texas, shall show cause why its license should not be modified to specify operation on Channel 279 as proposed herein instead of the present Channel 277.

8. It is further ordered, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing its channel, the licensee of Station KCSW, San Marcos, Texas, shall show cause why its license should not be modified to specify operation on Channel 278 as proposed herein instead of the present Channel 279.

9. Pursuant to § 1.87 of the Commission's rules, the licensees of Stations KOUL, Sinton, Texas, and KSCW, San Marcos, Texas, may, not later than January 4, 1982, request that a hearing be held on the proposed modifications. Pursuant to § 1.87(f), if the right to request a hearing is waived, Stations KOUL and KCSW may, not later than January 4, 1982, file a written statement showing with particularity why their licenses should not be modified as proposed in these Orders to Show Cause. In this case, the Commission may call on KOUL and KCSW to furnish additional information, designate the matters for hearing, or issue, without further proceedings, an Order modifying the licenses as provided in the Orders to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, KOUL and KCSW will be deemed to have consented to the modifications as proposed in the Orders to Show Cause and a final Order will be issued by the Commission, if the above-mentioned channel modifications are ultimately found to be in the public interest.

10. The Commission's authority to institute rule making proceedings showings required, cut-off procedures and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix below before a channel will be assigned.

11. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

12. It is further ordered, that the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this notice, to: Broadcasting Corporation of the Southwest, Post Office Box 898, Corpus Christi, Texas 78403, and to Pioneer Broadcasting Company, Post Office Box 2197, Austin, Texas 78768, the licensees to which the Orders to Show Cause are directed, and to Freeport Radio Broadcasting Co., c/o Harold Seligman, Esq., 1900 West Loop South, Suite 850, Houston, Texas 77027.

13. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

14. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.50 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[Docket No. 21513, RM-2882]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-33399 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR PART 73

[BC Docket No. 81-769; RM-3943]

FM Broadcast Station in Eagar, Ariz.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of a Class C FM channel to Eagar, Arizona, in response to a petition filed by the Eastern Arizona Broadcasting Company. The proposal could provide a first local aural service.

DATES: Comments must be filed on or before January 11, 1982, and reply comments on or before February 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 5, 1981.

Released: November 16, 1981.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Eagar, Arizona), BC Docket No. 81-769, RM-3943.

1. A petition for rule making[1] was filed by Eastern Arizona Broadcasting Company ("petitioner") proposing the assignment of Class C FM Channel 259 on a hyphenated basis to the communities of Springerville and Eagar, Arizona, as a first assignment. No comments on the proposal have been received. Petitioner states that it will apply for a construction permit if the assignment is allocated to the area.

2. Springerville (population 1,452),[2] and Eagar (population 2,791), are both located in Apache County (population 52,083). Eagar is located approximately 264 kilometers (165 miles) east of Phoenix, and Springerville is located approximately 8 kilometers (5 miles) north of Eagar. Neither community has any local aural service.

3. Petitioner states that Springerville and Eagar are combined into one school district serving both communities, and that one hospital also serves both. It states that each city has its own government unit, municipal services, churches, retail outlets, professional services and lodging accommodations. Petitioner adds that the two communities have each experienced rapid growth rates, the greatest of which occurred in Eagar. Further, it asserts that the population of Apache County increased substantially during that time period. Petitioner states that the major factor contributing to the area's growth is the construction of nearby generating plants.

4. Petitioner indicates that assignment of Channel 259 to Springerville-Eagar will cause preclusion on Channel 257A within 65 miles; Channel 258 within 150 miles; Channel 259 within 180 miles; Channel 260 within 150 miles, and Channel 261A within 65 miles. Petitioner lists six counties[3] containing communities with populations in excess of 1,000 persons which would sustain preclusion as a result of the proposed assignment. However, petitioner is required to list each affected community and indicate what alternate channels are available to those communities currently without local service.

5. The assignment of Channel 259 to Springerville-Eagar is mutually exclusive with the assignment of Channel 260 to Thoreau, New Mexico (BC Docket No. 81-615; RM-3897). The distance between Thoreau and Springerville-Eagar is approximately 107 miles, whereas a separation of 150 miles is required for first adjacent Class C channel assignments. However, a staff engineering study indicates that Channel 223 is available to either Springerville or Eagar, and accordingly, we have substituted it for consideration herein.

6. Generally, high-powered, wide-coverage area Class C channels are reserved for communities much larger than Springerville or Eagar. Exceptions are made where the assignment of a Class C channel would provide first or second FM service to unserved or underserved areas. See, e.g., Cobleskill, New York, 48 RR 2d 1406 (Broadcast Bureau, 1981). In order to determine whether a Class C channel is proper for assignment here, the petitioner is generally requested to provide a Roanoke Rapids study in its comments to show the first or second FM service that will result from a Class C assignment. See Roanoke Rapids, North Carolina, 9 FCC 2d 672 (1967). In support of its request for a Class C assignment, petitioner indicates that Springerville and Eagar are presently unable to receive any usable signals since the closest station is 44 miles away in Show Low, Arizona. On that basis, we believe that it is unnecessary to demonstrate the need for wide area coverage and we therefore waive the necessity for a Roanoke Rapids showing. See, St. Johns, Az., (*Notice*) Docket No. 81-405, 46 FR 34603, published July 28, 1981.

7. Petitioner requested the proposed assignment herein to Springerville-Eagar on a hyphenated basis. However, hyphenation is an assignment tool which we have used very sparingly. In the past, we have done so only where it appeared that the communities should be treated as one due to their nearness and mutual economic, trade, cultural and social interests, etc. An examination of the information provided thus far indicates that both Springerville and Eagar are significant communities with their own separate identities. Each has its own postal zip code number and is listed separately by the U.S. Census. Petitioner makes no valid argument to justify a hypenated assignment. Therefore, if it insists on such an assignment, it should set forth in supporting comments its justification for the proposal.

8. In view of the fact that Springerville and Eagar are only five miles apart, the assignment of Channel 223 to either community would make it available to the other pursuant to the provisions of the "15 mile" rule (§ 73.203(b) of the Commission's rules). Our inclination would be to make the assignment to Eagar since it is the larger of the two communities. Under the circumstances, we have set forth below the proposal to assign Channel 223 to Eagar.

9. Since Springerville and Eagar are located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence in the proposal by the Mexican Government must be obtained.

10. In order to give further consideration to the request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Eagar, Arizona		223

11. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Apendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix below before a channel will be assigned.

12. Interested parties may file comments on or before January 11, 1982, and reply comments on or before February 1, 1982.

[1] *Public Notice* of the petition was given July 28, 1981, Report No. 1300.

[2] Population figures are extracted from the 1980 U.S. Census.

[3] The affected counties are as follows: *Arizona:* Apache (population 52,083), Coconino (population 74,947), and Navajo (population 67,709); *New Mexico:* McKinley (population 54,950), Valencia (population 60,853), and Catron (population 2,720).

13. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

14. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Apppendix

[BC Docket No. 81-769, RM-3943]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideraton of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in intial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written coments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-33400 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-698]

Amendment of the Commission's Rules To Eliminate the Requirement for Type Approval of Aural Modulation Monitors; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: This Order extends the time for filing comments and reply comments in BC Docket No. 81-698, concerning the elimination of the requirement for type approval of Aural Modulation Monitors, in response to a Motion filed by the National Association of Broadcasters (NAB). The Commission finds that a thirty-day extension of time would be in the public interest.

DATES: Comments must be filed on or before December 16, 1981, and reply comments on or before January 5, 1982.

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

FOR FURTHER INFORMATION CONTACT: Gregory L. DePriest, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: November 12, 1981.

Released: November 13, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of an amendment of Part 73 of the Commission's Rules and Regulations to Eliminate the Requirement for Type Approval of Aural Modulation Monitors, BC Docket No. 81-698, (46 FR 52398; 10-27-81), order extending time for filing comments and reply comments.

1. The Commission has before it for consideration a Motion for Extension of Time to file comments and reply comments, filed by the National Association of Broadcasters ("NAB"), in the above-captioned proceeding. NAB requests a forty-five day extension, however we believe that a thirty-day extension would afford all parties sufficient time for responsive commentary.

2. Accordingly, it is ordered, That the dates for filing comments and reply comments in BC Docket No. 81-698, are extended to December 16, 1981, and January 5, 1982, respectively.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33402 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-770; RM-3957]

FM Broadcast Station in Ironton, Mo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 224A to Ironton, Missouri, in response to a petition filed by Mid-America Communications, Inc. The assignment could provide Ironton with a first local FM service.

DATES: Comments must be filed on or before January 11, 1982, and reply comments must be filed on or before February 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

By the Acting Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Ironton, Missouri), BC Docket No. 81-770, RM-3957, notice of proposed rule making.

Adopted: November 5, 1981.

Released: November 13, 1981.

1. A petition for rule making [1] was filed by Mid-America Communications, Inc. ("petitioner"), licensee of AM Station KPIA, Ironton, Missouri, requesting the assignment of FM Channel 224A to Ironton as that community's first FM allocation. Petitioner states that it will apply for the channel, if assigned. No oppositions to the petition have been filed, and the assignment can be made with a site restriction, as noted *infra*.

2. Ironton (population 1,743),[2] the seat of Iron County (population 11,084), is located approximately 112 kilometers (70 miles) south of St. Louis, Missouri. It is currently served by daytime-only AM Station KPIA.

3. Petitioner states because the Ironton area is surrounded by mountainous terrain, the degree of FM reception available to it is severely restricted. It asserts that the nearest station to provide nighttime service is KTJJ, in Farmington, Missouri, located twenty miles distant. Even so, petitioner states that KTJJ's signal is difficult to receive with any degree of clarity in some segments of the community. According to petitioner, the proposed station would fill an important community need for nighttime coverage of weather information, local sporting events, and news.

4. Channel 224A can be assigned to Ironton provided the transmitter is located at least 4.5 kilometers (2.8 miles) south of Ironton to avoid short-spacing to Station WILF (Channel 222), St. Louis, Missouri.

5. In view of the fact that the proposed FM assignment could provide a first FM and local nighttime aural broadcast service to Ironton, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the rules, as follows:

City	Channel No.	
	Present	Proposed
Ironton, Missouri		224A.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before January 11, 1982, and reply comments on or before February 1, 1982.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend* § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-33401 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

[1] *Public Notice* of the petition was given on August 7, 1981, Report No. 1303.

[2] Population figures are extracted from the 1980 U.S. Census.

Notices

Federal Register
Vol. 46, No. 223
Thursday, November 19, 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.

ARMS CONTROL AND DISARMAMENT AGENCY

Hubert H. Humphrey Fellowship Competition

The U.S. Arms Control and Disarmament Agency will conduct a competition in 1982 for one year Hubert H. Humphrey Fellowships in arms control and disarmament. The fellowships will support unclassified doctoral dissertation research in the field. Law candidates, for the Juris Doctor or any higher degree are also eligible, if they are writing a substantial paper in partial fulfillment of degree requirements. The fellowship stipends for Ph.D. candidates will be $5,000, plus applicable tuition and fees up to a maximum of $3,400. Stipends and tuition for law candidates will be prorated according to the credits given for the research paper. Fellows must be citizens or nationals of the U.S. and degree candidates at a U.S. university. The application deadline for the awards, which are for the period beginning September, 1982, is February 22, 1982 and announcement of final selection will be on April 30, 1981. For information and application materials write: Hubert H. Humphrey Fellowship Program, Office of Congressional and Public Affairs, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451.

Dated: November 16, 1981.

Joseph Lehman,
Public Affairs Advisor.

[FR Doc. 81-33366 Filed 11-18-81; 8:45 am]
BILLING CODE 6820-32-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-479-063]

Animal Glue and Inedible Gelatin From Yugoslavia; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on animal glue and inedible gelatin from Yugoslavia. The review covers the two known exporters of this merchandise to the United States, Kemija-Impex and HP Kolinska (Kemin), and separate time periods for each up to November 30, 1980. This review indicates the existence of dumping margins for one of the companies based upon the best information available, and no dumping margins for the other company.

As a result of the review, the Department has preliminarily determined to assess dumping duties for the one non-responsive exporter on its shipments occurring during the period. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: November 19, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4106/5289).

SUPPLEMENTARY INFORMATION:

Background

On December 22, 1977, a dumping finding with respect to animal glue and inedible gelatin from Yugoslavia was published in the **Federal Register** as Treasury Decision 78-4 (42 FR 64116-7). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on animal glue and inedible gelatin from Yugoslavia. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are animal glue and inedible gelatin, of which there are two principal types, hide glue and bone glue. Animal glue is an organic colloid of protein derivation. There is no significant difference between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents, as an essential part of many compositions, and as colloids in emulsions and cleaning compounds.

Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of two Yugoslavian exporters of this merchandise to the United States, HP Kolinska (Kemin) and Kemija-Impex. Since Kemija-Impex failed to respond to the Department's questionnaire, we will use the best information available, which is the margin calculated during the original fair value investigation.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, as appropriate. Purchase price was based on the C&F price to an unrelated purchaser in the United States. Where applicable, deductions were made for forwarding fees, Yugoslavian inland freight, and ocean freight. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act, as appropriate, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. Kolinski (Kemin) sold over 25 percent of its total production in the home market, and home market sales were at least 41 percent of all sales for export to countries other than the U.S. during the period covered. Home market sales were at ex-factory, packed prices. No adjustments were claimed or made.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist:

Exporter	Time period	Margin (percent)
HP Kolinska (Kemin)	Jan. 1, 1979–Nov. 30, 1980	0
Kemija-Impex	Jan. 4, 1977–Nov. 30, 1980	9.7

Interested parties may submit written comments on these preliminary results on or before December 21, 1981, and may request disclosure and/or a hearing on or before December 4, 1981. Any request for an administrative protective order must be made no later than November 24, 1981. The Department will publish the final results of the administrative review including its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of amimal glue and inedible gelatin from Yugoslavia entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

November 12, 1981.

[FR Doc. 81-33361 Filed 11-18-81; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Finland; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from Finland. The review covers the one known exporter of this merchandise for the period July 1, 1980 through June 30, 1981. The review indicates no shipments for this exporter during the review period.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: November 19, 1981.

FOR FURTHER INFORMATION CONTACT: Brian Kelly, or David Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (377–2923/2657).

SUPPLEMENTARY INFORMATION:

Background

On August 20, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the final results of its first administrative review of the antidumping finding on pig iron from Finland and announced its intent to conduct the next administrative review of the finding by the end of July 1982 (46 FR 43215). As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted that administrative review.

Scope of the Review

Imports covered by this review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of one Finnish exporter of pig iron to the United States, OVAKO Oy Ab. The review covers the period July 1, 1980 through June 30, 1981.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that there were no shipments by OVAKO Oy Ab during the review period.

Interested parties may submit written comments on these preliminary results on or before December 21, 1981, and may request disclosure and/or a hearing on or before December 4, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

As provided for in § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent margin for the firm is required on all shipments of pig iron from Finland entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. The most recent margin calculated for OVAKO Oy Ab was zero. This rate of zero shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

November 12, 1981.

[FR Doc. 81-33362 Filed 11-18-81; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Romania; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On September 14, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on pig iron from Romania. The review covered the only known exporter of this merchandise to the United States, Metalimport, and the period October 3, 1978 through September 30, 1980. Interested parties were given an opportunity to submit oral or written comments on these preliminary results. The Department received no comments.

EFFECTIVE DATE: November 19, 1981.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department

of Commerce, Washington, D.C. 20230 (202–377–4793/5289).

SUPPLEMENTARY INFORMATION:

Background

On October 29, 1968, a dumping finding with respect to pig iron from Romania was published in the **Federal Register** as Treasury Decision 68–262 (33 FR 15904).

As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department of Commerce ("the Department") conducted an administrative review of the finding on this merchandise and published in the **Federal Register** on September 14, 1981 a notice of the preliminary results of the review (46 FR 40910). The Department has now completed that administrative review.

Scope of the Review

Imports covered by this review are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron castings such as pipe, automobile castings, and machinery parts. Pig iron is currently classifiable under item number 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only one exporter of pig iron from Romania to the United States, Metalimport. The review covers the period October 3, 1978 through September 30, 1980. The Treasury Department reviewed all prior periods.

Final Results of the Review

There is no evidence of any importations of this merchandise during the period of review and there are no known unliquidated entries.

The Department received no comments on the preliminary results of its administrative review. Therefore, the final results are the same as the preliminary results.

Since the exporter has neither requested revocation nor provided the written agreement required by § 353.54(e) of the Commerce Regulations, we will not consider further the tentative revocation of this finding proposed by the Treasury Department.

As provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of 70 percent, based on the margin calculated during the original fair value investigation, shall be required on all shipments of pig iron from Romania entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of October 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

November 12, 1981.

[FR Doc. 81–33363 Filed 11–18–81; 8:45 am]

BILLING CODE 3510–25–M

Printed Vinyl Film From Argentina; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on printed vinyl film from Argentina. The review covers the one known exporter of this merchandise to the United States and the period August 1, 1980 through July 31, 1981. There have been no known shipments to the United States during this period and there are no known unliquidated entries.

As a result of this review, the Department has preliminarily determined to require cash deposits equal to the margin calculated on the last known shipment. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: November 19, 1981

FOR FURTHER INFORMATION CONTACT: E. Valerie Newkirk or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5345/5289).

SUPPLEMENTARY INFORMATION:

Background

On April 9, 1981, the Department published in the **Federal Register** (46 FR 21217) the final results of its first administrative review of the antidumping finding on printed vinyl film from Argentina (38 FR 22794, August 24, 1973). The Department announced in that notice its intent to conduct the next administrative review by the end of August 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by this review are shipments of printed vinyl film, also known as printed polyvinyl chloride sheeting, currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one exporter of printed vinyl film to the United States from Argentina. This film is Plavinil Argentina S.A.I.C. The review covers the period August 1, 1980 through July 31, 1981. There have been no known shipments to the United States during this period and there are no known unliquidated entries.

Preliminary Results of the Review

It is our general intention in cases where there are no shipments to determine cash deposit rates on the basis of the margins on the last known shipments. Therefore, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of 146 percent shall be required on all shipments of printed vinyl film entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review including the analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

November 12, 1981.

[FR Doc. 81–33346 Filed 11–18–81; 8:45 am]

BILLING CODE 3510–25–M

Printed Vinyl Film From Brazil; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on printed vinyl film from Brazil. The review covers the two known exporters of this merchandise to the United States and the period August 1, 1980 through July 31, 1981. There have been no known shipments to the United States during the period and there are no known unliquidated entries.

As a result of this review, the Department has preliminarily determined to require cash deposits equal to the margins calculated on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: November 19, 1981.

FOR FURTHER INFORMATION CONTACT: E. Valerie Newkirk or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5345/5289).

SUPPLEMENTARY INFORMATION:

Background

On May 8, 1981, the Department published in the **Federal Register** (46 FR 25677) the final results of its first administrative review of the antidumping finding on printed vinyl film from Brazil (38 FR 22794, August 24, 1973). The Department announced in that notice its intent to conduct the next administrative review by the end of August 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by this review are shipments of printed vinyl film, also known as printed polyvinyl chloride sheeting, currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only two exporters of printed vinyl film to the United States from Brazil. The review covers the period August 1, 1980 through July 31, 1981. There have been no known shipments to the United States during this period and there are no known unliquidated entries.

Preliminary Results of the Review

It is our general intention in cases where there are no shipments to determine cash deposit rates on the basis of the margins on the last known shipments. Therefore, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of 52 percent shall be required on all shipments of printed vinyl film from Plasticos Plavinil, S.A., entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. There shall be no cash deposit requirement for shipments from Vulcan Material Plastico, S.A., as no margin was found on the last known shipment. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review including its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

November 12, 1981.

[FR Doc. 81-33340 Filed 11-18-81; 8:45 am]

BILLING CODE 3510-25-M

Imported Steel Mill Products Trigger Price Mechanism: First Quarter 1982 Trigger Prices

AGENCY: International Trade Administration, Commerce

ACTION: Announcement of first quarter 1982 trigger price levels and elimination of preclearance program.

SUMMARY: The Department of Commerce announces that first quarter 1982 trigger price bases and extras for most steel mill products covered by the steel trigger price mechanism (TPM) will be unchanged from their fourth quarter 1981 levels; however, the interest component of the TPM delivery charges will decrease, causing the total landed trigger prices to decrease slightly. The Department uses trigger prices to monitor the prices of steel mill product imports for possible initiation of dumping investigations. Each quarter the Department reviews Japanese steel production and delivery costs and revises trigger prices accordingly. The first quarter 1982 trigger prices will apply to steel mill products exported to the United States on or after January 1, 1982. The Department also announces expansion of product coverage on electric resistance welded mechanical tubing to include square and rectangular tubing and a cold strip extra. Expansion of coverage on submerged arc welded line pipe in grade X–70 was announced on September 14, 1981 (46 FR 45665), with prices to be published subsequently. The prices for this product are announced herein.

FOR FURTHER INFORMATION CONTACT: Joseph A. Spetrini, Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377–3793.

SUPPLEMENTARY INFORMATION: On October 8, 1980 (45 FR 66833), the Department of Commerce published its intention to reinstate the TPM. The Department began its monitoring of all imported basic steel mill products entering the United States on October 21, 1980.

First quarter 1982 trigger price bases and extras for those steel mill products manufactured principally by integrated steel producers will not change from their fourth quarter 1981 trigger price levels. However, the interest component of TPM delivery charges decreased due to lower U.S. interest rates. This caused the total landed trigger prices to decrease about 0.6 percent (depending on the product and port of entry) from fourth quarter 1981 levels (See Table 3 for a list of first quarter 1982 trigger base prices and interest rates).

Base trigger prices and extras of those steel mill products manufactured principally by electric furnace producers will decline from 3.4 percent to 3.8 percent, depending on the product, from their fourth quarter 1981 levels: base trigger prices and extras for Group A (angles, channels, and I-beams) will be 3.5 percent lower then the fourth quarter levels; Group B (hot rolled merchant quality round, square, cornered square and flat bars, bar size channels, and strip produced on bar mills) will decline 3.4 percent; and Group C (concrete reinforcing bars) will decline 3.8 percent. The base trigger prices for stainless steel wire products will decrease 2.3 percent from their fourth quarter 1981 levels and the stainless steel wire extras will decrease 1.8 percent from their fourth quarter 1981 levels. Wire nail base prices and extras will decrease 1.3 percent from their fourth quarter 1981 levels.

For its calculation of trigger price levels, the yen/dollar exchange rate the Department uses to convert Japanese steel producers' yen denominated

production costs to dollars is the average of the 36 months preceding the calculation and publication of the quarter's trigger price levels. On this basis, the exchange rate used in the Department's first quarter 1982 production cost estimate is 221 yen to the dollar (the yen/dollar exchange rate average for November 1978 through October 1981). The Department used a 217 yen/dollar exchange rate average (the average for August 1978 through July 1981) for the fourth quarter 1981 trigger price calculation.

Integrated Producers

The Department's first quarter 1982 estimate of Japanese steel production costs reflects an updating of the cost of basic raw materials and changes in capacity utilization and the yen/dollar exchange rate.

The average production cost for the six major Japanese integrated steel producers estimated for first quarter 1982 is 0.9 percent below the fourth quarter 1981 estimate. The average cost of production estimates for third and fourth quarter 1981 were 0.3 percent above the second quarter estimate, the last quarter for which trigger price bases and extras were changed. As that increase did not justify changing trigger price levels for those quarters, the 0.6 percent decrease in cost of production for first quarter 1982 compared with second quarter 1981 also does not justify a change. First quarter 1982 trigger prices will be unchanged from their second, third, and fourth quarter 1981 levels (see Table 1 for a comparison of fourth quarter 1981 and first quarter 1982 production costs).

TABLE 1—JAPANESE PRODUCTION COST ESTIMATE: INTEGRATED STEEL PRODUCERS

[U.S. dollars per metric ton of finished product]

	1981 fourth quarter	1982 first quarter
Basic raw materials	$166.60	$165.18
Other raw materials	86.90	85.33
Labor	106.62	105.24
Other expenses	26.01	26.40
Depreciation	35.86	35.75
Interest	28.87	28.78
Profit [1]	30.89	30.57
Yield credit	(13.81)	(13.65)
Total cost ($/M.T.)	467.74	463.60
Total cost ($/N.T.)	424.33	420.58

[1] Profit = .08 (all raw materials plus labor plus "other expenses").

The Department's first quarter 1982 production cost estimate which decreased by $4.14 from the estimate for the previous quarter, was the result of changes in three cost factors: oil prices, the yen/dollar exchange rate, and capacity utilization.

Because the Japanese steel makers import most of the iron ore and coking coal they consume, fluctuations in the cost of bunker oil will result in changes in the landed cost of those inputs. Recent decreases in world oil prices have resulted in minor reductions in the cost of imported iron ore and coking coal and in the cost of producing electricity. These decreases in the cost of basic raw materials accounted for a $1 reduction in the production cost estimate.

The change from 217 to 221 in the yen/dollar exchange rate 36 month average used in the TPM production cost estimate decreased this estimate a further $6.

This $7 decrease was somewhat offset by the effect of a decrease in the five-year average rate of capacity utilization that added $3 to the production cost estimate. The five-year average capacity utilization for the total Japanese steel industry for the third quarter of 1976 through the second quarter of 1981 (the period the Department used in its fourth quarter TPM estimate of Japanese steel production costs) was about 73.0 percent. Moving the five-year period forward one quarter decreases the capacity utilization average to 72.3 percent.

Electric Furnace Producers

The decreases in the production costs of the main Japanese electric furnace producers result largely from decreases in the cost of the purchased scrap component of basic raw materials and by the depreciation of the yen relative to the dollar. In addition, a reduction in fuel oil usage further lowered costs for Group C (see Table 2 for a comparison of fourth quarter 1981 and first quarter 1982 production costs).

Stainless Steel Wire Production Costs

The base trigger prices for stainless steel wire products for first quarter 1982 will decrease 2.3 percent from their fourth quarter 1981 levels. Extras will decrease 1.8 percent from their fourth quarter levels. These decreases are due to the depreciation of the yen relative to the dollar.

Wire Nail Production Costs

Commerce's dollar-valued estimate of the current production costs of Japan's wire nail producers decreased 1.3 percent from the fourth quarter 1981 level. The first quarter 1982 production cost decrease is due to the depreciation of the yen relative to the dollar.

Other Charges

TPM trigger prices are an estimate of the production costs of Japanese steel manufacturers plus the cost of transporting and landing the steel in the United States; hence, to the production costs described above and reflected in trigger price bases and extras must be added charges for freight, interest, handling and insurance. TPM freight and handling charges will not change from their fourth quarter 1981 levels. The Department adjusted TPM interest charges downward to 18.5 percent for the first quarter 1982 to reflect the current market rates (see Table 3 for a listing of the new interest charges).

Product Coverage Expansion—ERW Mechanical Tubing

The Department is expanding existing trigger price coverage for electric resistance welded (ERW) mechanical tubing ASTM A513 to include electric resistance welded (ERW) mechanical tubing ASTM A513 in square and rectangular sizes as well as a cold strip extra as requested by a group of domestic producers. The Department published a notice of this request in the **Federal Register** on June 16, 1981 (46 FR 31461), and allowed a thirty day period for public comment.

The request was for expansion of TPM product coverage to square and rectangular mechanical tubing and the addition of an extra for mechanical tubing produced from cold rolled strip. The square and rectangular material is produced from round mechanical tubing ASTM A513 which is currently covered by published prices. Our analysis indicates that this material warranted TPM coverage in certain size ranges. The prices for round tubing have been adjusted to reflect the production cost of the square and rectangular material which is made from the round tubing. Out analysis indicates that current imports of mechanical tubing include products made from cold rolled strip. The cold strip extra represents the same cost as the cold strip extra currently published for structural tubing A500. The published prices are shown in Table 4 of this notice and are effective for steel exported on or after January 1, 1982.

Announcement of Prices for Submerged Arc Welded Pipe in Grade X-70

The Department published in the **Federal Register** on September 14, 1981 (46 FR 45665), a decision to expand coverage to grade X-70 submerged arc welded (SAW) line pipe. That notice stated that the prices and effective date of coverage were to be announced subsequently. The published prices for grade X-70 SAW line pipe are shown in Table 4 of this notice and are effective

for steel exported on or after January 1, 1982.

Other Adjustments in Product Coverage

The Department's ongoing review of TPM product coverage has led to certain additions and corrections in the current published product coverage. The following corrections are shown in Table 4 and are effective upon publication of this notice: (1) An amendment of the cut to length extra on electric resistance welded (ERW) standard pipe to apply only to sprinkler pipe and fence tubing; but not to ERW line pipe and (2) a correction of an error in the motor lamination extra on cold rolled sheet for sizes 0.014"–0.021" thick by 36"–48" wide.

The following technical changes in product coverage are shown in Table 4 and are effective for steel exported on or after January 1, 1982: (1) A packaging extra is added to the music spring wire coverage for material packed on reels and (2) an error in the theoretical minimum weight (TMW) extra for electro-galvanized sheet is corrected.

First Quarter 1982 Trigger Price Manual

The *First Quarter 1982 TPM Price Manual* will be available in mid-December. Copies may be purchased from the Publications Sales Branch, Room 1617, U.S. Department of Commerce, Washington, D.C., 20230 for $15.00.

Elimination of Preclearance Program

The preclearance program was designed to allow foreign producers to demonstrate that they could fairly sell steel products in the U.S. below applicable trigger prices. On November 5, 1981, the Department eliminated the program. All outstanding preclearance requests were denied and all preclearances granted in the past were terminated. The Department determined that its resources could be better utilized in collecting data and examining steel imports for unfair trade practices than in verifying that individual companies are trading particular products fairly. The data will be used to identify when sales appear to be at less than fair value or to be subsidized. Continued review and collection of data of this type will permit the Department to proceed more expeditiously where antidumping or countervailing duty cases are appropriate.

BILLING CODE 3510-25-M

Table 2

Japanese Steel Porduction Cost Estimates:
Electric Furnace Porducts, Third and Fourth Quarters, 1981

	Group A[1]		Group B[2]		Group C[3]	
	Fourth Quarter 1981	First Quarter 1982	Fourth Quarter 1981	First Quarter 1982	Fourth Quarter 1981	First Quarter 1982
Basic Raw Materials	$182.28	$173.78	$194.86	$186.23	$179.20	$170.25
Other Raw Materials	41.27	40.80	43.79	43.30	38.90	38.45
Labor	32.05	31.47	35.37	34.73	29.26	28.73
Other Expenses	13.95	13.70	19.20	18.86	16.42	16.12
Depreciation	7.67	7.53	10.06	9.88	8.54	8.38
Interest	9.41	9.11	9.69	9.31	8.82	8.48
Profit[4]	21.56	20.78	23.46	22.65	21.10	20.28
Scrap Credit	(2.59)	(2.40)	(3.49)	(3.27)	(2.68)	(2.47)
Total $/M.T.	$305.60	$294.77	$332.94	$321.69	$299.56	$288.22
Total $/N.T.	$277.24	$267.41	$302.04	$291.83	$271.75	$261.47

[1] Group A products are angles, channels and I beams.

[2] Group B products are hot rolled merchant quality round, square, round cornered square and flat bars; bar size channels; and hot rolled strip from bar millls.

[3] Group C products are concrete reinforcing bars, plain and deformed.

[4] Profit = .08 (Raw materials + labor + other expenses).

Table 3

PRODUCT BASE PRICES FOR SHIPMENTS EXPORTED DURING FIRST QUARTER, 1982 (All Figures in $/Metric Ton)

Page [*]	Product	First Quarter 1982 Base Prices	First Quarter Interest P.	G.	A.	L.
2-1	Wire Rods, Commercial Quality	380	14	18	18	21
2-2	Wire Rods, Welding Quality	393	14	18	18	22
2-3	Wire Rods, High Carbon	429	15	20	20	24
2-4	Wire Rods, Cold Heading Quality	448	16	21	21	25
2-6	Wire Rods, Cold Finished Bar Quality	455	16	21	21	26
2-8	Alloy Steel Wire Rods	662	24	31	31	37
2-11	High Carbon Steel Wire Rods	634	23	29	29	36
3-1	Wide Flange Beams and Bearing Piling	386	14	18	18	22
3-5	Standard Carbon Steel Channels, ASTM A36**	300	11	14	14	17
3-6	Unequal Leg Carbon Steel Angles, ASTM A36**	317	11	15	15	18
3-7	Equal Leg Carbon Steel Angles, ASTM A36**	285	10	13	13	16
3-8	Standard Carbon Steel "I" Beams & Junior Beams, ASTM A36**	346	12	16	16	20
4-1	Sheet Piling	405	15	19	19	23
5-1	Hot Rolled Carbon and Alloy Steel Plates	373	13	17	17	21
6-1	Heavy Carbon Steel Rails, AREA 115, 132 or 136	421	15	19	19	24
6-2	Light Carbon Steel Rails	414	15	19	19	23
6-3	Tie Plates	422	15	20	20	24
8-1	Plain and Deformed Carbon Steel Concrete Reinforcing Bars, ASTM A615****	275	10	13	13	16

[*] Page references are to the Fourth Quarter, 1981 Trigger Price Manual published by the Department of Commerce. The first figure of each page reference corresponds to the AISI product category of that product.

[**] Electric Furnace, Group A.

[***] Electric Furnace, Group B.

[****] Electric Furnace, Group C.

Table 3

Page */	Product	First Quarter 1982 Base Prices	First Quarter Interest P.	G.	A.	L.
9-1	Hot Rolled Carbon Steel Bar Size Channel, ASTM A36***	407	15	19	19	23
10-1	Hot Rolled Carbon Bars, Special Quality	476	17	22	22	27
10-3	Merchant Quality Hot Rolled Carbon Steel Square and Round Cornered Square Bars, ASTM A36 or AISI 1020***	339	12	16	16	19
10-4	Merchant Quality Hot Rolled Carbon Steel Round Bars, ASTM A36 or AISI 1020***	339	12	16	16	19
10-5	Merchant Quality Carbon Steel Flat Bars, ASTM A36 or AISI 1020***	309	11	14	14	17
11-1	Hot Rolled Alloy Steel Round Bars and Round Cornered Square Bars	556	20	26	26	31
11-4	Hot Rolled Alloy Spring Steel Flat Bars	556	20	26	26	31
11-5	High Carbon Cr Steel Round Bars	621	22	29	29	35
12-1	Cold Finished Carbon Steel Round & Hexagonal Bars, AISI 1008 through 1060	557	20	26	26	31
12-2	Cold Finished Round Steel & Hexagonal Bars, AISI 1212 through 1215	629	23	29	29	36
12-3	Cold Finished Round Steel & Hexagonal Bars, AISI 12L14 and 12L15	660	24	31	31	37
12-4	Cold Finished, Alloy Steel Round Bars	556	20	26	26	31
12-5	Cold Finished High Carbon Cr Steel Round Bars, AISI 52100, 50100, 51100	621	22	29	29	35
12-6	Round Stainless Steel Drawn Bars in Sizes under 0.703" Dia.	(See Pages 16-20 to 16-30)				
14-1	Electric Resistance Welded Carbon and Alloy Steel Pressure Tubing	621	22	29	29	35
14-6	Continuous Buttweld Pipe	472	17	22	22	27
14-8	Electric Resistance Welded Pipe, Excluding Oil Well Casing	495	18	23	23	28
14-12	Submerged Arc Welded Pipe	537	19	25	25	30
14-13	Electric Resistance Welded Square and Rectangular Structural Tubing, ASTM A500 Grades A, B & C	462	17	21	21	26
14-16	Electric Resistance Welded Standard Pipe	479	17	22	22	27
14-18	Electric Resistance Welded Piling Pipe, ASTM A252	417	15	19	19	24
14-21	Submerged Arc Welded Piling Pipe, ASTM A252	417	15	19	19	24
14-22	Electric Resistance Welded Mechanical Tubing, ASTM A513, Type 1, A.W.H.R. (As Welded Hot Rolled)	556	20	26	26	31
15-1	Seamless Carbon Steel Oil Well Casing, Plain End	567	20	26	26	32
15-3	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled	649	23	30	30	37
15-5	Electric Resistance Welded Carbon Steel Oil Well Casing	518	19	24	24	29
15-7	Seamless Carbon Steel Pressure Tubing	1014	36	47	47	57
15-18	Seamless Carbon Steel Oil Well Tubing	813	29	38	38	46
15-19	Seamless Carbon Steel Line Pipe	576	21	27	27	33
15-21	Hot Rolled High Carbon Cr Steel Tube, Suitable for use in Manufacture of Ball or Roller Bearings, AISI 52100	757	27	35	35	43

*/Page references are to the Fourth Quarter, 1981 Trigger Price Manual published by the Department of Commerce. The first figure of each page reference corresponds to the AISI product category of that product.

***/Electric Furnace, Group B.

Table 3

Page */	Product	First Quarter 1982 Base Prices	First Quarter Interest P.	G.	A.	L.
15-22	Cold Rolled High Carbon Cr Steel Tube, Suitable for use in Manufacture of Ball or Roller Bearings, AISI 52100	1126	41	52	52	64
15-23	Seamless Stainless Steel Round Ornamental Tube	2553	92	118	118	144
15-24	Seamless Stainless Steel Square Ornamental Tube	2783	100	129	129	157
16-1	Cold Heading Round Wire, Hard Drawn	568	20	26	26	32
16-1	Cold Heading Round Wire, Drawn from Annealed Rods	644	23	30	30	36
16-1	Cold Heading Round Wire, Drawn from Spheroidized Annealed Rods	660	24	31	31	37
16-1	Cold Heading Round Wire, Anneal in Process	664	24	31	31	38
16-1	Cold Heading Round Wire, Spheroidized Anneal in Process	676	24	31	31	38
16-1	Cold Heading Round Wire, Anneal in Process and Drawn from Annealed Rods	717	26	33	33	41
16-1	Cold Heading Round Wire, Spheroidize Anneal in Process and Drawn from Annealed Rods	730	26	34	34	41
16-1	Cold Heading Round Wire, Anneal at Finish Size	644	23	30	30	36
16-1	Cold Heading Round Wire, Spheroidize Anneal at Finish Size	660	24	31	31	37
16-1	Cold Heading Round Wire, Anneal at Finished Size and Drawn from Annealed Rods	697	25	32	32	39
16-1	Cold Heading Round Wire, Spheroidize Anneal at Finished Size and Drawn from Annealed Rods	712	26	33	33	40
16-4	Bright & Annealed Basic Round Wire	467	17	22	22	26
16-5	Galvanized Basic Round Wire	588	21	27	27	33
16-7	Round Baling Wire 14-1/2 Gauge	653	23	30	30	37
16-8	High Carbon Alloy Steel Wire	634	23	29	29	36
16-10	Alloy Steel Wire, 0.062" - 0.999" Diameter	662	24	31	31	37
16-12	Upholstery Spring Wire, Automatic Coiling and Knotting Type	584	21	27	27	33
16-13	Mechanical Spring Wire, ASTM A227 and A648	616	22	29	29	35
16-14	Music Spring Quality Wire, ASTM A228	1360	3.6%	4.6%	4.6%	5.7%
16-16	Oil Tempered Steel Spring Wire, ASTM A229	620	22	29	29	35
16-17	Carbon Steel Valve Spring Quality Wire, ASTM A230	1030	37	48	48	58
16-18	Automobile Tire Bead Wire, 0.037 inches	722	26	33	33	41
16-19	Galvanized Core Wire for A.C.S.R., ASTM B498 Class "A"	771	28	36	36	44
16-20	Stainless Steel Wire	(See Pages 16-20 to 16-30)				
19-1	Galvanized Wire Field Fence, ASTM A116	704	25	33	33	40
20-1	Wire Nails	472	17	22	22	27
21-1	Barbed Wire, 2 Ply	741	27	34	34	42
22-1	Black Plate, ASTM A625	482	17	22	22	27
23-1	Electrolytic Tin Plate	656	24	30	30	37
25-1	Hot Rolled Steel Sheets	331	12	15	15	19
25-2	Hot Rolled Steel Band	316	11	15	15	18
26-1	Electrical Steel Sheets, Grain Oriented, in Coil	1320	47	61	61	75
26-2	Electrical Steel Sheets, Non Oriented, in Coil	718	26	33	33	41
26-3	Cold Rolled Sheets	416	15	19	19	24
27-1	Electro Galvanized Sheets	480	17	22	22	27
27-3	Hot Dipped Galvanized Sheets	484	17	22	22	27
29-1	Hot Rolled Carbon Steel Strip Produced on Bar Mills, Cut Lengths***	344	12	16	16	19
29-2	Hot Rolled Carbon Steel Strip Produced on Sheet Mills, Coils Only	323	12	15	15	18
32-1	Tin Free Steel Sheets	560	20	26	26	32

*/Page references are to the Fourth Quarter, 1981 Trigger Price Manual published by the Department of Commerce. The first figure of each page reference corresponds to the AISI product category of that product.

***/Electric Furnace, Group B.

Table 4

FIRST QUARTER, 1982 TRIGGER PRICE MANUAL
REVISED PAGES

Page Reference*	Product Description	Revision
14-12	Submerged Arc Welded Line Pipe	New coverage is added for grade X-70.
14-16	ERW Standard Pipe	Amend cut to length extra to apply only to sprinkler pipe and fence tubing; not to ERW line pipe.
14-22 to 14-24	ERW Mechanical Tubing	New coverage is added for tubing produced from cold rolled strip and for square and rectangular tubing.
16-14	Music Spring Wire	A packaging extra is added for reels.
16-20 to 16-30	Stainless Steel Wire	Base/grade prices and extras are decreased to reflect changes in the yen/dollar ratio.
26-6	Cold Rolled Sheet	Correct error in motor lamination extra for sizes 0.014" - 0.021" thick by 36" - 48" wide.
27-2	Electro Galvanized Sheet	The TMW extra is adjusted to more correctly reflect the cost of selling this material on a theoretical weight basis.

* Page references are to the Fourth Quarter, 1981 Trigger Price Manual published by the Department of Commerce.

14-12
Rev. Nov. 1981

SUBMERGED ARC WELDED LINE PIPE

AISI Category 14

1st Quarter Base Price per Metric Ton...See below

Charges to CIF	Ocean Freight	Handling	Interest
Pacific Coast	Use freight table	$9	$19
Gulf Coast	on page 14-2	5	25
Atlantic Coast		4	25
Great Lakes		4	30

Insurance 1% of base price + extras + ocean freight

1. Base Prices Including O.D. and Grade Extras

	API 5L & API 5LX Grades							
O.D. 16"	5L 566	X42 581	X46 597	X52 620	X56 637	X60 652	X65 669	X70 689
18" - 24"	551	566	581	597	620	637	652	672
26" - 48"	537	551	566	581	597	620	637	657

2. Galvanizing - 1.8 to 2.0 oz. coating (% of Base Price Extra)

	Outside Diameter										
W.T.	16	24	26	30	34	36	40	42	44	46	48
.250	4.0	4.0	4.0								
.281	4.1	4.1	4.1	4.1	4.1	4.1					
.312	4.1	4.1	4.1	4.2	4.2	4.1	3.9	3.9			
.344	4.2	4.2	4.2	4.2	4.2	4.2	3.9	3.9	3.9	3.9	
.375	4.2	4.2	4.2	4.3	4.2	4.2	4.0	4.0	3.9	3.9	3.9
.406	4.2	4.2	4.2	4.3	4.3	4.2	4.0	4.0	4.0	3.9	3.9
.438	4.2	4.2	4.2	4.3	4.3	4.2		4.0	4.0	3.9	3.9
.469	4.2	4.2	4.2	4.3	4.3	4.2		4.0	4.0	3.9	3.9
.500	4.2	4.2	4.2	4.3	4.3	4.2	4.0	4.0	4.0	3.9	3.9
.562			4.1	4.2	4.2	4.1		3.9	3.9	3.9	3.8
.625			4.1	4.1	4.1	4.1		3.9	3.8	3.8	3.8
.656			4.0	4.1	4.1	4.0		3.8	3.8	3.8	3.8
.688								3.7	3.7	3.7	3.6
.750								3.7	3.6	3.6	3.6

Note: This coverage applies only to straight seam weld pipe. Spiral weld product is not currently covered by published prices.

ELECTRIC RESISTANCE WELDED STANDARD PIPE

AISI Category 14

1st Quarter Base Price per Metric Ton...Use page 14-17

Charges to CIF	Ocean Freight	Handling	Interest
Pacific Coast	Use freight table	$9	$17
Gulf Coast	on page 14-2	5	22
Atlantic Coast		4	22
Great Lakes		4	27

Insurance 1% of base price + extras + ocean freight

Base Prices and Extras ($/M.T.):

1. Base Prices Including N.B/W.T and O.D./W.T. Extras for Black, Plain End Pipe - Use page 14-17

2. Threading and Coupling - Use page 14-17

3. Galvanizing - Use page 14-17

4. Galvanizing plus Threading and Coupling - Use page 14-17

5. Cut Length

Sprinkler Pipe & Fence Tubing	
Under 18'	5%
18' thru 24'	Base
Over 24'	5%
ERW Standard Line Pipe	
All lengths	Base

6. Swaging at One End 5%

Note: This coverage is not limited to ASTM A120, but also covers all lower graded ERW pipe material including, but not limited to, such lighter wall material as sprinkler pipe and fence tubing. The 1/2" to 1-1/2" Nominal Bore coverage also applies to ASTM A53. ASTM A53 in sizes over 2" Nominal Bore is covered on pages 14-8 through 14-11.

ELECTRIC RESISTANCE WELDED MECHANICAL TUBING ASTM A513
A.W.H.R. (AS WELDED HOT ROLLED)
A.W.C.R. (AS WELDED COLD ROLLED)

AISI Category 14

1st Quarter Base Price per Metric Ton...Use pages 14-23 & 14-24

Charges to CIF	Ocean Freight	Handling	Interest
Pacific Coast	See freight table	$9	$20
Gulf Coast	on page 14-2	5	26
Atlantic Coast		4	26
Great Lakes		4	31

Insurance 1% of base price + extras + ocean freight

Extras:

1. Base Prices Including O.D./W.T. Extras - Use pages 14-23 and 14-24

2. Cut Lengths

Feet	Extra (percent for specific O.D./W.T.)
10 to under 36	Base
36 to under 40	2.5%
40 to under 44	7.5%
44 to under 48	10.0%

3. Quantity

Weight (pounds)	Extra (percent for specific O.D./W.T.)
10,000 or more	Base
5,000 to 9,999	20%

	Extra
4. Cold Strip	57

ERW ROUND MECHANICAL TUBING

1. Base Prices Including O.D./W.T. Extras

Wall Thickness	Outside Diameter															
	3/4	1	1-1/4	1-1/2	1-3/4	2	2-1/8	2-1/4	2-3/8	2-1/2	2-3/4	3	3-1/4	3-1/2	4	4-1/2
0.049	946	862	807													
0.065	917	780	780	723	723											
0.083	807	780	723	668	639	613	613	613	584	584	584	584				
0.095	807	723	723	639	613	584	584	584	584	556	556	556	556			
0.105	780	696	668	613	584	584	584	556	556	556	556	556	556	556		
0.109	780	696	639	584	556	556	556	556	556	556	556	529	556	556	584	
0.120	780	696	639	550	556	556	556	556	556	529	529	529	529	529	584	639
0.125		696	639	556	556	556	556	529	529	529	529	529	529	529	556	584
0.134		696	639	556	556	556	556	529	529	529	529	529	529	529	556	584
0.135		700	639	556	556	556	556	529	529	529	529	529	529	529	529	556
0.148			639	556	556	556	556	529	529	529	529	529	529	529	529	556
0.150			668	584	556	556	556	529	529	529	529	529	529	529	529	556
0.165			668	584	556	556	556	556	529	529	529	529	529	529	529	529
0.180			668	613	556	556	556	556	529	529	529	529	529	529	500	500
0.200				639	556	556	556	556	556	529	529	500	500	500	500	500
0.203				639	584	584	584	556	556	529	529	500	500	500	500	500
0.220				668	584	584	584	556	556	529	529	500	500	500	500	500
0.238					613	613	613	584	584	556	556	529	529	529	529	529
0.259					668	668	668	613	584	556	556	529	529	529	529	529
0.284												556	556	529	529	529
0.300													584	556	556	556

Intermediate wall thickness will be priced on the next heavier wall shown.

ERW SQUARE MECHANICAL TUBING

1. Base Prices Including O.D./W.T. Extras

Wall Thickness	Outside Dimension (Inches) 5/8	13/16	1	1.350	1-3/4	2
0.049	946	862	807			
0.065	917	780	780	723		
0.083	807	780	723	639	613	584
0.095	807	723	723	613	584	556
0.105	780	696	668	584	556	556
0.109	780	696	639	556	556	556
0.120	780	696	639	556	556	529
0.125		696	639	556	529	529
0.134		696	639	556	529	529
0.135		700	639	556	529	529
0.148			639	556	529	529
0.150			668	556	529	529
0.165			668	556	556	529
0.180			668	556	556	529
0.200				556	556	529
0.203				584	556	529
0.220				584	556	529
0.238				613	584	556
0.259				668	613	556

ERW RECTANGULAR MECHANICAL TUBING

Wall Thickness	Outside Dimension (Inches) 1/2 x 1-1/2 7/8 x 1	3/4 x 2	1 x 2-1/4 1-1/4 x 2	1-1/2 x 2	1-1/2 x 2-1/2 1 x 3
0.049	807				
0.065	780	723			
0.083	723	639	613	613	584
0.095	723	613	584	556	556
0.105	668	584	584	584	556
0.109	639	566	556	556	556
0.120	639	556	556	556	529
0.125	639	556	556	529	529
0.134	639	556	556	529	529
0.135	639	556	556	529	529
0.148	639	556	556	529	529
0.150	668	556	556	529	529
0.165	668	556	556	556	529
0.180	668	556	556	556	529
0.200		556	556	556	529
0.203		584	584	556	529
0.220		584	584	556	529
0.238		613	613	584	556
0.259		668	668	613	556

MUSIC SPRING QUALITY WIRE
ASTM A228

AISI Category 16

1st Quarter Base Price per Metric Ton...$1360

Charges to CIF	Ocean Freight *	Handling	Interest
Pacific Coast	$106	$9	3.6%
Gulf Coast	129	5	4.6%
Atlantic Coast	128	4	4.6%
Great Lakes	132	4	5.7%

Interest charge equals F.O.B. trigger base price including size extra times interest factor.

Insurance 1% of base price + extras + ocean freight

Extras ($/M.T.):

1. Coating

Phosphate	Base
Lime	Base
Tinned	668
Cadmium Zinc Alloy	668
Bright (White Liquor Finish)	824

2. Packaging

Wrapped Coils	Base
Reels	185

3. Torsion Straightening (Straightened in Coil) 152

4. Size - Use next page

* Ocean Freight represents Container Vessel Rate

STAINLESS STEEL WIRE

AISI Category 16

1st Quarter Base Prices per Metric Ton...See below

Charges to CIF	Ocean Freight	Handling	Interest
Pacific Coast	$102	$9	3.6%
Gulf Coast	124	5	4.6%
Atlantic Coast	124	4	4.6%
Great Lakes	161	4	5.7%

Interest charge equals F.O.B. trigger base price including size extra times interest factor.

Insurance 1% of base price + extras + ocean freight

Extras ($/M.T.):

1. Annealed Wire - Group I - Pages 16-21 to 16-23
   A. Base Prices Including Grade Extras
   B. Size by Grade Group
   C. Small Bar

2. Hard/Spring Wire - Group II - Pages 16-24 to 16-25
   A. Base Prices Including Grade Extras
   B. Size by Grade Group

3. Soft/Intermediate Wire - Group III - Pages 16-26 to 16-27
   A. Base Prices Including Grade Extras
   B. Size by Grade Group

4. Coating - Page 16-28

5. Finish - Page 16-29
   A. Centerless Ground
   B. Centerless Ground and Polished

6. Diameter Tolerance - Page 16-29

7. Straightening and Cut to Length - Page 16-30
   A. Size Range
   B. Length

8. Packaging - Page 16-30

1. Group I - Annealed Wire: Soft wire in which there is no further cold drawing after the last annealing treatment. This wire is made by annealing in open fired furnaces or molten salt followed by pickling, which produces a clean gray matte finish. It is also made with a bright finish by annealing wet, oil or grease drawn wire in a protective atmosphere, and is sometimes described as bright annealed wire.

A. Grades	Base Price
301	2,268
302	2,218
303	2,315
304	2,268
305	2,437
310	4,017
314	4,697
316	3,240
316-L	3,409
317	3,725
317-L	3,896
304-L	2,437
17-4PH*	2,583
308	2,413
308-L	2,583
309	2,948
309-L	3,118
321	2,583
302 HQ (18-19LW)**	2,389
347	2,899
384	2,850
409	1,596
410	1,304
416	1,276
420	1,353
430	1,353
430-F	1,548
434	1,644
434-A	1,450
446	1,888

* May also be designated as type 630 or as UNS 17400
** May also be designated as type 302 CU and as 306

GROUP I - ANNEALED WIRE (Continued)

B. Size *

Size *	Grade Group: 300 Series & 17-7PH	400 Series	17-4PH 15-5PH
.574" - .703"	214	546	214
.501" - .573"	214	546	214
.500"	230	546	230
.375" - .499"	249	546	249
.3125" - .374"	267	546	267
.250" - .312"	357	546	357
.234" - .249"	406	546	406
.216" - .233"	461	587	461
.200" - .215"	636	636	636
.185" - .199"	656	668	656
.170" - .184"	672	696	672
.155" - .169"	683	727	683
.142" - .154"	702	861	702
.128" - .141"	732	994	732
.113" - .127"	817	1,097	726
.099" - .112"	943	1,191	761
.086" - .098"	1,036	1,261	793
.076" - .085"	1,096	1,328	830
.067" - .075"	1,159	1,395	1,006
.058" - .066"	1,272	1,447	1,177
.051" - .057"	1,329	1,497	1,238
.044" - .050"	1,387	1,549	1,296
.038" - .043"	1,512	1,603	1,420
.033" - .037"	1,647	1,790	1,555
.030" - .032"	1,719	1,924	1,719
.027" - .029"	1,885		2,073
.024" - .026"	2,041		2,041
.021" - .023"	2,194		2,199
.019" - .020"	2,346		2,346
.018"	2,496		2,496
.017"	2,529		2,529
.016"	2,571		2,571
.015"	2,690		2,690

*All intermediate sizes to take next higher price.

GROUP I - ANNEALED WIRE (Continued)

Size *	Grade Group: 300 Series & 17-7PH	400 Series	17-4PH 15-5PH
.014"	2,825	--	2,825
.013"	2,945	--	2,945
.012"	3,070	--	3,070
.011"	3,189	--	3,189
.010"	3,476	--	3,476
.009"	3,605	--	3,605
.008"	3,765	--	3,765
.0075"	3,936	--	3,936
.007"	4,115	--	4,115
.0065"	4,539	--	4,539
.006"	5,023	--	5,023
.00575"	5,505	--	5,505
.0055"	5,989	--	5,989
.00525"	6,956	--	6,956
.005"	7,137	--	7,137
.00475"	7,258	--	7,258
.0045"	7,500	--	7,500
.00425"	8,165	--	8,165
.004"	8,769	--	8,769
.00375"	18,437	--	18,437
.0035"	22,005	--	22,005
.00325"	25,146	--	25,146
.003"	28,287	--	28,287
.0027"	29,317	--	29,317
.0025"	30,526	--	30,526
.002"	39,589	--	39,589

*All intermediate sizes to take next higher price.

C. Small Bar: Small cold drawn bar in wire gauges is to be trigger priced using above grade and size extras in conjunction with the following negative extras for the absence of annealing and pickling

Size Range	Extras
.375" through .703"	Minus 77
.216" through .374"	Minus 81
.187" through .215"	Minus 104

2. Group II - Hard/Spring Wire: wire drawn in several drafts as required to produce the high tensile strengths required for such products as spring wire.

A. Grades	Base Price
301	2,268
302	2,218
303	2,315
304	2,268
305	2,437
310	4,017
314	4,697
316	3,240
316-L	3,409
317	3,725
317-L	3,896
321	2,583
17-4PH*	2,583
17-7PH***	3,264
308	2,413
308-L	2,583
309	2,948
309-L	3,118
302 HQ (18-19LW)**	2,389
347	2,899
384	2,850
409	1,596
410	1,304
416	1,276
420	1,353
430	1,353
430-F	1,548
434	1,644
434-A	1,450
446	1,888

* May also be designated as type 630 or UNS 17400
** May also be designated as type 302 CU or 306
*** May also be designated as typed 631 or UNS 17700

GROUP II - HARD/SPRING WIRE (Continued)

B. Size *	Grade Group 300 Series & 17-7PH
Over .375"	712
.3125" - .374"	712
.2500" - .312"	712
.234" - .249"	712
.216" - .233"	712
.200" - .215"	712
.185" - .199"	712
.170" - .184"	712
.155" - .169"	712
.142" - .154"	688
.128" - .141"	688
.113" - .127"	688
.099" - .112"	725
.086" - .098"	801
.076" - .085"	858
.067" - .075"	934
.058" - .066"	1,036
.051" - .057"	1,247
.044" - .050"	1,432
.038" - .043"	1,509
.033" - .037"	1,658
.030" - .032"	1,744
.027" - .029"	2,100
.024" - .026"	2,290
.021" - .023"	2,518
.019" - .020"	2,814
.018"	3,405
.017"	3,699
.016"	3,792
.015"	3,878
.014"	4,061
.013"	4,206
.012"	4,506
.011"	5,761
.010"	5,912
.009"	6,145
.008"	6,351

*All intermediate sizes to take next higher price.

3. Group III - Soft/Intermediate Wire: wire drawn one or more drafts after annealing as required to produce minimum strength or hardness. The properties can be varied between soft temper and those approaching spring temper wire. Wire in this temper is usually produced in a variety of dry drawn tempers. Cold heading wire belongs in this group.

A.

Grades	Base Price
301	2,268
302	2,218
302 (302HQ, 18-9LW)	2,389
303	2,315
304	2,268
305	2,437
310	4,017
314	4,697
316	3,240
316-L	3,409
317	3,725
317-L	3,896
321	2,583
17-4PH*	2,583
308	2,413
308-L	2,583
309	2,948
309-L	3,118
347	2,899
384	2,850
409	1,596
410	1,304
416	1,276
420	1,353
430	1,353
430-F	1,548
434	1,644
434-A	1,450
446	1,888

* May also be designated as type 630 or UNS 17400

GROUP III - SOFT/INTERMEDIATE WIRE (Continued)

B.

Size *	Grade Group: 300 Series & 17-7PH	Grade Group: 400 Series	Grade Group: 17-4PH 15-5PH
Over .375"	484	340	484
.3125" - .374"	484	340	484
.2500" - .312"	484	354	484
.2340" - .249"	484	377	484
.2160" - .233"	484	401	484
.200" - .215"	484	435	484
.185" - .199"	601	464	601
.170" - .184"	630	489	630
.155" - .169"	664	531	664
.142" - .154"	685	600	685
.128" - .141"	739	715	739
.113" - .127"	888	797	888
.099" - .112"	973	907	973
.086" - .098"	1,031	936	1,031
.076" - .085"	1,150	990	1,150
.067" - .075"	1,267	1,083	1,267
.058" - .066"	1,384	1,315	1,384
.051" - .057"	1,435	1,555	1,435
.044" - .050"	1,492	1,601	1,492
.038" - .043"	1,622	1,662	1,622
.033" - .037"	1,723	1,860	1,723
.030" - .032"	1,843	1,984	1,843
.027" - .029"	2,011		2,011
.024" - .026"	2,172		2,172
.021" - .023"	2,338		2,338
.019" - .020"	2,495		2,495

*All intermediate sizes to take next higher price.

4. Coating: Material provided uncoated or coated with lime (or equivalent to lime) and/or soap will carry no extra. Other coatings require an appropriate extra where additional costs are involved. Metallic coatings include copper, nickel, and lead. Non-metallic coatings include plastics, molybdenum disulfide, etc.

Size Range	Metallic		Non-metallic
	Copper	Nickel	
Over .154"	115	34	24
.099" - .154"	173	34	24
.063" - .098"	229	47	31
.041" - .062"		75	49
.030" - .040"		101	65
.025" - .029"		101	65
.020" - .024"		136	92
.015" - .019"		174	123
.010" - .014"		214	148

5. Finish

Size Ranges *	Centerless Ground	Centerless Ground and polished
.595" - .703"	532	672
.501" - .594"	532	672
.500"	588	743
.375" - .499"	602	768
.3125" - .374"	602	768
.250" - .3124	602	768
.234" - .249"	926	1,122
.216" - .233"	926	1,122
.200" - .215"	1,022	1,248
.185" - .199"	1,195	1,446
.170" - .184"	1,409	1,674
.155" - .169"	1,687	1,973
.142" - .154"	1,966	2,253
.128" - .141"	2,313	2,598
.113" - .127"	2,897	3,207
.093" - .112"	5,900	6,493

* Intermediate sizes to take next higher price.

These extras are applicable to all grades listed.

Straightening and cut to length extras are included in the above finish extras.

6. Diameter Tolerance

Standard: AISI or JIS Specification

	Extra
Standard	Base
Not less than 1/2 standard	10¢
Closer than 1/2 to 1/4 standard	25% of size extra
Closer than 1/4 standard	50% of size extra

7. Straightening and Cut to Length: Use the sum of the appropriate extras from A and B below to form the total extra.

A.

Size Range	Extras
.595" - .703"	111
.501" - .594"	111
.500"	111
.375" - .499"	139
.3125" - .374"	139
.170" - .3124"	252
.099" - .169"	629
.051" - .098"	1,823
.032" - .050"	2,103

B.

Length	
Under 12"	98
12" to under 18"	65
18" to under 24"	65
24" to under 30"	41
30" to under 36"	41
36" to under 48"	41
48" to under 60"	41
60" to under 72"	41
72" to under 120"	34
120" to under 168"	34
168" to under 192"	34
192" to under 216"	34
216" to under 240"	34
240" to under 264"	27
264" to under 288"	27
288" to 316"	27

8. Packaging

Bundle	27
Wooden Boxes	95
Fibre Drums	87
Coil Carriers	27
Spools	
Sizes under .020"	170
Both Spools and Wooden Boxes	
Sizes .020" and greater	95
Sizes under .020"	264

BILLING CODE 3510-25-C

11. Feedstock

Cold Rolled Full Hard Coil Sheet Feedstock Suitable for Painting Lines or Strapping Production - not edge trimmed, not temper rolled. Minus 13

Cold Rolled Full Hard Coiled Sheet Feedstock Suitable for Continuous Hot Dipped Galvanizing - produced to any surface specification as to roughness, or to any tensile strength specifications; not edge trimmed, not temper rolled. No trigger price

12. Motor Lamination 21

Plus the following width/thickness extras:

Thickness (Inches)	Width (Inches) 24" to under 36"	36" thru 48"
0.035 thru 0.063	23	8
0.028 thru 0.034	29	13
0.022 thru 0.027	47	34
0.014 thru 0.021	57	44

1. Width/Thickness

Thickness (Inches)	Width (Inches) 28 up to 30	30 up to 36	36 thru 48	Over 48 thru 60
0.057 and thicker	7	1	-3	6
0.051 - 0.056	8	2	-2	7
0.045 - 0.050	9	3	-1	8
0.039 - 0.044	10	6	Base	9
0.034 - 0.038	13	7	1	10
0.031 - 0.033	19	13	7	17
0.028 - 0.030	23	18	10	22
0.025 - 0.027	28	22	17	27
0.022 - 0.024	35	29	23	34
0.019 - 0.021	42	37	30	--
0.017 - 0.018	55	49	43	--
0.015 - 0.016	65	56	51	--

2. Length

60" thru 168"	22
Less than 60"	25

3. Coating

0.06 oz/sq. ft. on each side	6
0.03 oz/sq. ft. on each side	Base
0.01 oz/sq. ft. on each side	Minus 2

4. Chemical Treatment

Phosphated	Base
Chromated	Minus 2
Oiled	Minus 2

5. Quality

Commercial	Base
Physical (TS, YP, HRS, etc.)	17

6. Theoretical Minimum Weight 22

Dated: November 13, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-33210 Filed 11-13-81; 3:42 pm]

BILLING CODE 3510-25-M

National Technical Information Service

Grant of Limited Exclusive Patent License

Notice is hereby given that the National Technical Information Service (NTIS), U.S. Department of Commerce, granted to Block Drug Company a limited exclusive right in the United States and in certain foreign countries for the manufacture, use and sale of the products embodied in U.S. Patent Application 105,079 "Toluidine Blue Rinse for the Detection of Squamous Carcinoma."

The limited exclusive license granted by NTIS is a royalty-bearing license for a term of five years from the date of the first commercial sale. The license may be revoked in accordance with 41 CFR 101–4.104.5.

Dated: November 13, 1981.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service.

[FR Doc. 81-33425 Filed 11-18-81; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Army

Finding of No Significant Impact; Chemical Decontamination Training Facility, Fort McClellan, Ala.

AGENCY: Department of the Army, DOD.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Commander, US Army Military Police and Chemical Schools/Training Center and Fort McClellan, Attn: ATZN–FE, Fort McClellan, Alabama 36205; telephone (205) 238–3019.

Proposed Action

Fort McClellan proposes to construct a 43,000 square foot facility to be used as a chemical decontamination training facility. Toxic agent decontamination training at Fort McClellan was discussed in the *Final Environmental Impact Statement, Establishment of US Army NBC Defense School,* 16 July 1979. (This document may be reviewed at the above address.) The decontamination facility will be an enclosed, environmentally controlled, applied instruction facility. It will include a collection/neutralization system for decontamination residues, and an air filtration system for removal of agent vapors.

Purpose of the Action

The Department of Defense does not presently have an adequate facility to train personnel in the realistic requirements of troop defense against toxic chemical agents. This facility will correct this deficiency.

Alternatives Considered

A. Use of toxic chemical agents in an outdoor, open air environment as discussed in the *Final Environmental Impact Statement, Establishment of US Army NBC Defense School,* 16 July 1979 (pages 1, 3, 4, 5).

B. Travel to another military installation.

C. Other locations on Fort McClellan.

D. No Action.

Environmental Impacts of the Proposed Action

It has been determined that the proposal would not constitute an action significantly affecting the quality of the human environment. Accordingly, the Commander, Fort McClellan, has decided not to prepare an Environmental Impact Statement (EIS) under the guidelines outlined in the National Environmental Policy Act of 1969 (Pub. L. 91–90). Reasons for the decision not to prepare such a statement are as follows:

A. Toxic agent decontamination training was discussed in the approved *Final Environmental Impact Statement, Establishment of US Army NBC Defense School,* 16 July 1979.

B. Control measures employed would mitigate and/or eliminate adverse environmental impacts. All control measures will be fully coordinated with the Alabama Department of Public Health, Alabama Water Improvement Commission and Alabama Air Pollution Control Commission.

C. There are no significant historical, archaeological, or cultural resources impacted by the proposal.

SUPPLEMENTARY INFORMATION: *Final Environmental Impact Statement, Establishment of US Army NBC Defense School, 16 July 1979,* Council on Environmental Quality regulations implementing the National Environmental Policy Act, and *Environmental Assessment, Chemical Decontamination Training Facility* are available for public examination, upon request, at the office of the Facilities Engineer, Fort McClellan, Alabama. Such requests should be directed to the telephone number listed above. All interested agencies, groups, or persons not in agreement with this decision are invited to submit written comments for consideration by the Commander, Fort McClellan on or before December 18, 1981. The proposed action will not be implemented prior to the date specified.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA(IL&FM).

November 13, 1981.

[FR Doc. 81-33424 Filed 11-18-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent to Prepare Draft Environmental Impact Statement (EIS) for Regulatory Permit Action for Proposed Synthetic Fuel Plant by W. R. Grace & Co.

AGENCY: Army Corps of Engineers, Louisville District; DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (EIS).

SUMMARY: *1. Proposed Action:* The W. R. Grace & Company (GRACE) proposes to construct and operate a Coal-to-Methanol-to-Gasoline Synthetic Fuel Plant on a site near Baskett, Henderson County, Kentucky. The proposed plant is currently estimated to produce 50,000 barrels per day of high octane, unleaded gasoline from approximately 26,500 tons per day of high sulfur coal. In addition to the primary production of gasoline, by-products will include liquefied petroleum gases (LPG) and elemental sulfur. The sources of coal for this proposal have not been identified but it is anticipated that Illinois Basin Coal (Western Kentucky, Southern Indiana, and Southern Illinois) will be used. Coal shipment by barge and unit train is proposed with barge shipment of gasoline likely. Grace currently forecasts initial gasoline production in late 1987 with commercial production volumes (50,000 barrels per day) anticipated in 1989. Preliminary estimates indicate that the cost of the facility will exceed $3 billion. Manpower requirements are expected to include a construction workforce of about 6500 persons and a permanent operating force of 1350 persons. Grace currently has options on approximately 700 acres of land at the Baskett Site.

2. Alternatives: Along with a no action alternative and the Grace proposed action, alternatives that will

be considered will include but not necessarily be limited to:

a. A discussion of the need for synthetic fuel options as compared to more conventional energy forms and sources,

b. The various synthetic fuel alternatives available,

c. Alternate process systems available to Grace to accomplish the proposed action,

d. Various air pollution control alternatives,

e. Alternate wastewater treatment systems,

f. Alternate methods and locations for solid waste disposal,

g. Product alternatives available to Grace with the proposed plant system,

h. Transportation alternatives for raw materials, products, and construction and operation personnel, and

i. Alternative sites.

3. Scoping Process: The public scoping process begins with this Notice of Intent. All affected Federal, State, and local agencies, and all other interested organizations, groups, and individuals are encouraged to participate in this scoping process. Written comments regarding the scope of the EIS for the Grace proposal will be accepted until a public scoping meeting and/or workshop is held in the proposed project area. A schedule for this meeting and/or workshop has not been established but it is anticipated that it will occur in January 1982. After a date, time, and location are set, notification will be made in the region of the project.

The merits of the Grace proposal will not be debated at the public meeting and/or workshop. The purpose of the meeting and/or workshop is to assist in developing the scope of the Draft EIS. Public and agency comments on the merits of the project will be received following the issuance of the Draft and Final EIS and at a Public Hearing, if held, on the Grace permit application and the Draft EIS.

Significant issues that have already been identified include air quality impacts, water quality impacts, human health effects, loss of prime agricultural land, socioeconomic effects on local population and communities, energy needs including development of a synthetic fuel industry, navigation impacts, and effects on wetlands and floodplains.

The U.S. Environmental Protection Agency (EPA), the U.S. Department of Energy, and the Kentucky Departments for Natural Resources and Environmental Protection will likely be cooperating agencies in the EIS Process. The Kentucky Department of Energy and Transportation and the Green River Area Development District are expected to be a significant information source for the EIS process.

It is anticipated that the Draft EIS will be filed with the U.S. EPA and released for review and comment in November 1982.

4. Address: Questions about the proposed action and Draft EIS can be answered by Mr. Terry Siemsen, Environmental Specialist, Environmental Analysis Branch, Planning Division, U.S. Army Corps of Engineers, Louisville District, P.O. Box 59, Louisville, Kentucky 40201, Telephone (502) 582–6475, (FTS 352–6475).

Dated: November 13, 1981.

C. E. Eastburn,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81-33385 Filed 11-18-81; 8:45 am]

BILLING CODE 3710-JB-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of the DIA Advisory Committee has been scheduled as follows: Wednesday & Thursday, 20–21 January 1982, The Pentagon, Washington, D.C. The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

November 13, 1981.

[FR Doc. 81-33374 Filed 11-18-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Expanded Regionwide Weatherization Program—Intent To Prepare an Environmental Impact Statement and Announcement of Scoping Meetings

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of intent to prepare a draft environmental impact statement and to announce scoping meetings.

SUMMARY: Bonneville Power Administration proposes to expand its current Regionwide Weatherization Program to include cost-effective, air infiltration-reducing measures for electrically heated residences which are excluded from such measures under the present program because of potential indoor air quality degradation. BPA hereby gives public notice of its intent to hold scoping meetings, and to prepare and consider an Environmental Impact Statement (EIS) analyzing the environmental effects of this expanded program. BPA is authorized by the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96–501) to develop cost-effective conservation programs in the Pacific Northwest which will reduce the electric loads on the agency.

The alternatives will range from no action to the complete application of the proposed cost-effective air infiltration-reducing measures and techniques (which include weatherstripping, caulking, storm windows, storm doors, and outlet and switchplate gaskets).

The issues to be considered in each alternative are:

(1) A comparison of the value of energy savings to the cost of each measure in meeting the region's electrical power needs;

(2) The health risks involved with each alternative; and

(3) A comparison of public health, costs, and environmental consequences of the program to an equivalent amount of displaced energy produced by conventional generation.

Consistent with the requirements of the Pacific Northwest Electric Power Planning and Conservation Act (section 2(3)) and the National Environmental Policy Act, BPA is soliciting suggestions and comments to identify the actions, alternatives, and impacts to be considered in the preparation of the EIS.

BPA will hold four scoping meetings to invite suggestions to assist in defining the scope of the EIS. At each meeting, a proposed outline of the draft EIS will be distributed and a short presentation on environmental considerations will be given by BPA.

DATES: Registration for the meetings will be at 7 p.m. and the meetings will begin at 7:30 p.m. Dates and locations are:

December 7, 1981

7:30 p.m.: Blackfoot Room, Village Red Lion, 100 Madison Street, Missoula, Montana

December 8, 1981

7:30 p.m.: Boise City Hall, Bonneville Room, 55 West Fort Street, Boise, Idaho

December 9, 1981

7:30 p.m.: BPA Auditorium, 1002 NE. Holladay Street, Portland, Oregon

December 10, 1981

7:30 p.m.: Orcas Room, Seattle Center, First North and Republican Streets, Seattle, Washington

ADDRESSES: BPA also welcomes written comments that will help to determine the scope of the EIS. Written comments should be submitted to Anthony R. Morrell, Acting Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208, no later than December 14, 1981.

SUPPLEMENTARY INFORMATION: In May 1981, BPA released for public and agency review an Environmental Assessment (EA) which examined the effects of BPA's proposed Regionwide Weatherization Program. Public comments focused on the issue of indoor air quality. Because the potential impacts of indoor air pollution from installation of air infiltration-reducing measures posed numerous questions regarding human health, BPA modified its proposal in order to propose a program with no significant impacts. In August 1981, BPA prepared and submitted a revised EA to the Department of Energy (DOE) for approval. Under alternative 3, the preferred alternative, BPA would offer insulation, sealing of air ducts, dehumidifiers, and clock thermostats to all eligible residences but would restrict the offering of air infiltration-reducing measures to residences with certain characteristics. The characteristics are:

1. A full crawlspace with cross ventilation (per Uniform Building Code) with a ground cover vapor barrier and floor insulation with a vapor barrier;
2. No woodstoves or unvented combustion appliances;
3. A municipal water supply or surface water source for domestic supply;
4. Wood frame construction; and
5. No foam insulation.

Mobile homes are also excluded from receiving house tightening measures. Specifications for these criteria are detailed in Appendix E of the EA (which is available from BPA). DOE determined that the preferred alternative would not cause significant impacts and issued a Finding of No Significant Impact (FONSI) on September 25, 1981.

Available data suggests that the air infiltration-reducing measures under the current program could be offered to only about 30 percent of eligible homes in the region. The expanded weatherization program considered in the EIS will evaluate tightening measures for the 70 percent of homes not covered under the existing program.

FOR FURTHER INFORMATION: Comments or questions regarding the EIS should be directed to Anthony R. Morrell, Acting Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208; Phone 503/234–3361, extension 5137. For further information on the scoping meetings, contact:

Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212; 503–234–3361, extension 4261. Toll-free numbers for Oregon callers 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800–547–6048

Mr. George Gwinnutt, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208; 503–234–3361, extension 4551

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401; 503–345–0311

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201; 509–456–2518

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901; 406–755–6202

Mr. Ronald K. Rodewald, District Manager, P.O. Box 741, Wenatchee, Washington 98801; 509–662–4377, extension 379

Mr. Thomas M. Noguchi, Acting Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109; 206–442–4130

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362; 509–525–5500, extension 701

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401; 208–523–2706

Dated: November 13, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc. 81-33553 Filed 11-18-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Sauvage Gas Co.; Amended Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of an Amended Proposed Remedial Order which was issued to Sauvage Gas Company of Oberlin, Kansas.

This Amended Proposed Remedial Order charged Sauvage Gas Company with pricing violations in the amount of $24.9 million in sales of propane, butane, natural gasoline and natural gas liquids during the time period September 1, 1973 through July 31, 1977.

A copy of the Amended proposed Remedial Order, with confidential information deleted, may be obtained from Thomas A. Elliott, Acting District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri, on the 10th day of November 1981.

Thomas A. Elliott,

Acting District Manager, Central Enforcement District.

David H. Jackson,

Chief, Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-33444 Filed 11-18-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3498–001]

Chester Water Authority; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

November 10, 1981.

Take notice that on August 5, 1981, the Chester Water Authority (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 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. 3498, would be located on Octoraro Creek in Lancaster County, Pennsylvania. Correspondence with the Applicant should be directed to: Peter K. MacEwen, P.E., Executive Manager and Chief Engineer, Chester Water Authority, Box 467, Fifth and Welsh Streets, Chester, Pennsylvania 19016.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) an existing earth and rockfill dam, 650 feet long and 65 feet high, with a concrete ogee spillway; (2) a reservoir having minimal pondage; (3) a new siphon penstock, 72 inches in diameter and 1,400 feet long, leading to (4) a new powerhouse containing a generating unit having a total rated

capacity of 500 kW; (5) a tailrace; (6) an existing transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,500,000 kWh. Project energy would be utilized by the Authority's water treatment plant.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Pennsylvania Fish Commission 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 Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before December 18, 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 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 December 18, 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, N.E., 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 North Capitol Street, N.E., 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. 81-33284 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-75-000]

Consumers Power Co.; Notice of Filing

November 13, 1981.

The filing Company submits the following:

Take notice that Consumers Power Company (Consumers) on November 5, 1981, tendered for filing pursuant to 18 CFR 35.12 the following sections of the following agreements between Consumers and the Michigan South Central Power Agency (MSCPA) dated as of November 20, 1980:

1. Sections 6.2 and 6.3 of the Project I Transmission Ownership and Operating Agreement

2. Section 4.4 of the Moore Road-Batavia Facilities Agreement

3. Section 4.4 of the Hughes Road Facilities Agreement.

All of the aforementioned sections provide for periodic adjustment payments relating to the MSCPA's ownership of an undivided interest in Consumers's 345 kV double circuit transmission line extending from its Vergennes 345 kV Substation to its Palisades-Tallmadge 345 kV Transmission Line.

A copy of the filing was served on the Michigan Public Service Commission.

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 December 4, 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. 81-33289 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-33-001]

El Paso Natural Gas Co.; Proposed Changes in FERC Gas Tariff

November 12, 1981.

Take notice that on October 29, 1981, El Paso Natural Gas Company (El Paso) tendered for filing revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, which sheets are submitted in substitution for their respective counterparts tendered as part of El Paso's notice of change in rates filed August 31, 1981, at Docket No. TA82-1-33-000.

El Paso states that the revised tariff sheets reflect a net decrease of 6.06¢ per Mcf in the rates for the rates for jurisdictional gas service rendered to customers served by El Paso's interstate gas transmission system which were proposed in its notice of change in rates filed August 31, 1981. In addition, El Paso has tendered for filing alternative revised tariff sheets to reflect a net decrease of 6.71¢ per Mcf.

The Commission by order issued September 30, 1981, directed El Paso to reflect certain limited-term purchases at or below the levels reflected in the certificates authorizing such sales to El Paso. Among such purchases by El Paso is a purchase from Cities Service Gas Company (Cities) which El Paso included at a level of 202,000 Mcf per day. The authorized average day level of

sales by Cities to El Paso is 150,000 Mcf for the year ending December 23, 1981, and 100,000 Mcf for the year ending December 23, 1982. The Commission's order directed El Paso to reflect such purchases at an average level no higher than 125,000 Mcf. Cities believes that the request will be granted and has advised El Paso of the matter. Accordingly, the revised tariff sheets reflect the impact of including El Paso's purchase from Cities at an average day volume of 200,000 Mcf whereas the alternative revised tariff sheets reflect the impact of an average purchase of 125,000 Mcf per day. The cents per Mcf impact of including the purchase at an average of 200,000 Mcf per day is only 0.65¢ above the rate attributable to average purchases of 125,000 Mcf per day. However, such difference of 0.65¢ per Mcf equates to approximately $650,000 per month in increased purchased gas costs which amount will be charged to El Paso's Account 191 thus increasing the account's balance.

The revised tariff sheets were posted. Copies of this filing were served upon all parties of record in Docket No. TA82-1-33-000, upon all interstate pipeline system customers of El Paso and upon interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 November 25, 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. 81-33270 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-39-000]

Equitable Gas Co.; Proposed Change in FERC Gas Tariff

November 12, 1981.

Take notice that on February 10, 1981, Equitable Gas Company (Equitable Gas) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, an original and Second revised Tariff Sheet No. 6a, superseding First Revised Sheet No. 6a.

Furthermore, Equitable Gas submitted an amendment dated January 7, 1981, to the Service Agreement between Equitable Gas and Revere Natural Gas Company dated April 18, 1979, which was duly executed by both parties and which changed the minimum charge pursuant to said Agreement from 75% of the Firm Annual Quantity to 50% of the Firm Annual Quantity.

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 November 25, 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. 81-33271 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-7-000]

Gas Gathering Corp.; Notice of Change in Rates

November 10, 1981.

Take notice that Gas Gathering Corporation (GGC) on October 30, 1981 tendered for filing proposed changes in its FERC Gas Tariff providing for increases in its base tariff rate charges for sales to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional customer. The proposed changes would increase the base tariff rate charged Transco by 7.1003 cents per Mcf over the base tariff rate presently in effect. GGC proposes that the new rate be made effective on December 1, 1981.

A copy of the filing has been served upon Transco.

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 November 24, 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-33285 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CS72-679, et al.]

Norma S. Gould Trust, et al. (Norma S. Gould Trust); Applications for "Small Producer" Certificates [1]

November 10, 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 November 25, 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 became 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 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

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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 be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS72-679	[1] 6/24/81	Norma S. Gould Trust, *et al* (Norma S. Gould Trust), 1846 City National Bank Building, Detroit, Michigan 48226.
CS72-716	[2] 6/19/81	Agnes E. Lindstrom Estate, (Agnes E. Lindstrom), 2500 Harris Bank Building, 115 South La Salle Street, Chicago, Illinois 60603.
CS75-8	[3] 10/9/81	Home Petroleum Corporation, HPC, Inc., Austin National Bank Tower, Austin, Texas 78701.
CS82-2-000	10/13/81	Pauline C. Mee, an Individual, 5100 N. Brookline, Suite 600, Oklahoma City, Oklahoma 73112.
CS82-3-000	10/23/81	Royce A. Scott, P.O. Box 386, Abilene, Texas 79604.
CS82-4-000	10/29/81	St Joint Venture 1981 B, P.O. Box 5061, Westport, Connecticut 06881.
CS82-5-000	10/30/81	Wray Petroleum Corporation, 519 S. Otterbein Ave., Westerville, Ohio 43081.

[1] Being notice to reflect a name change from Norma S. Gould Trust, to Norma S. Gould Trust, *et al*.

[2] Being noticed to reflect a name change from Agnes E. Lindstrom to Agnes E. Lindstrom Estate.

[3] Letter from Applicant dated October 6, 1981 requesting that HPC, Inc. be added as holder of the small producer certificate in Docket No. CS75-8.

[FR Doc. 81-33286 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5477-000]

Homestake Consulting & Investments Inc.; Application for Preliminary Permit

November 10, 1981.

Take notice that Homestake Consulting & Investments Incorporated (Applicant) filed on October 13, 1961, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5477 to be known as the Whitetail Creek Waterpower Project located on Whitetail Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Homestake Consulting & Investments Incorporated, Route 3, Box 174 H, Sandpoint, Idaho 83864.

Project Description—The proposed project would consist of: (1) a 3,300-foot long, 8-inch diameter penstock; (2) a powerhouse with a total installed capacity of 50 kW; and (3) a 100-foot long transmission line from the powerhouse to an existing Northern Lights Incorporated transmission line. The Applicant estimates that the average annual energy production would be 188 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 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 $3,255.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 8, 1982, 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 January 8, 1982.

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 Capital 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. 81-33287 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5480-000]

Homestake Consulting & Investments Inc.; Application for Preliminary Permit

November 13, 1981.

Take notice that Homestake Consulting & Investments Incorporated (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5480 to be known as the Pheasant Creek Waterpower Project located on Pheasant Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Homestake Consulting & Investments Incorporated, Route 3, Box 174 H, Sandpoint, Idaho 83864.

Project Description—The proposed project would consist of: (1) a 4,400-foot long, 12-inch diameter penstock; (2) a powerhouse with total installed capacity of 75 kW; and (3) a 1,600-foot long, 5-kV transmission line from the powerhouse to an existing Northern Lights Incorporated transmission line. The Applicant estimates that the average annual energy production would be 438.5 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 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 $4,100.

Competing Applications—Anyone desiring to file a competing application

must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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. 81-33272 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5486-000]

Homestake Consulting & Investments; Application for Preliminary Permit

November 13, 1981.

Take notice that Homestake Consulting & Investments Incorporated (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5486 to be known as the Arbo Creek Waterpower Project located on Arbo Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Homestake Consulting & Investments Incorporated, Route 3, Box 174 H, Sandpoint, Idaho 83864.

Project Description—The proposed project would consist of: (1) a 4,200-foot long, 16-inch diameter penstock; (2) a powerhouse with total installed capacity of 230 kW; and (3) a 900-foot long, 5-kV transmission line from the powerhouse to an existing Northern Lights Incorporated transmission line. The Applicant estimates that the average annual energy production would be 1.002 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 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 $4,036.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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. 81-33273 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5470-000]

Homestake Consulting & Investments Inc.; Application for Preliminary Permit

November 13, 1981.

Take notice that Homestake Consulting & Investments Incorporated (Applicant) filed on October 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5470 to be known as the North Meadow Creek Waterpower Project located on Meadow Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Homestake Consulting & Investments Incorporated, Route 3, Box 174 H, Sandpoint, Idaho 83864.

Project Description—The proposed project would consist of: (1) a 5,000-foot

long, 16-inch diameter penstock; (2) a powerhouse with total installed capacity of 150 kW; and (3) a 5,000-foot long, 5-kV transmission line from the powerhouse to an existing Northern Lights Incorporated transmission line. The Applicant estimates that the average annual energy production would be 664 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 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 $3,239.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, either the competing aplication 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 intevene 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 January 25, 1982.

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. 81-33274 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5522-000]

Hydro Management Inc.; Application for Preliminary Permit

November 13, 1981

Take notice that Hydro Management Incorporated (Applicant) filed on October 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 5522 to be known as the Bethal Creek Power Project located on Bethal 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. M. H. Edelman III, President, Hydro Management Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) a 21-foot long, 3-foot high diversion structure; (2) a 9,200-foot long, 12-inch diameter penstock; (3) a powerhouse with a total rated capacity of 263 kW; and (4) a 5,300-foot long, 14.44-kV tranmission line from the powerhouse to an existing 14.44-kV Missoula Electric Coop. Incorporated transmission line. The Applicant estimates that the average annual energy production would be 1.6 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 the 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 $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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 orignial 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. 81-33267 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5494-000]

Hydro Resource Col; Application for Preliminary Permit

November 13, 1981.

Take notice that Hydro Resource Company (Applicant) filed on October 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5494 to be known as the Ingalls Creek Project located on Ingalls Creek in Chelan 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. Jerry L. Johnson, Post Office Box 485, Lynden, Washington 98264.

Project Description—The proposed project would consist of: (1) a concrete gravity diversion dam 8 feet high with negligible storage capacity; (2) a pipeline and penstock 12,000 feet long; (3) a powerhosue containing a turbine generator with 6 MW capacity and 40 GWh annual energy production; (4) transmission line; and (5) appurtenant facilities. Generated power will be sold to Bonneville Power Administration, the local or another utility, or to industry. The project would lie within the Wenatchee National Forest.

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 term of 24 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $150,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 15, 1982, 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 January 15, 1982.

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. 81-33275 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-54-000]

Louisiana-Nevada Transit Co.; Notice of Proposed Changes in FERC Gas Tariff

November 10, 1981.

Take notice that Louisiana-Nevada Transit Company on October 26, 1981 tendered for filing proposed changes in its FERC Gas Tariff Volume I. The proposed changes are to reflect changes in purchased gas cost as provided in the company's Purchase Gas Adjustment Clause applicable to its Rate Schedule No. G–1. The change provides for a total adjustment of 22.19¢ per mcf including a deferred gas cost adjustment of 09.05¢ per mcf, to amortize a deferred balance, and a cumulative cost of gas adjustment of 13.14¢ per mcf.

Copies of the filing were served upon the company's jurisdiction customer and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition 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 Commissions Rules of Practice and Procedure, (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 24, 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. 81-33286 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5385-000]

Modesto Irrigation District; Application for Preliminary Permit

November 10, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on September 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5385 to be known as the Big Pine Creek Project located on Big Pine Creek, near the town of Big Pine, in Inyo County, California. The project would be located within Inyo National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: A. Lee DeLano, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 20-foot to 50-foot high concrete and earthfilled dam; (2) a 25,000-foot long pipeline and penstock; (3) a powerhouse containing two generating units, each rated at 1,370 kW; and (4) a 4.75-mile long transmission line.

The average annual energy generation is estimated to be 23.8 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, environmental, economic and feasibility studies. No new roads would be required to conduct the studies. Applicant proposes to

conduct test borings, trenches, and geophysical surveys at the dam, powerhouse, and penstock sites. All disturbed areas will be restored.

The cost of the work to be performed under the preliminary permit is $45,000.

Competing Applications—This application was filed as a competing application to the Big Pine Creek Project No. 5277 filed on August 24, 1981, by Eastern Sierra Energy Development under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 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 December 4, 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. 81-33289 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5383-000]

Modesto Irrigation District; Application for Preliminary Permit

November 10, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on September 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5383 to be known as the Lone Pine Creek Project located on Lone Pine Creek, near the town of Lone Pine, in Inyo County, California. The project would affect U.S. lands within Inyo National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: A. Lee DeLano, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 20-foot to 50-foot high concrete and earthfilled dam; (2) a 25,000-foot long pipeline and penstock; (3) a powerhouse containing two generating units, each rated at 1,370 kW; and (4) a 4.75-mile long transmission line.

The average annual energy generation is estimated to be 23.8 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, environmental, economic and feasibility studies. No new roads would be required to conduct the studies. Applicant proposes to conduct test borings, trenches, and geophysical surveys at the dam, powerhouse, and penstock sites. All disturbed areas will be restored.

The cost of the work to be performed under the preliminary permit is $45,000.

Competing Applications—This application was filed as a competing application to the Big Pine Creek Project No. 5329 filed on September 4, 1981, by Eastern Sierra Energy Development under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before December 18, 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 December 4, 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. 81-33290 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5343-000]

The Montana Power Co.; Application for Preliminary Permit

November 13, 1981.

Take notice that The Montana Power Company (Applicant) filed on September 10, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5343 to be known as the Mesa Falls Water Power Project located near the Town of Ashton on Henry's Fork of the Snake River 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. R. J. Labrie, The Montana Power Company, 40 East Broadway Street, Butte, Montana 59701.

Project Description—The proposed project would be located at upper Mesa Falls upon Applicant—owned lands and would consist of: (1) a 360-foot long and 18-foot high concrete gravity-type dam having a 230-foot long spillway section with crest elevation 5690; (2) a reservoir extending about 400 feet upstream; (3) an intake structure; (4) a 13-foot diameter 680-foot long buried steel penstock bifurcating to two 7-foot diameter 50-foot long penstocks; (5) a powerhouse containing two generating units having a total rated capacity of 11,500-kW; (6) a short tailrace; (7) a 5¾—mile long 69-kV transmission line affecting lands of the United States within the Targhee National Forest; and (8) appurtenant facilities. Project energy would be utilized by Applicant within its interconnected electric transmission system. Applicant estimates that the average annual energy output would be 65,600 MWh.

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 determine technical and economic feasibility, conduct social and environmental assessments, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $200,000.

Competing Applications—This application was filed as a competing application to the Mesa Falls Project No. 3878 filed on April 6, 1981 by Gregory Wilcox 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 for 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 December 18, 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, 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. 81-33279 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4815-000]

Montgomery Hydro Power; Application for Preliminary Permit

November 13, 1981.

Take notice that Montgomery Hydro Power (Applicant) filed on June 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4815 to be known as the Eury Dam Project located on the Little River in Montgomery County, North Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Jesse S. Capel, 831 N. Main Street, Troy, North Carolina 27371.

Project Description—The proposed project would consist of: (1) an existing concrete dam approximately 450 feet long and 45 feet high with a spillway of approximately 250 feet; (2) an existing reservoir at a surface elevation of 110.44 feet m.s.l., a surface area of approximately 25 acres and a usable storage capacity of 560 acre-feet; (3) a proposed powerhouse containing a single generating unit with a total rated capacity of 700 kW; (4) existing transmission lines; and (5) appurtenant facilities. The proposed project is not located on Federal lands. The applicant estimates that the average annual energy output would be 2.1 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 $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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 applicabale, 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. 81-33277 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-55-000 (PGA 82-1)]

Mountain Fuel Resources, Inc.; Change in Rates Pursuant to Purchased Gas Cost Adjustment Provision

November 10, 1981.

Take notice that on November 2, 1981, Mountain Fuel Resources, Inc. (Resources) tendered for filing a proposed change in rates applicable to service rendered under Rate Schedule No. 1 affected by and subject to Resources' *Purchased Gas Cost Adjustment Provision* contained in its FERC Gas Tariff, Original Volume No. 1. Resources filed Fifteenth Revised Sheet No. 7, "alternate" Fifteenth Revised Sheet No. 7 and Fourth Revised Sheet No. 7-A of its FERC Gas Tariff, Original Volume No. 1.

The current adjustment to Resources rates results in an increase of $0.5212 per Mcf to be effective December 1, 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 November 24, 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. 81-33291 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-5-000]

Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

November 10, 1981.

Take notice that on October 29, 1981, Natural Gas Pipeline Company of America, (Natural) tendered for filing proposed changes in its FERC Gas Tariff. Natural states that the proposed changes will make effective:

Third Revised Volume No. 1 and Effective Date

Fifteenth Revised Sheet No. 5A, 1-1-82

Second Revised Volume No. 2

Third Revised Sheet No. 390, 1-1-82
Fifth Revised Sheet No. 653, 1-1-82
Sixth Revised Sheet No. 668, 1-1-82
Fifth Revised Sheet No. 695, 1-1-82
First Revised Sheet No. 848, 12-1-81
First Revised Sheet No. 849, 12-1-81
Fourth Revised Sheet No. 1097, 12-1-81
First Revised Sheet No. 1458, 12-1-81

Natural states that the purpose of this filing was to make effective (1) the billing percentages to be effective January 1, 1982 for its Rate Schedule F-1 Facility Charge and (2) the revised rates to be effective December 1, 1981 and January 1, 1982 for certain transportation services.

Copies of this filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 November 24, 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. 81-33292 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT82-3-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Notice of Changes in FERC Gas Tariff

November 10, 1981.

Take notice that Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), tendered for filing on Oct. 21, 1981, the following tariff sheets to become a part of its FERC Gas Tariff, Third Revised Volume No. 1:

Substitute Ninth Revised Sheet Nos. 86 and 90
Substitute Tenth Revised Sheet Nos. 88 and 89
Substitute Eleventh Revised No. 87

These tariff sheets contain reference to the various revised Service Agreements (Index of Purchasers) with the utilities listed on the attached Appendix A of Northern's filing. The Service Agreements for Rate Schedules CD-1 and PL-1 are proposed to become effective October 27, 1981, and continue until October 27, 1991, with the exception of Kansas Power and Light Company, which continues until October 27, 1982. Those for Rate Schedule SS-1 are proposed to become effective November 27, 1981, and continue through March 26, 1991. Rate Schedules PS-1 and WPS-1 are proposed to become effective December 15, 1981, and continue through March 15, 1991.

Northern has requested waiver of the Notice Requirements of 18 CFR 154.22 of the Commission's Regulations to permit these tariff sheets to become effective October 27, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a 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 November 24, 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. 81-33293 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-137-001]

Pacific Gas Transmission Co.; Notice of Proposed Change in FERC Gas Tariff

November 12, 1981.

Take notice that on October 28, 1981, Pacific Gas Transmission Company (Pacific) tendered for filing revised tariff sheets reflecting the elimination of the provision to track changes in the cost of debt and capital structure.

Pacific states that the following modifications have been made to the proposed tariff sheets: (1) First Substitute First Revised Sheet No. 21 has been substituted for First Revised Sheet No. 21; (2) First Substitute First Revised Sheet No. 27 has been substituted for First Revised Sheet No. 27; (3) First Substitute Original Sheet No. 31A has been substituted for original Sheet No. 31A; (4) Original Sheet No. 31B has been withdrawn; (5) Original Sheet No. 31C has been withdrawn; and (6) First Substitute Original Sheet No. 31D has been substituted for Original Sheet No. 31D.

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 November 25, 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. 81-33279 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-9-000]

Pacific Gas Transmission Co.; Notice of Change in GRI Adjustment Charge

November 10, 1981.

Take notice that on November 2, 1981, Pacific Gas Transmission Company (PGT) tendered for filing the following sheet to its FERC Gas Tariff:

First Revised Volume No. 1

First Revised Sheet No. 12

An effective date of January 1, 1982 is proposed, in accordance with the Commission's Opinion No. 131 in Docket No. RP81-72-000.

PGT states that this filing is made under its filed Gas Research Institute (GRI) Charge Adjustment Provision and pursuant to the Commission's Opinion No. 131 issued September 28, 1981 in Docket No. RP81-72-000. That Opinion authorizes members of the Gas Research Institute (GRI) to collect a general R&D funding unit of 7.2 mills per Mcf of Program Funding Services for payment to GRI. PGT further states that the change in rates will affect only charges for natural gas service rendered to Pacific Gas and Electric Company under Rate Scheduled PL-1.

PGT states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commissions Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 24, 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. 81-33294 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-73-000]

Pacific Power & Light Co.; Notice of Filing

November 13, 1981.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on November 3, 1981, tendered for filing, in accordance with § 35.12 of the Commission's Regulations, the Letter Agreement between the Montana Power Company (Montana) and Pacific dated September 1, 1981, and executed by Montana on September 15, 1981. The Letter Agreement provides for nonfirm transmission service to be provided by both Montana and Pacific.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective November 1, 1980, which it claims is the date of commencement of service.

Copies of the filing were served upon Montana.

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 December 4, 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. 81-33280 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA82-2-000]

Pennzoil Producing Co., Minnie Brown Well No. 1 (JD-80572000); Application for Adjustment

November 13, 1981.

On October 22, 1981, 1981, Pennzoil Producing Company (Pennzoil) filed with the Federal Energy Regulatory Commission (Commission) an application for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and 18 CFR 1.41 of the Commission's regulations. Pennzoil seeks an exception to 18 CFR 274.206 with respect to its Minnie Brown No. 1 well, Agua Dulce Field, Nueces County, Texas to permit its June 15, 1981 filing for a recognized enhanced recovery determination with the Texas Railroad Commission (Texas) to be considered as an application for a stripper gas determination under NGPA § 108.

On October 27, 1980, Pennzoil's original stripper gas well determination for the subject well became final. On April 13, 1981, Pennzoil installed a 50 horsepower compressor on the Minnie Brown No. 1 well. Because of the compressor, production from the well exceeded 60 Mcf per day for the February through April, 1981 production period, and on June 15, 1981, Pennzoil filed its application for determination of enhanced recovery technique.

On approximately June 26, 1981, Texas notified Pennzoil that the Minnie Brown No. 1 well first disqualified for stripper gas category based on the 90-day June through August 1980 production period, rather than the February through April 1981 period upon which the enhanced recovery application was based. Pennzoil confirmed that the June through August 1980 production in fact averaged 62 Mcf per day.

Pennzoil seeks permission to continue to operate the well with the present compressor as a stripper well. Pennzoil states that without an adjustment, it can never re-qualify the well for stripper gas. Pennzoil states that if an adjustment is denied, it will cease operating the compressor rather than be limited to the § 104 price, with an estimated loss of 250 Mmcf of gas that can not be recovered without compression.

Pennzoil states that it is inequitable and could also be considered a special hardship and unfair distribution of burdens for it to be forced to abandon the well in the circumstances presented. Pennzoil further states that the adjustment granted to Dugan Production Corporation on the Commission's own motion on March 23, 1981, at Docket No. GP81-5-000 involved circumstances virtually identical to Pennzoil's.

The procedures applicable to the conduct of these adjustment proceedings are found in § 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with 18 CFR 1.41.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-33268 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-35-001 (PGA 82-1)

Peoples Natural Gas., Division of InterNorth, Inc.; Notice of Compliance Filing

November 10, 1981.

Take notice that on October 26, 1981, Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), tendered for filing Replacement Twenty-eighth Revised Sheet No. 3a to become effective October 1, 1981 as part of its FERC Gas Tariff, Original Volume No. 4. People's filing is in compliance with the Commission's September 18, 1981 order in this docket to reflect the effect of the downward adjustment filed by Colorado Interstate Gas Company on October 14, 1981 at Docket No. TA82-1-32-001 (PGA 82-1).

Copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in §§ 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 November 24, 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. 81-33295 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5500-000]

Phi Sig Associates; Application for Preliminary Permit

November 13, 1981.

Take notice that Phi Sig Associates (Applicant) filed on October 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5500 to be known as the Buck Creek Hydropower Project located on Buck Creek in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Marilyn Tebor Shaw, Esquire, Suite 1100, 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.

Project Description—The project would consist of: (1) a 6-foot high, 70-foot long diversion structure at elevation 1870 feet; (2) a 6-foot wide, 2.2 mile long diversion channel; (3) an 1800 foot long, 48-inch diameter penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 4.7 MW; and (5) a 12-mile long transmission line. Applicant estimates that the average annual energy production will be 27,000,000 kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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. 81-33281 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4914-000]

Philip Morris Industrial Inc.; Application for Short-Form License (Minor)

November 13, 1981.

Take notice that the Nicolet Paper Company Division of Philip Morris Industrial Incorporated (Applicant) filed on June 19, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the continued operation and maintenance of the existing Nicolet Paper Company Dam Project, FERC No. 4914. The project is located on the Fox River, in the City of DePere, Brown County, Wisconsin. Correspondence with the Applicant should be directed to: Mr. Louis R. Busche, Vice President and General Manager, Nicolet Paper Company Division, Main Avenue, DePere, Wisconsin 54114, or Mr. Joseph Masterson, Quarles and Brady, 780 North Water Street, Milwaukee, Wisconsin 53202.

Project Description—The project consists of: (1) an existing 15-foot high and approximately 400-foot long reinforced concrete dam, attached to the westerly end of the U.S. Corps of Engineers' DePere Dam; (2) an existing powerhouse located in the Applicant's manufacturing plant adjacent to the dam, and housing two generating units with a total installed capacity of 1,075 kW; and (3) appurtenant facilities. The generation for the year 1980 was 1.9 million kilowatt hours.

Purpose of Project—All project energy produced is used in the Applicants manufacturing facility in which the project is located.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, either the competing application itself or a notice of intent to file a competing application. Submission of a timely person notice of intent allows an interested perons to file the competing application no later than January 25, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests 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 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 January 25, 1982. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-33278 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5502-000]

Springfield Utility Board; Application for Preliminary Permit

November 10, 1981.

Take notice that Springfield Utility Board (Applicant) filed on October 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5502 to be known as the Cottage Grove Power Project located on the Willamette River (Cottage Grove Lake) in Lane County, near Cottage Grove, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Steve L. Loveland, Springfield Utility Board, 250 North "A" Street, P.O. Box 300, Springfield, Oregon 97477.

Project Description—The proposed project would located at the base of the U.S. Army Corps of Engineers' existing Cottage Grove Lake Dam and would consist of: (1) a new outlet structure; (2) a penstock; (3) a powerhouse with a rated capacity of 1.4 MW; and (4) a 500-foot long, 115–kV transmission line to connect to an existing Pacific Power and Light Company line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 36-month preliminary permit to study the feasibility of constructing and operating the proposed project. No new road construction would be required to conduct the studies.

Competing Applications—This application was filed as a competing application to the Cottage Grove Hydroelectric Power Project No. 5024 filed on June 30, 1981, by Energenics Systems, 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 December 4, 1982.

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. 81-33296 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-58-000, (PGA82-1, IPR82-1)]

Texas Gas Pipe Line Corp.; Notice of Tariff Sheet Filing

November 10, 1981.

Take notice that on October 30, 1981, Texas Gas Pipe Line Corporation, pursuant to § 154.38 of the Commission Regulations under the Natural Gas Act, filed a Sixth Revised Sheet No. 4a to its FERC Gas Tariff, Second Revised Volume No. 1. Texas Gas states that the filed Tariff Sheets relate to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in Section 12 and the Incremental Pricing Surcharge Provision contained in Section 13 of the General Terms and Conditions of the Tariff. More specifically, Sixth Revised Sheet No. 4a reflects a net increase under that currently being collected to 73.90¢ per Mcf (at 14.65 psia) to be effective December 1, 1981.

Any person desiring to be heard and to make any protest with reference to said filing should on or before November 24, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with 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 but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules. Texas Gas' Tariff filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-33297 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-56-000]

Valero Interstate Transmission Co.; Notice of Purchased Gas Cost Adjustment Filing

November 10, 1981.

Take notice that on October 30, 1981, Valero Interstate Transmission Company ("Vitco") tendered for filing Original Supplement No. 4 (purchased gas cost adjustment) to Rate Schedule 14 superseding previous purchased gas cost adjustments. Vitco states that Exhibit A to Original Supplement No. 4 reflects the six months change in purchased gas costs based on the six months ended August 31, 1981. Vitco requests waiver of any Commission regulation which would prohibit implementation of Supplement No. 4. The change in rate provided in Exhibit A to Original Supplement No. 4 includes a decrease in purchased gas costs of 16.54 cents/Mcf and a negative surcharge of 10.82 cents/Mcf designed to eliminate the balance in the deferred purchased gas account. It is stated that these rates include no incremental pricing feature because Vitco was granted an exemption from certain filing and accounting requirements in Docket No. SA80-82.

The proposed effective date for Original Supplement No. 4 is December 1, 1981. Vitco states that copies of the filing have been served to the only customer served under Rate Schedule 14, El Paso Natural Gas 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 November 24, 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. 81-33298 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-68-000]

Washington Water Power Co.; Notice of Filing

November 12, 1981.

The filing Company submits the following:

Take notice that on November 2, 1981, the Washington Water Power Company (WWP) tendered for filing a Notice of Termination and an Amended Tariff for Firm Wholesale for Resale Service, Seventh Revision to Original Rate Schedule 61.

WWP states that it is currently supplying power and energy on a wholesale basis to Pacific Power & Light Company (Pacific) for its electric system in Bonner County, Idaho, under WWP's Sixth Revision to Original Rate Schedule 61, made effective March 18, 1981, in Docket No. ER81-223-000. Such electric service is being supplied under an Electric Service Agreement dated July 9, 1974, which comprises Appendix E to the Sixth Revision to Original Schedule 61. This Electric Service Agreement expires under its own terms on January 1, 1982, and WWP has notified Pacific of its intention to terminate service under this agreement as of the expiration date.

WWP further states that it does not have adequate firm resources to continue to supply the requirements of this system. Pacific has a substantial supply of its own generation to supply such requirements. WWP has offered to provide transmission service to Pacific to supply the electric requirements of the area to the extent that WWP's transmission facilities can provide such service. WWP indicates that any additional transmission requirements can be provided by the Bonneville Power Administration.

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 November 23, 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. 81-33282 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 1966-001]

Wisconsin Public Service Corp.; Application for Amendment of License

November 13, 1981.

Take notice on February 12, 1981, Wisconsin Public Service Corporation (Applicant) filed an application for amendment of its license for the Grandfather Falls Project, FERC No. 1966, located on the Wisconsin River in Lincoln County, Wisconsin. Correspondence with the Applicant should be directed to Daniel Bollom, Wisconsin Public Service Corporation, P.O. Box 700, Green Bay, Wisconsin 54305.

Under the proposed amendment, the Applicant would replace the existing stone masonry gated spillway with a concrete gated spillway. The Applicant stated that the proposed construction work is necessary because of continuing seepage and advance deterioration of the spillway.

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 (1980). 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 January 4, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-33283 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI61-342-000, etc.]

ANR Production Co. (Formerly American Natural Gas Production Co.), et al.; Petition for Amendment of Certificate of Public Convenience and Necessity and for Redesignation of Rate Schedules and Reflect Change in Corporate Name

November 10, 1981.

Take notice that American Natural Gas Production Company, on October 30, 1981, tendered for filing a petition for amendment of certain certificates of public convenience and necessity and for redesignation of certain rate schedules. The proposed changes would amend each certificate and rate schedule to reflect a change in corporate name from American Natural Gas Production Company to ANR Production Company of 1800 Post Oak Blvd., Ste. 1200, Houston, Texas 77056.

These amendments are necessary to reflect the change in American Natural Gas Production Company's name to ANR Production Company, accomplished through an amendment to the certificate of incorporation of American Natural Production Company, unanimously approved by the stockholders on March 25, 1980, and duly filed with the Secretary of State of the State of Delaware on April 7, 1980.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 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 of its own review of the matter believes that a grant of the certificates of 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 the represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-33332 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-2815-000, etc.]

Cabot Petroleum Corp. (Succ. to Cabot Corp.), et al.; Application for Substitution of Assignee as Successor in Interest

November 10, 1981.

Take notice that on October 7, 1981, Cabot Petroleum Corporation (Cabot), of 921 Main Street, Suite 900, Houston, Texas 77002, successor to Cabot Corporation filed an application in Docket Nos. G-2815-000, *et al.*, to amend certain certificates currently held by Cabot Corporation, to show Cabot as certificate holder, to redesignate certain Cabot Corporation's related rate schedules and to substitute Cabot for Cabot Corporation as a party in any pending proceeding before the Commission.

Applicant further shows that effective September 30, 1981, Cabot Corporation assigned to Cabot Petroleum Corporation all of its rights, interests, and obligations under each certificate.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 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 of its own review of the matter believes that a grant of the certificates of 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.

[FR Doc. 81-33333 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5312-000]

J. R. Ferguson and Associates Inc.; Application for Preliminary Permit

November 10, 1981.

Take notice that J. R. Ferguson and Associates, Incorporated (Applicant) filed on September 3, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5312 to be known as the Westfir Water Power Project located at an existing dam owned by Westfir Energy Company Inc. on North Fork of Middle Fork Williamette River in Lane County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John Bogardns, J. R. Ferguson and Associates, Inc., 35 G Street S, Lakeview, Oregon 97630.

Project Description—The proposed project, to be located at one of the two potential sites, would consist of: (1) A 10-foot diameter penstock; (2) a powerhouse with an installed capacity of 2,250 kW; and (3) a 5-mile long, 12-kV transmission line from the powerhouse to an existing Lane County Electric Cooperative transmission line. The Applicant estimates that the average annual energy production would be 10,500 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 18 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads will be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 7, 1982, 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 petitions 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 January 7, 1982.

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. 81-33334 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5382-000]

Modesto Irrigation District; Application for Preliminary Permit

November 10, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on September 18, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5382 to be known as the Little Pine Creek Project located on Little Pine Creek, near the town of Big Pine, in Inyo County, California. The project would be located within Inyo National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: A. Lee DeLano, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) A 20-foot to 50-foot high concrete and earthfilled dam; (2) a 23,000-foot long pipeline and penstock; (3) a powerhouse containing two generating units, each rated at 1,700 kW; and (4) a 2-mile long transmission line.

The average annual energy generation is estimated to be 18.4 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. No new roads would be required to conduct the studies. Applicant proposes to conduct test borings, trenches, and geophysical surveys at the dam, powerhouse, and penstock sites. All disturbed areas will be restored.

The cost of the work to be performed under the preliminary permit is $45,000.

Competing Applications—This application was filed as a competing application to the Big Pine Creek Project No. 5277 filed on August 24, 1981, by Eastern Sierra Energy Development under 18 CFR 4.33 (1980). Anyone desiring to file a competing application

must submit to the Commission, on or before November 23, 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 December 4, 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. 81-33335 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-44-000]

Columbia Gas Transmission Corp., Application

November 12, 1981.

Take notice that on October 27, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP82-44-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 96 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc., 8 taps for residential service, 1 tap for commerical service
Estimated annual usage of 1,475 Mcf
(2) Columbia Gas of Ohio, Inc., 24 taps for residential service, 4 taps for commerical service, 2 taps for industrial service
Estimated annual usage of 17,825 Mcf
(3) Columbia Gas of Pennsylvania, Inc., 15 taps for residential service
Estimated annual usage of 2,850 Mcf
(4) Columbia Gas of West Virginia, Inc., 37 taps for residential service, 2 taps for commerical service
Estimated annual usage of 6,400 Mcf
(5) The Dayton Power and Light Company, 2 taps for residential service
Estimated annual usage of 300 Mcf
(6) West Ohio Gas Company, 1 tap for residential service
Estimated annual usage of 325 Mcf

It is estimated that the total cost of the interconnections proposed herein is $28,900 which would be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 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. 81-33302 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-31-000]

Comanche Natural Gas Co., Inc., Applicant and Arkansas-Louisiana Gas Co., Respondent; Application

November 12, 1981.

Take notice that on October 21, 1981, Comanche Natural Gas Company, Inc. (Applicant), P.O. Box 145, Lawton, Oklahoma 73502, filed in Docket No. CP82-31-000 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Arkansas-Louisiana Gas Company (Respondent) to establish a connection to Applicant's facilities and to sell natural gas to Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests a connection to respondent's line at a point approximately six miles north of Lawton, Oklahoma, near the east side of C.R.I. & P. Railroad for the purpose of distributing natural gas to scattered housing, several small businesses and an asphalt plant. Applicant explains that the volume of gas required is 450 Mcf per day 90,000 Mcf per year for each of the first three years.

Applicant plans to install 3-inch, 2-inch, and smaller-sized pipelines to serve its customers. Applicant states that the proposed service area was filed as a franchise area not previously served with natural gas.

Applicant further explains that the proposed service area is bordered on the

south by the Fort Sill Military Reservation, on the west by the Wichita Mountain Wildlife Refuge, on the north by the Comanche County line and on the east by the U.S. Highway 62.

Applicant states that except for the tap and meter installation no requirements by Respondent are known to be necessary.

Applicant estimates the total cost of this project to be approximately $469,250 which would be financed from loans and grants obtained from the Comanche Indian Tribe. Applicant explains that after three and one-half years, the Comanche Indian Tribe would be the owner of the entire system.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 10, 1981, filed 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 156.9). 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. 81-33303 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-64-000]

Connecticut Light & Power Co.; Filing

November 12, 1981.

The filing Company submits the following:

Take notice that on October 30, 1981, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to a Transmission Agreement dated April 29, 1980 between CL&P, The Hartford Electric Light Company (HELCO), Western Massachusetts Electric Company (WMECO) and Braintree Electric Light Department (BELD).

CL&P states that the Transmission Agreement provides for a transmission service to BELD for the wheeling of BELD's entitlement in the Ontario Hydro Unit No. 1 generating facility during the period from May 1, 1980 to October 31, 1980.

The transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with § 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-month), and (ii) the number of kilowatts which BELD is entitled to receive during such month. The monthly transmission charge is reduced by 50 percent to give due recognition for payments made by BELD to intervening transmission systems.

CL&P requests that the Commission waive its standard notice period and permit the Transmission Agreement to become effective on May 1, 1980.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to HELCO, WMECO, and BELD.

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 November 30, 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. 81-33304 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-65-000]

Connecticut Light & Power Co.; Filing

November 12, 1981.

The filing Company submits the following:

Take notice that on October 30, 1981, the Connecticut Light and Power Company (CL&P) tendered for filing a proposed Transmission Agreement (Agreement dated April 29, 1980 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO), and (2) Holyoke Gas and Electric Department (HG&E).

CL&P states that Holyoke has executed a contract with Peabody Municipal Lighting Plant (Peabody) to purchase 3,000 kilowatts of power from Peabody's entitlement in the Waters River generating facility.

CLP requests that the Commission waive its standard notice requirements and permit the Agreement filed to become effective on May 1, 1980.

The transmission rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northwest Utilities system determined in accordance with § 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Management Committee. The monthly transmission charge is determined by the product of (i) the transmission rate ($/kW-month), and (ii) the number of kilowatts which Holyoke is entitled to receive during such month. The monthly transmission charge was reduced to give due recognition for payments made by Holyoke to another system providing transmission service.

CL&P states that copies of this rate schedule have been mailed or delivered to HELCO, WMECO, HG&E.

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 November 30, 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. 81-33317 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3575-001]

Continental Hydro Corp.; Surrender of Preliminary Permit

November 10, 1981.

Take notice that Continental Hydro Corporation, Permittee for the proposed

Willow Creek Dam Project No. 3575, has requested that its aforementioned preliminary permit be terminated. The preliminary permit for Project No. 3575 was issued on May 29, 1981, and would have expired on May 1, 1983. The project would have been located on Willow Creek in Lewis and Clark County, Montana. Continental Hydro Corporation cites that "subsequent to the issuance of the permit, we contacted the Greensfield Irrigation District within the area and after on site inspection by our engineering staff we determined that this site is not practical for hydro development. The lake is used as a storage pond during high water flows only, and there is no opportunity to divert continuous flows through the lake. In view of the above findings, we request permission to surrender preliminary permit No. 3575."

Continental Hydro Corporation filed its request on October 16, 1981, and the surrender of the permit for Project No. 3575 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-33305 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-29-000]

El Paso Natural Gas Co.; Application

November 12, 1981.

Take Notice that on October 19, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP82-29-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary for modification and relocation of certain existing meter station facilities and the construction and operation of a measuring and regulating station and for permission and approval to abandon certain existing pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to abandon approximately 1.029 miles of 2⅜-inch O.D. transmission pipeline with appurtenances currently used to serve Western Gas Interstate Company (WGI) at the present location of the Canutillo, Texas, meter station. It is stated that the facilities to be abandoned commence at a point on Applicant's 6⅝-inch O.D. and 8⅝-inch O.D. El Paso Electric Company pipelines located in El Paso County, Texas.

Applicant also proposes to modify and relocate the following:

1. *Canutillo Meter Station Modification and Relocation:* Replace the two existing 2⅜-inch O.D. standard orifice meter runs with two 4½-inch O.D. standard orifice meter runs with appurtenances and relocate same from a point on Applicant's existing 2⅜-inch O.D. pipeline in the NE/4 of Nellie D. Mundy Survey 239 to a point on Applicant's existing 6⅝-inch O.D. and 8⅝-inch O.D. pipelines in the NE/4 of Nellie D. Mundy Survey 243, El Paso County, Texas.

2. *Biltmore Meter Station Modification:* Minor modifications to the existing static springs, Bourdan tubes and relief valves at the existing dual 4½-inch O.D. meter station located at a point on Applicant's existing 6⅝-inch O.D. and 8⅝-inch O.D. pipelines in the SE/4 of A.F. Miller Survey 211, El Paso County, Texas.

Applicant further proposes to construct the Three Hills meter station between its Canutillo and Biltmore meter stations. It is stated that the proposed construction would include approximately 0.03 mile of 2⅜-inch O.D. pipeline with appurtenances including two 4½-inch O.D. standard orifice runs located at a point on Applicant's 6⅝-inch O.D. and 8⅝-inch O.D. pipelines in the NE/4 of S. J. Larkin Survey 264, El Paso County, Texas.

Applicant estimates the total cost of the proposed modification, relocation and construction to be $155,252 which would be financed through internally generated funds.

Applicant states that WGI and Southern Union Gas Company, a Division of Southern Union Company (So. Union), two of Applicant's customers, have indicated that due to an increase in the number of residential customers in northwest El Paso, Texas, and Canutillo, Texas, WGI and So. Union have experienced operating difficulties on their respective systems serving such areas. Moreover, Applicant asserts that additional loads are expected to be attached to So. Union's northwest El Paso system and WGI's Canutillo system during the next four years as there are large plots of undeveloped land in these areas especially suited for residential, small commercial and agricultural customers. Applicant avers that it is also experiencing operating difficulties associated with capacity limitations at certain meter station locations during peak hour periods.

Applicant asserts that So. Union is proposing to expand its existing distribution system in the northwest area of El Paso, Texas, and Canutillo, Texas, to provide for an integrated system capable of serving both northwest El Paso, Texas, and Canutillo, Texas. Applicant submits that additional gas supplies would be required from Applicant at three locations to accommodate the projected high-priority requirements that would be served by So. Union's proposed integrated natural gas distribution system. Applicant maintains that the additional natural gas supplies would be obtained by increasing the delivery capacity of Applicant's existing Biltmore and Canutillo meter station facilities and through the installation of the Three Hills meter station. Applicant explains that the addition of the proposed Three Hills meter station would enhance Applicant's operating flexibility thereby reducing the loads being experienced at Applicant's existing metering facilities and thus, obviating future modifications to such existing facilities to accommodate the expected growth in high-priority requirements.

Furthermore, Applicant states that the proposed abandonment of its 1.029 miles of 2⅜-inch O.D. pipeline currently serving Canutillo, Texas, would benefit both Applicant and WGI by permitting WGI to perform necessary changes to its transmission system in the area without time consuming negotiations presently required under the dual ownership arrangement.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 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 the subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no 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 and permission and approval for the proposed abandonment are

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. 81-33306 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-37-000]

Galaxy Energies Inc.; Petition for a Declaratory Order

November 12, 1981.

Take notice that on October 16, 1981, Galaxy Energies Inc. (Petitioner), P.O. Box 165, Corpus Christi, Texas 78403, filed in docket No. CP82-37-000 a petition pursuant to § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) for a declaratory order stating that the services currently being rendered for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) by Petitioner through its existing facilities in Lamar County, Alabama, are gathering services and facilities within the meaning of Section 1(b) of the Natural Gas Act and that the Commission does not have jurisdiction over Petitioner under the Natural Gas Act with respect to either the services currently performed by Petitioner in Lamar County or to the facilities used, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that its transaction with Tennessee falls within the definition of gathering under Section 1(b) of the Natural Gas Act. Petitioner asserts that it currently redelivers gas to Tennessee at two separate points on Tennessee's pipeline system. It is explained that the pipeline facilities lying behind Petitioner's redelivery point in the Star Field, SE ¼ Section 12-T16S-R16W of Lamar County (Section 12 redelivery point) are comprised of various size pipe ranging from two inches to eight inches in diameter. Petitioner submits that gas from individual wells is gathered through lateral lines ranging in size from two to four and one-half inches in diameter and thereafter delivered into Petitioner's 8-inch line. Petitioner states that the 8-inch portion of the gathering system is approximately 14.6 miles in length. Petitioner avers that gas flows into the 8-inch line along its entire length with gas volumes from one of the wells entering the 8-inch line less than one-half mile from the interconnection between Petitioner and Tennessee. Petitioner maintains that at the Section 12 redelivery point it owns and operates three compressors that are necessary to introduce the gathered gas into the pipeline owned by Tennessee. Petitioner explains that currently gas from nineteen separate wells flow through this portion of Petitioner's gathering system. Petitioner expects that four other wells currently being completed would be attached in the near future and that as additional wells are drilled and completed the gas from such wells would also be gathered by Petitioner and redelivered to Tennessee.

Petitioner asserts that it redelivers gas to Tennessee at a second point in the northwest portion of Section 11-T16S-R16W in Lamar County (Section 11 redelivery point). Petitioner explains that the the diameter of the pipe on this portion of its system ranges in size from two to four inches. It is stated that currently this portion of the system is used to gather gas from four separate wells and it is anticipated that another well would begin production in the near future. Petitioner submits that like the other wells ownership of the gas originally is with unaffiliated third party producers. It is maintained that Tennessee purchases the gas from the individual producers at the wellhead and the gas is thereafter gathered by Petitioner and redelivered to Tennessee. It is also stated that at the Section 11 redelivery point Petitioner owns and operates a second centrally located compressor facility that is used to compress the gas so that it can enter the Tennessee system.

It is asserted that pursuant to the agreement between Petitioner and Tennessee future interconnected extensions of Petitioner's facilities lying behind the section 12 redelivery point would physically extend into Pickens County, Alabama, which is immediately adjacent to Lamar County. Such facilities, it is stated, would be solely for the purpose of gathering gas for Tennessee. To the extent that the Commission determines that the facilities of Petitioner and the services provided in Lamar County are within the definition of gathering, Petitioner anticipates that such a determination would be equally applicable to the facilities and services in Pickens County.

Petitioner explains that the only services provided by Petitioner are receipt, gathering and redelivering to Tennessee the gas purchased at the wellhead by Tennessee. It is submitted that Petitioner would never hold title to the gas and operates a system that meets fully the criteria of the central point approach and is consistent with the criteria underlying the behind-the-plant approach. Petitioner contends that its primary function in Lamar and Pickens Counties is gathering gas within the meaning of section 1(b) of the Natural Gas Act. Petitioner, therefore, requests a declaration by the Commission that its facilities and the services it provides to Tennessee are within the gathering exemption of section 1(b) of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 4, 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 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. 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. 81-33307 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-69]

Georgia Power Co.; Compliance Filing

November 12, 1981.

The filing Company submits the following:

Take notice that on October 26, 1981, Georgia Power Company (GPC) filed a compliance report pursuant to the Commission's letter order, dated September 18, 1981, which approved an offer of settlement between GPC and Savannah Electric and Power Company.

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 November 27, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-33318 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5467-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

November 12, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 5467 to be known as the Little North Fork Hydroelectric Project located on Little North Fork of Big Creek in Lincoln 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. Willima H. Delp, II, Independent Power developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The proposed project would consist of: (1) A diversion structure less than 3 feet high with negligible storage capacity; (2) a penstock 1,700 feet long; (3) a powerhouse containing two turbine generators with a total capacity of 150 kW and annual energy production of 678.5 NWh; (4) transmission line; and (5) appurtenant facilities. Generated power will be sold to Lincoln Electric Cooperative or a competitive utility. The project would lie within Kootenai National Forest.

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 term of 36 months, during which time engineeering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of those activities is $3,785.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 11, 1982, 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 January 11, 1982.

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. 81-33319 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5552-000]

Hydro Dyne Co.; Application for Preliminary Permit

November 12, 1981.

Take notice that Hydro Dyne Company (Applicant) filed on October 21, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5552 to be known as the Black Canyon Water Power Project located on Lake Waldo, and using the waters of North Fork of Middle Fork of the Willamette River, Black and Salmon Creeks in Lane County near Oakridge, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Brad Mowreader, Frank Mowreader, 2100 West Broadway #8, Eugene, Oregon 97402.

Project Description. The proposed project, to be located within the boundary of the Willamette National Forest, would consist of: (1) Lake Waldo, a natural lake; (2) the existing diversion gate and connecting tunnel (both to be rehabilitated); (3) a 3.5-mile long, 30-inch diameter penstock; (4) a powerhouse to contain three Francis-type, turbine-generating units with a total rated capacity of 10 MW; and (5) a transmission line to connect to an existing Bonneville Power Administration 12.5-kV line.

Proposed Scope of Studies Under Power. A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project. No new road construction would be required to conduct the studies.

Competing Applications. Anyone desiring to file a competing application must submit to the Commission, on or before January 11, 1982, 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 any 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 January 11, 1982.

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. 81-33320 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5558-000]

Hydro Management, Inc.; Application for Preliminary Permit

November 12, 1981.

Take notice that Hydro Management, Inc. (Applicant) filed on October 22, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5558 to be known as the Cold Creek Power Project located on Cold Creek, in Missoula County, near Missoula, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: W. H. Edelman III, President, Hydro Management, Inc., Route 1, Box 169, Ronan, Montana 59864.

Project Description. The project, to be located partly within the boundary of Flathead National Forest, would consist of: (1) A 3-foot high by 24-foot long natural rock diversion structure; (2) a 16,000-foot long, 16-inch diameter penstock; (3) a powerhouse with a total capacity of 929 kW; (4) a tailrace channel; and (5) a 17,500-foot long, 14.44-kV transmission line to connect to an existing Missoula Electric Coop, Inc. line.

Proposed Scope of Studies Under Permit. A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the proposed project. No new road would be required to conduct the studies.

Competing Applications. Anyone desiring to file a competing application must submit to the Commission, on or before January 11, 1982, 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 January 11, 1982.

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. 81-33321 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-66-000]

Interstate Power Co.; Filing

November 12, 1981.

The filing Company submits the following:

Take notice that Interstate Power Company (Interstate) on November 2, 1981, tendered for filing a contract supplement dated August 4, 1981, between Interstate and Cooperative Power Association. Said contract supplement extends the term of the Transmission Utilization Agreement—FERC Rate Schedule No. 124—to August 15, 1982.

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 November 30, 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. 81-33322 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-8-000]

Kansas-Nebraska Natural Gas Co., Inc.; Proposed Changes in FERC Gas Tariff

November 10, 1981.

Take notice that Kansas-Nebraska Natural Gas Company, Inc., on November 2, 1981 tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed change would increase revenues from jurisdictional sales and service by $7,263,975 based on the twelve-month period ending June 30, 1981, as adjusted for known and reasonably measurable changes.

Kansas-Nebraska states that the jurisdictional rates filed herewith are

designed to enable Kansas-Nebraska to recover increases in its jurisdictional cost of service resulting from:

(1) Additional facilities required to connect new sources of supply and to maintain deliverability from existing sources of supply;

(2) Increased royalty costs;

(3) Increased operating costs including higher costs of labor, materials, and supplies;

(4) Increased revenues needed to provide a rate of return of 14.46% on its utility investment; and

(5) Increased income, payroll, and property taxes.

Copies of the filing were served upon the Company's jurisdictional customers and interested public bodies.

Kansas-Nebraska requests that the tendered sheet be accepted for filing and be permitted to become effective after 30 days following the date of filing.

Any person desiring to be heard or make any protest with reference to this filing, should, on or before November 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 Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) under the Regulations of 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-33308 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-69-000]

Kentucky Utilities Co.; Filing

November 12, 1981.

The filing Company submits the following:

Take notice that on November 2, 1981, the Kentucky Utilities Company (KU) tendered for filing an agreement for electric service to Jackson Purchase Electric Cooperative Corporation (JP) at the delivery point known as Highpoint Substation.

KU states that no reasonable billing estimates can be made since the load served will build up over a period of time and other loads transferred from other delivery points from time to time. KU further states that copies of the tendered filing have been sent to JP and the Kentucky Public Service Commission.

KU requests an effective date of December 1, 1981, and therefore requests waiver of the Commission's notice requirements.

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 November 30, 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. 81-33323 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5438-000]

Lawrence J. McMurtrey; Application for Preliminary Permit

November 12, 1981.

Take notice that Lawrence J. McMurtrey (Applicant) filed on September 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5438 to be known as the Blanca Lake Waterpower Project located on East Fork of Troublesome Creek in Snohomish 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. Lawrence J. McMurtrey, 12122 196th NE., Redmond, Washington 98052.

Project Description. The proposed project consists of: (1) an inlet placed in the lake bed; (2) a diversion pipeline 5,000 feet long; (3) a powerhouse containing a turbine generator with 1.45 MW capacity and 10.45 GWh annual energy production; (4) transmission lines; and (5) appurtenant facilities. The project will be constructed on Snoqualmie National Forest land. Generated power will be sold to Puget Sound Power and Light, Bonneville Power Administration, or a power user.

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 he will conduct studies to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of activities during the preliminary permit is $20,000.

Competing Applications. Anyone desiring to file a competing application must submit to the Commission, on or before January 11, 1982, 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 on 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 January 11, 1982.

Filing and Service of Responsive Documents. Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMMETING 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. 81-33309 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5437-000]

Lawrence J. McMurtrey; Application for Preliminary Permit

November 12, 1981.

Take notice that Lawrence J. McMurtrey (Applicant) filed on September 30, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5437 to be known as the West Cady Creek Waterpower Project located on West Cady Creek in Snohomish 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. Lawrence J. McMurtrey, 12112 196th NE., Redmond, Washington 98052.

Project Description. The proposed project consists of: (1) An inlet placed in the streambed; (2) a diversion pipeline 21,000 feet long; (3) a powerhouse containing a turbine generator with 1.45 MW capacity and 11.5 GWh annual energy production; (4) transmission lines; and (5) appurtenant facilities. The project will be constructed on Snoqualmie National Forest Land. Generated power will be sold to Puget Sound Power and Light, Bonneville Power Administration, or a power user.

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 he will conduct studies to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of activities during the preliminary permit period is $20,000.

Competing Applications. Anyone desiring to file a competing application must submit to the Commission, on or before January 11, 1982, 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 January 11, 1982.

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. 81-33324 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5436-000]

Lawrence J. McMurtrey; Application for Preliminary Permit

November 12, 1981.

Take notice that Lawrence J. McMurtrey (Applicant) filed on September 29, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5436 to be known as the Barclay Creek Waterpower Project located on Barclay Creek in King 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. Lawrence J. McMurtrey, 12112 196th NE., Redmond, Washington 98052.

Project Description—The proposed project consists of: (1) An inlet placed in the streambed; (2) a diversion pipeline 25,000 feet long; (3) a powerhouse containing a turbine generator with 1.45 MW capacity and 10.8 GWh annual energy production; (4) transmission lines; (5) appurtenant facilities. The project will be constructed on Snoqualmie National Forest land. Generated power will be sold to Puget Sound Power and Light, Bonneville Power Administration, or a power user.

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 he will conduct studies to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of activities during the preliminary permit period is $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 11, 1982, 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 January 11, 1982.

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, Federel 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. 81-33325 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-70-000]

Niagara Mohawk Power Corp.; Filing

November 12, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on November 4, 1981 tendered for filing as a rate schedule, an agreement between Niagara and Central Hudson Gas and Electric Corporation (Central Hudson) dated July 28, 1981.

Niagara presently has on file an agreement with Central Hudson dated February 14, 1975. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule FERC No. 88. This new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate for transmitting Fitz-Patrick power and energy from the Power Authority of the State of New York to Central Hudson as provided for in the terms of the original agreement. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1981.

Copies of the filing were served upon the following:

Central Hudson Gas and Electric Corporation, 284 South Avenue, Poughkeepsie, NY 12602

Public Service Commission, State of New York, Three Rockefeller State Plaza, Albany, NY 12223

Any persons desiring to be heard or to protest said application should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practices and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 30, 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 proceedings. 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. 81-33326 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-25-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

November 12, 1981.

Take notice that on October 16, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-25-000 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 24 small volume sales measuring stations for the sale and delivery of additional volumes of natural gas in the states of South Dakota, Minnesota, Iowa, Nebraska, Colorado, Oklahoma, and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide service to right-of-way grantors whose easements provide for the contractual right to gas service as partial consideration for the easement to construct and operate pipeline facilities across their property. It is stated that such service would be made to small volume[1] industrial, commercial and residential customers.

[1] As defined in Applicant's Gas Tariff, customers with maximum daily gas requirements under 200 Mcf are considered small volume customers.

Applicant proposes to install and operate 23 measuring stations in Minnesota, Colorado, South Dakota, Iowa, Nebraska, Kansas and Texas for deliveries of gas to be resold by People's Natural Gas Company, Division of InterNorth, Inc. (People's) from People's presently authorized contract demand.

Applicant also states that it sells and delivers natural gas in Oklahoma to the Southern Union Gas Company (So. Union) pursuant to Applicant's Rate Schedule X-46 for resale by So. Union to Applicant's right-of-way grantors and others for use as irrigation engine fuel, residential and other high priority uses. Applicant proposes to provide natural gas service to one of its right-of-way grantors located in So. Union's service area in Oklahoma which would result in an increase of 39,330 Mcf in annual sales to So. Union.

Applicant more fully describes the 24 proposed small volume sale measuring stations as follows:

Right-of-way grantor	Location of facilities county-state
People's:	
Batchelor, David E	Mesa, CO.
Berte, Edmund A	Palo Alto, IA.
Bonds, Ronald L	Mesa, CO.
Brinkman, David	Pocahontas, IA.
DeKalb Swine Breeders	Jackson, MN.
Durkee, Maurice	Fairbault, MN.
Fuller, Eric	Mesa, CO.
Christensen, John	Freeborn, MN.
Holt, Larry	Hutchinson, TX.
Jenson, Dennis	Minnehaha, SD.
Knutson, M. J	Winneshiek, IA.
Knutson, M. J	Winneshiek, IA.
Launstein, Alvin	Grundy, IA.
Lawson, Robert	Scott, MN.
Louwagie, Gerard	Lyon, MN.
McKee, William	Jasper, IA.
Ritland, Lester	Hardin, IA.
Sass, Hope J	Otoe, NE.
Saunders, Richard	Crawford, IA.
Schubert, Burton	Hansford, TX.
Stallwitz, Edward	Moore, TX.
Stavnheim, Leona	Wright, IA.
Wood, Robert	Mesa, CO.
Southern Union:	
Wheeler, Clyde A	Ellis, OK.

Applicant estimates the cost of the proposed facilities to be $44,144 which would be financed by cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 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 the 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 covenience 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. 81-33310 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5456-000]

Owens-Illinois, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

November 12, 1981.

Take notice that on October 6, 1981, Owens-Illinois, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 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. 5456 would be located on the James River in Bedford and Amhearst Counties, Virginia, at Coleman Falls. Correspondence with the Applicant should be directed to: Owens-Illinois, Inc., Big Island, Virginia 24526, Attn: Mr. James M. Hoye.

Project Description. The proposed project would consist of: (1) An existing, 562-foot long and 20-foot high masonry dam; (2) an existing 210-acre reservoir, at normal pool elevation 589 feet m.s.l.; (3) a proposed powerhouse with an installed generating capacity of 4.5 MW; (4) a proposed 150-foot long transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 20 GWh.

Purpose of Project. All power generated will be used by Owens-Illinois, Inc. at their Big Island mill.

Agency Comments. The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Commonwealth of Virginia Commission of Game and Inland Fisheries 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 January 11, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a 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 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 January 11, 1982.

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. 81-33311 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-72-000]

Pacific Power & Light Co.; Filing

November 12, 1981.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on November 3, 1981, tendered for filing, in accordance with § 35.12 of the Commission's regulation, a Letter Agreement between Deseret Generation & Transmission Co-operative (Deseret) and Pacific dated July 14, 1981, and executed by Deseret on August 6, 1981. The Agreement provides Deseret with the opportunity to purchase nonfirm electric energy from Pacific.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective September 1, 1981, which it claims is the date service was to commence.

Copies of the filing were supplied to Deseret.

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 December 3, 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. 81-33312 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-71-000]

Pacific Power & Light Co.; Filing

November 12, 1981.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on November 3, 1981, tendered for filing, in accordance with § 35.12 of the Commission's regulations, a Letter Agreement between Deseret Generation & Transmission Co-operative (Deseret) and Pacific dated July 14, 1981, and executed by Deseret on August 6, 1981. The Agreement provides Deseret with the opportunity to purchase nonfirm electric energy from Pacific.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective August 6, 1981, which it claims is the date service was to commence.

Copies of the filing were supplied to Deseret.

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 November 30, 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. 81-33327 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-35-000]

Panhandle Eastern Pipe Line Co.; Application

November 12, 1981.

Take notice that on October 22, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-35-000 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 certain compressor, pipeline and related facilities in Blaine and Major Counties, Oklahoma, which would enable Applicant to connect new supplies of natural gas to its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following pipeline, compressor and related facilities:

(1) Three compressors of no more than 780 horsepower each added to Applicant's Canton Compressor Station in Major County, Oklahoma, to handle the additional volumes of gas.

(2) 3 miles of 10-inch pipeline, 1.5 miles of 8-inch pipeline, 3.5 miles of 6-inch pipline, and 16 miles of 4-inch pipeline and related metering facilities to connect 43 new wells in Blaine County, Oklahoma, to enable Applicant to receive gas being purchased from Southland, Royalty Company and Seneca Oil Company, *et al.*

Applicant estimates the additional volumes of gas available to it from these new wells would be 4,600 Mcf per day in 1982 and 5,600 Mcf per day by 1983. It is further asserted that the additional facilities would increase the daily design capacity through the Canton Compressor Station by 6,800 Mcf per day and the maximum daily design capacity by 7,000 Mcf per day.

Applicant estimates the cost of the facilities at $5,958,000 to be financed from funds on hand.

Applicant asserts that its facilities in the Bado area of Oklahoma are not designed to transport the total volumes of gas as contemplated and that the facilities proposed to be constructed would be used by Applicant to transport additional and existing gas supplies from the Bado gathering area in Blaine County, Oklahoma.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 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. 81-33313 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-69-002]

South Georgia Natural Gas Co.; Proposed Changes in FERC Gas Tariff

November 10, 1981.

Take notice that South Georgia Natural Gas Company (South Georgia) on October 29, 1981 tendered for filing revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1. The purpose of these tariff sheets is to update the cost of gas in Docket No. RP81-69-000 to reflect the current level of purchased gas costs as represented in South Georgia's Purchased Gas

Adjustment (PGA) filing which became effective July 1, 1981.

On May 29, 1981 South Georgia filed revised tariff sheets which resulted in a rate increase of approximately $751,000. The Commission suspended the proposed tariff sheets until December 2, 1981 when they become effective subject to refund. The cost of gas included in the tariff sheets filed on May 29, 1981 was the gas cost included in South Georgia's January 1, 1981 PGA filing. The purpose of this filing is to update the tariff sheets to reflect the gas cost in the currently effective PGA. South Georgia states that since the proposed tariff sheets contain the same costs as included in South Georgia's original rate filing modified to reflect South Georgia's current gas cost, it is requesting that the Commission allow the proposed tariff sheets to become effective as contemplated by the Commission in Ordering Paragraph (B) of that order and that the Commission grant any waivers that may be necessary.

Copies of this filing have been served upon South Georgia's jurisdictional customers, interested state public service commissions and all parties of record.

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 November 24, 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. 81-33314 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5505-000]

Southeastern Hydro-Power Inc.; Application for Preliminary Permit

November 12, 1981.

Take notice that Southeastern Hydro-Power Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5505 to be known as the New Savannah Bluff Hydropower Project located on Savannah River near Augusta, Georgia in Richmond County, Georgia and Aiken County, South Carolina. 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, Southeastern Hydro-Power Inc., 838 Arlington Drive, Tucker, Georgia 30084.

Project Description. The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 5505 would consist of: (1) A proposed intake canal and tailrace to be built around the east side of the dam; (2) the proposed construction of a powerhouse across the canal; (3) the proposed installation of four turbines and generators with a total installed capacity of 8.1 MW; (4) proposed transmission lines; and (5) appurtenant facilities. The Applicant estimates the annual energy production to be 59 GWh. The project is located in Federal lands.

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 the 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 January 11, 1982, 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 January 11, 1982.

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 200 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. 81-33328 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5076-000]

St. Vrain and Left Hand Water Conservancy District; Application for Preliminary Permit

November 12, 1981.

Take notice that St. Vrain and Left Hand Water Conservancy District (Applicant) filed on July 14, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5076 known as the Coffintop Pumped Storage Project located on St. Vrain Creek in Sections 23 through 27, T3N, R71W, of the 6th P.M., in Boulder County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James A. Cinea, Executive Director, St. Vrain and Left Hand Water Conservancy District, 500 Coffman, Suite 107, Longmont, Colorado 80501.

Project Description. The proposed project would utilize the existing Price

Reservoir (impounded by Button Rock Dam which is owned by the City of Longmont, Colorado) as the forebay for a pumped storage hydroelectric project. The reservoir to be created by the proposed Coffintop Dam would be utilized as the proposed hydroelectric project's afterbay reservoir. Button Rock dam, an earth and rockfill dam 925 feet long with a maximum height of 215 feet, impounds Price Reservoir with a surface area of 248 acres and storage capacity of 16,000 acre-feet at maximum surface elevation 6,400 feet m.s.l. The proposed Coffintop Dam would be an earth and rockfill or a roller compacted concrete dam 2,350 feet long and 350 feet high (if concrete) or 365 feet high (if earthfill), impounding a reservoir with a surface area of 800 acres and storage capacity of 115,000 acre-feet at maximum surface elevation 5,740 feet m.s.l. Additional new project works would consist of: (1) A 15-foot diameter concrete-lined tunnel/penstock 17,800 feet long; connecting to (2) a 15 foot diameter steel-lined tunnel/penstock 2,350 feet long; leading to (3) a powerhouse with an installed capacity of 156 MW consisting of 3 pump-turbines rated at 52 MW each; (4) a surge chamber, 5,950 feet upstream of the powerhouse; (5) a 1,550-foot long 15 foot diameter concrete-lined tunnel leading from the powerhouse to (6) a tailrace; (7) a transmission line 2.5 miles long; and (8) other appurtenances. Applicant estimates average annual energy production would be 573,955,000 kWh. Project energy would be sold to area utility systems including the Public Service Company of Colorado, Tri-State Generation and Transmission Association, and the Platte River Power Authority.

Proposed Scope of Studies under Permit. A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a permit for a period of 36 months during which time it would complete studies in progress including geological surface and deep drilling investigations, environmental studies and cost and financing studies. Additional proposed studies would include an environmental impact study. Based on the results of studies, preliminary and final design and preparation of an application for FERC license would be accomplished. Cost of studies in progress and proposed would not exceed $25,000,000.

Competing Applications. Anyone desiring to file a competing application must submit to the Commission, on or before January 11, 1982, 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 January 11, 1982.

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. 81-33329 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5415-000]

Sun Valley Co.; Application for Preliminary Permit

November 12, 1981.

Take notice that Sun Valley Company (Applicant) filed on September 25, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5415 to be known as the Trail Creek Dam Hydroelectric Project located on Trail Creek in Blaine 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. Wallace Huffman, Vice President, Sun Valley Company, Sun Valley, Idaho 83353.

Project Description. The proposed project would consist of: (1) An existing 22-foot high timber truss dam and reservoir with 81.3 acre-foot capacity; (2) proposed powerplant at the to of the dam with a capacity of 300 kW and 1,500,000 kWh average annual energy production; (3) transmission line; and (4) appurtenant facilities. Generated power will be used by the Applicant to offset power purchases from the Idaho Power Company, or will be sold to that power company.

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 engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support an application for a license to construct and operate the project. The Applicant has not estimated the cost of these activities, but has already committed approximately $6,000 and believes it is capable of carrying through project development without outside financial assistance.

Competing Applications. Anyone desiring to file a competing application must submit to the Commission, on or before January 11, 1982, 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 intevene 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 January 11, 1982.

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. 81-33315 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-24-000]

Texas Eastern Transmission Corp.; Application

November 12, 1981

Take notice that on October 16, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed Docket No. CP82-24-000 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 on behalf of Philadelphia Facilities Management Corporation (Philadelphia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Philadelphia has arranged to purchase natural gas from Consolidated Gas Supply Corporation (Consolidated) which company would make said gas available by displacement to Applicant at the existing point of interconnection with Applicant at Applicant's meter station 082 in Westmoreland County, Pennsylvania, or at other mutually agreeable existing points of delivery. Applicant proposes pursuant to a transportation agreement dated October 9, 1981, to transport up to 19,868 dekatherms (dt) equivalent of gas per day, less quantities retained for applicable shrinkage, and to deliver such quantities to Philadelphia at Applicant's meter station 030 in the city of Philadelphia, Pennsylvania, or at other mutually agreeable existing points of delivery.

Applicant requests that the authorization granted herein be limited to a term commencing either on the date of initial delivery or 60 days after the receipt of the necessary authorization and terminating on March 31, 1982.

It is stated that Philadelphia would pay Applicant under Applicant's presently applicable effective Rate Schedule TS-1 a rate of 13.98 cents per dt equivalent delivered by Applicant to Philadelphia. In addition Philadelphia would pay Applicant under Applicant's presently applicable effective excess Rate Schedule TS-1 16.02 cents per dt equivalent delivered which when added to quantities delivered by Applicant to Philadelphia under its Rate Schedules TS and SS-II and other transportation agreements exceed the combined total curtailment of natural gas sales to Philadelphia under Applicant's firm sales rate schedules. It is further stated that Applicant would retain for applicable shrinkage an amount of gas equal to 3 percent of the quantities transported during the period from April 16 through November 15 of each year and 6 percent of all gas received for transportation from November 16 through April 15 of each year. Applicant proposes to retain all revenues resulting from transportation of the subject gas.

Applicant states that the proposed service would not adversely affect or displace capacity for services or sales to high priority users. The proposed service would enable Philadelphia to implement its agreement to purchase gas from Consolidated and help fulfill its need for a greater natural gas supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 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 protest 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. 81-33330 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-189-003]

Texas Eastern Transmission Corp.; Petition To Amend

November 12, 1981.

Take notice that on October 16, 1981, Texas Eastern Transmission Corporation (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP78-189-003 a petition to amend the order issued August 29, 1978, in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas from an additional source of supply for Amoco Production Company (Amoco), 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 by order issued August 29, 1978, it was authorized to construct and operate certain interconnection facilities and to transport natural gas from West Cameron Block 513, East Cameron Block 222 and Vermilion Blocks 147 and 201, offshore Louisiana, for Amoco. Petitioner proposes herein pursuant to an amendment to the gas transportation agreement dated April 9, 1981, to transport gas produced from West Cameron Block 528, offshore Louisiana.

Petitioner states that no additional facilities are required to effectuate the transportation of natural gas proposed herein.

Any person desiring to be heard or to make any protest within reference to said petition to amend should on or before December 4, 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. 81-33331 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No ER82-67-000]

Wisconsin Public Service Corp.; Tariff Change

November 12, 1981.

The Filing Company submits the following:

Take notice that on November 2, 1981, Wisconsin Public Service Corporation ("WPSC") tendered for filing a proposed increase in its full requirements W-1 rate and partial requirements W-2 rate. WPSC also tendered a tariff which is intended to become applicable to each full requirements customer as its present service contract expires. The customers affected by the filing, their present rate schedule designations, and the proposed effective dates of the rate increases and tariffs are set forth below:

FULL REQUIREMENTS CUSTOMERS

Customer	FERC rate schedule* No.	Rate increase effective date	Tariff terms and conditions effective
Alger Delta Electric Assoc.	36	1/1/82	7/1/87
City of Algoma	3	1/1/82	12/2/82
Village of Daggett	25	1/1/82	10/1/84
City of Eagle River	24	1/1/82	10/1/84
City of New Holstein	6	1/1/82	6/10/82
Village of Stephenson	27	1/1/82	10/1/84
Village of Stratford	39	1/1/82	11/16/85
City of Sturgeon Bay	37	1/1/82	7/1/84
City of Two Rivers	9	1/1/82	10/2/83
City of Wisconsin Rapids	38	1/1/82	7/2/84
Washington Island Electric	40	1/1/82	1/10/90

* It is expected that the Company will enter into a contract pursuant to which Wisconsin Public Power, Inc. ("WPPI") becomes the purchaser of the electric requirements for Two Rivers, Sturgeon Bay, Algoma, and New Holstein. Said contract will be filed with the FERC. In that filing, the Company, WPPI, and those four customers will jointly ask the Commission to allow the WPPI contract to become effective on November 2, 1981. Therefore, as to those four customers, this filing may supersede the rate in the WPPI contract rather than that in the rate schedules identified in the above table.

PARTIAL REQUIREMENTS CUSTOMERS

Customer	Tariff designation	Effective date
Consolidated Water Power Co.	Original Vol. I—Appendix "A".	1/1/82
City of Manitowoc	Original Vol. I—Appendix "B".	1/1/82
City of Marshfield	Original Vol. I—Appendix "C".	1/1/82

The full requirements increase is $6,152,498 for Period II, the twelve months ending March 31, 1983, and the partial requirements increase is $6,515,686 on the same test year basis. WPSC states that the rate increases are filed because its existing rates are providing an inadequate rate of return. The tariff is filed to achieve as much uniformity as possible among the several full requirements customers.

Copies of the filing have been served on the affected customers and the regulatory commissions of Wisconsin and Michigan.

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 procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 30, 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. 81-33316 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 10, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-CAPITOL OIL CORP				RECEIVED: 10/22/81 JA: CA					
8202952	81-6-0044	0409520448		102-4		MCCLOSKEY-SOUTHARD #1	MILLAR GAS FIELD	1.0	
-CITIES SERVICE COMPANY				RECEIVED: 10/22/81 JA: CA					
8202953	81-6-0029	0409520446		102-4		PERSIC A #1	HASTINGS RANCH	736.0	
-COASTAL OIL & GAS CORP				RECEIVED: 10/22/81 JA: CA					
8202945	81-6-0033	0401120145		102-4		COLLEGE CITY #2	GRIMES	388.0	PACIFIC GAS & ELE
8202962	81-6-0032	0401120154		102-4		SOUTH SYCAMORE #3	GRIMES	1243.0	PACIFIC GAS & ELE
-HILLIARD OIL & GAS INC				RECEIVED: 10/22/81 JA: CA					
8202960	81-6-0013	0411320574		102-4		HERSHEY A #1	GRAYS BEND	900.0	SHELL OIL CO
8202959	81-6-0014	0411320576		102-4		HERSHEY A #2	GRAYS BEND	360.0	SHELL OIL CO
-HUNNICUTT & CAMP DRILLING CO				RECEIVED: 10/22/81 JA: CA					
8202957	81-6-0040	0409520352		103		DAWSON UNIT #1	MILLAR-WEST	346.0	PACIFIC GAS & ELE
8202958	81-6-0041	0409520379		103		DAWSON UNIT #2	MILLAR-WEST	372.0	PACIFIC GAS & ELE
-MCOR OIL & GAS CORP				RECEIVED: 10/22/81 JA: CA					
8202951	81-6-0039	0409500000		102-4		HASTINGS RANCH #3-21	LINDSEY SLOUGH PROSPECT	360.0	PACIFIC GAS & ELE
8202949	81-6-0040	0409500000		102-4		HASTINGS RANCH #4-21	LINDSEY SLOUGH PROSPECT	1800.0	PACIFIC GAS & ELE
8202950	81-6-0007	0409500000		102-4		HASTINGS RANCH #5-22	LINDSEY SLOUGH PROSPECT	750.0	PACIFIC GAS & ELE
8202948	81-6-0051	0409520457		102-4		HASTINGS RANCH #6-22	LINDSEY SLOUGH	170.0	PACIFIC GAS & ELE
-SHELL OIL CO				RECEIVED: 10/22/81 JA: CA					
8202946	81-6-0045	0410120121		102-2		BUTTES COMMUNITY 1-34	PEACE VALLEY	100.0	PACIFIC GAS & ELE
8202963	81-6-0046	0402120108		102-4		SCHONAUER 1-10	ARTOIS	100.0	PACIFIC GAS & ELE
-TENNECO OIL COMPANY				RECEIVED: 10/22/81 JA: CA					
8202961	81-6-0028	0410120161		102-4		CLARK-BREWER #1	BUTTES SLOUGH	0.0	PACIFIC GAS & ELE
-TEXAS OIL & GAS CORP				RECEIVED: 10/22/81 JA: CA					
8202955	81-6-0036	0409520451		103		BOWLSBEY 25-1	MAINE PRAIRIE GAS	140.0	
8202956	81-6-0037	0411320604		103		COWELL 15-1	TODHUNTERS LAKE GAS	140.0	
8202954	81-6-0038	0411320629		102-4		COWELL 15-3	TODHUNTERS LAKE	100.0	
-WESTERN CONTINENTAL OPERATING CO				RECEIVED: 10/22/81 JA: CA					
8202947	81-6-0043	0401320168		102-4		NGC-NUNN #2	EAST BRENTWOOD GAS FIELD	900.0	PACIFIC GAS & ELE
COLORADO OIL & GAS COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED: 10/23/81 JA: CO					
8203007	81-30-B	0512307271		108-ER		BERNARD EXTEETS #1	WATTENBERG	0.0	PANHANDLE EASTERN
8202976	80-589	0500107366		103		CHAMPLIN 125 AMOCO F #1	WATTENBERG	62.0	PANHANDLE EASTERN
8202989	81-449	0512307379		108		DREW GAS UNIT #1	WATTENBERG	0.0	COLORADO INTERSTA
8202983	80-590	0512309909		103		EDITH WEBBER #2	WATTENBERG	267.0	PANHANDLE EASTERN
8202980	80-587	0512309988		103		FRANK J SUCKLA #2	WATTENBERG	556.0	PANHANDLE EASTERN
8202978	80-588	0512309896		103		KUIPERS POOLING #2	WATTENBERG	481.0	PANHANDLE EASTERN
8202979	80-629	0506706344		103		SIMMS GAS UNIT #1A	IGNACIO BLANCO	98.0	WESTERN SLOPE GAS
8202981	80-586	0512309939		103		UPRR 38 PAN AM C #2	WATTENBERG	137.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8202982	80-585	0512309941		103		UPRR 38 PAN AM F #2	WATTENBERG	292.0	PANHANDLE EASTERN
8202977	80-589	0512309971		103		1415 CORPORATION G U D #2	WATTENBERG	347.0	PANHANDLE EASTERN
-CONTINENTAL GAS TRANSMISSION				RECEIVED: 10/23/81 JA: CO					
8202984	80-598	0500107696		103		32-34 PIXLER	QUAIL	100.0	PANHANDLE EASTERN
-COSEKA RESOURCES (USA) LIMITED				RECEIVED: 10/23/81 JA: CO					
8202990	81-423	0510308208		108		TIAGA FEE 10-N-21	THUNDER	13.0	NORTHWEST PIPELIN
-ENERGY MINERALS CORPORATION				RECEIVED: 10/23/81 JA: CO					
8202991	81-418	0512308579		108		BRETT #2	SPINDLE	5.2	COLORADO INTERSTA
8202992	81-533	0512308279		108		CLEVELAND #1	SPINDLE	9.0	COLORADO INTERSTA
8202993	81-532	0512308280		108		CLEVELAND #2	SPINDLE	9.0	COLORADO INTERSTA
8202994	81-531	0512309188		108		CLEVELAND #6	SPINDLE	9.0	COLORADO INTERSTA
8202995	81-530	0512309180		108		CLEVELAND #8	SPINDLE	9.0	COLORADO INTERSTA
8202996	80-565	0512309643		108		TRUPP #1	ROGGEN	20.4	CRYSTAL GAS RESOU
8202997	81-539	0512309229		108		VONASEK #7	SPINDLE	11.0	COLORADO INTERSTA
-J-W OPERATING COMPANY				RECEIVED: 10/23/81 JA: CO					
8202999	81-365	0512506312		108		C KORF #1	ROCK CREEK	16.1	CITIES SERVICE GA
8203009	80-281-8	0512506151		108-ER		H J TUELL #1	WAVERLY	0.0	KANSAS NEBRASKA N
8203008	79-458-8	0512506174		108-ER		M O MURRAIN #1	WAVERLY	0.0	KANSAS NEBRASKA N
8202966	80-584	0512506453		102-2		T BROPHY #24	OLD BALDY	280.0	KANSAS-NEBRASKA N
-JOSEPH B GOULD				RECEIVED: 10/23/81 JA: CO					
8202998	81-405	0510307338		108		LOWER HORSE DRAW 21-8 (CHURCH)	LOWER HORSE DRAW FIELD	11.0	MOUNTAIN FUEL RES
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED: 10/23/81 JA: CO					
8203001	80-467	0512506316		108		MILL IRON 1-11	SCHRAMM	14.0	
8203002	80-464	0512506300		108		MILL IRON 1-28	SCHRAMM	9.0	KANSAS-NEBRASKA N
8203000	80-466	0512506272		108		MILL IRON 1-3	SCHRAMM	17.0	KANSAS-NEBRASKA N
8203003	80-465	0512506292		108		PETERS 1-36	VERNON	9.0	KANSAS-NEBRASKA N
8203004	81-167	0512506267		108		TUSTIN 1-29	REPUBLICAN	15.0	
-MACHII-ROSS PETROLEUM CO				RECEIVED: 10/23/81 JA: CO					
8202985	79-558	0512309497		103		ARISTOCRAT ANGUS 21-10	ARISTROCRAT	59.3	COLORADO INTERSTA
8202986	81-524	0512310239		103		EMERSON 41-29	SPINDLE	21.9	TOA AMERICAN GAS
8202987	81-512	0512399520		103		JOHNSON-NIVEN 1-13	WATTENBERG	167.2	COLORADO INTERSTA
8202988	81-523	0512310240		103		LEONARD 24-21	SPINDLE	27.4	TOA AMERICAN GAS
-MIDLANDS GAS CORPORATION				RECEIVED: 10/23/81 JA: CO					
8203005	80-313	0512506371		108		JESSE 1-33	REPUBLICAN	21.0	KANSAS-NEBRASKA N
-PLATTE VALLEY PETRO ENERGY INC				RECEIVED: 10/23/81 JA: CO					
8202967	80-554	0508707493		102-4		MUSGRAVE #1	SAN ARROYA	7.3	KOCH HYDROCARBON
8202968	80-555	0508707501		102-4		MUSGRAVE #2	SAN ARROYA	7.3	KOCH HYDROCARBON
8202969	80-556	0508707503		102-4		MUSGRAVE #4	SAN ARROYA	0.0	KOCH HYDROCARBON
-SANDLIN OIL CORP				RECEIVED: 10/23/81 JA: CO					
8203006	81-409	0500107260		108		BULLARD # 1	CHIEFTAIN	50.0	PANHANDLE EASTERN
-STELBAR OIL CORP INC				RECEIVED: 10/23/81 JA: CO					
8202970	80-617	0512109552		102-2		AXSOM #1-24	WHITE EAGLE	60.0	NATURAL GAS PIPEL
8202971	80-622	0512109567		102-2		MAGGARD #2-11	WHITE EAGLE	56.0	NATURAL GAS PIPEL
8202973	80-618	0512109568		102-2		PRICE #2-18	DENOVA	60.0	NATURAL GAS PIPEL
8202972	80-620	0512109555		102-2		PRICE #2-7	DENOVA	60.0	NATURAL GAS PIPEL
8202974	80-621	0512109553		102-2		THIM #2-23	WHITE EAGLE	60.0	NATURAL GAS PIPEL
8202975	80-619	0512109554		102-2		THIM #4-14	WHITE EAGLE	50.0	NATURAL GAS PIPEL
-TOM F MARSH				RECEIVED: 10/23/81 JA: CO					
8203010	81-4	0500906221	-	108		COGBURN 2-22 #2	MIDWAY	17.0	PANHANDLE EASTERN

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MONTANA BOARD OF OIL & GAS CONSERVATION

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-TRICENTROL UNITED STATES INC RECEIVED: 10/22/81 JA: MT

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8203039	12-80-270	2500521596		108	SA	HOFELDT 7-13-T30N-R19E	TIGER RIDGE	0.0	NORTHERN NATURAL
8203038	12-80-272	2504121003		108	SA	OLSON 15-11-T31N-R17E	TIGER RIDGE	0.0	NORTHERN NATURAL
8203041	12-80-268	2500521012		108	SA	ROBERTS 27-10-T31N-R18E	TIGER RIDGE	0.0	NORTHERN NATURAL
8203042	12-80-269	2504121509		108	SA	STATE 16-11-T31N-R17E	TIGER RIDGE	0.0	NORTHERN NATURAL
8203040	12-80-271	2500521413		108	SA	VERCRUYSSEN 19-2-T31N-R18E	TIGER RIDGE	0.0	NORTHERN NATURAL

NEW MEXICO DEPARTMENT OF ENERGY & MINERALS

-ADAMS EXPLORATION CO			RECEIVED: 10/19/81 JA: NM						
8202887		3001523036		103		ANN COMM #1	MALAGA ATOKA (GAS)	36.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO			RECEIVED: 10/19/81 JA: NM						
8202883		3004524646		103		HANEY GAS COM B #1E (DAKOTA)	BASIN-DAKOTA	900.0	EL PASO NATURAL G
8202908		3001523437		102-4		LANCASTER SPRING COM #2	UND. HAPPY VALLEY MORROW	949.0	EL PASO NATURAL G
8202920		3004524974		103		SCHNEIDER GAS COM B #1S	MT NEBO-FRUITLAND	0.0	EL PASO NATURAL G
8202911		3004524960		103		STATE GAS COM BW #1	MT NEBO-FRUITLAND	65.0	EL PASO NATURAL G
8202878		3001522703		102-4		TELEDYNE 20 GAS COM #1	UND ATOKA	438.0	EL PASO NATURAL G
-APOLLO ENERGY INC			RECEIVED: 10/19/81 JA: NM						
8202916		3002500000		103		LEE	VACUUM ABO REEF	35.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY			RECEIVED: 10/19/81 JA: NM						
8202937		3002526630		108		W B GUTHRIE WN #3	JALMAT YATES (7R)	15.0	EL PASO NATURAL G
-BLACKWOOD & NICHOLS CO LTD			RECEIVED: 10/19/81 JA: NM						
8202879		3004523481		103		NORTHEAST BLANCO UNIT WELL #201	SOUTH LOS PINOS FRUITLAN	100.0	EL PASO NATURAL G
8202879		3004523481		107-TF		NORTHEAST BLANCO UNIT WELL #201	SOUTH LOS PINOS FRUITLAN	100.0	EL PASO NATURAL G
8202880		3004523480		103		NORTHEAST BLANCO UNIT WELL #204	SOUTH LOS PINOS FRUITLAN	200.0	EL PASO NATURAL G
8202880		3004523480		107-TF		NORTHEAST BLANCO UNIT WELL #204	SOUTH LOS PINOS FRUITLAN	200.0	EL PASO NATURAL G
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 10/19/81 JA: NM						
8202891		3004100000		108		STATE 32-7-33 #11	CHAVEROO	1.0	CITIES SERVICE CO
8202890		3004100000		108		STATE 32-7-33 #3	CHAVEROO	3.0	CITIES SERVICE CO
8202925		3000500000		108		STATE 5 A #1	CHAVEROO	0.7	CITIES SERVICE CO
8202895		3000500000		108		STATE 5-8-33 #11	CHAVEROO	1.0	CITIES SERVICE CO
8202924		3000500000		108		STATE 5-8-33 #13	CHAVEROO	2.0	CITIES SERVICE CO
8202926		3000500000		108		STATE 5-8-33 #14	CHAVEROO	1.0	CITIES SERVICE CO
8202894		3000500000		108		STATE 6-8-33 #11	CHAVEROO	8.0	CITIES SERVICE CO
8202892		3000500000		108		STATE 6-8-33 #12	CHAVEROO	2.0	CITIES SERVICE CO
8202893		3000500000		108		STATE 6-8-33 #3	CHAVEROO	3.0	CITIES SERVICE CO
-CITIES SERVICE COMPANY			RECEIVED: 10/19/81 JA: NM						
8202913		3001523626		103		STATE-DA #1	UND. TURKEY TRACT MORROW	548.0	EL PASO NATURAL G
8202941		3001523652		102-3		SWEARINGEN A COM #1	UND N. LOVING MORROW	436.0	
-E L LATHAM JR & ROY G BARTON JR			RECEIVED: 10/19/81 JA: NM						
8202900		3001500000		108		ATLANTIC STATE #1	VANDAGRIFF-KEYS	16.6	PHILLIPS PETROLEU
-EL PASO NATURAL GAS COMPANY			RECEIVED: 10/19/81 JA: NM						
8202929		3004511814		108		BURROUGHS COM C #5	BASIN DAKOTA	20.0	EL PASO NATURAL G
8202939		3004511814		108		BURROUGHS COM C #5	BASIN DAKOTA	19.0	EL PASO NATURAL G
8202930		3003907282		108		SAN JUAN 28-7 UNIT NP #94 PC & MV	SOUTH BLANCO-PICTURED CL	19.0	EL PASO NATURAL G
8202928		3004505721		108		THOMPSON A #1	BALLARD PICTURED CLIFFS	20.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC			RECEIVED: 10/19/81 JA: NM						
8202917		3004120574		103		MILLER #1	WILDCAT	854.6	WARREN PETROLEUM
8202923		3004120590		103		RADCLIFF #1	SOUTH PETERSON (CISCO)	180.0	WARREN PETROLEUM
-ENSERCH EXPLORATION INC			RECEIVED: 10/19/81 JA: NM						
8202902		3004120558		103		ANNIE HARVEY #1	PETERSON N	139.0	
8202884		3000560907		103		J G O'BRIEN #3	SOUTH ELKINS	55.0	K B KENNEDY ENGIN
-EXXON CORPORATION			RECEIVED: 10/19/81 JA: NM						
8202944		3001523682		102-4		NEW MEXICO DB STATE COM #1	WILDCAT	354.0	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
-FRED POOL JR						RECEIVED: 10/19/81 JA: NM
8202907		3000560631		102-2		CORN BROS INC
8202907		3000560631		107-TF		CORN BROS INC
-GETTY OIL COMPANY						RECEIVED: 10/19/81 JA: NM
8202886		3002525662		103		COOPER JAL UNIT #151
8202888		3004506793		108		FARMING C #1
8202940		3003906254		108		PAUL WILLIAMS #2
-GREAT WESTERN DRILLING COMPANY						RECEIVED: 10/19/81 JA: NM
8202915		3001523440		103		KAISER #1 PRODUCTION UNIT
-HNG OIL COMPANY						RECEIVED: 10/19/81 JA: NM
8202912		3002500000		103		SAN SIMON 6 COM #2
8202932		3002500000		102-2		SAN SIMON 6 COM #2
-HOLLY ENERGY INC						RECEIVED: 10/19/81 JA: NM
8202903		3001500000		103		COWTOWN LOYD #1
-JAKE L HAMON						RECEIVED: 10/19/81 JA: NM
8202943		3002527132		103		AMERADA FEDERAL #3
-MADDOX ENERGY CORPORATION						RECEIVED: 10/19/81 JA: NM
8202910		3001500000		103		PARDUE FARMS 27 #1
8202918		3001500000		103		PARDUE FARMS 27 #2
-MID-AMERICA PETROLEUM INC						RECEIVED: 10/19/81 JA: NM
8202933		3002526570		102-4		NEW MEXICO STATE #2
8202933		3002526570		103		NEW MEXICO STATE #2
-MOBIL PROG TEXAS & NEW MEXICO INC						RECEIVED: 10/19/81 JA: NM
8202896		3002510178		108		BRUNSON ARGO #17
-MTS LIMITED PARTNERSHIP						RECEIVED: 10/19/81 JA: NM
8202931		3000560950		102-2		BOSWELL STATE #1
8202934		3000560849		107-TF		NED STATE #1
8202901		3004524681		102-2		SOUTH BLANCO STATE 36#2
-NANCO INC						RECEIVED: 10/19/81 JA: NM
8202905		3003900000		103		LOCER #1
8202909		3003900000		103		LOCER #2
-NORTHWEST PIPELINE CORPORATION						RECEIVED: 10/19/81 JA: NM
8202899		3004500000		108		AZTEC #2
8202898		3003907629		108		SAN JUAN 29-6 #93
8202942		3004524579		103		SAN JUAN 32-7 UNIT 67
-PIONEER PRODUCTION CORPORATION						RECEIVED: 10/19/81 JA: NM
8202936		3004500000		108		FARMINGTON C COM #1
8202882		3004500000		103		NYE COM #1-E (BASIN DAKOTA)
8202881		3004500000		103		NYE COM #1-E (CHACRA)
-READ & STEVENS INC						RECEIVED: 10/19/81 JA: NM
8202906		3002527096		103		QUAIL STATE #7
-SOUTHLAND ROYALTY CO						RECEIVED: 10/19/81 JA: NM
8202897		3002500000		108		HUSTON COM. #1
8202922		3002527270		103		SCHARB B #1
8202927		3002500000		108		STATE #4
-STEVENS OPERATING CORP						RECEIVED: 10/19/81 JA: NM
8202914		3000560983		103		O BRIEN L #7
-SUPERIOR OIL CO						RECEIVED: 10/19/81 JA: NM
8202869		3002527244		102-2		SUPERIOR-GULF STATE COM #1
-THRESHOLD DEVELOPMENT CO						RECEIVED: 10/19/81 JA: NM
8202919		3001523681		103		FLAG TO STATE #1
-UNION TEXAS PETROLEUM						RECEIVED: 10/19/81 JA: NM
8202904		3004524301		103		CULPEPPER-MARTIN #5

FIELD NAME	PROD	PURCHASER
UND WILDCAT	0.0	TRANSWESTERN PIPE
UND WILDCAT	0.0	TRANSWESTERN PIPE
LANGLIE MATTIX	4.8	EL PASO NATURAL G
SOUTH BLANCO PICTURED CL	20.0	EL PASO NATURAL G
BLANCO PICTURED CLIFFS S	19.0	EL PASO NATURAL G
RED LAKE PENN (MORROW)	372.3	EL PASO NATURAL G
SAN SIMON WOLFCAMP	5.5	TEXACO INC
SAN SIMON WOLFCAMP	5.5	TEXACO INC
TRAVIS UPPER PENN	110.6	
NORTH OSUDO MORROW	146.0	PHILLIPS PETROLEU
SOUTH CULEBRA BLUFF-BONE	36.5	EL PASO NATURAL G
SOUTH CULEBRA BLUFF-BONE	36.5	EL PASO NATURAL G
EAST LA RICA MORROW	365.0	LLANO INC
EAST LA RICA MORROW	365.0	LLANO INC
DRINKARD	5.0	NORTHERN NATURAL
WILDCAT ABO	155.0	
UNDESIGNATED ABO	150.0	TRANSWESTERN PIPE
LYBROOK	101.0	GAS CO OF NEW MEX
GAVILAN	0.0	EL PASO NATURAL G
GAVILAN	0.0	EL PASO NATURAL G
BLANCO MESAVERDE	13.0	NORTHWEST PIPELIN
BASIN DAKOTA	0.0	EL PASO NATURAL G
BASIN DAKOTA	22.0	NORTHWEST PIPELIN
BASIN DAKOTA	0.0	PIONEER NATURAL G
BASIN DAKOTA	0.0	PIONEER NATURAL G
CHACRA (UNDESIGNATED)	0.0	PIONEER NATURAL G
QUAIL QUEEN	1.0	WARREN PETROLEUM
EUMONT	21.0	EL PASO NATURAL G
SCHARB	26.0	WARREN PETROLEUM
WANTZ	12.7	GETTY OIL CO
TWIN LAKES-SAN ANDRES AS	7.0	TRANSWESTERN PIPE
WILDCAT	0.0	
WILDCAT	365.0	TRANSWESTERN PIPE
BLANCO MESAVERDE	140.8	SOUTHERN UNION GA

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-V H WESTBROOK						RECEIVED: 10/19/81 JA: NM			
8202938		3002500000		108		STATE OF NEW MEXICO W #2	WEST ARKANSAS JUNCTION	3.6	WARREN PETROLEUM
-W A MONCRIEF JR						RECEIVED: 10/19/81 JA: NM			
8202935		3001500000		102-2		MARATHON STATE COM #2	BALDRIDGE CANYON MORROW	730.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION						RECEIVED: 10/19/81 JA: NM			
8202921		3000520787		103		LOVELESS LG STATE #2	UND TOMAHAWK SA	0.0	
8202885		3000520786		103		PAUL LR #4	TOM TOM SA	0.0	TRANSWESTERN PIPE
UTAH DIVISION OF OIL,GAS, & MINING									
-AMOCO PRODUCTION CO						RECEIVED: 10/23/81 JA: UT			
8202964	K-121-6	4304330154		102-2		CHAMPLIN 458 AMOCO D #3	ANSCHUTZ RANCH, EAST	642.0	NORTHWEST PIPELIN
-CIG EXPLORATION INC						RECEIVED: 10/23/81 JA: UT			
8202965	K-129-22	4304730530		107-TF		CIGE 56-34-9-21	NATURAL BUTTES	410.0	COLORADO INTERSTA
-WAINOCO OIL & GAS CO						RECEIVED: 10/26/81 JA: UT			
8203011	K-137-1	4304730818		103		WAINOCO STATE 1-14 B1	BLUE BELL	100.0	GARY ENERGY CORP
WYOMING OIL & GAS CONSERVATION COMMISSION									
-AMOCO PRODUCTION CO						RECEIVED: 10/23/81 JA: WY			
8203030	NG168-81	4903721336		102-2		CHAMPLIN 206 AMOCO E #1	BRUFF-DAKOTA	146.0	CITIES SERVICE GA
8203016	NG143-81	4903721414		107-TF		CHAMPLIN 220 AMOCO B #1	WILDCAT	25.0	CITIES SERVICE GA
8203032	NG171-81	4903721454		107-TF		CHAMPLIN 254 AMOCO B 1	ECHO SPRINGS	84.3	CITIES SERVICE GA
8203026	NG158-81	4903721340		107-TF		CHAMPLIN 285 AMOCO "F" NO. 1	FABIAN DITCH	150.0	CITIES SERVICE GA
8203029	NG167-81	4903721627		102-2		CHAMPLIN 285 AMOCO I #1	BRUFF-DAKOTA	730.0	CITIES SERVICE GA
8203027	NG162-81	4903721495		107-TF		CHAMPLIN 285 AMOCO J #1	BRUFF-FRONTIER	102.0	CITIES SERVICE GA
8203015	NG138-81	4903721495		103		CHAMPLIN 285 AMOCO J #1 (DAKOTA)	BRUFF	55.0	CITIES SERVICE GA
8203034	NG173-81	4903721655		107-TF		CHAMPLIN 336 AMOCO D #1	WILD ROSE	69.2	CITIES SERVICE GA
8203035	NG174-81	4900720603		107-TF		CHAMPLIN 444 AMOCO I #1	OVERLAND TRAIL	345.1	CITIES SERVICE GA
8203031	NG169-81	4904120257		102-2		CHAMPLIN 468 AMOCO B #1	WHITNEY CANYON	200.0	NATURAL GAS PIPEL
8203028	NG166-81	4900720504		107-TF		COAL GULCH UNIT D #1	STANDARD DRAW	77.4	CITIES SERVICE GA
8203033	172-81	4902320366		107-TF		GREEN RIVER FEE #1 (FRONTIER)	FABIAN DITCH	102.4	CITIES SERVICE GA
8203012	NG121-81	4902320366		103		GREEN RIVER FEE UNIT #1 (DAKOTA	FABIAN DITCH	102.0	CITIES SERVICE GA
8203014	NG-123-81	4902320297		107-TF		WILSON RANCH UNIT #10	WILSON RANCH	146.0	CITIES SERVICE GA
8203013	NG122-81	4902320303		107-TF		WILSON RANCH UNIT #13	WILSON RANCH	125.0	CITIES SERVICE GA
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 10/23/81 JA: WY			
8203021	NG148-81	4903721738		107-TF		#1 UPRR 1-3	BARREL SPRINGS	146.0	
8203017	NG-144-81	4900525682		103		CPC 12-36	PORCUPINE	45.0	MGPC INC
-CHANCELLOR & DOLEZAL						RECEIVED: 10/23/81 JA: WY			
8203025	NG153-81	4900720626		102-2		CHAMPLIN 234 AMOCO A	WILDCAT	73.0	
8203024	NG152-81	4900720625		102-2		CHAMPLIN 258 AMOCO A	WILDCAT	365.0	
-CITIES SERVICE COMPANY						RECEIVED: 10/23/81 JA: WY			
8203019	NG146-81	4900525575		102-2		PFISTER B #1	PUMPKIN BUTTES	26.0	
8203020	NG-147-81	4900525739		102-2		PFISTER C-1	PUMPKIN BUTTES	6.5	
-GRACE PETROLEUM CORPORATION						RECEIVED: 10/23/81 JA: WY			
8203037	NG185-81	4903720556		108		UPRR 31-1	SIX MILE	12.0	MOUNTAIN FUEL SUP
-J M HUBER CORPORATION						RECEIVED: 10/23/81 JA: WY			
8203023	NG150-81	4900524900		108		KEELINE-CHASE #27-3	HILIGHT	10.0	MGPC INC
-MARATHON OIL COMPANY						RECEIVED: 10/23/81 JA: WY			
*8203036	NG180-81	4902920952		103		PAULINE #12 (EMBAR & TENSLEEP	OREGON BASIN	32.0	COLORADO INTERSTA
-W A MONCRIEF						RECEIVED: 10/23/81 JA: WY			
8203018	NG145-81	4902521207		107-DP		TEPEE FLATS 16-1	WILDCAT	40.2	
-WEXPRO COMPANY						RECEIVED: 10/23/81 JA: WY			
8203022	NG149-81	4900921661		102-2		SPEARHEAD RANCH UNIT #20	SPEARHEAD RANCH	182.5	MOUNTAIN FUEL SUP

OTHER PURCHASERS

8203036 CODY GAS CO

BILLING CODE 6717-01-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 on or before December 4, 1981.

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. 81-33336 Filed 11-18-81; 8:45 am]
BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 10, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ACIETEROS LTD				RECEIVED: 10/23/81 JA: TX					
8203175	F-01-034169	4249330832		102-2		THOMS-WILSON #2	JYF	6.0	CLAJON GAS CO
-ADA OIL EXPLORATION CORP				RECEIVED: 10/23/81 JA: TX					
8203204	F-03-036222	4228700000		102-2		ALFORD #1	GIDDINGS	182.5	PHILLIPS PETROLEU
8203110	F-03-029710	4205130819		102-2		LOIS #1	GIDDINGS	182.5	PHILLIPS PETROLEU
8203170	F-03-033968	4247730800		102-2		MATTIE FISCHER #1	GIDDINGS	219.0	PHILLIPS PETROLEU
-AMCOLE ENERGY CORP				RECEIVED: 10/23/81 JA: TX					
8203250	F-08-038169	4200300000		103		PARK #9	MEANS	50.0	PHILLIPS PETROLEU
-AMERADA HESS CORPORATION				RECEIVED: 10/23/81 JA: TX					
8203210	F-04-036372	4250531163		107-TF		LEONARD HAYNES EST #8	LOS MOGOTES (LOBO 6)	183.0	NATURAL GAS PIPEL
-AMERICAN PUBLIC ENERGY CO				RECEIVED: 10/23/81 JA: TX					
8203283	F-7C-038912	4243532529		103		HULL #4	SONORA (CANYON-UPPER	330.0	EL PASO NATURAL G
8203283	F-7C-038912	4243532529		107-TF		HULL #4	SONORA (CANYON-UPPER	330.0	EL PASO NATURAL G
-AMMEX PETROLEUM INC				RECEIVED: 10/23/81 JA: TX					
8203378	F-03-040045	4214930712		102-2		WINIFRED #1	GIDDINGS (AUSTIN CHALK)	54.7	CLAJON GAS CO
8203378	F-03-040045	4214930712		103		WINIFRED #1	GIDDINGS (AUSTIN CHALK)	54.7	CLAJON GAS CO
-AMOCO PRODUCTION CO				RECEIVED: 10/23/81 JA: TX					
8203317	F-06-039477	4220330779		102-4		PATRICIA POPE WHALEY GU #2	WOODLAWN/TRAVIS PEAK/	310.0	EAST TEXAS INDUST
-ANDERSON PETROLEUM INC				RECEIVED: 10/23/81 JA: TX					
8203168	F-7C-033856	4210533192		103		AUSTIN C MILLSPAUGH "B" 1-3	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8203168	F-7C-033856	4210533192		107-TF		AUSTIN C MILLSPAUGH "B" 1-3	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8203081	F-7C-028780	4243532256		103		IDA CAUTHORN #1-131	SAWYER (CANYON)	55.0	SUTTON COUNTY PIP
8203081	F-7C-028780	4243532256		107-TF		IDA CAUTHORN #1-131	SAWYER (CANYON)	55.0	SUTTON COUNTY PIP
8203169	F-7C-033869	4210533206		103		PEERY HOLMSLEY A2 1-1	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8203169	F-7C-033869	4210533206		107-TF		PEERY HOLMSLEY A2 1-1	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
-ARCO OIL AND GAS COMPANY				RECEIVED: 10/23/81 JA: TX					
8203281	F-10-038872	4217930907		103		COMBS-WORLEY C #2	PANHANDLE GRAY	18.3	PHILLIPS PETROLEU
8203370	F-08-039929	4237130349		107-PE		J O NEAL 21 #1	GOMEZ (ELLENBURGER)	73.0	TEXAS UTILITIES F
8203158	F-7C-033132	4210532964		103		ROY MILLER 1 #1 (H B STRAWN)	HUNT-BAGGETT (STRAWN)	156.0	NORTHERN NATURAL
8203157	F-7C-033131	4210532964		103		ROY MILLER 1 #1 (OZONA C S)	OZONA (CANYON SAND)	156.0	NORTHERN NATURAL
8203371	F-10-039966	4217930803		103		VICTOR MOODY #11	PANHANDLE GRAY COUNTY	73.0	PHILLIPS PETROLEU
-BLUESKY OIL & GAS INC				RECEIVED: 10/23/81 JA: TX					
8203083	F-03-028895	4214930581		102-3		ARNIM F UNIT NO 6	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8203083	F-03-028895	4214930581		103		ARNIM F UNIT NO 6	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8203071	F-03-027516	4214930549		102-2		MCCRORY A UNIT #1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8203071	F-03-027516	4214930549		103		MCCRORY A UNIT #1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-BOB WALLACE OIL INC				RECEIVED: 10/23/81 JA: TX					
8203303	F-10-039265	4206500000		103		BURNETT 24 #3-24	PANHANDLE CARSON	150.0	TUCO INC
-BRIDWELL OIL CO				RECEIVED: 10/23/81 JA: TX					
8203244	F-09-037929	4207731277		103		SCALING RANCH P #2	TALLY (STRAWN UPPER)	6.0	FAGADAU ENERGY CO
-C L TYRA				RECEIVED: 10/23/81 JA: TX					

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JD NO	DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8203354	F-78-039809	4213332819		103		SMITH #2	LEE RAY (RANGER)	70.0	LONE STAR GAS CO
-CA-TEX PETROLEUM INC				RECEIVED: 10/23/81 JA: TX					
8203221	F-09-037052	4200933496		102-2		C K GARVEY D #2	ARCHER COUNTY REGULAR	24.5	MID STATES GAS CO
-CAL-TEX OIL CO				RECEIVED: 10/23/81 JA: TX					
8203236	F-10-037783	4223300000		108		C C WHITTENBURG #1 (25467)	WEST PANHANDLE	0.0	DIAMOND SHAMROCK
-CAPITAL ENERGY CORP				RECEIVED: 10/23/81 JA: TX					
8203118	F-03-030304	4220100000		102-4		CEC-F & K PROPERTIES 73 LTD #1	CYPRESS	182.5	TENNESSEE GAS PIP
-CHAMPLIN EXPLORATION INC				RECEIVED: 10/23/81 JA: TX					
8203117	F-03-030182	4214930575		103		FELIX A JANECKA #1	GIDDINGS (AUSTIN CHALK)	10.0	PHILLIPS PETROLEU
8203116	F-03-030181	4214930667		103		ROY KARISCH #1	GIDDINGS (AUSTIN CHALK)	10.0	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 10/23/81 JA: TX					
8203149	F-02-032814	4222330936		103		CAROLYN LEDWIG #1	YORKTOWN N E	2934.6	ESPERANZA PIPELIN
8203070	F-03-026763	4205130674		102-2		D L ALFORD #1	GIDDINGS	82.0	FERGUSON CROSSING
8203109	F-03-029685	4228730585		102-2		EDWIN ZGABAY #1	GIDDINGS (AUSTIN CHALK)	217.0	FERGUSON CROSSING
8203109	F-03-029685	4228730585		103		EDWIN ZGABAY #1	GIDDINGS (AUSTIN CHALK)	217.0	FERGUSON CROSSING
8203069	F-03-026762	4205130682		102-2		EDWIN ZGABAY A #1	GIDDINGS	76.0	FERGUSON CROSSING
8203161	F-03-033186	4205100000		102-2		ERVIN B FLENCHER #1	GIDDINGS	0.0	FERGUSON CROSSING
8203161	F-03-033186	4205100000		103		ERVIN B FLENCHER #1	GIDDINGS	0.0	FERGUSON CROSSING
8203119	F-06-030458	4220330677		107-TF		EVA PEARL SYPERT CANNON #1	SOUTH HALLSVILLE (COTTON	105.5	HYDROCARBON TRANS
8203075	F-04-028088	4235500000		103		G P WARDNER #132-L	STRATTON (K-33)	36.5	TENNESSEE GAS PIP
8203373	F-04-039981	4235531606		103		G P WARDNER #149	STRATTON	237.0	TENNESSEE GAS PIP
8203079	F-03-028659	4205130867		102-2		GUS EBERHARDT #1	GIDDINGS	228.0	FERGUSON CROSSING
8203192	F-04-035119	4235500000		108		INGRAM DONALD #5	AGUA DULCE	0.0	TENNESSEE GAS PIP
8203068	F-03-026758	4205130697		102-2		J F GOODSON #2	GIDDINGS (AUSTIN CHALK)	117.0	FERGUSON CROSSING
8203115	F-03-030118	4205100000		102-2		JOE L LE COUR JR #1	GIDDINGS	0.0	FERGUSON CROSSING
8203115	F-03-030118	4205100000		103		JOE L LE COUR JR #1	GIDDINGS	0.0	FERGUSON CROSSING
8203061	F-02-026546	4212330967		103		KESELING UNIT II #1	YORKTOWN (KESELING)	292.0	ESPERANZA PIPELIN
8203215	F-03-036780	4205100000		102-2		L E ENGELMANN #1	GIDDINGS	0.0	FERGUSON CROSSING
8203215	F-03-036780	4205100000		103		L E ENGELMANN #1	GIDDINGS	0.0	FERGUSON CROSSING
8203256	F-03-038266	4205131527		102-2		L J KOCUREK #2	GIDDINGS	217.0	FERGUSON CROSSING
8203256	F-03-038266	4205131527		103		L J KOCUREK #2	GIDDINGS	217.0	FERGUSON CROSSING
8203050	F-06-020254	4218330379		102-3		L SANDERS #1	WILDCAT (COTTON VALLEY)	54.0	HYDROCARBON TRANS
8203050	F-06-020254	4218330379		103		L SANDERS #1	WILDCAT (COTTON VALLEY)	54.0	HYDROCARBON TRANS
8203134	F-03-032012	4205100000		102-2		L W BRINKMAN A #1	GIDDINGS	154.0	FERGUSON CROSSING
8203134	F-03-032012	4205100000		103		L W BRINKMAN A #1	GIDDINGS	154.0	FERGUSON CROSSING
8203078	F-02-028658	4212331057		102-4		LACKEY TRUST #1	KESELING NORTH	583.0	
8203128	F-03-031569	4205130792		102-2		LEROY KOEHLER #1	GIDDINGS	259.0	FERGUSON CROSSING
8203128	F-03-031569	4205130792		103		LEROY KOEHLER #1	GIDDINGS	259.0	FERGUSON CROSSING
8203080	F-03-028661	4205130833		102-2		MELVIN M HRONEK #1	GIDDINGS	41.2	FERGUSON CROSSING
8203191	F-03-035010	4205131464		102-2		T L CALVIN #1	GIDDINGS	0.0	FERGUSON CROSSING
8203191	F-03-035010	4205131464		103		T L CALVIN #1	GIDDINGS	0.0	FERGUSON CROSSING
8203114	F-03-030117	4205130604		102-2		VERNON BRINKMAN #1	GIDDINGS	253.0	FERGUSON CROSSING
8203114	F-03-030117	4205130604		103		VERNON BRINKMAN #1	GIDDINGS	253.0	FERGUSON CROSSING
8203138	F-03-032192	4205131172		102-2		WILLIE F EBERHARDT #2	GIDDINGS	114.0	FERGUSON CROSSING
8203138	F-03-032192	4205131172		103		WILLIE F EBERHARDT #2	GIDDINGS	114.0	FERGUSON CROSSING
-CIG EXPLORATION INC				RECEIVED: 10/23/81 JA: TX					
8203280	F-10-038868	4237530708		103		MASTERSON B-102	WEST PANHANDLE	205.0	COLORADO INTERSTA
8203259	F-10-038440	4248330620		108		ZYBACH 1-12	ZYBACH MORROW	5.0	COLORADO INTERSTA
-CLAYTON W WILLIAMS JR				RECEIVED: 10/23/81 JA: TX					
8203217	F-03-036832	4205130770		102-2		HERBERT UBERNOSKY UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8203249	F-03-038166	4205100000		102-2		KAZMIR-MATCEK UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
-CLYDE HOUSTON				RECEIVED: 10/23/81 JA: TX					
8203166	F-78-033483	4213332640		103		MAYNARD "J" #1	FOSTER (MARBLE FALLS)	5.0	ODESSA NATURAL CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-COASTAL OIL & GAS CORP						RECEIVED: 10/23/81 JA: TX			
8203298	F-04-039148	4221531141		103		J GARZA G U #2-P	PENITAS (5500' MISSION)	27.0	VALERO INTERSTATE
-COLACK PETROLEUM CO						RECEIVED: 10/23/81 JA: TX			
8203136	F-78-032093	4213331271		103		LAMKIN #3 78152	LAMKIN (RANGER)	100.0	NORTH GORMAN GATH
-CONOCO INC						RECEIVED: 10/23/81 JA: TX			
8203173	F-04-034005	4250531290		103		G G DECARREON #3	HUNDIDO (9300')	182.5	HOUSTON PIPELINE
8203172	F-04-034002	4247923825		102-2		ROSA V BENAVIDES A 1 #2	CONTRARY (LOBO)	370.0	
8203172	F-04-034002	4247923825		107-TF		ROSA V BENAVIDES A 1 #2	CONTRARY (LOBO)	370.0	
-CRYSTAL OIL COMPANY						RECEIVED: 10/23/81 JA: TX			
8203127	F-02-030954	4229732539		103		EL PASO NATURAL GAS C 1	CLEGG (LULING 9,600)	313.9	VALERO TRANSMISSI
-CUMMINS & WALKER OIL CO INC						RECEIVED: 10/23/81 JA: TX			
8203231	F-02-037514	4217500000		103		J L URBAN A #2	MARSHALL (FRIO 3000)	110.0	DELHI GAS PIPELIN
-DELHI OIL CORP						RECEIVED: 10/23/81 JA: TX			
8203350	F-03-039788	4214900000		102-2		APPELT #4	GIDDINGS (EDWARDS GAS)	1095.0	PHILLIPS PETROLEU
-DEPCO INC						RECEIVED: 10/23/81 JA: TX			
8203339	F-8A-039719	4207930866		103		WHITEFACE UNIT #107	LEVELLAND	33.5	CITIES SERVICE CO
8203338	F-8A-039718	4207930867		103		WHITEFACE UNIT #108	LEVELLAND	31.8	CITIES SERVICE CO
8203334	F-8A-039675	4207930865		103		WHITEFACE UNIT #109	LEVELLAND	9.8	CITIES SERVICE CO
8203333	F-8A-039674	4207931101		103		WHITEFACE UNIT #116-A	LEVELLAND	0.0	CITIES SERVICE CO
8203337	F-8A-039717	4207931071		103		WHITEFACE UNIT #118	LEVELLAND	5.3	CITIES SERVICE CO
8203341	F-8A-039722	4207931222		103		WHITEFACE UNIT #124	LEVELLAND	0.0	CITIES SERVICE CO
8203340	F-8A-039721	4207931223		103		WHITEFACE UNIT #126	LEVELLAND	0.0	CITIES SERVICE CO
8203342	F-8A-039723	4207931225		103		WHITEFACE UNIT #128	LEVELLAND	13.4	CITIES SERVICE CO
8203343	F-8A-039724	4207931220		103		WHITEFACE UNIT #129	LEVELLAND	0.0	CITIES SERVICE CO
8203332	F-8A-039672	4207931226		103		WHITEFACE UNIT #130	LEVELLAND	15.8	CITIES SERVICE CO
8203330	F-8A-039670	4207931350		103		WHITEFACE UNIT #134	LEVELLAND	5.8	CITIES SERVICE CO
8203331	F-8A-039671	4207931353		103		WHITEFACE UNIT #137	LEVELLAND	13.8	CITIES SERVICE CO
-DIAMOND SHAMROCK CORPORATION						RECEIVED: 10/23/81 JA: TX			
8203045	F-10-004985	4229500000		108-ER		ELODA FREEMAN ET AL NO 1-333	LIPSCOMB SW	8.0	SOUTHWESTERN PUBL
8203046	F-10-0005493	4242100000		108-ER		PRICE "D" NO 13	TEXAS HUGOTON	6.0	NORTHERN NATURAL
8203182	F-78-034594	4236731990		103		W M SMITH #2	WHISKEY FLAT	100.0	SOUTHWESTERN GAS
8203051	F-10-020335	4234100000		108-ER		W W BURNETT NO 1	PANHANDLE WEST	9.0	NORTHERN NATURAL
-DIXON EXPLORATION INC						RECEIVED: 10/23/81 JA: TX			
8203200	F-06-035834	4222530371		103		F C DAILEY #1	NAVARRO CROSSING (DEXTER	293.0	LONE STAR GAS CO
-DORCHESTER GAS PRODUCING CO						RECEIVED: 10/23/81 JA: TX			
8203188	F-10-034847	4206500000		108		BARNARD #4 (24320)	PANHANDLE WEST	16.0	NORTHERN NATURAL
8203185	F-10-034814	4206500000		108		MCBRAYER #1 (24363)	PANHANDLE WEST	15.0	NORTHERN NATURAL
8203184	F-10-034811	4206500000		108		PAN O #1 (24379)	PANHANDLE WEST	16.0	NORTHERN NATURAL
-EL PASO NATURAL GAS COMPANY						RECEIVED: 10/23/81 JA: TX			
8203187	F-7C-034842	4243519194		108		BERGER GU #1	SONORA - CANYON UPPER	19.0	EL PASO NATURAL G
8203345	F-10-039744	4248330774		108		MAGNOLIA A #4	PANHANDLE EAST	13.0	EL PASO NATURAL G
8203189	F-10-034855	4208726318		108		WISCHKAEMPER C #1	PANHANDLE EAST	27.0	EL PASO NATURAL G
-ENERGY-AGRI PRODUCTS INC						RECEIVED: 10/23/81 JA: TX			
8203360	F-10-039848	4206530908		103		PEELER II #1 (#04825)	PANHANDLE CARSON	162.0	GETTY OIL CO
-ENRICH OIL CORPORATION						RECEIVED: 10/23/81 JA: TX			
8203382	F-78-040059	4235331105		102-4		J M MCLAUGHLIN #3-11	JMM SOUTH (COOK)	467.2	SUN GAS CO
-ENSERCH EXPLORATION INC						RECEIVED: 10/23/81 JA: TX			
8203279	F-09-038780	4249732076		103		CRAFT WATER BOARD UN 9 #3	BOONSVILLE	673.0	LONE STAR GAS CO
8203270	F-06-038595	4220330834		103		W H ALLEN B #2	WHELAN (TRAVIS PEAK)	89.0	TEXAS EASTERN TRA
-EXPANDO OIL CO						RECEIVED: 10/23/81 JA: TX			
8203183	F-02-034768	4246931622		102-4		WENDEL UNIT	MISSION VALLEY W (FRIO 2	500.0	HOUSTON PIPELINE
-EXXON CORPORATION						RECEIVED: 10/23/81 JA: TX			
8203318	F-04-039485	4204730924		103		AMADO TRAD B 4-T (94446)	SCOTT AND HOPPER	913.0	TENNESSEE GAS PIP

JD NO	JA DAT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8203302	F-7C-039253	4241330982		102-4	CLAUDE E TANKERSLEY EST #1	TANKERSLEY SW (STRAWN-EL	59.0	
8203386	F-08-040086	4200332578		103	FULLERTON CLFK UNIT #1841	FULLERTON	15.0	PHILLIPS PETROLEU
8203152	F-08-032965	4210332424		103	J B TUBB A/C 1 #239L	SAND HILLS (TUBB)	43.0	EL PASO NATURAL G
8203301	F-08-039246	4237133433		103	J B TUBB C #25U	SAND HILLS (MCKNIGHT)	11.0	EL PASO NATURAL G
8203314	F-08-039425	4210332519		103	J B TUBB C #28U	SAND HILLS (MCKNIGHT)	63.0	EL PASO NATURAL G
8203291	F-08-038994	4210332496		103	J B TUBB F #21L	SAND HILLS (TUBB)	5.0	EL PASO NATURAL G
8203167	F-10-033791	4239330813		103	JAMESON GU #1	MENDOTA NW (GRANITE WASH	110.0	PIONEER NATURAL G
*8203307	F-04-039337	4227331279		103	K R ALAZAN 314-D (78281)	ALAZAN NORTH (I SERIES)	0.0	ARMCO STEEL CORP
*8203252	F-04-038218	4227331496		103	K R BORREGOS 559-D (92642)	BORREGOS (ZONE P-3 NW)	200.0	ARMCO STEEL CORP
*8203312	F-03-039405	4215731172		103	KATY GAS FLD UNIT 2 #59	KATY S (FIRST WILCOX)	606.0	ARMCO STEEL CORP
8203388	F-04-040092	4204730917		102-4	MCGILL BROS 466 (ID 94617)	KELSEY DEEP (ZONE 25-II	365.0	TRUNKLINE GAS CO
8203389	F-04-040097	4242731494		102-4	MCGILL BROS 473	KELSEY SOUTH (ZONE 24-AL	548.0	TRUNKLINE GAS CO
8203288	F-01-038989	4246530342		103	MILLS MINERAL TRUST B #1	WILL O (ELLENBURGER)	416.0	INTRATEX GAS CO
8203102	F-08-029632	4237100809		108-ER	PECOS VALLEY "DE" #1	PECOS VALLEY (WOLFCAMP)	15.0	EL PASO NATURAL G
8203151	F-8A-032961	4216531896		103	ROBERTSON CLEARFORK UT #7809	ROBERTSON N (CLEARFORK 7	12.0	PHILLIPS PETROLEU
8203387	F-8A-040087	4216532061		103	ROBERTSON CLFK UNIT #7003	ROBERTSON N (CLFK 7100)	15.0	PHILLIPS PETROLEU
8203385	F-8A-040077	4216532063		103	ROBERTSON CLFK UNIT #7103	ROBERTSON N (CLFK 7100)	15.0	PHILLIPS PETROLEU
*8203364	F-06-039897	4207330411		102-4	S REKLAW GU 28-1A	REKLAW (TRAVIS PEAK)	300.0	ARMCO STEEL CORP
-FOREST OIL CORPORATION					RECEIVED: 10/23/81 JA: TX			
8203085	F-04-029182	4247900000		102-2	OLMITOS RANCH INC #6	NICHOLSON LOBO	200.0	TRANSCONTINENTAL
8203085	F-04-029182	4247900000		107-TF	OLMITOS RANCH INC #6	NICHOLSON LOBO	200.0	TRANSCONTINENTAL
8203113	F-04-029873	4247932593		107-TF	VAQUILLAS RANCH CO LTD #3	GATO CREEK	240.0	UNITED TEXAS TRAN
-FORTUNE PRODUCTION CO					RECEIVED: 10/23/81 JA: TX			
8203299	F-7C-039177	4241331001		102-2	UNIVERSITY 16 #1	UNIVERSITY 54 (CANYON)	85.3	CRA INC
8203299	F-7C-039177	4241331001		107-TF	UNIVERSITY 16 #1	UNIVERSITY 54 (CANYON)	85.3	CRA INC
8203299	F-7C-039177	4241331001		103	UNIVERSITY 16 #1	UNIVERSITY 54 (CANYON)	85.3	CRA INC
-FRAC INC					RECEIVED: 10/23/81 JA: TX			
8203384	F-08-040075	4200332751		103	THORNBERRY 7 #2	FUHRMAN-MASCHO	21.9	PHILLIPS PETROLEU
-FRED W SHIELD					RECEIVED: 10/23/81 JA: TX			
8203112	F-02-029788	4202500000		108-ER	MRS GEORGIA HEARD #3	HEARD RANCH	19.7	TRUNKLINE GAS CO
-FRONTIER OIL & GAS CO INC					RECEIVED: 10/23/81 JA: TX			
8203253	F-7B-038226	4236732004		102-4	JAMES #1	WILDCAT	1600.0	SOUTHWESTERN GAS
-GAS DEVELOPMENT CORP					RECEIVED: 10/23/81 JA: TX			
8203054	F-01-023123	4246530329		103	ADAH CAUTHORN #11-2	VINEGARONE (STRAWN)	750.0	NORTHERN NATURAL
-GEODYNE RESOURCES INC					RECEIVED: 10/23/81 JA: TX			
8203294	F-10-039053	4229530958		103	LEONORE #1-784	MAMOTH CREEK (TONKAWA)	73.0	DIAMOND SHAMROCK
-GETTY OIL COMPANY					RECEIVED: 10/23/81 JA: TX			
8203235	F-03-037739	4205100000		102-2	O D C #3	GIDDINGS (AUSTIN CHALK)	328.0	FERGUSON CROSSING
8203355	F-8A-039810	4207900000		103	XIT UNIT #180	LEVELLAND SAN ANDRES	1.5	CITIES SERVICE CO
-GOLDKING PRODUCTION COMPANY					RECEIVED: 10/23/81 JA: TX			
8203223	F-02-037199	4217531477		103	GENTRY T POWELL #1-C	HORDES CREEK (2,000')	111.0	UNITED GAS PIPE L
-GOOD HOPE REFINERIES INC					RECEIVED: 10/23/81 JA: TX			
8203227	F-04-037357	4247932629		102-4	FROST NATIONAL BANK #3	CATTO (LOBO) (10200)	690.0	VALERO TRANSMISSI
8203227	F-04-037357	4247932629		107-TF	FROST NATIONAL BANK #3	CATTO (LOBO) (10200)	690.0	VALERO TRANSMISSI
8203297	F-04-039139	4250531324		102-4	LA PERLA #35	LA PERLA RANCH (LOBO 920	675.0	VALERO TRANSMISSI
8203297	F-04-039139	4250531324		107-TF	LA PERLA #35	LA PERLA RANCH (LOBO 920	675.0	VALERO TRANSMISSI
-GOULD OIL INC					RECEIVED: 10/23/81 JA: TX			
8203055	F-03-024048	4233900000		103	ST REGIS #1-A	SPLENDORA (Y-1 SAND)	275.0	TENNESSEE GAS PIP
-GRACE PETROLEUM CORPORATION					RECEIVED: 10/23/81 JA: TX			
8203260	F-10-038447	4229560315		107-PE	BARTON EST 2-378	N W HORSE SHOE CREEK	43.0	DIAMOND SHAMROCK
8203148	F-06-032801	4241930316		102-4	C H BEARD GU #1	GARRISON	185.0	
8203148	F-06-032801	4241930316		103	C H BEARD GU #1	GARRISON	185.0	
8203144	F-06-032429	4241930309		102-2	CHILDS #1	GARRISON (TRAVIS-PEAK)	185.0	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-GULF OIL CORPORATION						RECEIVED: 10/23/81 JA: TX			
8203369	F-08-039920	4213533617		103		GOLDSMITH SAN AND UT #B-173	GOLDSMITH	25.9	PHILLIPS PETROLEU
-GUS EDWARDS CO						RECEIVED: 10/23/81 JA: TX			
8203196	F-03-035374	4247730395		102-2		CARROLL #1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-H V RISIEN						RECEIVED: 10/23/81 JA: TX			
8203222	F-04-037079	4224931330		103		NELSON B SHARPE #1	WADE CITY (3370 FRIO)	112.0	VALERO TRANSMISSI
-HAMILTON BROTHERS OIL CO						RECEIVED: 10/23/81 JA: TX			
8203383	F-04-040071	4217730649		102-4		JAMES F WELDER HEIRS #1	HERMANAS SIETE (WILCOX)	365.0	VALERO TRANSMISSI
-HENDERSON CLAY PRODUCTS INC						RECEIVED: 10/23/81 JA: TX			
8203238	F-06-037863	4240131158		102-2		KANGERGA GU #1	HENDERSON NORTH (COTTON	375.0	UNITED GAS PIPELI
8203238	F-06-037863	4240131158		107-TF		KANGERGA GU #1	HENDERSON NORTH (COTTON	375.0	UNITED GAS PIPELI
-HENRY HYDROCARBON INC						RECEIVED: 10/23/81 JA: TX			
8203329	F-09-039597	4223700000		103		YOWELL #3-B	PERRIN SW (CONGL 4850)	95.0	TEXAS UTILITIES F
-HENRY PETROLEUM CORP						RECEIVED: 10/23/81 JA: TX			
8203190	F-01-034901	4249300000		102-2		LASKOWSKI #1	PRUSKE (BUDA)	0.0	
8203198	F-01-035619	4249300000		103		LASKOWSKI B #1	PATTON (AUSTIN CHALK	0.0	
-HIGH CHAPPARAL OIL CO						RECEIVED: 10/23/81 JA: TX			
8203367	F-03-039910	4247330337		102-3		COWAN-ZOLLMAN-HIGH CHAPP #4	COROLLA (YEGUA 5882)	223.0	LONE STAR GAS CO
8203377	F-03-040043	4247330344		102-4		COWAN-ZOLLMAN-HIGH CHAPP #5	COROLLA (YEGUA 4892)	292.0	LONE STAR GAS CO
-HIGHLAND RESOURCES INC						RECEIVED: 10/23/81 JA: TX			
8203208	F-04-036345	4235531664		102-4		STATE TRACT 20 #1	CORPUS CHANNEL (8550*)	365.0	HOUSTON PIPE LINE
-HMH OPERATORS						RECEIVED: 10/23/81 JA: TX			
8203243	F-7C-037910	4210532190		103		MESA-UNIVERSITY #2	FARMER (SAN ANDRES)	149.4	NORTHERN NATURAL
8203242	F-7C-037909	4210532190		103		MESA-UNIVERSITY #3	FARMER (SAN ANDRES)	149.4	NORTHERN NATURAL
8203241	F-7C-037908	4210532190		103		MESA-UNIVERSITY #4	FARMER (SAN ANDRES)	149.4	NORTHERN NATURAL
8203240	F-7C-037907	4210500000		103		SUPRON-UNIVERSITY #1	FARMER (SAN ANDRES)	110.7	NORTHERN NATURAL
8203239	F-7C-037905	4210500000		103		SUPRON-UNIVERSITY #3	FARMER (SAN ANDRES)	110.7	NORTHERN NATURAL
-HNG OIL COMPANY						RECEIVED: 10/23/81 JA: TX			
8203285	F-04-038942	4247932896		102-4		BRUNI MINERAL D #3	JUANITA (LOBO)	237.8	HOUSTON PIPE LINE
8203285	F-04-038942	4247932896		107-TF		BRUNI MINERAL D #3	JUANITA (LOBO)	237.8	HOUSTON PIPE LINE
8203285	F-04-038942	4247932896		103		BRUNI MINERAL D #3	JUANITA (LOBO)	237.8	HOUSTON PIPE LINE
8203380	F-7C-040053	4243532451		103		FIELDS 15 #5	SAWYER (CANYON)	21.0	INTRATEX GAS CO
8203380	F-7C-040053	4243532451		107-TF		FIELDS 15 #5	SAWYER (CANYON)	21.0	INTRATEX GAS CO
-HOUSTON OIL & MINERALS CORPORATION						RECEIVED: 10/23/81 JA: TX			
8203346	F-03-039748	4229131429		103		MINNIE PRUITT #20	SOUTH LIBERTY	0.0	HOUSTON PIPELINE
8203286	F-03-038956	4231330318		103		RANDOLPH-HILL UNIT #1	FT TRINIDAD-BARRETT E (D	135.0	LONE STAR GAS CO
-HUFO PRODUCTION CORP						RECEIVED: 10/23/81 JA: TX			
8203376	F-7B-040031	4236332017		103		EMORY BIRDWELL 79689	EMORY (LAKE)	80.0	SOUTHWESTERN GAS
-HUGHES & HUGHES						RECEIVED: 10/23/81 JA: TX			
8203359	F-04-039843	4247932658		102-4		ROSA V DE BENAVIDES #5	BRUNI NE (10,100)	182.0	HOUSTON PIPE LINE
-IKE LOVELADY INC						RECEIVED: 10/23/81 JA: TX			
8203368	F-7C-039913	4243532469		102-4		WEST #3	INTERSTATE (ELLENBERGER)	0.0	ADOBE GAS CO
-INTERNATIONAL OIL & GAS CORP						RECEIVED: 10/23/81 JA: TX			
8203269	F-7C-038584	4210532204		193		INGHAM 47-1 U	INGHAM (WOLFCAMP)	109.0	EL PASO NATURAL G
8203135	F-7C-032068	4210533057		103		INGHAM 5 #1	INGHAM DEVONIAN	0.0	EL PASO NATURAL G
-IOC PRODUCTION INC						RECEIVED: 10/23/81 JA: TX			
8203213	F-03-036463	4208900000		108		LAWRENCE HODDE #1-U	WEST COLUMBUS 2-16	0.0	VALERO TRANSMISSI
-J & C ENERGY INC						RECEIVED: 10/23/81 JA: TX			
8203372	F-7B-039969	4209330832		102-4		JIM KOONCE #1	DELEON N (STRAWN)	200.0	SOUTHWESTERN GAS
-J CLEO THOMPSON						RECEIVED: 10/23/81 JA: TX			
8203121	F-7C-030474	4241330805		103		PAGE-JEFFERS #1	KAMA (CANYON)	153.0	PHILLIPS PETROLEU
8203121	F-7C-030474	4241330805		107-TF		PAGE-JEFFERS #1	KAMA (CANYON)	153.0	PHILLIPS PETROLEU
-J CLEO THOMPSON & JAMES CLEO THOMPS						RECEIVED: 10/23/81 JA: TX			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8203120	F-7C-030473	4210533053		103		UNIVERSITY 3W-2
8203120	F-7C-030473	4210533053		107-TF		UNIVERSITY 3W-2
				RECEIVED: 10/23/81 JA: TX		
-JOHN R THOMPSON OPERATING INC						
8203273	F02-038640	4202500000		103		A ADAMS #1
				RECEIVED: 10/23/81 JA: TX		
-JONES-O'BRIEN INCORPORATED						
8203347	F-06-039757	4207330425		102-4		O STOCKTON #1-R
				RECEIVED: 10/23/81 JA: TX		
-KELLY BELL						
8203073	F-02-027577	4246931571		103		EARP #2
				RECEIVED: 10/23/81 JA: TX		
-KERR-MCGEE CORPORATION						
8203218	F-10-036864	4234130670		103		A J DONALDSON #R-1
8203232	F-10-037535	4234130663		103		WELLS OIL #1
				RECEIVED: 10/23/81 JA: TX		
-KILLAM & HURD LTD						
8203316	F-04-039436	4247932532		107-TF		A M BRUNI EST 1571 #3
				RECEIVED: 10/23/81 JA: TX		
-KILROY CO OF TEXAS						
8203374	F-02-039995	4229732659		102-4		C L TULLIS UNIT #1
8203321	F-04-039530	4250531089		102-4		JUAN G BENAVIDES #1
8203179	F-02-034495	4229732533		102-4		PATRICIA PERKINS CROCKER #2
				RECEIVED: 10/23/81 JA: TX		
-L R SPRADLING						
8203077	F-10-028634	4223300000		103		JOHNSON #1 92589
				RECEIVED: 10/23/81 JA: TX		
-LEAR PETROLEUM CORPORATION						
8203174	F-03-034867	4224500000		102-2		LEAR #1 F H CARPENTER
				RECEIVED: 10/23/81 JA: TX		
-LOUISIANA LAND & EXPLORATION CO						
8203047	F-10-039182	4239530284		102-4		W C GRACE #1
				RECEIVED: 10/23/81 JA: TX		
-M J BRANNON						
8203351	F-7B-039799	4208331643		102-4		J T PORTER UNIT #2
				RECEIVED: 10/23/81 JA: TX		
-M J G INC						
8203194	F-02-035239	4217531336		103		FROMME #1
				RECEIVED: 10/23/81 JA: TX		
-MANGUM INC						
8203255	F-02-038262	4229700000		102-4		JOSEPHINE WEST MCCLELLAND #1
				RECEIVED: 10/23/81 JA: TX		
-MARSHALL EXPLORATION INC						
8203122	F-06-030487	4236531156		103		SINCLAIR #1
				RECEIVED: 10/23/81 JA: TX		
-MAY PETROLEUM INC						
8203344	F-10-039732	4235731015		103		BARRETT #1
				RECEIVED: 10/23/81 JA: TX		
-MCCORMICK OPERATING CO						
8203311	F-08-039402	4231732345		102-4		LILLARD #2
8203261	F-08-038481	4231732309		102-4		NEWMONT #1
8203178	F-05-034398	4234931463		102-2		ROBERT UNIT #1
8203178	F-05-034398	4234931463		107-TF		ROBERT UNIT #1
				RECEIVED: 10/23/81 JA: TX		
-MCCULLOCH OIL CORP OF TEXAS						
8203276	F-10-038675	4221130992		108		MATHERS RANCH #28
8203275	F-10-038674	4221130996		108		MATHERS RANCH #29
8203274	F-10-038673	4221130995		108		STUDER #4
				RECEIVED: 10/23/81 JA: TX		
-MEADCO PROPERTIES						
8203203	F-7C-036183	4223531431		102-4		E SUGG 13 #4 I D #07763
8203202	F-7C-036182	4223531430		102-4		SUGG 13 #3 I D #07763
				RECEIVED: 10/23/81 JA: TX		
-MESA PETROLEUM						
8203257	F-04-038350	4247932415		107-TF		R T SALDIVAR EST #2
				RECEIVED: 10/23/81 JA: TX		
-MITCHELL ENERGY CORPORATION						
8203219	F-09-036880	4249700000		108		B B MCCLURE #1 28735
8203181	F-09-034514	4249700000		108		B B MCCLURE #2
8203124	F-09-030535	4249700000		108		BILBERRY-MCCLURE #5 35493
8203306	F-09-039321	4223733578		103		CARRIE HENDERSON #3
8203177	F-09-034233	4249700000		108		D J HUGHES #8

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FIELD NAME	PROD	PURCHASER
OZONA (CANYON SAND)	255.0	PHILLIPS PETROLEU
OZONA (CANYON SAND)	255.0	PHILLIPS PETROLEU
NORMANNA S (2050*)	54.8	UNITED GAS PIPELI
PERCY WHEELER (TRAVIS PE	548.0	UNITED GAS PIPE L
S COLETTO CREEK	56.1	ESPERANZA TRANSMI
PANHANDLE WEST	91.0	PHILLIPS PETROLEU
PANHANDLE (MOORE)	0.0	PHILLIPS PETROLEU
JUANITA (LOBO)	0.0	UNITED TEXAS TRAN
BRASLAU E (WILCOX 8700)	1095.0	UNITED TEXAS TRAN
LOPENO S W (WILCOX 7380)	292.0	TRANSCONTINENTAL
SOL WEST (2ND MACKHANK)	530.0	UNITED TEXAS TRAN
PANHANDLE WEST - HUTCHIN	0.0	PHILLIPS PETROLEU
DOYLE (LEGER)	1095.0	PRODUCER'S GAS CO
NORTH FRANKLIN	183.0	TEXAS UTILITIES F
BURKETT SW (DUFFER)	12.0	WEST CEN-TEX GAS
	18.3	TRANSCONTINENTAL
ALBERT WEST (5400)	47.5	TRANSCONTINENTAL
BELLE BOWER (TRAVIS PEAK	140.0	UNITED GAS PIPELI
LIPS (MORROW)	36.5	
J L M (MISSISSIPPIAN)	19.0	NORTHERN NATURAL
J L M (MISSISSIPPIAN)	20.0	NORTHERN NATURAL
CHENEYBORO (COTTON VALLE	20.0	LONE STAR GAS CO
CHENEYBORO (COTTON VALLE	20.0	LONE STAR GAS CO
HUMPHREYS-DOUGLAS	7.0	ARKANSAS LOUISIAN
HUMPHREYS-DOUGLAS	4.0	ARKANSAS LOUISIAN
HUMPHREYS-DOUGLAS	10.0	ARKANSAS LOUISIAN
TAOS (CANYON)	23.0	NORTHERN NATURAL
TAOS (CANYON)	38.0	NORTHERN NATURAL
LA ROSITA	500.0	UNITED TEXAS TRAN
BOONSVILLE (BEND CONGL G	13.2	NATURAL GAS PIPEL
BOONSVILLE (BEND CONGL G	13.0	NATURAL GAS PIPEL
BOONSVILLE (CONSOLIDATED	13.0	NATURAL GAS PIPEL
RUSMAG NORTH (ATOKA CONG	16.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8203153	F-09-032982	4249700000		108		DALY-ALDERSON #2	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
8203146	F-09-032788	4249700000		103		G W EANES #1	BOONSVILLE (BEND CONGL G	31.0	NATURAL GAS PIPEL
8203248	F-09-037978	4249700000		108		HARTSELL-CASTLEBERRY #1 28668	BOONSVILLE (BEND CONGL G	6.3	NATURAL GAS PIPEL
8203180	F-09-034511	4249700000		108		HUDSON-KING #1	BOONSVILLE (BEND CONGL G	13.0	NATURAL GAS PIPEL
8203375	F-09-040002	4249732005		103		J J LARGENT #3-U	BARROW (STRAWN)	30.0	NATURAL GAS PIPEL
8203067	F-09-026659	4249700000		108		L C WOMACK #1 28855	BOONSVILLE (BEND CONGL G	9.8	NATURAL GAS PIPEL
8203176	F-09-034227	4249700000		108		LAMANCE #1	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
8203278	F-09-038773	4249731954		108		LEONARD CORPORATION #2	BOONSVILLE (BEND CONGL G	60.0	NATURAL GAS PIPEL
8203044	F-09-004961	4249700000		108-ER		LOUELLA DETHLOFF #1	BRIDGEPORT (ATOKA CONGL	9.3	NATURAL GAS PIPEL
8203125	F-09-030538	4249700000		108		LOUIS ENGLER #1 84012	BOONSVILLE (BEND CONGL G	0.0	SOUTHWESTERN GAS
8203197	F-09-035611	4223700000		108		ORNEE STEWART #1 28816	BOONSVILLE (BEND CONGL G	7.7	NATURAL GAS PIPEL
8203123	F-05-030531	4229330521		103		REBECCA WEBB #1	POKEY (COTTON VALLEY LIM	0.0	TEXAS UTILITIES F
8203123	F-05-030531	4229330521		107-TF		REBECCA WEBB #1	POKEY (COTTON VALLEY LIM	0.0	TEXAS UTILITIES F
8203160	F-09-033147	4223733108		103		T F ROGERS #1	LOST VALLEY (CADDO)	0.0	
8203126	F-09-030858	4249731802		103		W A HUTCHESON #2-T	PENDING	175.0	NATURAL GAS PIPEL
8203155	F-09-032985	4249700000		108		W D HILLIN #1	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
8203154	F-09-032983	4249700000		108		W H SPRINGFIELD #1	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
8203074	F-09-027896	4249700000		108		WINFORD W CARTER #1	BOONSVILLE (BEND CONGL G	12.0	NATURAL GAS PIPEL
-MONTEZ INC				RECEIVED: 10/23/81 JA: TX					
8203251	F-78-038200	4204932492		103		LAUGHLIN #1	BROWN COUNTY REGULAR (MA	90.0	ODESSA NATURAL CO
-MOSBACHER PRODUCTION CO				RECEIVED: 10/23/81 JA: TX					
8203356	F-01-039829	4217730938		102-2		H R MCCASKILL #1	PEACH CREEK (AUSTIN CHAL	16.0	VALERO TRANSMISSI
-MUSTANG EXPLORATION CO INC				RECEIVED: 10/23/81 JA: TX					
8203358	F-03-039836	4214930774		102-2		JAMES #1	GIDDINGS (AUSTIN CHALK-3	285.0	PHILLIPS PETROLEU
8203357	F-03-039835	4214930773		102-2		REISS #1	GIDDINGS (AUSTIN CHALK)	175.0	PHILLIPS PETROLEU
-NATURAL GAS ANADARKO INC				RECEIVED: 10/23/81 JA: TX					
8203147	F-10-032797	4219530751		103		HART #1-43	HANSFORD NORTH (MORROW)	200.0	TRANSWESTERN PIPE
-NATURAL GAS PIPELINE CO OF AMER				RECEIVED: 10/23/81 JA: TX					
8203062	F-10-026649	4234100000		108		J T SNEED #103	PANHANDLE WEST	14.0	NATURAL GAS PIPEL
8203063	F-10-026650	4234100000		108		J T SNEED #119	PANHANDLE WEST	18.0	NATURAL GAS PIPEL
8203064	F-10-026651	4234100000		108		J T SNEED #122	PANHANDLE WEST	15.0	NATURAL GAS PIPEL
8203065	F-10-026652	4234100000		108		J T SNEED #124	PANHANDLE WEST	20.0	NATURAL GAS PIPEL
8203066	F-10-026653	4234100000		108		J T SNEED #126	PANHANDLE WEST	14.0	NATURAL GAS PIPEL
-NEUMIN PRODUCTION CO				RECEIVED: 10/23/81 JA: TX					
*8203300	F-02-039194	4229731841		102-4		HARRY L HINTON UNIT #2	OAKVILLE E (WILCOX 7790)	75.0	VALERO TRANSMISSI
-NORTH AMERICAN ROYALTIES INC				RECEIVED: 10/23/81 JA: TX					
8203233	F-08-037558	4222732224		102-4		LILLIE MAE #1	ISAAC (PENN UPPER)	127.0	GETTY OIL CO
-ODESSA NATURAL CORPORATION				RECEIVED: 10/23/81 JA: TX					
8203053	F-7C-022126	4210532536		103		ODESSA 1 #2	INGHAM QUEEN	0.0	EL PASO NATURAL G
-OXOCO EXPLORATION CORP				RECEIVED: 10/23/81 JA: TX					
8203313	F-04-039413	4247331343		102-4		BRAZOS CATTLE CO LTD #1	BOYLE (VICKSBURG 4500)	109.0	VALERO TRANSMISSI
8203313	F-04-039413	4247331343		103		BRAZOS CATTLE CO LTD #1	BOYLE (VICKSBURG 4500)	109.0	VALERO TRANSMISSI
8203295	F-04-039071	4242731413		103		BRAZOS CATTLE CO LTD #2	BOYLE (4100)	183.0	VALERO TRANSMISSI
8203379	F-02-040049	4217531427		102-4		H H AFFLERBACH GU #1	BRANDT S (WILCOX 12,200)	365.0	TEXAS EASTERN TRA
8203379	F-02-040049	4217531427		103		H H AFFLERBACH GU #1	BRANDT S (WILCOX 12,200)	365.0	TEXAS EASTERN TRA
8203352	F-04-039800	4240931421		102-4		HUTTO #1	MIDWAY S (RITCHIE 11,500	274.0	TEXAS EASTERN TRA
8203352	F-04-039800	4240931421		103		HUTTO #1	MIDWAY S (RITCHIE 11,500	274.0	TEXAS EASTERN TRA
-PALO PETROLEUM INC				RECEIVED: 10/23/81 JA: TX					
8203108	F-78-029678	4204931856		102-4		ANDERSON B #1	PALO DAVIS (DUFFER)	122.3	ODESSA NATURAL CO
8203108	F-78-029678	4204931856		103		ANDERSON B #1	PALO DAVIS (DUFFER)	122.3	ODESSA NATURAL CO
8203107	F-78-029677	4204932089		102-4		BAUCOM C #1	PALO DAVIS (DUFFER)	136.9	ODESSA NATURAL CO
8203107	F-78-029677	4204932089		103		BAUCOM C #1	PALO DAVIS (DUFFER)	136.9	ODESSA NATURAL CO
8203106	F-78-029676	4204931805		102-4		C N ANDERSON A #1	PALO DAVIS (DUFFER)	23.7	ODESSA NATURAL CO
8203106	F-78-029676	4204931805		103		C N ANDERSON A #1	PALO DAVIS (DUFFER)	23.7	ODESSA NATURAL CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8203105	F-78-029674	4204931804		102-4		CLAWSON #1	PALO DAVIS (RANGER)	76.7	ODESSA NATURAL CO
8203105	F-78-029674	4204931804		103		CLAWSON #1	PALO DAVIS (RANGER)	76.7	ODESSA NATURAL CO
8203104	F-78-029668	4204932337		102-4		CREATH DAVIS #3	PALO DAVIS (RANGER)	31.0	ODESSA NATURAL CO
8203104	F-78-029668	4204932337		103		CREATH DAVIS #3	PALO DAVIS (RANGER)	31.0	ODESSA NATURAL CO
8203103	F-78-029666	4204931918		102-4		EMMA RILEY A #1	PALO DAVIS (DUFFER)	151.5	ODESSA NATURAL CO
8203103	F-78-029666	4204931918		103		EMMA RILEY A #1	PALO DAVIS (DUFFER)	151.5	ODESSA NATURAL CO
8203096	F-78-029539	4213332137		102-4		FLEMING A #1	BLIND HOG (RANGER)	40.9	ODESSA NATURAL CO
8203096	F-78-029539	4213332137		103		FLEMING A #1	BLIND HOG (RANGER)	40.9	ODESSA NATURAL CO
8203098	F-78-029541	4213332136		102-4		FLEMING A #2	BLIND HOG (RANGER)	40.9	ODESSA NATURAL CO
8203098	F-78-029541	4213332136		103		FLEMING A #2	BLIND HOG (RANGER)	40.9	ODESSA NATURAL CO
8203099	F-78-029543	4213332138		102-4		FLEMING A #3	BLIND HOG (RANGER)	102.2	ODESSA NATURAL CO
8203099	F-78-029543	4213332138		103		FLEMING A #3	BLIND HOG (RANGER)	102.2	ODESSA NATURAL CO
8203087	F-78-029277	4204932024		102-4		GARY JONES #2	BLIND HOG (RANGER)	73.0	ODESSA NATURAL CO
8203087	F-78-029277	4204932024		103		GARY JONES #2	BLIND HOG (RANGER)	73.0	ODESSA NATURAL CO
8203091	F-78-029469	4213331647		102-4		MERION #1	BLIND HOG (RANGER)	42.0	ODESSA NATURAL CO
8203091	F-78-029469	4213331647		103		MERION #1	BLIND HOG (RANGER)	42.0	ODESSA NATURAL CO
8203090	F-78-029465	4204931782		102-4		RAY TRAWEEK #1	PALO DAVIS (RANGER)	69.4	ODESSA NATURAL CO
8203090	F-78-029465	4204931782		103		RAY TRAWEEK #1	PALO DAVIS (RANGER)	69.4	ODESSA NATURAL CO
8203089	F-78-029465	4204931829		102-4		RAY TRAWEEK #2	PALO DAVIS (DUFFER)	0.0	ODESSA NATURAL CO
8203089	F-78-029465	4204931829		103		RAY TRAWEEK #2	PALO DAVIS (DUFFER)	0.0	ODESSA NATURAL CO
8203097	F-78-029540	4204932058		102-4		STANBAUGH #1	PALO DAVIS (RANGER)	36.5	ODESSA NATURAL CO
8203097	F-78-029540	4204932058		103		STANBAUGH #1	PALO DAVIS (RANGER)	36.5	ODESSA NATURAL CO
8203095	F-78-029538	4204932056		102-4		STANBAUGH A #1	PALO DAVIS (RANGER)	18.3	ODESSA NATURAL CO
8203095	F-78-029538	4204932056		103		STANBAUGH A #1	PALO DAVIS (RANGER)	18.3	ODESSA NATURAL CO
8203086	F-78-029276	4204931935		102-4		STEEL E #1	BLIND HOG (RANGER)	42.0	ODESSA NATURAL CO
8203086	F-78-029276	4204931935		103		STEEL E #1	BLIND HOG (RANGER)	42.0	ODESSA NATURAL CO
8203088	F-78-029279	4204931936		102-0		STEEL E #2	BLIND HOG (RANGER)	77.4	ODESSA NATURAL CO
8203088	F-78-029279	4204931936		103		STEEL E #2	BLIND HOG (RANGER)	77.4	ODESSA NATURAL CO
-PARAGON RESOURCES INC				RECEIVED: 10/23/81 JA: TX					
8203284	F-06-038933	4234730547		102-2		COHEN #1	E NACONICHE CREEK	300.0	UNITED GAS PIPE L
8203284	F-06-038933	4234730547		103		COHEN #1	E NACONICHE CREEK	300.0	UNITED GAS PIPE L
-PATRICK STEPHEN NIEDORF				RECEIVED: 10/23/81 JA: TX					
8203052	F-01-021397	4249330616		103		WAYNE REAMS #2 ID# 85933	STOCKDALE/CARRIZO/	56.0	TESORO NATURAL GA
-PAYNE OIL FIELD CONSULTING & OPER				RECEIVED: 10/23/81 JA: TX					
8203322	F-09-039560	4223733393		103		COOPER #1	CAMPSEY E (BEND CONGL)	80.0	NATURAL GAS PIPEL
-PETRO-LEWIS CORPORATION				RECEIVED: 10/23/81 JA: TX					
8203336	F-84-039702	4250131957		102-4		BOWEN A #1	JANICE (WOLFCAMP)	0.0	
8203220	F-09-037003	4249731806		103		CODY CARAWAY #2	BOONSVILLE BEND	23.0	NATURAL GAS PIPEL
8203361	F-08-039851	4210300000		103		J B TUBB STATE #10-L	SAND HILLS (TUBB)	195.3	EL PASO NATURAL G
8203363	F-08-039853	4210300000		103		J B TUBB STATE #10-U	SAND HILLS (MC KNIGHT)	21.5	EL PASO NATURAL G
-PETROLERO CORP				RECEIVED: 10/23/81 JA: TX					
8203082	F-04-028088	4228330697		102-4		SO TEXAS SYNDICATE #1-249	MULA PASTURE NORTH (5100	180.0	
-PETROMARK MINERALS INC				RECEIVED: 10/23/81 JA: TX					
8203057	F-03-025573	4214930487		102-2		E A ARNIM B #2	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8203057	F-03-025573	4214930487		103		E A ARNIM B #2	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8203058	F-03-025578	4214930439		102-2		HUFF A #1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8203058	F-03-025578	4214930439		103		HUFF A #1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-PETROSEC EXPLORATION INC				RECEIVED: 10/23/81 JA: TX					
8203290	F-02-038990	4223931616		102-4		MCCORMACK-YOUNG #1-C	WILDCAT	365.0	HOUSTON PIPELINE
8203289	F-02-038989	4223931616		102-4		MCCORMACK-YOUNG #1-T	WILDCAT	365.0	HOUSTON PIPELINE
-PHIL T SKAGGS				RECEIVED: 10/23/81 JA: TX					
8203309	F-78-039395	4208300000		103		ROGER T SKAGGS	COLEMAN S BRENEKE	0.0	ODESSA NATURAL CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 10/23/81 JA: TX					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8203043	F-10-002689	4219500000		108-ER		ANDER NO 1	TEXAS HUGOTON	14.4	MICHIGAN WISCONSI
8203084	F-08-029060	4249503418		108		BRADISH #2 22590	KEYSTONE (SAN ANDRES)	23.0	SID RICHARDSON GA
8203056	F-10-025545	4242130238		103		CRAIG C #3	COLDWATER CREEK MARMATON	0.0	MICHIGAN WISCONSI
8203258	F-08-038383	4213500191		108		GS ANDECTOR #K-13 (21193)	GOLDSMITH (CLEARFORK)	21.2	EL PASO NATURAL G
8203163	F-10-033262	4217900000		108		JOHNSON CC #1	PANHANDLE GRAY	0.0	
8203186	F-10-034839	4221100000		108		JONES U #2	S E FELDMAN TONKAWA	0.0	PANHANDLE EASTERN
8203164	F-10-033263	4242100000		108		KEENER #1	TEXAS HUGOTON	0.0	MICHIGAN WISCONSI
8203254	F-10-038230	4229500000		108		LOESCH C #1	KIOWA CREEK-MORROW-LOWER	0.0	PANHANDLE EASTERN
8203326	F-08-039584	4249531349		103		MCCABE #53 (21555)	HALLEY	10.2	EL PASO NATURAL G
8203287	F-08-038978	4237131812		103		MITCHELL H #1 (73335)	PUCKETT EAST (STRAWN)	876.0	INTRATEX GAS CO
8203162	F-10-033260	4223300000		108		SNOW E L #9	PANHANDLE WEST RED CAVE	0.0	EL PASO NATURAL G
-PIONEER PRODUCTION CORPORATION				RECEIVED: 10/23/81 JA: TX					
8203133	F-10-031966	4229500000		108		FAGG UNIT #1-L	MAMMOTH CREEK NORTH/CLEV	0.0	NORTHERN NATURAL
-R H SIEGFRIED INC				RECEIVED: 10/23/81 JA: TX					
8203230	F-09-037513	4249700000		103		R L MORRIS-A- #24	CHICO WEST (CADDO CONGL	0.0	NATURAL GAS PIPEL
8203229	F-09-037512	4249700000		103		R L MORRIS-A- #26	CHICO WEST (CADDO CONGL	0.0	NATURAL GAS PIPEL
8203292	F-09-039002	4249700000		103		R L MORRIS-A-#25	CHICO WEST (CADDO CONGL	0.0	NATURAL GAS PIPEL
-R L KIRKWOOD JR				RECEIVED: 10/23/81 JA: TX					
8203225	F-02-037214	4217531317		103		JOE H GEORGE #2	ENKE (800)	40.0	UNITED GAS PIPE L
-RAY HERRING				RECEIVED: 10/23/81 JA: TX					
8203272	F7B-038638	4236332401		102-4		WILLINGHAM #3	RYAN (CONGL 4365)	182.0	
-REITA OIL CO				RECEIVED: 10/23/81 JA: TX					
8203305	F-7B-039312	4236700000		103		GOFORTH #1	WHISKEY FLAT (LOWER ATOK	310.0	SOUTHWESTERN GAS
-RICHARD PHILLIPS				RECEIVED: 10/23/81 JA: TX					
8203365	F-04-039906	4240931167		103		WHITE POINT DEVEL CO #1	WHITE POINT (2450*)	60.0	UNITED GAS PIPELI
8203366	F-04-039907	4240931344		103		WHITE POINT DEVEL CO #2	WHITE POINT (1600*)	20.0	UNITED GAS PIPELI
-RIDDLE OIL CO				RECEIVED: 10/23/81 JA: TX					
8203129	F-06-031651	4240130962		107-TF		MAJOR KENNEDY EST #2	OAK HILL S (COTTON VALLE	500.0	TEXAS EASTERN TRA
8203130	F-06-031652	4240130986		107-TF		MAJOR KENNEDY EST #3	OAK HILL S (COTTON VALLE	500.0	TEXAS EASTERN TRA
-RIDGE OIL CO				RECEIVED: 10/23/81 JA: TX					
8203268	F-7B-038543	4213332977		102-4		MARY BARNES #4	RANGER NW (MARBLE FALLS)	0.0	COMPRESSOR RENTAL
8203268	F-7B-038543	4213332977		103		MARY BARNES #4	RANGER NW (MARBLE FALLS)	0.0	COMPRESSOR RENTAL
-RK PETROLEUM CORP				RECEIVED: 10/23/81 JA: TX					
8203237	F-8A-037828	4211531481		102-4		MERRILL B #1	LAMESA NORTH (7850)	16.8	PHILLIPS PETROLEU
-RUTHERFORD OIL CORP				RECEIVED: 10/23/81 JA: TX					
8203195	F-03-035351	4216730127		102-4		STATE TRACT 104-L #5	GALVESTON BLK 104-L (SD	800.0	DOW CHEMICAL CO
-SAGE DRILLING CO INC				RECEIVED: 10/23/81 JA: TX					
8203171	F-10-033975	4235731094		103		BRILLHART #1	PERRYTON (MORROW LOWER)	219.0	PHILLIPS PETROLEU
-SAGE ENERGY CO				RECEIVED: 10/23/81 JA: TX					
8203327	F-03-039587	4205131407		102-2		KARISCH UNIT #2 RRC #13853	GIDDINGS (AUSTIN CHALK)	273.0	FALCON GAS CO
-SAMEDAN OIL CORPORATION				RECEIVED: 10/23/81 JA: TX					
8203266	F-8A-038508	4216500000		103		SO CENTRAL ROBERTSON UT #29	ROBERTSON NORTH/CLEARFOR	18.0	PHILLIPS PETROLEU
8203265	F-8A-038507	4216531832		103		SO CENTRAL ROBERTSON UT #46	ROBERTSON NORTH/CLEARFOR	18.0	PHILLIPS PETROLEU
8203264	F-8A-038506	4216531824		103		SO CENTRAL ROBERTSON UT #47	ROBERTSON NORTH/CLEARFOR	36.0	PHILLIPS PETROLEU
8203263	F-8A-038505	4216531820		103		SO CENTRAL ROBERTSON UT #48	ROBERTSON NORTH/CLEARFOR	18.0	PHILLIPS PETROLEU
8203262	F-8A-038504	4216532016		103		SO CENTRAL ROBERTSON UT #50	ROBERTSON NORTH/CLEARFOR	18.0	PHILLIPS PETROLEU
8203205	F-04-036270	4270230139		102-2		STATE TRACT 818-L #A-2	SAMEDAN FRIO	1200.0	EL PASO NATURAL G
8203206	F-04-036295	4227330155		102-2		STATE TRACT 818-L #A-5	SAMEDAN FRIO	1500.0	EL PASO NATURAL G
8203226	F-04-037233	4227330117		102-2		STATE TRACT 818-L #B-1	SAMEDAN FRIO	1460.0	EL PASO NATURAL G
8203048	F-04-015942	4226130122		102-2		STATE TRACT 818-L&C-1	GOM 818	900.0	EL PASO NATURAL G
-SENTINEL PETROLEUM CORP				RECEIVED: 10/23/81 JA: TX					
8203060	F-7B-026384	4213331219		102-4		AUTRY A-1 77677	MANGUM WEST (3100)	41.3	ODESSA NATURAL CO
8203111	F-7B-029729	4213531834		102-2		BERRY #1 - 89074	MAGNUM WEST 3100	0.0	ODESSA NATURAL CO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8203349	F-78-039795	4213333100		102-4		LOUISE HARLOW "C"	MANGUM WEST (3100)	0.0	ODESSA NATURAL CO
-SHELL OIL CO						RECEIVED: 10/23/81 JA: TX			
8203076	F-8A-028501	4216500000		108		S WASSON CLEARFORK UT #8401-S	WASSON 72	21.4	SHELL
-SHILLELAGH CORP						RECEIVED: 10/23/81 JA: TX			
8203320	F-78-039505	4242932928		103		H WILSON C #1	STEPHENS COUNTY REGULAR	54.0	WARREN PETROLEUM
-SIDWELL OIL & GAS INC						RECEIVED: 10/23/81 JA: TX			
8203150	F-10-032855	4208700000		108		LAYCOCK #9	EAST PANHANDLE	12.0	ASHLAND OIL INC
-SKLAR & PHILLIPS OIL CO						RECEIVED: 10/23/81 JA: TX			
8203209	F-06-036358	4242330441		103		FAIR OIL LTD #1 (PETTET)	CHAPEL HILL (PETTET)	150.0	ETEXAS PRODUCERS
-SMITH PETROLEUM CO						RECEIVED: 10/23/81 JA: TX			
8203211	F-04-036400	4224931234		102-4		C E KNOLLE JR #1C	FORT LIPAN (3850)	180.0	UNITED GAS PIPELI
8203207	F-04-036328	4224931234		102-4		C E KNOLLE JR #1T	FORT LIPAN (4500)	180.0	UNITED GAS PIPELI
-SOUTHERN ROYALTY INC						RECEIVED: 10/23/81 JA: TX			
8203362	F-02-039860	4229732702		102-4		SNAPKA #1	SEELEY (FRIO 3065)	0.0	UNITED GAS PIPE L
-STAHL PETROLEUM CO						RECEIVED: 10/23/81 JA: TX			
8203049	F-10-017287	4248300000		108		MCCALL #3	EAST PANHANDLE	0.0	TRANSWESTERN PIPE
-STALLWORTH OIL & GAS INC						RECEIVED: 10/23/81 JA: TX			
8203165	F-75-033269	4236733013		102-4		FULLER #2 #94267	BEN BIRD (STRAWN)	0.0	SOUTHWESTERN GAS
8203165	F-79-033269	4236733013		103		FULLER #2 #94267	BEN BIRD (STRAWN)	0.0	SOUTHWESTERN GAS
-SUBURBAN PROPANE GAS CORP						RECEIVED: 10/23/81 JA: TX			
8203224	F-7C-037213	4241331019		103		EDMISTON #1	HENRY-SPECK (CANYON)	0.0	INTRATEX GAS CO
8203224	F-7C-037213	4241331019		107-TF		EDMISTON #1	HENRY-SPECK (CANYON)	0.0	INTRATEX GAS CO
8203216	F-7C-036819	4210533116		103		SCHEUBER #2	DAVIDSON RANCH (PENN 789	0.0	NORTHERN NATURAL
8203216	F-7C-036819	4210533116		107-TF		SCHEUBER #2	DAVIDSON RANCH (PENN 789	0.0	NORTHERN NATURAL
-SUEMAUR CORP						RECEIVED: 10/23/81 JA: TX			
8203156	F-04-033087	4213134990		103		J F WELDER HEIRS #1-211	DEJAY (3RD QUEEN CITY)	200.0	VALERO GAS TRANSM
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 10/23/81 JA: TX			
8203335	F-04-039693	4224931140		102-4		REED & HANKAMER #1	RICHARD KING (4300)	30.0	TENNESSEE GAS PIP
8203267	F-06-038510	4236500000		108		S J NEAL #1	CARTHAGE	8.0	TEXAS GAS TRANSMI
8203308	F-04-039365	4224900000		108		SEELIGSON UT #40-27	SEELIGSON	7.0	TENNESSEE GAS PIP
8203137	F-03-032166	4203900000		103		WISCH-SAINT UNIT #7	PLEDGER (FRIO 7220)	319.0	UNITED TEXAS TRAN
-SUPERIOR OIL CO						RECEIVED: 10/23/81 JA: TX			
8203159	F-03-033139	4216730785		103		COOPER-CHRISTMAN GU #1	ALGOA (29 SAND)	0.0	FLORIDA GAS TRANS
-TENNECO OIL COMPANY						RECEIVED: 10/23/81 JA: TX			
8203310	F-8A-039397	4216531841		103		BRANCH B #1	NORTH ROBERTSON	26.3	PHILLIPS PETROLEU
8203271	F-06-038616	4236531141		103		IRMA HIGHTOWER GU B #2	BETHANY	186.0	UNITED GAS PIPE L
-TEXACO INC						RECEIVED: 10/23/81 JA: TX			
8203234	F-04-037709	4213100000		102-4		DCRC MF NCT-64 #1	LUNDELL (1100')	108.0	NATURAL GAS PIPEL
8203296	F-08-039122	4222732395		103		HOWARD F FEE #3	COAHOMA N (FUSSELMAN)	295.0	PHILLIPS PETROLEU
8203325	F-8A-039580	4221933178		103		MONTGOMERY EST DAVIES NCT-2 #81	LEVELAND	0.0	AMOCO PRODUCTION
-TEXAS AMERICAN OIL CORP						RECEIVED: 10/23/81 JA: TX			
8203092	F-10-029528	4248330589		108		GABEL #1-80219	EAST PANHANDLE	17.4	TRANSWESTERN PIPE
8203101	F-10-029547	4248330584		108		H F FABIAN #1-79979	EAST PANHANDLE	15.6	TRANSWESTERN PIPE
8203094	F-10-039531	4248330530		108		J BURRELL #1-78342	EAST PANHANDLE	7.8	TRANSWESTERN PIPE
8203093	F-10-029530	4248330550		108		M K CROCKETT #1-78559	EAST PANHANDLE	6.1	TRANSWESTERN PIPE
8203100	F-10-029546	4248330590		108		R J LANE #1-79978	EAST PANHANDLE	5.6	TRANSWESTERN PIPE
-TEXAS INTERNATIONAL PET CORP						RECEIVED: 10/23/81 JA: TX			
8203328	F-08-039588	4233532013		103		EDWIN PARKS #23	DIXON (ODOM LIME)	25.0	SUN GAS CO
8203348	F-03-039788	4205131622		192-2		GIESSEL #D-8	GIDDINGS (AUSTIN CHALK)	219.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP						RECEIVED: 10/23/81 JA: TX			
8203145	F-03-032581	4238131735		102-4		HILL #5	NORTH LOUISE	0.0	TENNESSEE GAS PIP
8203201	F-8A-035950	4226900000		102-4		MASTERSON B #1	MASTERSON STRAWN (5430)	250.0	DELHI GAS PIPELIN
8203059	F-06-025579	4207300000		102-2		WHITEMAN-DECKER #2	SOUTHERN PINE	400.0	
8203059	F-06-025579	4207300000		103		WHITEMAN-DECKER #2	SOUTHERN PINE	400.0	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-TEXLAND-RECTOR & SCHUMACHER				RECEIVED: 10/23/81 JA: TX					
8203131	F-8A-031780	4221932994		103		D B BRYAN B #11	SLAUGHTER	6.0	AMOCO PRODUCTION
-THE DOW CHEMICAL COMPANY				RECEIVED: 10/23/81 JA: TX					
8203304	F-7B-039304	4234931699		102-4		J A BREITHAUPT OIL B #1	CHENEYBORO	137.0	INTRASTATE GAS TR
8203304	F-7B-039304	4234931699		107-TF		J A BREITHAUPT OIL B #1	CHENEYBORO	137.0	INTRASTATE GAS TR
8203293	F-05-039019	4234931672		102-4		J A BREITHAUPT OU A #1	CHENEYBORO	232.0	INTRASTATE GAS TR
8203293	F-05-039019	4234931672		107-TF		J A BREITHAUPT OU A #1	CHENEYBORO	232.0	INTRASTATE GAS TR
-THUNDERBOLT OIL & GAS INC				RECEIVED: 10/23/81 JA: TX					
8203381	F-7C-040056	4239931789		102-4		PHYLLISMORROW #2	TOMCHUCK (UPPER CAPPS)	0.0	UNION TEXAS PETRO
-TIPPERARY OIL AND GAS CORP				RECEIVED: 10/23/81 JA: TX					
8203246	F-01-037960	4216331625		103		BROWN "A" #1	PEARSALL (AUSTIN CHALK)	0.1	T G P INC
8203245	F-01-037951	4216331753		103		CARLTON MASSEY #10	PEARSALL (AUSTIN CHALK)	3.7	T G P INC
8203247	F-01-037973	4216331991		103		CARLTON MASSEY #11	PEARSALL (AUSTIN CHALK)	16.3	T G P INC
8203214	F-01-036677	4217730630		103		W L BARNETT #3	COST (AUSTIN CHALK)	20.0	HOUSTON PIPELINE
-TOM F MARSH INC				RECEIVED: 10/23/81 JA: TX					
8203315	F-01-039435	4217730755		102-4		BORCHERS #1	PEACH CREEK (AUSTIN CHAL	4.3	VALERO TRANSMISSI
8203324	F-01-039566	4217730755		102-4		BORCHERS #1	PEACH CREEK (BUDA)	3.0	VALERO TRANSMISSI
8203323	F-01-039565	4217730956		102-4		BORCHERS #2	PEACH CREEK (AUSTIN CHAL	36.0	VALERO TRANSMISSI
-TRANSCO EXPLORATION COMPANY				RECEIVED: 10/23/81 JA: TX					
8203282	F-04-038886	4224731267		102-4		RUTH S CANALES #1	JULE WALKER	420.0	TEXAS EASTERN TRA
-UNION OIL COMPANY OF CALIF				RECEIVED: 10/23/81 JA: TX					
8203353	F-08-039806	4200332636		103		DOLLARHIDE UNIT #16-13-C	DOLLARHIDE (CLEARFORK)	20.0	DOLLARHIDE GASOLI
-VANGUARD EXPLORATION CO INC				RECEIVED: 10/23/81 JA: TX					
8203212	F-7B-036430	4222130671		103		CLEVELAND #1	MACINTOSH STRAWN	113.0	SOUTHWESTERN GAS
-W C MILLER				RECEIVED: 10/23/81 JA: TX					
8203199	F-01-035650	4231100000		102-4		J W ATKINSON #2 93681	LOMA ALTA (4070)	144.0	TEXAS EASTERN TRA
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 10/23/81 JA: TX					
8203228	F-08-037478	4210332544		103		W N WADDELL TR A #1177	SAND HILLS (JUDKINS)	79.5	EL PASO NATURAL G
8203277	F-08-038724	4210332525		103		W N WADDELL TR A #1187	SAND HILLS (JUDKINS)	73.0	EL PASO NATURAL G
-WEAVER EXPLORATION CO				RECEIVED: 10/23/81 JA: TX					
8203193	F-03-035234	4236130366		102-4		DONNER PROPERTIES #1	DOTY EAST (NODOSARIA 793	550.0	SEAGULL PIPELINE
-WILLIAM PERLMAN				RECEIVED: 10/23/81 JA: TX					
8203072	F-7C-027536	4243532119		108		GEO BROCKMAN 54 #2 81759	SAWYER (CANYON)	20.0	EL PASO TRANSPORT
-WOOD ENTERPRISES INC				RECEIVED: 10/23/81 JA: TX					
8203319	F-7B-039503	4225331461		103		HUDDLESTON #1 (16132)	HUDDLESTON (STRAWN SAND)	30.0	PALO DURO PIPELIN
-WORLDWIDE ENERGY CORPORATION				RECEIVED: 10/23/81 JA: TX					
8203139	F-06-032272	4242330408		102-4		DENMAN #A-1	SUNSHINE (RODESSA)	120.0	SEMCO GAS INC
8203143	F-06-032276	4242330424		102-4		DENMAN #A-2	SUNSHINE (RODESSA)	120.0	SEMCO GAS INC
8203141	F-06-032274	4242330444		102-4		DENMAN #C-1	SUNSHINE (RODESSA)	100.0	SEMCO GAS INC
8203142	F-06-032275	4242330401		102-4		DENMAN #2	SUNSHINE (RODESSA)	100.0	SEMCO GAS INC
8203140	F-06-032273	4242330426		102-4		DENMAN #3	SUNSHINE (RODESSA)	100.0	SEMCO GAS INC
-ZONERGY INC				RECEIVED: 10/23/81 JA: TX					
8203132	F-03-031905	4228730698		102-2 -2		J L HUFF #1	GIDDINGS	0.0	CLAJON GAS CO

OTHER PURCHASERS

8203252	E I DUPONT DE NEMOURS & CO INC
8203300	ALUMINUM CO OF AMER
8203307	E I DUPONT DE NEMOURS & CO INC
8203312	E I DUPONT DE NEMOURS & CO INC
8203364	E.I DUPONT DE*NEMOURS & CO. INC.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-33337 Filed 11-18-81; 8:45 am]

BILLING CODE 6717-01-C

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Subgroup 3 Meeting

November 13, 1981.

Subgroup 3—Inter-Service Sharing

Meeting: December 10, 1981, 9:30 A.M.–4:30 P.M., Federal Communications Commission, 1229 20th Street, N.W., Room A–110, Washington, D.C.

Agenda: (1) Approval of Agenda, (2) Meeting of Working Group 3A, (3) Meeting of Working Group 3B, (4) Meeting of Working Group 3C, (5) Review of Progress, (6) Discussion of Reports, (7) Adjournment.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-33367 Filed 11-18-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

City National Corp.; Proposed Acquisition of Thompson Tuckman Andersen, Inc.

City National Corporation, Beverly Hills, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire 8 percent of the voting shares of Thompson Tuckman Andersen, Inc., Palo Alto, California ("TTA").

Applicant states that TTA would engage in the activity of acting as financial adviser to individuals regarding their personal investment portfolio. These activities would be performed from offices of TTA in Palo Alto, California, and the geographic area to be served is the San Francisco Bay Area.

Applicant also proposes to make loans to TTA to meet TTA's working capital needs. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than December 4, 1981.

Board of Governors of the Federal Reserve System, November 13, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-33365 Filed 11-18-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than December 10, 1981.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (consumer finance and insurance activities; Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and West Virginia) to open a *de novo* office of its subsidiary, Citicorp Acceptance Company, Inc., located in Virginia Beach, Virginia, to engage *de novo* in the following proposed activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans and the servicing for any person, of loans and other extensions of credit. The proposed service area of the office would be comprised of the entire states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia for all of the aforementioned activities. Credit related life, accident and health insurance may be underwritten by Family Guardian Life Insurance Company, an affiliate of Citicorp Acceptance Company, Inc.

2. *The Bank of New York Company*, New York, New York (trust activities; United States): to engage, through its subsidiary, The Bank of New York Trust Company, in providing master trust and incidental fiduciary services related thereto. These services would be provided for master trust accounts presently serviced by The Bank of New York, a wholly-owned subsidiary of Applicant, and would include reporting, including consolidated reporting where

required; investment and reconciliation of cash balances; uniform accounting and reporting procedures; monitoring investment performance; establishing procedures for processing securities loans and option trading; ERISA reporting; holding securities; collecting income; arranging for execution of trades; and distributions to its customers. The subsidiary also would engage in deposit taking and lending activities incidental to its trust operations as permitted by the Board's Regulation Y. Such activities would be conducted from offices located in White Plains and New York, New York, serving the entire United States.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

First Mexia Bancshares, Mexia, Texas (financing activities; Texas): to retain ownership of its subsidiary, Milam Street Finance Company, engaging in consumer finance activities primarily involving the extension of direct loans to consumers. These activities will be conducted from an office in Mexia, Texas, serving Limestone County and the surrounding counties.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Central Pacific Corporation*, Bakersfield, California (mortgage banking and finance activities; California, Washington, Oregon, Idaho, Nevada, Utah, Arizona, Wyoming, Colorado, and Texas): to engage, through its subsidiary, Bankers' Funding Corporation, in making, acquiring, selling, packaging and servicing residential and commercial mortgage loans and services incidental thereto. These activities would be conducted from offices in Newport Beach and Bakersfield, California, serving the ten states listed in the caption to this notice.

2. *BankAmerica Corporation*, San Francisco, California (financing, servicing, and insurance activities; *de novo* office; Florida): to engage, through its indirect subsidiaries, FinanceAmerica Corporation and FinanceAmerica Industrial Plan Inc., both Florida corporations, in the activities of making or acquiring for their own account loans and other extensions of credit such as would be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life insurance and credit-related accident and health insurance. Credit-related property insurance will not be offered by either corporation in the State of Florida. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small business; making loans and other extensions of credit secured by real and personal property; and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation and FinanceAmerica Industrial Plan Inc.

These activities will be conducted from a *de novo* office located in North Miami Beach, Florida, serving the entire State of Florida.

D. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, November 13, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-33391 Filed 11-18-81; 8:45 am]

BILLING CODE 6210-01-M

Otisco Bancshares, Inc.; Formation of Bank Holding Company

Otisco Bancshares, Inc., Otisco, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.28 percent of the voting shares of Otisco State Bank, Otisco, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Otisco Bancshares, Inc., Otisco, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Arvenson Insurance Agency, Otisco, Minnesota.

Applicant states that the proposed subsidiary would engage in general insurance agency activities in a town of less than 5,000 population. These activities would be performed from offices of Applicant's subsidiary in Otisco, Minnesota, and the geographic areas to be served are the town of Otisco and Waseca County, Minnesota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than December 12, 1981.

Board of Governors of the Federal Reserve System, November 13, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-33388 Filed 11-18-81 8:45 am]

BILLING CODE 6210-01-M

Peoples State Bancorporation of Holdenville, Inc.; Formation of Bank Holding Company

Peoples States Bancorporation of Holdenville, Inc., Holdenville, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.8 per cent of the voting shares of Peoples State Bank and Trust Company, Holdenville, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 13, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-33380 Filed 11-18-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-26]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Jersey Board of Public Utilities involving electric rates, Docket No. 818-726.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Jersey Board of Public Utilities involving the application of the Jersey Central Power and Light Company for an increase in its electric rates in Docket No. 818-726.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: November 10, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-33427 Filed 11-18-81; 8:45 am]

BILLING CODE 6820-AM-M

National Archives and Records Service

National Archives Advisory Council; Meeting

Notice is hereby given that the National Archives Advisory Council will meet on December 3, 1981, 1:30 p.m. to 5:30 p.m. and December 4, 1981, from 9:00 a.m. to 4:30 p.m. in Room 105, National Archives and Records Service, 8th and Pennsylvania Avenue, N.W., Washington, D.C. 20408. The meeting will be devoted to a review of the current state of the Archives, reports from Council Subcommittees, and related matters of concern to the operation of the National Archives and Records Service of the United States.

The meeting will be open to the public.

Dated: November 6, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-33379 Filed 11-18-81; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

White House Conference on Aging; National Conference

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 5 U.S.C. App. 1, Sec. 10, 1976), notice is hereby given that the National Conference of the 1981 White House Conference on Aging will be held at both the Sheraton Washington Hotel, 2660 Woodley Rd at Connecticut Avenue, N.W., and at the Washington Hilton Hotel, Connecticut Avenue at Columbia Road, N.W., in Washington, D.C. from November 30 at 9:00 a.m. to December 3, at 11:30 a.m.

The National Conference, developed after preparaions at the local, state and national levels, will have as its theme, "The Aging Society—Challenge and Opportunity". The Conference will hold its principal discussions and voting in 14 subject-matter Committees according to the following hotel assignments:

I. Committees Meeting at the Sheration Washington Hotel

- Implications for the Economy of the Aging Population
- Public Sector Roles and Structures
- Economic Well-Being
- Options for Long Term Care
- Private Sector Roles, Structures and Opportunities
- Research
- Concern of Older Women: Growing Number of Special Needs

II. Committees Meeting at the Washington Hilton Hotel

- Older Americans as a Continuing Resource
- Health Care and Services
- Conditions for Continuing Community Participation
- Promotion and Maintenance of Wellness
- Family and Community Support Systems
- Housing
- Education

Each Committee Chairman will be asked to assure that appropriate attention is given to certain topics that are "cross-cutting" across all Committees such as:

—the special needs of minorities

—the differences in urban and rural needs and opportunities

—the concerns of the low-income elderly

—the special circumstances surrounding the frail/disabled elderly

—the role of older Americans themselves in realizing their aspirations

The tentative agenda for the Conference is as follows:

Monday, November 30

9:00 a.m.—Opening Plenary Session (Sheration Washington Hotel) Keynote Address
12:30-2:00 p.m.—Luncheon—Speakers
2:15-5:00 p.m.—Convening of Committees

Tuesday, December 1

9:00 a.m.-12 noon—Committee Sessions
12:30-2:00 p.m.—Luncheon—Speakers
2:15-5:00 p.m.—Committee Sessions

Wednesday, December 2

9:00 a.m.-12 noon—Committee Sessions
12:30-2:00 p.m.—Luncheon—Speakers
2:15-5:00 p.m.—Final Committee Sessions

Thursday, December 3

9:00 a.m.-11:30 a.m.—Closing Plenary Session (Sheraton Washington Hotel) Adjournment

The Conference will develop recommendations on public and private sector policies needed during the 1980's in connection with the major expansion of the older population, greater life expectancy, and changing concepts of work, age, retirement and the older person as continuing resource.

Further inforamtion on the Conference may be obtained from Mrs. Betty H. Brake, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, SW., Washington, D.C. 20201, telephone (202) 245-1914.

The Conference Committee Sessions are open to the public; daily visitor permits may be applied for at each hotel. Public visitors will not be permitted to participate in the

discussions in the Plenary Sessions or in the Conference Committees. In addition, only Delegates will vote.

Dated: November 16, 1981.

Maine Welborne,

Committee Management Officer HDS

[FR Doc. 81-33421 Filed 11-18-81; 8:45 am]

BILLING CODE 4130-01-M

Public Health Service

Office of Health Research, Statistics, and Technology; Assessment of Medical Technology

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of electrical neuromuscular stimulation for treatment of disuse atrophy. The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than February 17, 1982. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed clinical studies, and other information related to the clinical acceptability and relative utility of this technology. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: November 6, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-33369 Filed 11-18-81; 8:45 am]

BILLING CODE 4110-85-M

Office of the Secretary

Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the meeting of the Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants scheduled to meet at Brooks Air Force Base, San Antonio, Texas, Bldg. 180, Classroom D, on December 7 and 8, 1981.

Purpose: The Advisory Committee was formally chartered and notice of its establishment was published at 46 FR 19602 on March 31, 1981. The basic objective of the Committee as set forth in the charter is to review and oversee the Epidemiology Study of Air Force Ranch Hand Personnel and to provide technical assistance, as needed, to the Air Force.

Agenda: The meeting will be open to the public from 1:00 to 4:00 p.m. December 7, 1981 and 8:30 AM to 12:00 Noon on December 8, 1981. In accordance with the provisions set forth in Section 552b(c)(6) Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 7, 1981, from 4:00 p.m. to adjournment for further evaluation of the qualifications and competency of individuals conducting the study, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The preliminary agenda is as follows:

December 7, 1981, 1:00-4:00 p.m.:
General Overview of Ranch Hand Study
—Implementation of Study—Current Status and Plans
—Review of Mortality Segment of Study
—Review of Questionnaire Segment of Study
—Review of Morbidity Phase of Study
4:00 p.m. to Adjournment:
—Closed Session
December 8, 1981, 8:30 a.m.-12:00 Noon:
Quality Control Aspects of the Study
—Review of Efforts to Develop a Relative Index of Exposure Among Ranch Hand Personnel
—General Discussion
-Discussion of Committee Membership
—Select Tentative Dates for Future Meetings

Persons who are planning to attend the meetings are asked to contact Ms. Bonnie Jefferson, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, phone number (919) 541-3267 or FTS 629-3267, so she may ensure that there will be seating for all interested participants.

The Executive Secretary, Maureen E. Corcoran, Office of the General Counsel, Department of Health and Human Services, Room 707F, HHH Bldg., 200 Independence Avenue, SW., Washington, D.C. 20201, telephone (202) 245-6318, may be contacted for general information and transcripts of the meeting.

Dated: November 16, 1981.

Maureen E. Corcoran,

Executive Secretary, Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants.

[FR Doc. 81-33489 Filed 11-18-81; 8:45 am]

BILLING CODE 4190-15-M

Health Care Financing Administration; Statement of Organization, Functions, and Delegations of Authority

Part F of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA) is amended to reflect the reorganization of HCFA. Part F now reads as follows:

Section F.00 Health Care Financing Administration (Mission)

The mission of the Health Care Financing Administration (HCFA) is to administer the Medicare and Medicaid programs and related provisions of the Social Security Act in a manner which (1) promotes the timely and economic delivery of appropriate quality health care to eligible beneficiaries, (2) promotes beneficiary awareness of the services for which they are eligible and improves the accessibility of those services, and (3) promotes efficiency and quality within the total health care delivery system. To accomplish this mission, HCFA provides operational direction and policy guidance for the nation-wide administration of the Medicare and Medicaid health care financing programs; the Professional Standards Review Organizations (PSRO) and related quality assurance programs designed to promote quality, safety, and appropriateness of health care services provided under Medicare and Medicaid; quality control programs designed to assure the financial integrity of Medicare and Medicaid funds; and various policy planning, research and demonstration activities. HCFA coordinates, with the Office of the Secretary of the Department of Health and Human Services.

Section F.10 Health Care Financing Administration (Organization)

The Health Care Financing Administration (HCFA) is an Operating Division of the Department. It is headed by an Administrator, HCFA, who

reports to the Secretary and it consists of the following organizational elements:

A. Office of the Administrator (F).

B. Office of Executive Operations (FE).

C. Office of the Associate Administrator for External Affairs (FG).

D. Office of the Associate Administrator for Management and Support Services (FH).

E. Office of the Associate Administrator for Operations (FP).

F. Office of the Associate Administrator for Policy (FQ).

Section F.20 Office of the Administrator (F) (Functions)

The Administrator directs the planning, coordination and implementation of the programs under Titles XI, XVIII, and XIX of the Social Security Act and related statutes, as amended, and directs the development of effective relationships between these programs and private and Federally supported health-related programs. Within broad Department of Health and Human Services policy and guidelines, the Administrator oversees the establishment of program goals and objectives and the development of policies, standards and guidelines; evaluates progress in the administration of HCFA programs; and ensures that required actions are taken to direct or redirect efforts to achieve program objectives. The Administrator works with the States, other Federal agencies and other concerned nongovernmental organizations in administering health care financing programs. The Administrator is assisted by a general deputy, who functions with full authority during the Administrator's absence.

A. Provider Reimbursement Review Board (F-6)

The Provider Reimbursement Review Board (PRRB) is a quasi-judicial activity headed by a chairperson who is not substantively under the authority of any individual within HCFA. The chairperson conducts hearings and renders decisions on appeals from Medicare providers under circumstances described in Section 1878 of the Social Security Act. The Provider Reimbursement Reveiw Board receives administrative support from the Office of the Associate Administrator for Management and Support Services, Office of Management and Budget.

B. Office of the Attorney Advisor (F-7)

The Office of the Attorney Advisor is headed by a Supervisory Attorney Advisor with reporting responsibility to the Administrator, HCFA. The Supervisory Attorney Advisory recommends initiation of "own motion review" of Provider Reimbursement Review Board decisions under Section 1878(f)(1) of the Social Security Act, as amended. Evaluates cases under "own motion review" and recommends as to the disposition of such cases by the Administrator. The Office of the Attorney Advisor receives administrative support from the Office of the Associate Administrator for Management and Support Services, Office of Management and Budget.

Section FE.10 Office of Executive Operations (FE) (Organization)

The Office of Executive Operations (OEO), under the leadership of the Director for Executive Operations, includes:

A. The Office of Executive Secretariat (FEA).

B. The Office of Issuances (FEB).

C. The Office of Regulations Management (FEC).

Section FE.20 Office of Executive Operations (FE) (Functions)

The Director, Office of Executive Operations (OEO) assures the exchange of important information among the Administrator, HCFA components, and the Office of the Secretary. Prepares or coordinates the preparation of written documents in order to assist the Administrator in resolving HCFA program and administrative policy issues. Coordinates the preparation of manuals and other policy issuances required to meet the instructional and informational needs of providers, contractors, State agencies, regional offices, Professional Standards Review Organizations, the Social Security Administration, and other audiences directly involved in the administration of HCFA programs. Manages the HCFA system for developing regulations, setting regulation priorities, and corresponding work agendas. Serves as the HCFA **Federal Register** contact point.

A. Office of Executive Secretariat (FEA)

Assists the HCFA Administrator and the Director, Office of Executive Operations in the resolution of agency program and administrative policy matters through memoranda, action documents, or correspondence. Monitors HCFA performance in developing necessary documents for the Administrator's review. Manages the clearance system and reviews documents for consistency with the Administrator's and Secretary's assignments, previous decisions on related matters, and editorial standards. Facilitates the resolution of issues connected with matters forwarded to the Administrator. Operates the agency-wide correspondence tracking and control system, and provides guidance and technical assistance on standards for content of correspondence and memoranda. Serves as a primary focal point for liaison with the Executive Secretariat in the Office of the Secretary on HCFA program and policy matters as well as special administrative matters.

B. Office of Issuances (FEB)

Coordinates the preparation of manuals and other policy issuances required to meet the instructional and informational needs of providers, contractors, State agencies, regional offices, Professional Standards Review Organizations, the Social Security Administration, and other audiences directly involved in the administration of HCFA programs. Reviews all issuances for clarity and consistency among various HCFA components. Develop guidelines for the preparation, clearance, and issuance of instructions. Oversees the clearance of proposed instructions. Reviews materials prepared by regional offices, contractors, and others for conformance with national policies. Analyzes and proposes means of simplifying and consolidating the issuance system from the user point of view.

C. Office of Regulations Management (FEC)

Manages the HCFA process for developing regulations, setting regulation priorities, and corresponding work agendas. Coordinates for the Administrator the development of all policy documents associated with specific regulations under development. Negotiates work plans with major HCFA operating components for the development of each regulation and monitors performance through a computerized tracking system. Works jointly with HCFA and the Office of the General Counsel to identify and resolve all issues associated with each regulation. Manages the HCFA process for substantive review and clearance of regulations within HCFA, and with the Office of the General Counsel. Establishes editorial and technical standards for writing regulations. Reviews each regulation to ensure consistency with **Federal Register** technical requirements, editorial standards, and policy agreements reached during the development of the regulation. Serves as liaison on regulation issues to the Office of the Secretary, the Office of the General

Counsel, other Department and Federal agencies, and the **Federal Register.** Provides training to HCFA regulation writers and clerical staff.

Section FG.10 Office of the Associate Administrator for External Affairs (FG) (Organization)

The office of the Associate Administrator for External Affairs (AAEA) under the leadership of the Associate Administrator for External Affairs, includes:

A. The Office of Professional and Scientific Affairs (FGA).

B. The Office of Beneficiary Services (FGB).

C. The Office of Public Affairs (FGC).

D. The Office of Intergovernmental Affairs (FGE).

Section FG.20 Office of The Associate Administrator for External Affairs (FG) (Functions)

The Associate Administrator for External Affairs (AAEA) is responsible for the effective direction and implementation of HCFA policies, rules and procedures in the areas of; liaison with external medical, dental, and allied health practitioners, institutional providers of health services, and academic institutions responsible for the education of health care professionals; advising the Administrator, HCFA, and HCFA components concerning the services, requirements, and initiatives relating to HCFA beneficiaries and recipients; directing the public affairs activities of HCFA; and providing direction for HCFA in the area of intergovernmental affairs, including advising the Administrator on all policy and program matters which affect other HCFA units and levels of government.

A. Office of Professional and Scientific Affairs (FGA)

Maintains liaison with external medical, dental, and allied health practitioners, institutional providers of health services, and academic institutons responsible for the education of health care professionals. Provides professional knowledge and makes recommendations to the Associate Administrator for External Affairs and manages in the development of policies, regulations, procedures, and legislative proposals which affect the health care field. Serves as the focal point in HCFA for external health care groups to gain an understanding of HCFA objectives. Evaluates and transmits suggestions and criticisms from the health care field to the Associate Administrator for External Affairs. Promotes an exchange of viewpoints between the health care field and HCFA components.

B. Office of Beneficiary Services (FGB)

Provides advisory services to the Associate Administrator for External Affairs and HCFA components concerning the services for, needs of, and initiatives relating to HCFA beneficiaries and recipients. Promotes an awareness of the concerns of the elderly and needy among HCFA components developing program policies and regulations and legislative proposals. Analyzes the impact of proposed HCFA policies, regulations and instructions on beneficiaries. Maintains close working relationships with HCFA central and regional components, Social Security Administration District Offices, other Federal agencies, state agencies, and beneficiary consumer groups to identify and assess the need for information, benefits and services; the impact of proposed HCFA actions; and the effects that operating systems and programs have on health care recipients. Presents the overall HCFA mission and promotes its acceptance by health care beneficiaries. Participates with other HCFA components in the development and implementation of program objectives and strategies pertaining to beneficiary services. Through direct contact with elderly and needy, and/or their representative groups, determines their health care requirements and provides this information to HCFA components. Responds to beneficiary and recipient referrals concerning unique health or health-related problems.

C. Office of Public Affairs (FGC)

Plans, directs and coordinates the public affairs activities of HCFA including: media relations, production of radio, television, and film products, and preparation of general purpose publications. Provides advice and counsel from a Public Affairs perspective to the Associate Administrator for External Affairs and all HCFA components. Reviews and clears all print, audio-visual and exhibit plans and material intended for external dissemination and serves as clearance liaison with the Office of the Secretary, Office of Public Affairs. Maintains liaison with external groups, including the health care industry and intergovernmental organizations to provide information about HCFA programs, policies, and activities. Administers Freedom of Information Act responsibilities for HCFA.

1. *Division of Public Information (FGC1).* Produces information for the general public, health care industry, health insurance industry, intergovernmental organizations, beneficiaries and HCFA employees about HCFA activities. Prepares news releases, fact sheets, and other public information materials related to HCFA programs for the electronic and print media. Develops and coordinates news media interviews with HCFA senior staff. Publishes general purpose wide-circulation publications on HCFA programs.

2. *Division of Program Development (FGC2).* Maintains contacts with HCFA program components and outside groups and organizations to determine public information needs regarding HCFA programs. Develops and manages the HCFA External Affairs Plan. Coordinates HCFA resources on behalf of maintaining a continuing flow of information and views to particular outside organizations. Plans and manages a field information program designed to assist public information managers of State and local agencies administering HCFA-supported programs and funds.

D. Office of Intergovernmental Affairs (FGE)

Provides leadership for HCFA in the area of intergovernmental affairs. Advises the Associate Administrator for External Affairs on all policy and program matters which affect other units and levels of government. In coordination with the Deputy Under Secretary for Intergovernmental Affairs, the Principal Regional Officials, and other HCFA Offices, meets with key State and local officials in order to strengthen HCFA's relationships with other governmental jurisdictions, and to resolve sensitive intergovernmental problems and issues. Reviews and consults with State and local officials regarding proposed HCFA policy and operational issuances. Assesses the impact on States and localities of HCFA actions involving penalties, disallowances, compliance actions or new performance standards. Assists States and localities in requesting and obtaining technical materials, assistance and support from appropriate HCFA components. Upon State request, arranges for the exchange of HCFA staff with State and local agencies. Develops and provides briefings on intergovernmental affairs issues for HCFA staff. Briefs State and local agencies on HCFA's mission, organization and functions.

Section FH.10 The Office of the Associate Administrator for Management and Support Services (FH) (Organization)

The Office of the Associate Administrator for Management and Support Services (OAAMSS), under the leadership of the Associate Administrator for Management and Support Services, includes:

A. The Office of Management and Budget (FHA).

B. The Bureau of Support Services (FHB).

C. The Equal Opportunity Office (FHC).

D. The Bureau of Data Management and Strategy (FHE).

Section FH.20 Office of the Associate Administrator for Management and Support Services (FH) (Functions)

The Associate Administrator for Management and Support Services (AAMSS) is responsible for the direction and implementation of HCFA policies, rules and procedures in the areas of: financial, personnel and contracts management, project grant administration, management evaluation of analysis and administrative services; Medicare reimbursement to direct-dealing providers, the nationwide operation of a centralized Automated Data Processing (ADP) and telecommunications facility; establishing and maintaining computerized records supporting HCFA programs; administering an actuarial program which includes analysis of health care financing issues; developing and coordinating information and statistical plans and policies; maintaining a statistical data system which will provide program accountability data to the Administrator, HCFA, Congress and the public; equal employment opportunity and civil rights programs.

A. Office of Management and Budget (FHA)

Provides HCFA-wide policy direction, coordination, and control in the areas of budget, financial and accounting operations, personnel, management evaluation and analysis, administrative services, project grants, contracting and procurement, and work planning. Develops and promulgates HCFA policy in these functional areas and executes these policies throughout HCFA. Serves as the Chief Administrative Officer for the Agency.

1. *Office of Financial Management Services (FHA1).* Provides financial and accounting services, leadership and policy direction for HCFA's financial management program, including preparation, justification and execution of the HCFA budget and financial and manpower management policies and activities. Develops and manages the HCFA accounting, budget, manpower management and cost allocation systems.

a. *Division of Budget (FHA11).* Consolidates, prepares and executes HCFA's budget and operates HCFA's budget system. Serves as the central information point for all budgetary matters including interagency agreements impacting HCFA funding and transfer of funds to and from other agencies. Reviews proposed and existing legislation and coordinates the development of materials detailing budgetary impact for consistency with HCFA fiscal budgets and plans. Provides advice on reporting of program and financial data necessary for presentation and defense of budget requests. Provides advice, guidance, and assistance to HCFA components in the development of budget justification materials and analysis, including implementation of zero base budgeting, mission budgeting, current services budgeting, and other budgetary principles required by the Office of the Secretary, HHS; the Office of Management and Budget (Executive Office of the President) and the Congress.

Provides technical directions to HCFA regional components on all budgetary matters. Develops budget control systems necessary to insure that appropriate measures are in place to prevent violation of Anti-Deficiency Act. Maintains and monitors an allotment and allowance system sufficient to pinpoint responsibility and accountability for Federal funds.

b. *Division and Accounting (FHA12).* Plans, directs and operates the HCFA accounting, fiscal and financial reporting functions. Administers and operates the HCFA accounting system. Establishes policy for the allocation of costs among appropriations. Develops methodologies to determine costs by program, organization and source of funds. Performs accounting functions for all appropriations, fund warrants, apportionments, allotments and allowances. Processes all obligations and expenditure documents, including verification of entitlement for all commercial and intergovernmental financial transactions for the compensation and related cost of personnel (payroll), and for employee travel and transportation (domestic and foreign). Reviews time and attendance reports prior to transmittal to the Central Payroll Office, resolves employee leave and payroll problems, and conducts a time and attendance report preparation training program. Peforms accounting for all grants issued to fund programs, and schedules payments by check to those grantees not funded through Departmental Federal Assistance Financing System (DFAFS). Reviews and reconciles grantees' advance accounts on the basis of verified expenditures. Monitors and reconciles data generated in Agency appropriations as a result of entries made in the Regional Accounting System. Provides cashier services, processes collections, and maintains accounts receivable control records. Develops accounting policy and procedures for HCFA.

c. *Division of Financial Systems (FHA13).* Provides the Office of Financial Management Services with internal systems expertise to develop and maintain automated financial systems. Develops analysis of requirements, and general systems specifications to support financial management systems. Maintains and operates all automated financial management systems.

d. *Division of Program Review (FHA14).* Provides the Director, Office of Management and Budget with staff expertise in the review and analysis of budgetary, operational, legislative or regulatory proposals by HCFA operating components. Reviews these proposals to determine fiscal impact on the consistency with HCFA and the Department management and programmatic objectives. Develops financial management policy as it relates to HCFA's programmatic objectives. Directs allocation of HCFA manpower among HCFA components, issues manpower employment ceilings and authorized position ceilings, and directs HCFA manpower management system. Assures the validity of cost allocation data and monitors adherence to financial management policies among HCFA components.

2. *Office of Management Services (FHA2).* Provides service, policy direction and coordination with respect to HCFA's management program, including the planning and execution of management processes, management analysis, organizational analysis, and management control systems. Develops HCFA policy in these areas and assures the implementation of these policies throughout HCFA.

a. *Division of Management Planning and Analysis (FHA21).* Directs the development and implementation of HCFA-wide processes by which HCFA plans, organizes and controls its activities to accomplish programmatic

goals. Provides policy direction and coordinates HCFA efforts in support of the Departmental Major Initiative Tracking System (MITS) and Departmental systems to track and control the reduction of fraud, abuse and waste (FAW) in the Department programs. Provides the Administrator, the Associate Administrator for Management and Support Services and the Director, Office of Management and Budget with analytic support in preparing HCFA MITS and FAW submissions for the Office of the Secretary. Plans and conducts management studies of major program or administrative issues as assigned by the Director, Office of Management and Budget.

b. *Division of Management Support (FHA22).* Develops policy for and monitors HCFA-wide management directives and directs publication of the administrative issuances system. Establishes policies and procedures for clearing public-use reports and coordinates the reduction of paperwork burden. Conducts organizational analyses and studies to assess and improve the structural and functional organization of HCFA. Provides advice and assistance to HCFA components in the development of organizational proposals. Develops policies and procedures for the issuance of delegations of authority. Prepares functional analyses for Director, Office of Management and Budget on proposed HCFA component organizational structures and delegations of authority. Maintains the official HCFA record of organization and assigns and maintains the structural administrative codes. Develops and maintains HCFA policies and procedures manual. Provides internal support as needed to the Office of Management Services with respect to the ongoing development and operations of the HCFA management control systems.

3. *Office of Human Resources and Administrative Services (FHA3).* Provides services, policy direction, coordination and broad operational control of HCFA's personnel and related activities, labor relations, administrative services, project grants, contracting and procurement, facilities management, and related support services. Develops and promulgates HCFA-wide policy to these areas.

a. *Division of Human Resources (FHA31).* Provides services, leadership, direction and control with respect to personnel and related services within HCFA. Serves as the principal advisor to the Associate Administrator for Management and Support Services and the Director, Office of Management and Budget on the operation of HCFA's personnel system including recruitment and placement, position classification, performance appraisal, employee and labor relations, employee development and training and organizational development.

b. *Division of Procurement Services (FHA32).* Provides procurement services for other HCFA components including project grant and contract solicitation, award and administration; cost and advisory function; and procurement related training. Monitors annual HCFA contract plan and prepares and submits required reports. Solicits, negotiates, analyzes, and coordinates proposal evaluation and prepares and awards contracts.

c. *Division of General Services (FHA33).* Provides direct service or establishes policy for other HCFA components with respect to facilities and property management, supply, security and personal services, including space acquisition, management and maintenance, conference facilities, occupational safety and health, emergency preparedness planning, parking and other activities related to environmental and health matters. Provides or secures labor, warehouse, shipping, moving services, equipment loans, machine repairs, rentals, etc. Develops comprehensive budget estimates for and management of centralized facilities management funds.

d. *Division of Communications Services (FHA34).* Provides service, leadership, direction and control of HCFA's publications, printing, records management, mail services, library services, word processing services and telecommunications. Serves as principal advisor to the Director, OHRAS and is responsible for the direction, control, and maintenance of centralized publications, including storage, distribution, printing and reproduction of publications, correspondence management, Alpha-Numeric Filing Code System, processing, control, and distribution of incoming and outgoing mail.

e. *Procurement Policy Staff (FHA3–5).* Plans, develops and implements comprehensive policies and procedures for HCFA grant and contract programs. Evaluates procurement, grant and contract practices in HCFA components to assure compliance by HCFA's components with law, policy and regulations. Serves as principal point of contact with Departmental officials on matters of grant, contract, and procurement policy. Assures implementation of the Federal Grants and Cooperative Agreements Act. Provides reports as required by the Federal Procurement Data System.

B. Bureau of Support Services (FHB)

Provides direction for the nationwide operation of a centralized ADP and telecommunications facility for HCFA, including systems analysis, programming, computer operations, and data transmission. Provides reimbursement services to providers that choose to receive Medicare payments directly from HCFA. Establishes and maintains computerized records supporting HCFA programs, including records for determining entitlement to the utilization of Medicare benefits and various administrative and program management records that facilitate the administration of HCFA programs.

1. *Management Staff (FHB–1).* Develops, coordinates, and directs a management for the Bureau, including organization planning and other management analysis functions, financial management, manpower selection and placement, training and employee development, position control and manpower utilization. Develops and issues project control, problem area reporting, coordination of operational planning activities, management information, and a variety of administrative support services including property and space management.

2. *Systems Policy and Planning Staff (FHB–2).* Develops HCFA ADP policy in the areas of systems clearances, equipment procurement, contractual services, telecommunications, data base management, office automation, standards, HCFA computer security, and privacy. Monitors systems activities to insure adherence to established policies. In conjunction with appropriate HCFA users and staff, develops short and long-range ADP and telecommunications design concepts and plans. Coordinates planning and objective setting of all HCFA components having ADP responsibilities. Conducts special ADP and feasibility studies and recommends selected HCFA systems integrations. Reviews major systems development requests and recommends appropriate action. Defines resource accounting information requirements necessary to maintain an awareness of systems resource utilization within HCFA and the Bureau. Provides ADP liaison with HCFA Regional Offices. Insures that HCFA APD policy, planning, and systems evaluation activities reflect available state-of-the-art technology.

3. *Office of Administrative Systems (FHB3).* Provides ADP and telecommunications support to HCFA with respect to personnel management systems, financial management and administrative systems, management information systems, workload and operating statistical systems, quality control information systems, End-Stage Renal Disease master file and cost analysis systems, operational information support systems, and beneficiary and provider statistical systems. Provides consultative support to develop application of office automation equipment (word processors) to insure compatibility within the Agency, operates various input devices to convert data in machine readable form, and directs a correspondence and control staff with respect to inquiries related to health insurance utilization records.

a. *Division of Administrative Management Systems (FHB31).* Provides ADP telecommunications administrative support systems to HCFA headquarters including administrative personnel support systems, administrative financial management systems, and special administrative projects. Provides technical support to HCFA Regional Offices in administative management systems. Provides consultative support to develop applications of office automation equipment to insure compatibility within the Agency. Provides telecommunications services and software support services to other HCFA components in the development of administrative systems. Operates and maintains facsimile transmission equipment.

b. *Division of Program Management Systems (FHB32).* Provides ADP and telecommunications program support systems for the processing and analysis of a wide variety of HCFA program data. Prepares programs and procedures for special studies, statistical samplings, workload and operating statistical systems, quality control information systems, End-Stage Renal Disease master file and cost analysis systems, operational support systems, beneficiary and provider statistical systems and the Medicaid Quality Control System. Provides technical support to HCFA Regional Offices in program management systems areas, and provides technical and latest state-of-the-art expertise to analysts, statisticians and actuaries within HCFA and the Department. Directs a correspondence control staff with respect to inquiries regarding health insurance utilization.

4. *Office of Computer Operations (FHB4).* Operates, maintains and establishes workload planning and controls for ADP and telecommunications network equipment in HCFA (with the exception of designated self-contained user ADP equipment facilities). Analyzes, modifies and maintains the operating and telecommunications systems software for HCFA computing facilities. Analyzes and installs vendor-supplies software. Monitors ADP equipment and telecommunications network utilization and performance. Determines additional and replacement equipment needs. Assures the security of operating systems software and the physical security of HCFA computer facilities.

a. *Division of ADP Equipment Operations (FHB41).* Operates, maintains and establishes workload planning and controls for ADP and telecommunications network equipment in HCFA computing facilities (with the exception of designated self-contained user ADP equipment facilities), including EAM equipment. Reports all hardware and software failures for corrective action and maintains an inventory of all ADP files. Facilitates exchanges of machinable files, where required. Schedules all work to be processed in the computer center, assembles input data for processing and reviews outputs for completeness and quality. Coordinates resolution of identified hardware and software problems with appropriate vendors.

b. *Division of Systems Programming (FHB42).* Analyzes, modifies, and maintains the operating systems software for the computer center in the areas of operating systems, telecommunications, minicomputers, and data base management. Analyzes and installs vendor-supplied software related to operating systems, telecommunications, minicomputers, office automation equipment, and data base management. Assures the security of operating systems software.

c. *Division of Equipment Utilization and Control (FHB43).* Monitors ADP equipment and telecommunications network utilization and performance. Recommends appropriate reconfigurations to improve performance. Maintains an inventory of all ADP equipment. Monitors the acquisition of new equipment and provides procurement liaison on new equipment acquisitions. Assures physical security of HCFA computer facilities. Develops ADP equipment systems to support ADP user requirements for projects not co-located with the HCFA computer facilities. Analyzes need for additional or replacement equipment and initiates procurement action.

5. *Office of Health Program Systems (FHB5).* Direct the design, development, implementation and maintenance of all ADP systems and clerical support services for Medicare beneficiary master enrollment and utilization records and Medicare/Medicaid provider master file.

a. *Division of Beneficiary and Provider Systems (FHB51).* Designs and implements both the clerical and ADP operating policies, procedures, systems and instructions for development and maintenance of a master file of all individuals eligible for Medicare benefits (including Railroad Retirement annuitants); enrollment of beneficiaries; issuance of identification cards; posting of benefit utilization data; responding to utilization queries from intermediaries and carriers; issuance of notices of benefit utilization; accounting controls for reconciliation and audit of providers and carriers; determination, billing, and collection of health insurance premium liability from third-party entities and direct paying beneficiaries; determination and reconciliation of the payment liability for Group Practice Prepayment Plan (GPPP) and Health Maintenance Organizations (HMO). Furnishes a variety of management data for review, appraisal and planning purposes and assists other HCFA systems components.

b. *Division of Operations (FHB52).* Provides a clerical data entry and data handling capability for the Office of Health Program Systems (OHPS) to control and process a variety of bill, query, enrollment and premium billing transactions. Receives and resolves data errors from the ADP processes and prepares corrective data for reentry into the automated system. Maintains microfilm files for search and microprint services. Provides technical services to Office programming personnel. Releases OHPS-prepared computer programs and procedures.

6. *Office of Direct Reimbursement (FHB6).* Directs HCFA's function of reimbursing those Medicare providers who are reimbursed directly by the Federal government. Plans and designs operations systems and develops methods and procedures for the review, disallowance or authorization of Medicare claims submitted by these providers. Determines the methods and procedures for interim reimbursement and establishes interim reimbursement rates. Receives and analyzes Medicare cost reports submitted by these providers to validate aggregate and

program costs to determine final Medicare program payments. Participates with Departmental components in a wide range of experimental health care delivery projects. Performs claims adjudication, cost reimbursement, and data collection for demonstration projects. Provides a setting for testing proposed policies and procedures which impact on fiscal intermediary operations, and provides the capacity for serving specialized providers.

a. *Technical Support Staff (FHB6–1).* Coordinates all assignments, projects and activities involving more than one of the Office's divisions. Provides direction and assistance to assure performance of assigned responsibilities. Serves as a liaison point for communicating with providers of services and with outside organizations whose activities interrelate with the Office of Direct Reimbursement (ODR). Carries out a comprehensive internal quality assurance program. Negotiates and awards individual Medicare or joint Medicare/Medicaid audit contracts with CPA firms with respect to direct-dealing providers. Coordinates ODR activities with respect to cost report appeals from providers and beneficiary appeals involving direct-dealing facilities.

b. *Division of Provider Reimbursement (FHB62).* Develops procedures for and establishes interim reimbursement rates for direct-dealing providers. Determines final provider reimbursement. Assesses provider accounting structures and reporting capability to determine reimbursement formulas, arranges for audits, determines final program liability, and provides advise and interpretations regarding program matters. Plans, directs and coordinates studies of the administrative and fiscal arrangements of municipal hospitals and health care cooperatives to determine the need for and to develop special policies, procedures and audits. Maintains liaison with Federal hospitals providing emergency services and develops reimbursement policies and procedures for payments.

c. *Division of Claims Processing (FHB63).* Plans, directs, coordinates and performs the examination, review, authorization of payment or disallowance of Medicare bills submitted by direct-dealing providers. Designs systems and develops methods and procedures for processing these bills. Collaborates and follows up with other HCFA components, as necessary, on problems involving health care reimbursement systems. Determines payment methods, procedures, and policies. Programs and maintains electronic operations for provider payment. Determines the amount, method and frequency of utilization adjustments. Participates with HCFA components and other Governmental and nongovernmental organizations on projects to develop unified and innovative health care reimbursement mechanisms.

d. *Division of Health Service Studies (FHB64).* Serves as fiscal intermediary for experiments and demonstrations conducted under legislative authorities in the Social Security Act and Public Health Service Act. Provides a wide range of duties related to the development, implementation and ongoing operation of the demonstrations. Provides technical advice and assistance, prior to the start of the demonstrations and throughout the period of the experiment, to other bureaus and agencies in developing service definitions, reimbursements protocols, contracts and reporting mechanisms. Designs and establishes information systems for compiling demonstration payment and service data for evaluator use. Develops cost reporting and billing systems. Acts as liaison between governmental agencies, service contractors, evaluation contractors and Medicare carriers and intermediaries participating in demonstration activities.

C. Equal Opportunity Office (FHC)

Provides principal advisory services to the Administrator and the Associate Administrator for Management and Support Services concerning equal employment opportunity and civil rights policies and programs. Develops equal employment opportunity and voluntary civil rights compliance policy for HCFA and assesses the Agency's compliance with applicable equal opportunity statutes, executive orders, regulations and policies. Identifies policy and operational issues and proposes solutions for resolving these issues. Serves as the central liaison point with the Department on equal employment opportunity and civil rights issues. Coordinates the development of HCFA affirmative equal employment opportunity (EEO) plans and evaluates their implementation by HCFA components. Promotes EEO special emphasis programs and activities affecting the concerns of minority groups and women. Provides for conciliation and ajudication of informal and formal discrimination complaints by means of EEO counseling, formal hearings, issuance of final decisions, etc. Manages, coordinates and monitors HCFA's civil rights activities working directly with bureau and office personnel. Develops and implements civil rights plans, systems and activities to promote voluntary compliance with Title VI of the Civil Rights Act of 1964, Section 504, Rehabilitation Act of 1973 and other related statutes or Executive Orders.

D. Bureau of Data Management and Strategy (FHE)

Manages statistical data system on HCFA programs to support program decisions by various HCFA components. Provides mathematical and statistical programming required to answer research inquiries. Develops and coordinates statistical and information policy. Conducts and directs the actuarial program for HCFA and directs the development of an methodologies for economic analysis of health care financing issues. Coordinates the development of HCFA information policy as it relates to HCFA's long-range information plans with nonfederal segments of the health care industry. Develop common coding standards and quality assurance monitoring mechanisms. Provides technical information planning and development review of HCFA data collection initiatives. Coordinates the development of special purpose statistical data bases required for assessing the impact of proposals which change health care financing programs, special research and evaluation studies and for general data dissemination. Designs and develops the production of periodic statistical tabulations to assess the characteristics of HCFA beneficiaries and the utilizations and cost of program benefits.

1. *Office of Financial and Actuarial Analysis (FHE1).* Conducts and directs the actuarial program for HCFA and directs the development of and methodologies for macroeconomic analysis of health care financing issues. Performs actuarial, economic, and demographic studies to predict HCFA program expenditures under current law and under proposed modifications to current law. Provides program estimates for use in the President's budget and for reports required by the Congress. Studies questions concerned with financing present and future health programs, evaluates operations of the Federal Hospital Insurance Trust Fund and Supplementary Medical Insurance Trust Fund, and performs macroanalyses for the purpose of assessing the impact of various factors of health care financing upon costs of Federal programs. Develops and conducts studies to estimate and project

national and area health expenditures. Analyzes trend data sources such as the Consumer Price Index (CPI) to develop projections of health care costs. Analyzes data on physicians' costs and charges to develop reimbursement indices, and monitors expansion of services and inflation of costs in the health care sector. Publishes cost projections and economic analyses, and provides actuarial, technical advice and consultation to HCFA components, governmental components, Congress, and outside organizations.

a. *Division of Medicare Cost Estimates (FHE11).* Evaluates operations of the Medicare trust funds, concerning income and outgo and the necessary tax rates for program solvency. Prepares cost estimates for the Hospital Insurance program and the Supplementary Medical Insurance program for use in the President's budget. Develops such variables as the Part B premium rate, the inpatient deductible, the Part A premium rate for voluntary enrollers, and the physician economic index applicable to prevailing fees. Computes workload estimates of the impact of modifications in program benefits and financing. Combines acturial, economic, statistical, and program analytical skills in preparing its estimates and provides these combined skills as technical consultants throughout the government.

b. *Division of Medicaid Cost Estimates (FHE12).* Provides cost estimates of the Medicaid program and any proposed legislative changes in the program. Creates and maintains a State by State data base relating to the low income population, their health use and incurred and expected costs. Conducts studies measuring the effect of changes in the economy or national health care system on the Medicaid program. Develops annual Medicaid program budget requirements for the President's budget preparation and presentation, including the Congressional justification. Prepares long-range program cost estimates, determines gross rates of program cost changes, and revises data requirements for future program costs. Prepares costs estimates for legislative proposals affecting Medicaid benefits and administrative costs. Provides actuarial, statistical, and economic consultation to the HCFA components, States, or outside organizations.

c. *Division of National Cost Estimates (FHE13).* Monitors prices, utilization and costs of health care and analyzes their impact on HCFA programs and the implications for the national economy. Develops and conducts studies to estimate, project, and analyze national and State health expenditures and the financial and enrollment experience of private health insurance. Prepares cost estimates of proposed national health initiatives. Synthesizes the results of economic and actuarial studies relating to estimating factors, such as the interaction between supply and demand, or the influences of cost sharing on costs, and develops and establishes methodologies for analyzing health care financing problems. Provides cost estimates for specific health areas such as capital, technology, malpractice, etc., in response to Congressional or Administration requests. Provides technical microanalyses for Administration or Department initiatives, such as cost containment, including calculating the economic effect of the proposal on a specific Congressional district or provider, determining the relative performance of a particular provider or group of providers in terms of costs or uses, and projects premium increases of health insurance companies in particular States.

2. *Office of Statistics and Data Management (FHE2).* Directs the development, maintenance, and utilization of data and statistical systems. Plans and designs procedures and programs to acquire and process data from internal and external sources. Establishes uniform specifications for research and statistical tapes obtained from outside contractors and examines from latest technological developments in data processing research. Manages and updates HCFA statistical data bases, and provides programming, data entry and coding services to other HCFA components. Provides information in quick response to inquiries from other HCFA components.

a. *Division of Data Production (FHE21).* Extracts from HCFA, SSA and other health-related sources, health care data necessary to support HCFA activities. Develops programs to array data in accordance with general specifications developed within HCFA. Integrates activities of health care data information processing networks. Develops and maintains file management systems, data storage techniques, file documentation libraries, and information retrieval systems.

b. *Division of Data Standards and Quality (FHE22).* Develops standards for, and monitors the quality and statistical reliability of, data received and processed by the AAMSS. Ensures the quality and integrity of program statistical data by advising and consulting on data collection policy and procedures, forms design, and forms clearance with other HCFA components requiring program data. Monitors and improves the accuracy and completeness of information obtained from HCFA contractors and other sources, prior to compilation of statistical data. Performs statistical data quality reviews for consistency and accuracy. Provides technical services in the development of common data element definitions and other data standards. Provides advisory and consultative services in the development and use of medical terminology and coding systems, and in the evaluation, development, and operation of automated medical coding systems.

c. *Division of Systems Development and Statistical Programming (FHE23).* Provides sophisticated computational and statistical services, mathematical modeling and simulation, systems analysis, and statistical programming. Designs systems configurations, data bases, and software packages for scientific applications and special purpose information retrieval and processing in support of projects undertaken by HCFA. Processes and disseminates nonrecurring technical documents and information.

d. *Division of Information Analysis (FHE24).* Disseminates statistical data, estimates, analyses, and related information on health-related programs in response to questions from legislators, program administrators, policy makers, researchers and health planners, in the public and private sectors, maintains a data library, including publications, computer output, microform, and machine-readable data files. Coordinates the development and use of special purpose statistical data bases which are required for supporting HCFA responsibilities in areas such as cost containment, evaluation of the impact of proposals for changing health care financing programs, special research and evaluation studies, and for general data dissemination. Evaluates and participates in determining data requirements and optimum methodologies for collecting, organizing, maintaining, updating, and retrieving the required statistical data.

3. *Office of Information Planning and Development (FHE3).* Develops and coordinates statistical and information policy. Develops and demonstrates prototype uniform reporting systems for the HCFA programs. Develops and tests common coding standards and quality assurance and monitoring mechanisms. Coordinates the development of HCFA information policy as it relates to HCFA's long-range information plans with nonfederal segments of the health

care industry. On request, provides technical statistical consulting services to various HCFA components.

Section FP.10 The Office of the Associate Administrator for Operations (FP) (Organization)

The Office of the Associate Administrator for Operations (OAAO), under the leadership of the Associate Administrator for Operations, includes:

A. The Bureau of Program Operations (FPA)

B. The Bureau of Quality Control (FPC)

C. The Health Standards and Quality Bureau (FPE)

D. The Office of the Regional Administrator (FPD)

Section FP.20 Office of the Associate Administrator for Operations (FP) (Functions)

The Associate Administrator for Operations (AAO) is responsible for the effective direction, coordination and implementation of all aspects of Central Office and Regional program operations, including the Medicare/Medicaid financial management systems; the development, negotiation, execution and management of contracts with Medicare contractors; the State plan amendment review process; the evaluation of contractor and State agencies against performance standards; and the statistically based quality control and penalty programs which measure the financial integrity of Medicare and Medicaid. The ten Regional Administrators report to the AAO through a Deputy Associate Administrator for Operations.

A. Bureau of Program Operations (FPA)

Provides direction and technical guidance for the nationwide administration of HCFA's health care financing and service delivery programs. Develops, negotiates, executes, and manages contracts with Medicare contractors and coordinates review of State plan amendments. Manages Medicare/Medicaid financial management systems, and national budgets for State and Medicare contractors. Establishes national policies and procedures for the procurement of claims processing and related services from the private sector. Defines the relative responsibilities of all parties in health care financing and service delivery operations and designs the operational system which link these parties. Directs the establishment of standards for contractors and State agencies and evaluates their performance against these standards which result in recommendations regarding termination, rewards, penalties, nonrenewals or other appropriate actions. Collects, disseminates, and analyzes operational data regarding contractor and State agency performance, including operational performance in reimbursement, recovery, Early and Periodic Screening, Diagnostic, and Treatment (EPSDT), End-Stage Renal Disease (ESRD) and intermediary reconsideration performance. Directs the processing of Part A beneficiary appeals and beneficiary overpayments. Promotes improved program management through implementing a corrective action strategy and serves as a clearinghouse of best management techniques. Manages HCFA's conference program with State and contractor groups for consultation and information exchange purposes and provides programmatic training for HCFA staff and training assistance to State contractor staffs for implementing management improvements. Coordinates and maintains liaison, as necessary, with other components inside and outside HCFA in developing and implementing health care financing and service delivery programs.

1. *Executive Office (FPA–1).* Develops, coordinates, and implements a Bureau management program which includes operational analysis, organizational analysis and planning, management information, internal Bureau financial management, including formulation and execution of the Bureau's budget, execution of work planning programs, manpower utilization, and personnel administration. Develops and implements a variety of Bureau-level program and administrative delegations of authority. Coordinates, monitors, and assesses Regional Office operations in areas of Bureau jurisdiction and ensures regional participation in formulating Medicare and Medicaid operating policies and procedures. Coordinates, for the Director, Bureau of Program Operations (BPO) matters of Bureau policy. Provides Bureau-wide guidance and technical assistance on correspondence tracking and control procedures and on standards of content for correspondence and memoranda. Serves as the primary focal point for the Bureau on operational as well as administrative inquiries. Coordinates Bureau replies on audit reports received from GAO, Office of the Inspector General, etc.

2. *Group Health Plans Operations Staff (FPA–2).* Develops, plans, and conducts a comprehensive program to contract with, and make payments to, Group Health Plans (Health Maintenance Organizations, Group Practice Prepayment Plans, and Comprehensive Health Centers) for provision of services under the Medicare program. Coordinates and monitors the implementation with other Bureaus, HCFA, and Departmental components as necessary on problems involving capitation formulae, medical reimbursement policies, systems and data collection. Determines the payments to Group Health Plans and the amounts, methods, and frequency of retroactive adjustments. Evaluates cost reporting and conducts a continuing audit program to determine final program liability. Conducts or participates in studies aimed at long-range improvements and the overall evaluation of the Group Health Plans.

3. *Office of Program Administration (FPA3).* Administers contracts with private organizations to perform Medicare program operations and the grants to States for Medicaid operation. Develops, negotiates, maintains, and modifies all primary contracts and agreements with intermediaries, carriers, States and other organizations required under titles XVIII and XIX of the Social Security Act. Provides direction and guidance to Central Office (CO) and Regional Office (RO) staff on contracts and contracting activities. Directs and coordinates all Bureau title XIX compliance activities. Develops, directs, and implements contract procurement including design, development and evaluation of experiments. Establishes policies and procedures to be used by all HCFA contractors and States in procurement of equipmment, facilities management, Medicaid Management Information System (MMIS), software and other services. Develops, implements and evaluates fiscal policies and financial management procedures for use by contractors, States and Regional Offices. Analyzes and evaluates claims processing and related budget estimates by contractors and State agencies. Investigates operating problems which are national in scope and recommends corrective action. Initiates experiments with new operational approaches. Assesses operational impact of program experiments proposed by HCFA's research and demonstration staffs.

a. *Division of Procurement (FPA31).* Develops, directs and implements HCFA contract procurement activities. Directs and supports contractors, State and Regional Office contract procurement activities. Review contractor configuration and recommends contractors to serve in specified areas. Establishes policies and procedures to be used by all HCFA contractors and

States in procurement of equipment, facilities management, MMIS, software and other services. Reviews and recommends approval of Request for Proposal (RFPs), and evaluates Regional Office oversight of data processing procurement activities. Prepares procurement-related policies, regulations, general instructions, and operating procedures. Designs, directs, and, as HCFA's Central Office representative, participates in all transition activities relating to contract limitations, terminations, extensions nonrenewals, and awards of contracts, including incentive type agreements. Maintains responsibility for the smooth an orderly transition of contract, administrative, and program functions and duties. Directs and participates in the design, development and evaluation of HCFA contract-related experiments.

b. *Division of Agreements (FPA32).* Develops, maintains, negotiates, and modifies all primary contracts and agreements with intermediaries, carriers and State agencies and other organizations as provided under title XVIII and XIX of the Social Security Act including those awarded on an experimental basis. Develops procedures for award, nonrenewal, termination, extension and amendments of contracts. Approves contracts and proposals to contract by State agencies under title XIX of the Act. Serves as the Bureau's representative in adjudicating contractor claims because of changes in work statements or other disputes involving the selection or nonselection of contractors. Directs contract related surveys requested by both the Executive and Legislative Branches of the Federal Government. Provides direction and guidance to Central Office and Regional Office staff on proposals to contract, contracts and contract procurement and maintains an oversight role on regional activity in the area of titles XVIII and XIX contracting and title XIX State agreements. In support of the Health Standards and Quality Bureau, reviews States' Memoranda of Understanding with PSROs for conformance with State agreements. The Division directs and coordinates all Bureau title XIX compliance activities. Evaluates State program noncompliance and makes recommendations concerning formal program compliance hearings and the resolution of issues. Supervises the maintenance and update of State plan materials including development of procedures and controls to monitor the status and adequacy of Plan amendments. Performs analyses of State Plans and prepares management reports on State plan status. Determines deficiencies in State plans and takes or recommends appropriate corrective action.

c. *Division of Operations (FPA33).* Serves as focal point in the Bureau for legislative matters affecting program operations. Recommends and develops legislative proposals and regulations for contractor and State program operations. Develops and implements operational experiments other than contract experiments and serves as liaison with the Office of the Associate Administrator for Policy/Office of Research and Demonstrations and other HCFA components involved in program initiatives impacting on operations. Determines the need for operational instructions to implement new program policies and legislation and coordinates the development of such instructions in the Bureau. Investigates operating problems which are national in scope and develops corrective action programs. Evaluates all operating experiments, including contract experimentation, and prepares reports for Congress and others. Administers a prior consultation program to assure that HCFA contractors and States have an opportunity to comment on proposed HCFA operating policies and instructions.

d. *Division of Budget (FPA34).* Develops policies and procedures by which State agencies, contractors and Regional Offices prepare and submit periodic budget estimates and reports. Analyzes and evaluates budget estimates submitted by contractors and State agencies. Evaluates cost effectiveness of contractor and State agency ADP systems proposals and determines proposal compliance with accepted accounting principles and procedures. Participates in experimental contract RFP preparation and proposal evaluation. Review periodic contractor and State agency expenditure reports to evaluate budget execution and allowability of costs. Designs, maintains, and, as necessary, revises the automated Contractor Administrative Cost Information System (CACIS). Provides top management and administrative staff with analysis of cost data assessing administrative cost of HCFA programs. Develops instructions for regional financial review in appropriate areas. Designs, implements and maintains an administrative cost reporting system for the title XIX State agencies. Reviews proposed and existing legislation and regulations to determine financial implications.

e. *Division of Financial Operations (FPA35).* Develops, implements and evaluates fiscal policies and procedures for use by States, contractors and Regional Offices. Develops, implements and monitors cash management letter-of-credit procedures for State agencies and contractors. Interprets cost reimbursement principles and policies related to operational accounting issues. Maintains liaison with Department of Treasury, HHS Audit Agency, Office of the Inspector General, General Accounting Office, Office of the General Counsel, and other public and private organizations. Prepares recommendations for final resolution of unresolved contractor audit issues. Negotiates unresolved contractor audit settlements referred by Regional Offices. Monitors implementation of contractor audit recommendations and furnishes appeal testimony before the Armed Services Board of Contract Appeals and the courts. Reviews Regional Office performance in financial management. Reviews and recommends disallowances of States' claims for Federal Financial Participation, and provides input for the consideration of disallowances. Provides technical assistance to regional staff in the financial review of the Medicaid program to determine the allowability of costs in accordance with Federal law and regulations and approved State Plans.

4. *Office of Methods and Systems (FPA4).* Develops and promulgates specifications, requirements, methods, systems, standards and procedures to implement and maintain operational systems for Medicare and Medicaid programs including detailed definition of the relative responsibilities of providers, State agencies, contractors, HCFA, and the beneficiaries of HCFA programs. Reviews and evaluates systems, systems plans and proposals of ADP acquisition/modifications involving carriers, intermediaries and State agencies and approves Federal Financial Participation for State Medicaid systems. Plans, directs and coordinates operational policy, systems, and procedures for the establishment and maintenance of Medicare entitlement, premium billing and collection and Medicaid eligibility. Directs and coordinates systems security with respect to Medicare and Medicaid contractors and State agencies.

a. *Division of Systems Review and Evaluation (FPA41).* Develops standards, procedures, guidelines and methodologies pertaining to the review, evaluation and assessment of contractors and State agency automated systems to determine their compliance

with published Federal requirements. Designs and employs test criteria to determine the accuracy and effectiveness of claims processing systems. Reviews State agency or fiscal agent MMIS for approval of increased Federal Financial Participation. Provides technical assistance to the Office of Program Administration and Regional Offices with respect to EDP procurements and reviews proposed hardware/software modifications and/or equipment upgrades. Establishes technical specifications for EDP procurement procedures and, where appropriate, conducts onsite reviews to determine the necessity and accuracy of such procurement requests. In conjunction with the Medicaid/Medicare Management Institute, serves as a clearinghouse for technical innovations and cost effective methodologies pertaining to the state-of-the-art in EDP development. Provides technical support for experimentation projects pertaining to the combining of all or part of Medicare Part A with Part B, and Medicare with Medicaid. Participates or provides technical assistance to the Medicaid/Medicare Management Institute in the conduct of technical training sessions with HCFA, contractors or State agencies.

b. *Division of Systems Planning and Development (FPA42).* Develops, directs and coordinates systems plans and studies for the effective integration of all Medicare and Medicaid automated and nonautomated processing systems at the State agency or contractor level. Designs and conducts studies, demonstrations and surveys to improve Medicare and Medicaid operational systems, methods and procedures. Designs and tests new automated information systems and model systems. Conducts reviews and performs analyses for future development of model systems functions in such areas as data management, data base systems analysis and design, distributed processing, terminal operations, minicomputers and operational security. Coordinates systems demonstration projects, and participates in the review and evaluation of systems-related application projects. Plans, develops and monitors systems requirements for titles XVIII and XIX and coordinates systems requirements for related programs such as child health assurance.

c. *Division of Eligibility Systems (FPA43).* Plans, directs and coordinates the development and improvement of operational policy, systems and procedures for the establishment and maintenance of Medicare entitlement records, for the billing and collection of Medicare premiums, for administering the State Buy-in agreements and for coordinating eligibility for individuals covered under the Medicare and Medicaid programs. In addition, assists States to plan, develop and implement Medicaid eligibility systems either as separate eligibility systems or in coordination with other related eligibility systems. Assesses the impact of operating systems on beneficiaries of HCFA programs and develops proposals to better meet their needs. Reviews adequacy of services furnished by the SSA in establishing eligibility for Medicare beneficiaries and collecting premiums. Plans, directs and coordinates the development and improvement of operational policy, systems and procedures at the contractor or State agency level with respect to systems security.

d. *Division of Methods and Systems Requirements (FPA44).* Directs the development and issuance of specifications, requirements, procedures, functional standards and instructional material to implement and maintain operational systems for processing Medicare and Medicaid claims and defining their applications to Medicare contractors, providers and suppliers of services, HCFA, States and beneficiaries of HCFA programs. Prepares general systems plans and develops requirements for the detailed design and programming for model systems used by Medicare contractors and by States in the administration of the Medicaid program. Plans, conducts and evaluates studies aimed at long-range improvements in systems, methods and procedures as they relate to the administration of the Medicare and Medicaid program and integration of systems within the framework of HCFA policies, goals and objectives, and to promote efficiency and cost effectiveness. Provides direction to, and liaison with, HCFA components involved in the maintenance of health insurance utilization records and contractor-HCFA data exchange systems and procedures.

5. *Office of Standards and Performance Evaluation (FPA5).* Establishes and monitors quantitative standards and qualitative requirements for contractors, State agencies and fiscal agents participating in the Medicare and Medicaid programs or in experimental arrangements. Coordinates responses to interested organizations prior to formal issuance of new standards and requirements. Develops, implements and maintains the Contractor Inspection and Evaluation Program (CIEP) and the Annual Contractor Evaluation Program (ACER) for the inspection and evaluation of contractors and the State Assessment Program for the evaluative reporting with regard to State agencies and fiscal agents. Develops the methodologies to evaluate the performance and to determine the operational effectiveness of contractors, State agencies and fiscal agents. Analyzes specific reports such as CIEPs, ACERs, State Assessment reports and other management and workload reports to investigate particular problem areas and to identify national trends. Prepares recommendations for the HCFA Administrator and the Associate Administrator for Operations concerning adverse actions with respect to State agencies and contractors as a result of poor performance. Designs and coordinates with other HCFA components a system of reports that generate Medicare contractor and Medicaid State agency and fiscal agent data of an administrative and program nature. Prepares reports explaining the nature of the statistical information obtained from the established reporting mechanisms. Establishes general specifications for an automated administrative information system for both Medicare and Medicaid. Reviews and evaluates contractor, State agency and State fiscal agent performance in carrying out HCFA reimbursement and service delivery policy including determining the correct amount of provider, physician and supplier overpayments and assists contractors, State agencies and fiscal agents in negotiations related to the acceptability of the technique for determining the amount of overpayment and the methods of recovery. When compromises are not appropriate and overpayments are uncollectable, prepares cases and, in general, assists the General Accounting Office, the Office of the General Counsel and the Department of Justice in filing suit. Prepares manual instructions concerning the proper determination and recovery of overpayments. Designs, implements and maintains a Medicare/Medicaid overpayment tracking system. Directs the processing of all Medicare (Part A) and Medicaid beneficiary appeals and beneficiary overpayments. Plans, directs and coordinates the processing of claims submitted for reconsiderations and hearings. Reviews Office of Hearings and Appeals, Social Security Administration decisions.

a. *Division of Standards (FPA51).* Establishes and monitors a program of qualitative and quantitative performance standards and

requirements for Part A and Part B Medicare contractors and Medicaid State agencies and fiscal agents. In terms of cost, quality and timeliness of operations, as well as adequacy of beneficiary services, quantifies and describes the acceptable levels of performance by which intermediaries, carriers, State agencies and fiscal agents are evaluated as participants in the Medicare or Medicaid programs or in operational experiments. Negotiates with Regional Offices, contractors, State agencies, fiscal agents, other HCFA components and national public and private professional organizations to arrive at a consensus on proposed or revised performance standards requirements prior to their formal issuance. Proposes to the Division of Performance Evaluation the integration of new standards and program requirements into, and the subsequent modification to, the Contract Inspection and Evaluation Program (CIEP), the Annual Contractor Evaluation Program (ACEP), and the State Assessment Program. Analyzes and monitors all quantitative and qualitative standards and program requirements to assess their operational validity and makes recommendations for appropriate changes. In response to special program needs, designs, develops and conducts special studies and/or coordinates with other HCFA components on the conduct of demonstration projects relating to the areas of responsibility of the Office of Standards and Performance Evaluation.

b. *Division of Reports and Analysis (FPA52).* Designs and develops a system of reports that generate Medicare contractor and Medicaid State agency and fiscal agent data regarding program administration. Reviews contractors', State agencies' and fiscal agents' reporting systems for consistency and ability to transmit the required information and prepares appropriate reporting changes. Prepares written interpretations and analyses of operating data to provide other Bureau components with information necessary in conducting performance evaluations. Develops specifications for an automated administrative information system for Medicare and Medicaid. Coordinates the development of the data set. Prepares statistical documents regarding program administration and operations for public distribution. Provides technical assistance to Regional Offices, contractors, State agencies and fiscal agents on reporting requirements.

c. *Division of Performance Evaluation (FPA53).* Develops a program for performance evaluation of Medicare contractors and Medicaid State agencies and fiscal agents. Develops, implements and maintains the Contract Inspection and Evaluation Program (CIEP) and the Annual Contractor Evaluation Program (ACEP) for the inspection and evaluation of contractors and the State Assessment Program for the evaluation of State agencies and fiscal agents. Provides technical direction and guidance to Regional Offices in their overall evaluation of the performance of contractors, State agencies and fiscal agents. Reviews CIEP reports, ACEP reports and State Assessment reports to determine the operational effectiveness of contractors, State agencies or fiscal agents. Identifies significant operational problems and/or issues of national concern with respect to contractors and State agencies. Coordinates appropriate Bureau action and works with other HCFA components to take necessary corrective action. Prepares comparative rankings of contractor and State agency performance. Prepares recommendations for the Associate Administrator for Operations concerning limitations, withholding of Federal funds, terminations or nonrenewal of Medicare contractors, or any sanctions or adverse actions against Medicaid State agencies or fiscal agents arising as a result of these reviews. Coordinates, for the Bureau of Program Operations, the review of Regional Office evaluations of contractor and State agency compliance with Central Office policies and procedures.

d. *Division of Reimbursement, Recovery and Reconsideration Evaluation (FPA54).* Reviews and evaluates contractor, State agency and State fiscal agent performance in carrying out HCFA reimbursement policies established by the Office of the Associate Administrator for Policy, Bureau of Program Policy. Prepares manual instructions for Regional Offices, contractors, State agencies and fiscal agents on the proper determination and recovery of overpayments of Medicare and Medicaid funds. Analyses, controls, and monitors outstanding overpayments to assure that contractors, State agencies and fiscal agents are identifying and collecting overpayments on a timely basis. Advises and assists Regional Offices, contractors, State agencies and fiscal agents in negotiations with providers, physicians and suppliers relating to the acceptability of particular techniques of determining the amount of overpayments, the responsibility for repayment and the method of recovery. Determines when recovery actions may be nonprofitable and recommends compromises to the Director, BPO. In cases for which recovery action is pursued, maintains the control system relating to the statute of limitations for filing suit; processes uncollectable overpayment cases to, and maintains liaison with, the General Accounting Office, the Office of the General Counsel and the Department of Justice. Provides the U.S. Attorney with complete documentation regarding overpayment cases. Directs the processing of all Medicare (Part A) and Medicaid beneficiary appeals the beneficiary overpayment. Plans, directs, and coordinates the processing of claims submitted for reconsideration and hearings. Reviews decisions by the Office of Hearings and Appeals, SSA with respect to the liability and amount of beneficiary overpayments. Evaluates and provides input to other HCFA components on the performance of contractors, State agencies and fiscal agents with respect to the processing of beneficiary appeals and overpayments.

6. *Medicaid/Medicare Management Institute (FPA6).* Serves as the focal point for corrective action initiatives, training programs, technical assistance, and dissemination of program management improvement information to States and contractors. Reviews program Management data and reports to identify and document program management problems. Manages and coordinates HCFA's conference and training programs for other agencies and organizations involved in Medicare and Medicaid management (e.g., State Medicaid agencies, Medicare contractors, State fraud and abuse agencies, PSROs, etc.). Coordinates HCFA interface with advisory groups such as the State Medicaid Directors' Council, the Carrier Representative Group and the Fiscal Intermediary Group. Sponsors technical program orientation and training for HCFA staff. Identifies, validates and documents exemplary program management practices for nationwide dissemination or transfer. Maintains a clearinghouse of written information on program management techniques. Publishes compilations of articles, updates, reports and documents on technical program management areas. Maintains reference lists of Federal, State and nongovernment personnel with specialized expertise who are available for technical assistance, and coordinates requests for such assistance. Provides intensive specialized technical assistance to States and contractors for planning and implementing management improvements.

a. *Improvements Management Staff (FPA6–1).* Implements a HCFA-wide corrective action strategy focused on reducing erroneous Medicaid and Medicare program expenditures. Identifies priority State-specific and systemic corrective action needs and evaluates HCFA Regional and Central Office corrective action and technical assistance initiatives and resources. Coordinates initiation of Regional and Central Office corrective action activities to focus appropriate HCFA resources on State initiatives and needs. Monitors and evaluates each HCFA corrective action activity and reports results in terms of program savings, cost/benefits and managerial performance to the Director, BPO. Serves as a focal point for identification, validation and referral for documentation of exemplary State practices in controlling erroneous payments. Manages a cross-State technical assistance consultation program (including maintaining a list of State resource people available for cross-State consultation in selected program areas, coordinating requests for assistance with available resources and evaluating effectiveness of assistance provided). Coordinates HCFA corrective action initiatives with SSA, Food and Nutrition Service and other interested health and welfare organizations.

b. *Improvements Promotion Division (FPA62).* Serves as a forum for technical training and exchange of information, experience and techniques among all HCFA components and related non-HCFA agencies and organizations which administer Medicaid and Medicare. Solicits, publishes and distributes written information on program management techniques and experience (e.g., conference reports, data books, exemplary practices, update notes on program developments, compilation of articles and abstracts). Maintains a clearinghouse of program management reference materials and responds to requests for information. Sponsors conferences and workshops for exchange of information, ideas and experience among, HCFA components, State Medicaid agencies, Medicare contractors and other HCFA program-related organizations. Conducts technical program orientation and training programs for all HCFA staff. Coordinates HCFA interface with advisory groups such as the State Medicaid Directors' Council, the Carrier Representative Group and the Fiscal Intermediary Group.

c. *Corrective Action Projects Division (FPA63).* Provides direct technical assistance to individual State agencies or contractors. Analyzes causes of error, develops alternative feasible solutions, assists in implementation of appropriate corrective actions and evaluates effectiveness of action taken. Identifies systemic problems (such as needs for policy clarification or simplification, development of model systems or operating guidelines, etc.) for referral to other HCFA components for action.

B. Bureau of Quality Control (FPC)

Operates statistically-based quality control and penalty programs in the areas of Early and Periodic Screening Diagnostic and Treatment (EPSDT), end-of-line bill review, eligibility review, third-party liability, Part A quality assurance, and utilization control, and develops similar additional quality control programs which measure the financial integrity of Medicare and Medicaid. Following coordination with pertinent HCFA components, notifies carriers, fiscal intermediaries and State agencies of findings resulting from quality control programs. Makes recommendations to the Associate Administrator for Operations regarding financial penalties authorized and determined appropriate under regulations. Assists State Medicaid contractors and Medicare contractors in improving the mangement of Federally required quality control programs. Reviews program expenditure information to detect patterns of erroneous expenditures. Reviews selected providers to identify patterns of improper expenditures and assures that corrective action is taken by responsible HCFA components. Develops and conducts an internal HCFA audit program evaluating the effectiveness of HCFA operating policies and procedures with a focus on those which may be resulting in erroneous expenditures. Plans and conducts comprehensive validations of payments made to providers participating in HCFA programs. Serves as the focal point for preparing responses to GAO and HHS Audits, and overseeing implementation of resulting HCFA actions. Participates with other HCFA components in the development of regulations, policies, and procedures for program administration.

1. *Executive Operations Staff (FPC–1).* Coordinates, for the Director, Bureau of Quality Control (BQC) matters of Bureau policy. Manages the development of Federal regulations prepared by the Bureau. Implements BQC correspondence tracking and control procedures, including standards for style of correspondence and memoranda. Serves as primary contact point with the HCFA office of Executive Operations. Exercises responsibility for BQC organizational planning, management analysis and information functions, financial management, manpower control, training, administrative support activities, management advisory services, an EEO program, and related personnel and financial functions.

2. *Office of Quality Control Programs (FPC2).* Designs and implements statistically-based reviews to determine the effectiveness of quality control programs operated by carriers, intermediaries, State agencies, Office of the AAMSS, Bureau of Support Services, Office of Direct Reimbursement and other related organizations. Develops and promulgates policies, standards and guidelines for State Medicaid Quality Control programs, State utilization control programs, Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) penalty surveys, the Part A Quality Assurance Program, the Part B end-of-line review and other similar formal quality control efforts. Designs and implements new quality control programs to assure proper stewardship of Federal funds by carriers, intermediaries, State agencies and other HCFA-related organizations. Initiates recommendations for financial penalties and disallowances on the basis of formal review results. Evaluates regional performance in monitoring quality control programs and conducting sample reviews. Participates with other HCFA components in developing regulations, policies and procedures for program administration. Provides consultation and technical guidance to carriers, fiscal intermediaries, State agencies and Regional Offices.

a. *Division of Quality Control Review (FPC21).* By sampling claims, bills, cases, cost reports and survey reports, reviews the effectiveness of quality control programs operated by carriers, intermediaries, State agencies, the Office of Direct Reimbursement and related organizations. Develops and promulgates policies, standards and procedures for carriers, intermediaries, State agencies, the Office of Direct Reimbursement and related organizations with respect to mandated quality control programs. Evaluates quality control review results and, where indicated by these reviews and authorized by statute, initiates recommendations for financial penalties or disallowances. Participates with other HCFA and BQC components in development of regulations, policies and procedures for improved program administration.

b. *Division of Quality Control Planning and Evaluation (FPC22).*

Designs new quality control programs, sampling techniques and survey instruments which test the effectiveness of quality control programs operated by HCFA contractors or State agencies or by which HCFA tests directly the accuracy of claims payment operations of HCFA contractors and State agencies. Plans and develops new methods to verify beneficiary eligibility and entitlement to services. Designs and conducts special reviews in response to special needs.

3. *Office of Program Validation (FPC3).* Conducts or provides guidance to the Regional Offices in conducting comprehensive reviews of selected specific providers showing indications of potential fraud, abuse or waste or misapplication of policies. Reviews selected areas of program reimbursement (e.g., inhalation therapy, durable medical equipment) for evidence of potentially wasteful reimbursement policies or procedures. Monitors fraud and abuse case activities and developments. Where inappropriate payments exist, initiates or refers for appropriate legal or financial action. Make independent, nonroutine appraisals of title XVIII contractors and title XIX State agencies to evaluate the quality of their processes for identifying and adjudicating instances of potential provider fraud or abuse. Directs administrative sanctions efforts against providers participating in HCFA programs. Develops program-wide policies, procedures, guidelines and studies dealing with the program validation efforts of the office.

a. *Division of Validation Reviews (FPC31).* Develops, conducts or provides guidance to Regional Offices in conducting on-site program validation reviews of providers showing patterns of potential fraud, abuse, or waste. Reviews are made of both individual providers and specific program aspects or topics of concern to the Bureau of Quality Control, other HCFA components, or the Office of the Inspector General.

b. *Division of Validation Planning and Support (FPC32).* Provides support to the Office of Program Validation in the development and interpretation of applicable program validation policies and procedures. Monitors and assists in fraud and abuse activities of HCFA's Regional Offices as well as those of the carriers, intermediaries and State agencies within their regions. Directs and organizes ongoing reviews of HCFA's Office of the Associate Administrator for Management and Support Services, Bureau of Support Services, Office of Direct Reimbursement to determine compliance with Bureau of Quality Control policies and directives. Evaluates HCFA Regional Office performance in conducting program validation activities. Plans, administers, and sets policies for improving Federal administrative sanctions where providers are found guilty of abusive practices or fraud.

4. *Office of Financial Analyses (FPC4).* Analyzes Medicare/Medicaid expenditures and other program information to detect erroneous expenditures, to identify trends, and to explain differences in various delivery systems. Provides the Office of Quality Control Programs and Program Validation with lead information for investigation of potentially inappropriate program expenditures. Identifies for other HCFA components areas requiring internal management audits of program policies and procedures related to controlling erroneous expenditures. Acts as HCFA control point for GAO and HHS Audit Agency reports, and monitors HCFA actions taken in response to these reports.

a. *Division of Provider Data Analysis (FPC41).* Using data supplied from intermediaries and other sources, reviews and analyzes a sample of provider cost reports in order to identify those cost reports showing aberrancies requiring further investigation by other BQC components. Analyzes trends in costs and charges for program services by geographical locations, type of payer, or type of service to identify potentially aberrant situations. Identifies for the Office of Quality Control Programs, those intermediaries, carriers and State agencies which appear to be reimbursing for services at higher levels than other payers. Develops and maintains sample information from all provider costs reports for use by other components in the Bureau of Quality Control in identifying potentially improper program payments. Develops and maintains complete information from a sample of provider cost reports. Conducts studies on whether data reported to HCFA by providers is consistent with data reported to other regulatory bodies such as the Internal Revenue Service, Security and Exchange Commission, etc.

b. *Division of Program Financial Analysis (FPC42).* Develops analytical profiles of HCFA program operations and expenditures using data from quality control programs, validation surveys, program and financial statistics. Provides the Director, BQC with reports on inflationary and deflationary trends in health care financing, cost trends in Medicare and Medicaid, differences in Medicare and Medicaid reimbursement, and differences in the cost of delivering the same services under different delivery systems. Acts as HCFA control point for GAO and HHS Audit Agency reports and identifies areas for HCFA management audits. Monitors HCFA compliance with recommendations and responses with these reports. Directs HCFA Management Audit Program.

5. *Office of Systems Analysis (FPC5).* Provides the Bureau of Quality Control with internal systems expertise to discover patterns of aberrant payment from the manipulation of computer-stored financial and program data and to review the integrity of operating systems. Identifies and accesses operating computer-stored programs and financial information in order to develop lead information for indepth reviews by other BQC units or the Office of Systems Analysis directly. Develops methods and programs for manipulating operating data and statistics to identify patterns of aberrant payments. On the basis of this information or lead information from other sources, tests selected Medicare and Medicaid claims payment and related systems onsite to assure that erroneous payments are not being made. Reviews model systems or other systems requirements developed by the Bureau of Program Operations or other HCFA components in order to assure the capability of HCFA-reimbursed systems to prevent erroneous payments. Maintains the data base and produces reports required by section 3 of Pub. L. 95–142.

a. *Division of Claims Payment Operations (FPC51).* Performs periodic tests with test claims packages to validate the integrity of carrier, intermediary, and State agency claims processing systems and to test the adequacy of post-payment systems to determine potentially erroneous payments. Refers periodic field results and recommendations to other Bureau components and to the Office of the Associate Administrator for Operations (OAAO), Bureau of Program Operations for inclusion of Annual Contractor Evaluation Report (ACER) and State Assessment Report. Assists other HCFA components in the development, testing, and operations of automated systems, particularly as these systems control erroneous expenditures. Maintains liaison with Medicaid Fraud Control Units, the Office of the Inspector General, with respect to the need for special audits. Conducts audits to detect the potential of computer-assisted

employee fraud in the administration of Medicare and Medicaid operations. Reviews model systems or other systems requirements developed by the OAAO, Bureau of Program Operations or other HCFA components in order to assure the capability of HCFA-reimbursed systems to prevent erroneous payments. Keeps abreast of current ADP telecommunications security technologies and assists other HCFA components with respect to utilization of these technologies.

b. *Division of Systems Support (FPC52).* Identifies and accesses operating computer-based programs and financial information in order to develop lead information for indepth reviews by other Bureau of Quality Control components, or systems validations by the Division of Claims Payment Operations. Develops methods and programs for manipulating operating data and statistics to identify patterns of erroneous expenditures or other aberrant payment patterns. Provides HCFA support to the Office of the Inspector General with respect to special computer-assisted reviews of Medicare and Medicaid payment information. Designs systems necessary for the maintenance of a data base relative to provider ownership to comply with the requirements of section 3 of Pub. L. 95–142. Develops specifications and documentation for systems aspects of new quality control initiatives.

C. Health Standards and Quality Bureau (FPE)

Develops, interprets, and implements health quality and safety standards and evaluates their impact on the utilization, quality, and cost of health care services. (These functions are performed in coordination with the Assistant Secretary for Health who has responsibility for generating broad policy guidelines on issues of quality of care and of health care financing.) Develops, interprets, implements, and evaluates the conditions and standards under which providers and suppliers of health services can participate in Medicare and Medicaid. Monitors and validates the process for certifying that these providers and suppliers are in compliance with these conditions and standards. Develops, interprets, implements, and evaluates policies for professional standards review, related peer review, utilization review, and utilization control programs under Medicare and Medicaid, and is responsible for entering into agreements with State Professional Standards Review (PSR) Councils. Establishes specifications for information and data reporting, collection and systems requirements for PSRO and provider certification. Serves as the HCFA focal point in the Agency's interface with the Public Health Service on medical care standards, quality assurance, and other health-related policy matters.

1. *Office of Policy Development and Coordination (FPE1).* Acts as the principal policy staff to the Director of the Health Standards and Quality Bureau (HSQB). Identifies and reviews legislative proposals, and represents HSQB in setting HCFA legislative and research agenda relating to health standards and quality. Develops program policy plans, conducts analyses, prepares reports, and makes recommendations to the Director, HSQB on the implications of Federal and State legislation directly related to the programs administered by the Bureau. Prepares policy analysis papers in support of policy formulation and program implementation for activities of the Bureau. Coordinates program planning and policy positions and alternatives for health standards and quality assurance activities. Initiates, researches, and prepares issues for review by the Office of the General Counsel relating to legal aspects of HSQB programs and participates with the Office of the General Counsel in developing appropriate policies regarding the legal aspects of health standards, peer review and quality assurance.

2. *Office of Program Support (FPE2).* Coordinates management of personnel, financial and material resources within HSQB including work planning, the HSQB budget, contracts and grants and other areas of administration. Develops program operating plans regarding determination of States' allocation for Medicare and Medicaid survey requirements, and assurance of Medicaid grants supporting the Medicaid survey reimbursement program. Interprets and implements Department and HCFA management policies, procedures and systems and conducts management analyses as required. Audits (financial and program assessment) HSQB contracts and grants and completes contract closeouts. Maintains liaison with Regional Offices and provides advice and support in areas of HSQB expertise and responsibility. Participates in evaluating Regional Office performance in carrying out HCFA policies and procedures.

3. *Office of Professional Standards Review Organizations (FPE3).* Coordinates implementation of peer and utilization review programs and other quality assurance policies. Develops and implements policies relating to fiscal management of peer review programs, including the principles of reimbursement for PSROs and State PSR Councils, and to the budgeting, accounting, reports management, statistical reporting, and auditing requirements applicable to such peer review organizations and State PSR Councils. Administers and evaluates policies relating to management of peer review and quality assurance including the organization, membership, and management of PSROs and State PSR Councils, and the negotiation of PSRO agreements. Provides advice and assistance to Regional Office staffs, PSROs and State PSR Councils concerning fiscal and program management activities. Prepares issues for Office of the General Counsel review relating to legal aspects of peer review and quality assurance.

a. *Division of Professional Standards Review Organizations Program Operations (FPE31).* Provides overall programmatic and technical management of HSQB contracts and financial agreements with all categories of PSROs and with State PSR councils. Establishes expenditure levels and final approval of PSRO and State PSR Council funding requests. Provides program guidance and assistance to Regional Office staff in their performance of PSRO related responsibilities and monitors Regional Office operations. Determines eligibility of physician groups to be designated as PSROs and the qualifications of established PSROs for successive levels of development. Communicates and interprets Departmental policies to PSROs and provides or arranges for the provision of all forms of technical assistance to PSROs. Administers a comprehensive system for assessment of individual PSROs to determine compliance with program requirements and to document the effectiveness and impact of PSRO performance. Operates special demonstration programs of PSRO applications in long-term care settings. Compiles, maintains, and disseminates information on all aspects of PSRO implementation and operation, including the PSRO Program Manual, PSRO Project Officer Manual, Contract Management Manual and PSRO Fact Book.

b. *Division of Peer Reviews (FPE32).* Designs, develops, and interprets all peer review and quality assurance policies, procedures, and methods for programs of health care review under titles XI, XVIII, XIX, and V of the Social Security Act. These include PSRO review, reviews conducted by the Medical Review Boards in hospital

utilization review, and State superior utilization review. Plans and refines policies and methods and develops guidelines and regulations for the performance of PSRO hospital review, incuding concurrent review, medical care evaluation studies, and profile analysis, and review of ancillary services and surgical procedures and other physician services. Develops policies and procedures for review of long-term care and ambulatory care. Designs policies and guidelines for the involvement of physicians and other health care practitioners in the review system. Develops policies and procedures for the application of norms, criteria, and professional standards of care in the review system. Develops policies and guidelines with respect to waiver of liability, grace days, and reconsiderations and appeals. Provides guidance on handling of PSRO sanctions against practitioners and providers. Provides technical assistance in the demonstration and assessment of review methods to be used in new settings and the testing of new or alternative methods and techniques of peer review. Participates in the development of evaluation procedures for determining impact of review on patterns of practitioner performance. Provides technical assistance and a source of professional expertise in health care review to other HCFA components, PSROs, and health care providers to support PSRO/Utilization Review activities.

c. *Division of Data Planning and Analysis (FPE33).* Develops data systems policies, procedures, and requirements including specifications for the PSRO data systems, minimum data sets, and associated technical assistance materials. Designs and implements statistical and other reporting systems necessary for the effective management evaluation of the activities performed by the Office of Professional Standards Review Organizations (OPSRO). Designs, tests, and manages the PSRO Management Information System and its subsystems to reduce, process, and route program data to assure the proper exchange of data between funded projects and the OPSRO including the development and issuance of comparative reports and profiles of PSRO activity and performance, and operation of a medical care evaluation study clearinghouse. Provides technical assistance to PSROs to facilitate the implementation of PSRO data systems, data quality control, analysis, and Federal reporting. Develops policies, tests approaches, and provides technical assistance to PSROs in the conduct of profile analysis. Acts as OPSRO center for liaison with other HCFA data collection organizations. Provides technical support to the activities of all OPSRO components as they relate to data. In coordination with other components of HCFA, evaluates the performance of PSROs to assess the effectiveness of OPSRO policies and procedures in assuring acceptable levels of performance by PSROs. Carries out ongoing statistical monitoring and special studies to evaluate the performance of PSRO's and other peer review activity. Prepares documentation for, processes, and monitors ADP clearances for the Associate Administrator for Management and Support Services, Office of Management and Budget.

4. *Office of Standards and Certification (FPE4).* Develops, interprets, and implements health and safety standards and other related policies for providers and suppliers of health services under Medicare and Medicaid and other Federal programs. Administers and monitors the nationwide Medicare and Medicaid provider and supplier certification program established and maintained under formal agreements with State survey agencies. Develops policies, procedures, and guidelines for Regional Offices and State survey agencies relating to their standards and certification responsibilities under Medicare and Medicaid. Monitors and validates the application of health and safety standards and the adherence to Medicare and Medicaid policies by State survey agencies and other approved accrediting bodies. Reviews the validity and effectiveness of existing standards. Develops standards for new types of facilities or services recognizing advances in medical practice and technology. Develops and analyzes national data on the administration of the Medicare and Medicaid standards and certification program and develops methods for improvement.

a. *Division of Hospital Services (FPE41).* Directs and coordinates activities that develop, implement and monitor health quality and safety standards and other health care policies for hospitals under Medicare, Medicaid, and other Federal programs. Prepares, coordinates and applies regulations and procedures for the improvement of standards enforcement in hospitals and in validation procedures of accredited hospitals. Reviews and analyzes existing standards to determine their effectiveness and impact on utilization, quality and cost of hospital services, and initiates new or revises standards as necessary. Develops, reviews and maintains guidelines and instructions for interpretation, implementation and enforcement of health quality and safety standards by the Regional Offices and State agencies. Prepares provider/supplier participation materials and instructions. Develops survey and certification forms and procedures utilized by State survey agencies in the certification process. Monitors health care and health related provisions of the Social Security Act and coordinates these functions with the Office of the Associate Administrator for Operations, and the Office of the Associate Administrator for Policy.

b. *Division of Laboratory and Ambulatory Services (FPE42).* Develops, implements, and monitors health quality and safety standards for clinical and other laboratories, ambulatory care facilities, health clinics, outpatient physical therapy and speech pathology, independent physical therapists, and home health agencies (HHA), under Medicare, Medicaid, and other Federal programs. Prepares, coordinates, and applies regulations and procedures for the improvement of standards enforcement for these facilities and health care personnel. Reviews and analyzes existing standards to determine their effectiveness and impact on utilization, quality and cost of ambulatory care services. Develops, reviews, and maintains guidelines and instructions for interpretation, implementation and enforcement of health quality and safety standards by the Regional Offices and State survey agencies. Prepares provider/supplier participation materials and instructions. Develops survey and certification forms and procedures utilized by State survey agencies in the certification process. Monitors the enforcement of health quality and safety standards and policies by State survey agencies and other public and private organizations participating in the Medicare/Medicaid programs. Conducts liaison with professional groups and standards setting organizations and is the HCFA center for health quality and safety standards policies and procedures for clinical and other laboratories, ambulatory care facilities, health clinics, outpatient physical therapy and speech pathology, independent physical therapists, and home health agencies.

c. *Division of Long-Term Care (FPE43).* Directs and coordinates activities that develop, implement and monitor health quality and safety standards and other health care policies for skilled nursing facilities (SNF), intermediate care facilities (IFC), and

intermediate care mental retardation facilities (ICF/MR) under Medicare, Medicaid and other Federal Programs. Prepares and applies regulations and procedures for the improvement of standards enforcement in these facilities. Reviews and analyzes existing standards to determine their effectiveness and impact on utilization, quality, and cost of long-term care services, and initiates new or revised standards as necessary. Develops, reviews and maintains guidelines and instructions for interpretation, implementation and enforcement of health quality and safety standards by the Regional Offices and State survey agencies. Prepares provider/supplier participation materials and instructions. Develops survey and certification forms and procedures utilized by State survey agencies in the certification process. Monitors the enforcement of health quality and safety standards and policies by State survey agencies and other public and private organizations participating in the Medicare/Medicaid programs.

d. *Division of Program Analysis and Training (FPE44).* Develops and conducts a survey and certification training program for regional and State agency personnel. Provides technical assistance to educational institutions, professional organizations, and State survey agencies in developing training activities. Develops new approaches for standards and certification on the basis of needs identified in other divisions, Medicare/Medicaid Automated Certification System (MMACS) data, Regional Office direct surveys, and comments from State survey agencies. Tests improvements in the State agencies' certification process including modification of reporting procedures, utilization of personnel, and use of financial incentives. Develops criteria for setting surveyor qualifications and methods for reviewing the performance of survey personnel. Collects and analyzes data derived from MMACS for use by Regional Offices and State agencies in pinpointing specific certification problems and for development for criteria and procedures to assess the quality of care being recorded by Medicare and Medicaid providers. Examines and revises, in coordination with other standards and certification divisions, the survey report forms, guidelines, and instructions to ensure consistency of application and interpretation by both surveyors and providers. Publishes a biannual surveyor inventory.

e. *Division of Field Operations (FPE45).* Develops and coordinates administrative and fiscal policies, procedures and guidelines for State survey and certification agencies. Monitors State agency operations through regular onsite visits, direct surveys of providers, and participation in program and administrative reviews. Develops policies and procedures for evaluating the effectiveness of HSQ Regional Office oversight of State survey agency performance. Analyzes data derived from MMACS. Makes periodic onsite reviews at HSQ Regional Offices.

D. Office of the Regional Administrator (FPD(I–X)). The Office of the Regional Administrator is the principal official for regional operations of the Health Care Financing Administration (HCFA). Provides executive leadership and guidance on behalf of the Associate Administrator, Operations, HCFA, to all components at the regional level. Implements national policy at the regional level. Assures the effective administration of all HCFA programs including Medicare, Medicaid, Professional Standards Review Organizations (PSROs), quality control, and certification of institutional providers in a major geographical area. Participates in the formulation of new policy and recommends changes in existing national policy for all HCFA programs. Develops and implements a professional relations program within the region for all HCFA programs and serves as the principal HCFA contact with all professional organizations such as hospital and medical associations. At the regional level, takes action to implement HCFA national initiatives undertaken to integrate HCFA program operations and is responsible for coordination of HCFA programs with other Departmental components and Federal agencies. Coordinates with the Department's Principal Regional Official to assure effective relationships with State and local governments. Manages all administrative activities for the HCFA components and coordinates such activities with the Regional Administrative Support Center. Initiates and directs the implementation of special regional and headquarters projects affecting all HCFA programs. Directs regional responsibilities relating to experimental and demonstration projects. Oversees a beneficiary services program within the region for all HCFA programs. Provides regional perspective to the Administrator, Assistant Administrators, Bureau Directors, and Staff Office Directors in the development of HCFA policies, programs, and objectives.

1. *Division of Health Standards and Quality (FPD(I–X)A).* Under the direction of the HCFA Regional Administrator, the Division of Health Standards and Quality assures that health care services provided under Medicare and Medicaid are furnished in the most effective and efficient manner consistent with recognized professional standards of care. Serves as the regional focus for assuring accountability to health care consumers for the quality of health care services. Participates in the formulation and development of health standards and quality policies and programs; interprets and implements health safety standards and evaluates their impact on the utilization and quality of health care services. Insures appropriate review and application of conditions of participation for providers and suppliers of health services under the Social Security Act and other related Federal programs. Exercises authority for approval/denial/termination of all provider/supplier certification actions under the Medicare program. Makes final determination on all initial budget requests submitted by State agencies. Exercises authority on all fiscal matters relating to section 1864 agreements. Resolves conflicts involving the State Survey Agency and Professional Standards Review Organizations (PSROs). Oversees, monitors and evaluates the Medicaid State Agency, State Survey Agencies and PSROs, and recommends corrective actions are taken as required. Maintains liaison with organizations representing health care professionals, providers of health care services, and program beneficiaries.

Interprets and implements policies and procedures for review and utilization control programs under the Social Security Act and other Federal programs. Oversees the negotiation and award of grants and the operation of local PSROs and Professional Standards Review (PSR) State Councils. Performs regional responsibilities relating to experimental and demonstration projects. Develops and implements a program of liaison with organizations representing health care professionals and providers of health care services, and assumes reponsibility for associated program training. Provides current feedback to Central Office on operations, activities, and problems. Provides regional perspective in the development of Central Office policies, objectives, and work plans. Monitors and assesses performance and provides technical assistance to End-Stage Renal Disease (ESRD) networks by overseeing financial management and compliance

with program policies and regulations and insures coordination with States and local planning agencies and PSROs.

2. *Division of Quality Control (FPD(I–X)B).* Under the direction of the HCFA Regional Administrator, the Division of Quality Control develops and conducts ongoing HCFA validation and quality control programs at the regional level. Evaluates the effectiveness of HCFA operations, policies and procedures with focus on those that may result in erroneous expenditures. Conducts ongoing reviews/studies of health care providers and of program policy or administrative procedures showing indications of potential fraud, abuse or program mismanagement. Recommends corrective action, including statutory and regulatory changes, to correct problems identified. Documents findings to the extent of calculating overpayments made to specific providers and/or savings which will accrue as a result of implementing recommended changes in law, regulations, policy or procedures. Conducts and oversees validation programs designed to detect improper expenditures of funds provided through Medicaid and Medicare programs. Monitors contractor/State performance in fulfilling Medicare/Medicaid contract and State plan requirements related to fraud detection and abuse control. Works with PSROs and other peer review bodies to obtain professional case review services and to impose abuse related sanctions. Assumes control of abuse investigations, where warranted, and refers cases of suspected criminal fraud to the Office of the Inspector General. Retains independent authority for civil fraud in cases where criminal prosecution is not sought. Has primary responsibility for civil negotiations in all program integrity cases. Works with Medicaid State Agencies and Medicare contractors to ensure that effective systems for detecting and eliminating abuse are in place. Develops and recommends administrative sanctions in cases of fraud or abuse. Monitors the implementation of administrative sanctions imposed by HCFA. Provides information to the HCFA Regional Administrator on improper program expenditures. Operates systematic Medicare and Medicaid quality control programs in a variety of areas such as Early and Periodic Screening, Diagnosis and Treatment (EPSDT), Medicaid eligibility, Medicaid claims processing, Medicaid utilization control, third-party liability and Medicare Part B end-of-line bill review. Makes recommendations to the Regional Administrator regarding financial penalties and final decisions concerning Federal/State quality control differences. Assists Medicaid State Agencies and Medicare contractors in improving the management of Federally required quality control programs.

3. *Division of Financial Operations (FPD(I–X)C).* Under the direction of the HCFA Regional Administrator, the Division of Financial Operations is responsible for financial management, institutional reimbursement, and Automated Data Processing (ADP) systems of Medicare contractors and Medicaid State Agencies. Assures continuing surveillance and appraisal of Medicare contractors regarding the implementation of Medicare institutional reimbursement policy and procedures. Monitors contractor overpayment identification and collection activities; prepares overpayment cases for submission to the General Accounting Office (GAO) for collection and/or to the Department of Justice for possible prosecution. Identifies problems and initiates action to insure contractor adherence to national Medicare policy and procedures. Directs Medicare regional financial management activities. Directs a program of indepth surveys to evaluate the effectiveness of the Medicare program with respect to areas of responsibility. Conducts Part A quality assurance program and on-site performance appraisals. Negotiates and approved contractor budgets, modifications to budget allotments and final cost settlements. Coordinates day-to-day contractor financial management activities; reviews and evaluates the cost allocation procedures of contractors.

Plans, manages, and provides Federal leadership and assistance to State agencies in implementation, maintenance, and regulatory review of Medicare State Agency activities with respect to institutional reimbursement, financial management and ADP systems. Interprets Medicaid program and financial policy with respect to institutional reimbursement, financial management, and automated data processing activities. With respect to areas of responsibility, maintains day-to-day liaison with State agencies and monitors their Medicaid program activities and practices by conducting periodic comprehensive on-site program management and financial reviews to assure State adherence to Federal law and regulations. Reviews, approves and monitors State institutional reimbursement plan. Reviews cost allocation plans, determines whether such plans are approvable from the Medicaid standpoint and advises such determinations to Regional Administrative Support Center. Reviews, analyzes, and approves State expenditures for Medicaid contracts. Resolves audits with States. Reviews States' quarterly estimates of expenditures under the Medicaid program and recommends the amount to be estimated in the quarterly grants. Reviews States' quarterly statements of expenditures and recommends appropriate action on amounts claimed. Defers reimbursement action on questionable State claims, reviews the claims for allowability and recommends appropriate action. Issues orders suspending Federal Financial Participation on behalf of State payments to title XIX provider institutions and revocation of such suspension orders. Advises, provides technical assistance, supports, and evaluates State management information and claims payment systems. Provides for State and regional input to operational plans, policy, regulations, legislation, and budget formulation with respect to areas of responsibility. Provides current feedback to Central Office counterparts on operations, activities, and problems. Provides regional perspective in the development of central policy, objectives and work plans related to areas of responsibility.

4. *Division of Program Operations (FPD(I–X)D).* Under the direction of the HCFA Regional Administrator, the Division of Program Operations serves as a principal point of contact between the Regional Office and Medicare contractors and Medicaid State Agencies within the Region. Directs the conduct of liaison and working relationships with these organizations. Directs a program of surveillance and appraisal of Medicaid State Agencies and Medicare contractors to ensure compliance with the Medicaid State Plan and the Medicare contract (respectively). When deficiencies are noted, ensures that corrective action is taken as appropriate. Through the review and approval of Medicaid State Plan material, assures the appropriate use of funds under established policies and conformance with planned objectives of the program. Assures uniformity in Plan changes among assigned States. Directs title XVIII and title XIX program coordination to achieve greater uniformity and consistency in assigned contractor and State agency practices and to eliminate unnecessary duplication of effort and cost between the two programs.

Provides support to the Medicaid State Agencies, Medicare contractors and other HCFA components with respect to Medicare/Medicaid policy interpretation and specialized technical assistance. Serves as a State agency and contractor review and resource point for interpretation of Federal regulations, program objectives and policies. Provides significant recommendations and contributions to national policy development and revision. Provides consultation and assistance to Central Office in the development of new and revised legislation, policy, regulations and guidelines. Participates in the development of long and short range goals and objectives of the agency as well as its policies and directives. Monitors and assesses the performance of Medicaid State Agencies and Medicare contractors in the area of Medicaid and Medicare policy, procedures and instructions. Makes recommendations where appropriate and ensures corrective action is taken when deficiencies are identified.

Develops and implements a program of liaison with organizations representing program beneficiaries. Provides direction and guidance to State agencies and Medicare contractors concerning services to beneficiaries. In addition, maintains a program of surveillance and appraisal to assure that appropriate standards are met. Where deficiencies are noted, ensures that appropriate corrective action is taken. Provides Medicare orientation, training and day-to-day liaison with direct-dealing providers and Comprehensive Health Centers (CHCs). Conducts on-site review of all direct-dealing providers and CHCs on a regular basis. Individually or in concert with other HCFA representatives, represents HCFA in conferring and negotiating with regional and national officials of other Departmental agencies and representatives of private and public organizations, in matters of the administration of the Medicare and Medicaid programs and the impacts of these programs on beneficiaries. Coordinates with the Social Security District Offices concerning the Medicare entitlement, post-entitlement, and beneficiary education functions they perform under agreement with HCFA. Monitors the performance of these functions and makes appropriate recommendations.

Section FQ.10 The Office of the Associate Administrator for Policy (FQ) (Organization)

The Office of the Associate Administrator for Policy (OAAP), under the direction of the Associate Administrator for Policy, includes:

A. The Bureau of Program Policy (FQA).

B. The Office of Research and Demonstrations (FQB).

C. The Office of Legislation and Policy (FQC).

Section FQ.10 The Office of the Associate Administrator for Policy (FQ) (Functions)

The Associate Administrator for Policy is responsible for the effective direction and implementation of HCFA's legislative planning and policy analysis programs, the development and review of Medicare/Medicaid policies and regulations pertaining to HCFA programs, and HCFA's research and demonstrations activities.

A. Bureau of Program Policy (FQA)

Reviews existing policy and develops new policy concerning eligibility, coverage of benefits, utilization effectiveness of providers of services, reimbursement, limits to the costs of health care, and other administrative and technical matters for the Medicare and Medicaid programs. Develops regulations and other policy issuance for these areas. In cooperation with the Office of the General Counsel, coordinates litigation affecting these programs, represents HCFA before the Office of Hearing and Appeals, Social Security Administration and the Provider Reimbursement Review Board and conducts Medicare and Medicaid hearings on behalf of the Secretary, Administrator, or the Associate Administrator for Policy that are not within the jurisdiction of Office of Hearings and Appeals, SSA or the States.

1. *Management Staff (FQA–1).* Develops, coordinates, and directs a management program for the Bureau, including Bureau-wide organization planning and other management analysis functions, internal financial management, manpower selection and placement, training and employee development, position control and manpower utilization. Develops and issues Bureau-wide project control, problem area reporting, coordination of Bureau operational planning activities, management information, and a variety of administrative support services, including property and space management.

2. *Executive Secretariat (FQA–2).* Plans, directs, and coordinates the Bureau inquiries program. Receives, controls, analyzes, and prepares responses to inquiries from beneficiaries and their representatives, Congressmen, State and local agencies, officials of professional organizations and the mass media. Analyzes trends in Congressional and public thinking and reports possible policy implications to management. Coordinates the development of the Bureau's views on proposed legislation. Provides liaison with other components of HCFA on cross-cutting issues.

3. *Regulations Staff (FQA–3).* Coordinates the development of regulations, manual instructions, guidelines and other policy documents originating in the Bureau. Drafts regulations from specifications prepared in the Bureau and pursuant to specific agreements, in other components of HCFA. Coordinates Bureau review and clearance of regulations and other policy documents originating in the Bureau or in other components of HCFA and the Department. Drafts or reviews and edits policy documents other than regulations originating in the Bureau. Maintains up-to-date compilation of regulations; maintains complete files on the preparation and supporting documentation for regulations originating in the Bureau.

4. *Office of Coverage Policy (FQA4).* Develops, evaluates, and reviews national policies and standards concerning the coverage and utilization effectiveness of items and services under the HCFA programs provided by hospitals, long-term care facilities, home health agencies, alternative health care organizations, physicians, health practitioners, clinics, laboratories, and other health care providers and suppliers. Serves as principal point within HCFA for evaluating the medical aspects of Medicare and Medicaid coverage issues. Directs, manages, plans, and coordinates the development and evaluation of coverage policies and data analysis systems for HCFA's End-Stage Renal Disease (ESRD) program. Determines, in conjunction with other interested HCFA components, ESRD information requirements and analyzes information necessary to support ESRD coverage policy decisions. Relying on data inputs from other HCFA and Department sources, assumes the lead in preparation of the Annual Report to Congress on the ESRD Program. Develops, evaluates and reviews national coverage issues concerning the amount, duration, scope, reasonableness and necessity for medical and related services. Conducts a review of coverage aspects of State plans under the Medicaid program. Develops policies defining services which are reimbursable under the Early and Periodic Screening, Diagnostic, and

Treatment (EPSDT) Program and interprets these policies by responding to inquiries from State agencies, Regional Offices, Congressional staffs, professional societies, and the general public. Updates and supplements those portions of current EPSDT regulations pertaining to the definition of screening and treatment services, and revises the State Medicaid manual to reflect policy changes relative to EPSDT screening and treatment services. Develops, evaluates and reviews national policies concerning the coverage of new and unusual items and services and those medical items and services which are excluded from coverage. Develops, evaluates, and reviews regulations, guidelines and instructions required for the dissemination of program policies to program contractors, State agencies and the health care field. Identifies, studies and makes recommendations for modifying HCFA program coverage policies to reflect changes in beneficiary health care needs, program objectives, and the health care delivery system. Conducts ongoing analyses of innovative treatment patterns, referral patterns, and activities that improve care outcomes. Analyzes and recommends legislative or other remedies to improve coverage and utilization effectiveness. Coordinates with other organizations, including the Public Health Service, which have responsibilities for health quality and standards. Maintains ongoing liaison with professional groups and organizations and members of the general public on issues relative to area of responsibility.

a. *Division of Provider Services Coverage Policy (FQA41).* Develops, evaluates, and reviews national policies and standards concerning the coverage of institutional and noninstitutional services provided by hospitals, skilled nursing facilities, and other long-term care facilities, home health agencies and other institutional providers of services, including providers of physical therapy and speech pathology services. Develops, evaluates, and reviews national policies concerning the coverage of mental health, rehabilitation, family planning, sterilization, abortion and teenage pregnancy, personal care and Indian health services, utilization review, physician certification and prior authorization requirements, and the comparability of service requirements under the Medicaid program. Develops, evaluates, and reviews national policies concerning the utilization effectiveness of services covered by HCFA programs, and coordinates HCFA program coverage policies and Professional Standards Review Organization requirements. Develops, evaluates, and reviews national coverage issues concerning the amount, duration, scope, reasonableness and necessity for services. Conducts reviews of State plans under the Medicaid program. Develops, evaluates and reviews regulations, guidelines and instructions which are required for the dissemination of program policies to program contractors, State agencies and the health care field. Identifies, studies and makes recommendations for overcoming inadequacies in HCFA programs coverage policies resulting from changes in beneficiary health care needs, program objectives, and the health care delivery system. Analyzes and recommends legislative or other remedies to improve coverage and utilization effectiveness. Coordinates with other components responsible for health quality and standards, program operations, and quality control, and with other parties and individuals, as appropriate.

b. *Division of Medical Services Coverage Policy (FQA42).* Develops, evaluates, and reviews national policies and standards concerning the coverage of items and services which are provided by physicians (including hospital-based and teaching physician services, and resident and intern services), nonphysician practitioners, ambulatory surgical clinics, health maintenance organizations, group practice and other health prepayment plans, rural health clinics, urban clinics and other types of clinics and alternative health care organizations. Develops, evaluates, and reviews national policies concerning the coverage of medical and other health services including supplies, drugs, eyeglasses, laboratory services, ambulance and other transportation services, preventive services, second opinions, new and unusual items and services, and those medical items and services which are excluded from coverage. Develops policies defining services which are reimbursable under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Program. Interprets EPSDT policies defining reimbursable services by responding to inquiries from State agencies, Regional Offices, Congressional staffs, professional societies, and the general public. Conducts ongoing review of current EPSDT regulations pertaining to the definition of screening and treatment services, updates/supplements regulatory material as necessary, and revises State Medicaid Manual with new provisions of the Program. Maintains ongoing liaison with EPSDT constituency groups such as those representing health professionals and consumer advocates; also maintains collaborative relationships with other Federal agencies (such as Public Health Service (PHS), Department of Agriculture, and Development of Education) and with State and local governments involved in the EPSDT Program. Develops, evaluates, and reviews national coverage issues concerning the amount, duration, scope, reasonableness and necessity for services. Develops, evaluates, and reviews regulations, guidelines and instructions required for the dissemination of program policies to program contractors, State agencies and the health care field. Identifies, studies and makes recommendations for modifying HCFA program coverage policies to reflect changes in beneficiary health care needs, program objectives, and the health care delivery system. Analyzes and recommends legislative or other remedies to improve coverage and utilization effectiveness. Coordinates with other components responsible for health quality standards, program operations, and quality control, and with other parties and individuals, as appropriate.

5. *Office of Reimbursement Policy (FQA5).* Establishes national program policy on all issues of Medicare/Medicaid reimbursement, including provider reimbursement policy, provider accounting and audit policy, and physician and medical services reimbursement policy. Develops reimbursement policy for alternative forms of health care delivery such as "cost-basis" and "risk-basis" health maintenance organizations (HMOs), clinics, prepaid health plans, group practice prepayment plans, and nonprovider based Comprehensive Health Centers. Establishes reimbursement policies as they would apply to the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) and End-Stage Renal Disease (ESRD) Programs. Develops cost analysis systems policies for the ESRD Program; conducts ongoing analyses of cost/reimbursement data and provides input of a reimbursement nature to the Annual Report to Congress on the ESRD Program. Reviews requests for exceptions to reimbursement limitations of the ESRD Program, and recommends approval or disapproval. Establishes policy for implementing reimbursement controls and cost containment programs. Establishes policy pertaining to the

Federal Financial Participation in State Medicaid administrative costs and third-party liability collection procedures. Maintains liaison with interested professional groups, States, intermediaries, and Departmental components on issues related to reimbursement. Participates in the development and evaluation of proposed legislation in the area of health care reimbursement.

a. *Pharmaceutical Reimbursement Board Chairman (FQA5–1).* Serves in an independent capacity as Chairman of the Pharmaceutical Reimbursement Board and coordinates the staff support for and activities of the Pharmaceutical Reimbursement Board. Issues, on behalf of the Board, recommendations to the Associate Administrator for Policy pertaining to Maximum Allowable Cost (MAC) limitations for multiple source drugs. Advises HCFA and other Departmental components on the application of the MAC limitations.

b. *Division of Health Care Cost Containment (FQA52).* Formulates and assesses the basic principles and policies for developing and applying national limitations to the costs of health care. Develops methods for classifying health care institutions and services for the purpose of developing effective limitations. Develops and evaluates the criteria for exceptions to the limitations and reviews intermediary recommendations on provider requests for exceptions. Analyzes costs data, develops actual limitations which will be applied to health care costs, develops required notices of limitations and companion instructions and policies needed to implement the limitations. Works with other components of HCFA and the Department in developing changes in the reimbursement system which are designed to improve provider efficiency through the use of financial incentives or penalties. Recommends and evaluates proposed legislative changes in the area of cost containment. Provides technical advice to other components of the Bureau, Agency, Department, or Congressional staffs in the development of cost containment concepts and principles and on the application of policies in effect. Serves as focal point for HCFA and the Bureau of Program Policy in applying government-wide anti-inflation initiatives in health care reimbursement.

c. *Division of Institutional Services Reimbursement (FQA53).* Formulates and evaluates national policies pertaining to reimbursement of institutional providers of service under Medicare and Medicaid. Develops policies pertainent to determining the reasonable cost of provider services, related policies for accounting and auditing of provider costs, and policies for assisting States in implementing programs for auditing institutions participating in Medicaid. Evaluates cost reimbursement aspect of State medical assistance plans. Prepares regulations, manuals, program guidelines and other general instructions related to reimbursement of institutional providers. Reviews policies developed by other components for impact on reimbursement, accounting, and auditing of institutional services. Provides interpretations of established policies to Regional Offices, State agencies, fiscal intermediaries, providers of services, Congressional staffs and other Departmental offices. Maintains liaison with intermediaries, advisory groups, provider associations, the American Institute of Certified Public Accountants and others. Participates in the development and evaluation of proposed legislation pertaining to reimbursement of institutional providers.

d. *Division of Medical Services Reimbursement (FQA54).* Develops and reviews national policy for Medicare and Medicaid reimbursement as well as fiscal standards for physician services, practitioner services, pharmaceuticals, supplies and equipment, and other medical services. Carries out responsibilities as they relate to the EPSDT an ESRD Programs. As required, studies and coordinates with other components the effectiveness of existing and proposed policies regarding reimbursement for physicians' services furnished in different renal treatment modalities. Develops policies related to the Maximum Allowable Cost (MAC) program for multiple source drugs. Drafts program regulations, manuals, guidelines and other general instructions related to medical services reimbursement. Maintains liaison with other HCFA components, SSA and other Department components during the development of reimbursement policies for medical services. Participates in the development and evaluation of proposed legislation in the area of medical services reimbursement and recommends alternatives to current methods of reimbursement.

e. *Division of Alternative Reimbursement Systems (FQA55).* Formulates and evaluates policies for reimbursement of alternative methods of health service delivery requiring special methods of cost finding and apportionment. Establishes policies and principles for reimbursing services furnished in ambulatory care setting such as Group Practice Prepayment Plans, "cost-basis" and "risk-basis" Health Maintenance Organizations (HMOs) and rural health clinics. Formulates and evaluates policy for reimbursement of End-Stage Renal Disease (ESRD) services. Analyzes and approves waivers for inpatient hospital service reimbursement under State medical assistance plans. Analyzes and adjudicates requests for exceptions to reimbursement limitations of the ESRD Program. Formulates and evaluates policies and procedures related to long-term care activities including approval and verification of methodologies used by the States to determine cost-related reimbursement to skilled nursing facilities and intermediate care facilities under medical assistance plans. Serves as the focal point in the Bureau for coordination of long-term care reimbursement issues. Conducts or participates with other HCFA components in studies of the impact of long-term care initiatives and alternative modes of health care delivery on health care reimbursement. As required, studies the cost effectiveness of different renal treatment modalities and coordinates efforts with components ascertaining quality effectiveness of each. Provides interpretations of established policies to Regional Offices, State agencies, fiscal intermediaries, suppliers of services, Congressional staffs and other Departmental offices. Participates in the development and evaluation of proposed legislation pertaining to alternative delivery systems, ESRD and long-term care reimbursement.

6. *Office of Eligibility Policy (FQA6).* Develops, interprets, and evaluates program policies pertaining to the conditions under which individuals are eligible to have their health care reimbursed under Medicare and Medicaid and the rights of beneficiaries. Activities include the development, evaluation, and revision of eligibility policies unique to End-Stage Renal Disease (ESRD) patients covered under the agency's ESRD Program and children under 21 years of age covered by HCFA's Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program. Assists the Office of the Associate Administrator for Operations, Bureau of Program Operations, in developing policy and procedures for provider, supplier, and beneficiary reconsiderations. Develops, interprets, and evaluates Medicare and Medicaid general and technical policies common to various functional or programmatic areas such as hearing and appeals, disclosure and confidentiality

of information, single State agency, free choice of providers and other Medicaid State plan matters relating to the eligibility of individuals. Coordinates HCFA policies dealing with civil litigation and bankruptcy proceedings. Provides hearing officers for the conduct of Medicare and Medicaid hearings that are outside of the jurisdiction of the Office of Hearings and Appeals of the Social Security Administration or the States. Makes recommendations on matters concerning legislative changes and national and program health care administration as they affect questions of eligibility and technical policies.

a. *Hearings Staff (FQA6–1).* Provides hearings officers who conduct, on behalf of the Secretary, Administrator and/or the Associate Administrator for Policy, Medicare and Medicaid hearings that are not within the jurisdiction of the Office of Hearings and Appeals (SSA) or the States. The types of hearings conducted include issues involving exclusion or suspension from coverage of termination of agreements with providers or others determined to be guilty of fraud or abuse; final Secretary review of intermediary decisions where a provider disagrees with the intrepretation of the Medicare statute; Part B fair hearings for the Office of the Associate Administrator for Management and Support Services, Bureau of Support Services, Office of Direct Reimbursement; limitation on payment where provider fails to make timely review of long-stay cases; and other hearings (e.g., requested by court remand).

b. *Division of Medicare Eligibility Policy (FQA62).* Develops, interprets, and evaluates policies pertaining to the conditions under which aged and disabled individuals and End-Stage Renal Disease patients are eligible to have their health care reimbursed under Medicare and the rights available to these beneficiaries. Subject areas include beneficiary eligibility and scope of entitlement to hospital insurance, enrollment and coverage periods of medical insurance, deductibles and coinsurance, overpayments and underpayments to beneficiaries, claims for payment and reopening of claims determinations, and nonmedical exclusions from coverage (e.g., workmen's compensation involvement, services paid for by a governmental entity, and charges by immediate relatives). Studies and evaluates existing policies to determine their effectiveness and to develop new and revised policies. Prepares policy materials for issuance in program manuals and instructional materials. Reviews eligibility aspects of special research and demonstration projects as needed. Participates in assessing the needs for legislation and makes recommendations accordingly.

c. *Division of Medicaid Eligibililty Policy (FQA63).* Develops, interprets, and evaluates policies pertaining to conditions under which recipients are eligible to have their health care reimbursed under Medicaid and the rights of recipients and applicants, including policies and activities unique to the Early and Periodic Screening, Diagnosis, and Treatment Program for children under 21 years of age. Subject areas include required coverage groups and options; financial eligibility requirements, consideration of resources, dual eligibility, eligibility of suspended and retroactive denial cases; eligibility in 209(b) States; eligibility of grandfathered groups; optional State supplemental payment programs; eligibility of institutionalized persons; residence requirements; eligibility of the medically needy; citizenship requirements; and other related issues. Evaluates the effects of proposed legislation on current eligibility policies. Recommends specifications for new or proposed legislation on eligibility. Provides technical assistance to individual States and Regions as needed. Participates, upon request, on State assessment teams and contributes to the development of assessment guides. Participates in compliance and financial disallowance reviews and, as needed, provides liaison with the Office of Associate Administrator for Operations, Bureau of Quality Control (AAO/BQC) and corrective action projects in the Bureau of Program Operations (AAO/BPO) in terms of corrective policy actions to be taken. Reviews eligibility aspects of Section 1115 demonstration projects in conjunction with the Office of Research and Demonstrations.

d. *Division of Technical policy and Litigation (FQA64).* Develops, interprets, and evaluates policies and regulations including disclosure and confidentiality of information. Together with the Office of the General Counsel, develops and coordinates HCFA positions on civil litigations and bankruptcy proceedings and formulates recommendations for appeals, compromise settlements and similar matters. In cooperation with the Office of the General Counsel, represents HCFA in provider and other appeals situations as appropriate.

B. Office of Research and Demonstrations (FQB)

Provides leadership and executive direction within HCFA for health care financing research and demonstrations activities pertaining to HCFA programs. Works closely with the Associate Administrator for Policy, other Bureau/Office Directors, and high level staff outside HCFA to insure that the Agency's objectives in these areas are accomplished.

1. *Office of Demonstrations and Evaluation (FQBA).* Plans and directs the development, conduct, monitoring, and evaluation of studies, experiments, and demonstration projects designed to assess the cost and effectiveness of alternate methods of reimbursement, alternate benefit packages, alternative eligibility criteria and conditions and expanded or changed provider status of Federal health programs. Assesses the impact of new and innovative reimbursement concepts and questions about those programs. Develops alternate systems of information collection, rate setting, institution classifications, statistics, and accounting, and assesses and synthesizes the results of all projects to determine the potential impact on the health sector. Recommends modifications to existing program policy and legislation. Provides technical advice and consultation to other Federal and external organizations on potential experimental projects and publishes results and analyses of experimental findings.

a. *Division of Long-Term Care Experimentation (FQBA1).* Directs and manages the development, implementation, and monitoring of long-term care financing and reimbursement experiments and studies, including prospective and incentive reimbursement for skilled nursing care, intermediate care facilities, residential care facilities, and home health services. Develops and implements State rate setting demonstrations in long-term care, and develops, implements, and monitors experiments and studies involving alternatives to institutional long-term care services. Develops and tests integrated delivery systems for long-term care services including such concepts as triage, swing beds, and hospices. Consults with other divisions to develop or refine data resources and experimental procedures.

b. *Division of Hospital Experimentation (FQBA2).* Directs and manages the development, implementation and monitoring of hospital financing and reimbursement studies and experiments, including propective and incentive reimbursement experimentation for hospitals, and the development and testing of alternative State rate setting programs. Directs and

manages the development and testing of methods of coordinating health planning and rate setting, and directs and manages the study, development, and testing of alternative hospital payment systems designed to impact hospital and money market decisions related to capital investment and alternative payment units.

c. *Division of Health Systems and Special Studies (FQBA3).* Directs and manages the development, implementation, and monitoring of financing, reimbursement, organizational, and operational studies related to health care delivery systems. Directs the development and testing of cost effective alternatives to existing institutional and ambulatory care patterns. Directs the development of crosscutting special studies in such areas as long-term care substitutes, ambulatory services, provision of durable medical equipment, management of End-State Renal Disease and minimization of fraud and abuse. Participates in the development of alternative uniform systems of information, data collection, and statistics accounting.

2. *Office of Research (FQBB).* Directs the development and conduct of research and evaluation studies concerning the impact of Federal financing programs on the health care industry, program beneficiaries, and health care providers, including physicians. Directs and designs analytical studies to be undertaken by internal staff and outside contractors/grantees in a wide variety of economic and financial aspects of health care delivery in the United States, including the structure of the drug, medical supplies and health insurance industries and the financing of capital investment. Provides technical support to HCFA and Departmental components in research design, sampling design, mathematical and statistical analysis, and the application of economic analysis. Makes available research findings to assist in the formulation of reimbursement and other policy questions and publishes results and analyses of these findings.

a. *Division of Reimbursement Studies (FQBB1).* Conducts social science research to determine the influences which present and alternative reimbursement methods have on the economic, financial, and behavioral characteristics of providers (e.g., the effects on physician productivity under alternative methods of reimbursement). Conducts research directed toward the development and application of new, improved methods, quantitative models and other technical tools for determining the costs and benefits to providers, patients and financing programs associated with alternative reimbursement schemes. Participates in monitoring grants and the grants award process in those areas related to hospital costs and physician reimbursement. Provides technical assistance and makes available findings from research to assist in policy formulation, recommendations and program initiatives.

b. *Division of Beneficiary Studies (FQBB2).* Conducts social science research and publishes statistical reports with information derived from administrative records and other data services on utilization, expenditures and access to services by Federal beneficiaries. Directs the development and analysis of special research data bases for this purpose. Participates in HCFA-wide data policy activities related to the development of forms and reporting requirements which provide data regarding beneficiary services and utilization and expenditures which augment existing administrative record files. Designs and carries out technical support and research for major selected program evaluation activities (e.g., evaluation of the effectiveness of PSROs in limiting health care overutilization). Participates in monitoring grants and the grants awards process in those areas related to beneficiary utilization. Provides statistics, statistical assistance, analyses and other information upon request for legislative planning and policymaking as well as to other Federal programs requiring data on the Medicare and Medicaid populations.

c. *Division of Economic Analysis (FQBB3).* Conducts economic research which analyzes the factors affecting health care costs, expenditures, utilization and quality of services. Supports longer range research projects which are designed to produce an understanding of the relationship between health care financing approaches and the utilization of health care services. Conducts research on factors which affect the demand for, and supply of, services including supplies of manpower and the structure and future of the health care delivery system. Undertakes research to further the understanding of the organization of the health industry including the drug industry, the insurance industry, the equipment producers and the long-term care industry. Assesses the likely implications of these industries as they affect health care coverage, either in benefits, or beneficiary population. Examines the role of capital in the expansion and replacement of plant and equipment in the health care sector and the effects of alternative sources and costs of capital in this regard. Studies the impact of HCFA reimbursement, coverage and eligibility policies on the demand and supply of alternative long-term care services, including the interrelationships of payment sources and amounts, utilization, quality and costs.

C. Office of Legislation and Policy (FQC)

Provides leadership and executive direction within the HCFA for the legislative planning and policy analysis programs. Develops and evaluates recommendations concerning legislative proposals for changes in health care financing. Develops the long-range HCFA legislative plans. Coordinates its activities with the Office of the Assistant Secretary for Legislation (ASL) and serves as the principal contact point with the ASL on legislative and Congressional relations activities. Develops HCFA strategy for long-range and yearly policy plans in such areas as cost containment, reimbursement limitations, and alternative methods of reimbursement and coverage. Plans, directs and develops HCFA "strategy planning" documents. Provides technical and advisory services to HCFA components, members of the Executive Branch and other Government agencies interested in health care financing legislation, Congressional relations and policy development. In conjunction with the Office of the Assistant Secretary for Legislation, provides information services to Congressional committees, individual Congressmen and private organizations on health care financing legislation.

1. *Office of Legislation and Congressional Affairs (FQCA).* The Office of Legislation and Congressional Affairs directs the legislative planning and Congressional relations program of HCFA. Develops and evaluates recommendations concerning legislative proposals for changes in health care financing. Develops the long-range HCFA legislative plans. Analyzes and makes recommendations to the Administrator, the Associate Administrator for Policy, and the Department on related health legislative proposals, including those which may require coordination with programs conducted by other Departmental components or which relate to methods other than health insurance for providing economic security through social insurance. Prepares technical specifications for legislation and coordinates Congressional testimony

and briefing materials for all of HCFA. Through the Director, Office of Legislation and Policy, coordinates its activities with the Office of the Assistant Secretary for Legislation, and serves as a principal contact point with the Office of the Assistant Secretary for Legislation. Serves as a principal advisor on HCFA's relations with the legislative branch of Government. Maintains HCFA-wide responsibility for keeping Congress informed of HCFA operations and activities. Provides information on HCFA programs to individual members of Congress and committees as requested.

a. *Division of Coverage and Benefits (FQCA1).* Directs legislative planning and analysis for HCFA in the areas of cost containment and relationships with other Federal health care programs, such as those operated by the Veterans Administration, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), and Federal Employees Health Benefits (FEHB). Develops long-range legislative plans in the substantive areas assigned, makes recommendations on related health legislative proposals, prepares technical specifications for legislation, and coordinates Congressional testimony and briefing materials.

b. *Division of Health Systems (FQCA2).* Directs legislative planning and analysis for HCFA involving innovative methods of delivering health care services (such as PSRO's, HMO's, comprehensive health planning, health manpower, etc.) under Federal programs and in those areas requiring analysis of statutory implications of issues such as privacy, confidentiality of data, and fraud and abuse. The Division of Health Systems develops long-range legislative plans in the above areas, makes recommendations on related health legislative proposals, prepares technical specifications for legislation, and coordinates Congressional testimony and briefing materials.

c. *Division of Administration and Reimbursement (FQCA3).* Directs legislative planning and analysis for HCFA involving reimbursement issues, the use of program statistics and legislative proposals, cost estimates for legislative proposals, and relations with the Provider Reimbursement Review Board. Coordinates "minor and technical" amendments and legislative initiatives for all of HCFA. Develops long-range legislative plans in the substantive areas assigned, makes recommendations on related health legislative proposals, prepares technical specifications for legislation, and coordinates Congressional testimony and briefing materials.

d. *Division of Congressional Affairs (FQCA4).* Answers constituents' inquiries about HCFA's programs, policies and initiatives. Responds to Congressional requests and inquiries on HCFA's programs and organization. Refers Congressional requests to appropriate HCFA components and coordinates responses to those requests. Provides HCFA staff with timely information on both Congressional actions and interests and concerns of outside interest groups and organizations. Maintains an active liaison with Congressional offices in order to anticipate their requests and their reactions to HCFA policies, programs and initiatives. Confers with Congressional offices to provide them with requested information on HCFA initiatives and actions and coordinates meetings between Congressional offices and HCFA staff. Conducts seminars and briefings for Congressional staff on organizational and operational issues. Maintains relationships with selected interest groups and organizations, serves as HCFA's point of contact with the Department's Congressional Liaison Office, coordinates and consults on issues of significant interest with that office, and coordinates Congressional inquiries with the appropriate HCFA Regional Office.

2. *Office of Policy Analysis (FQCB).* Directs the development and interpretation of the long-term planning process. Coordinates technical and operating policy issues with respect to introducing appropriate statutory modifications through the Office of Legislation and Congressional Affairs. Reviews policy documents, including regulations and memoranda to the Secretary on policy issues, before they are signed by the Administrator and/or the Associate Administrator for Policy. Serves as the focal point for policy development prior to transmitting budgets and legislation to the Congress. Initiates and performs major studies for the Associate Administrator for Policy in such areas as eligibility and benefit improvements, alternative costs and quality control strategies, reimbursement of new delivery systems, and regulation for private health insurance. Serves as a major point of interface with the Office of the Assistant Secretary for Planning and Evaluation, other Departmental components, and other Federal agencies in such areas as national health insurance, antitrust issues, long-term care, eligibility, HCFA reimbursement of Public Health Service projects, and health planning. Works closely with the Office of Research and Demonstrations, the Bureau of Program Policy and the academic community to insure that research and experimental results are incorporated into program plans. Provides technical services to other HCFA components, governmental agencies, and other organizations interested in the policy implications of modifications to Federal health programs.

a. *Division of Medicaid and Long-Term Care Policy (FQCB1).* The Division of Medicaid and Long-Term Care Policy is responsible for performing special projects, reviewing regulations and other documents for the Associate Administrator for Policy, coordinating the development of the HCFA budgetary and legislative program, and undertaking other aspects of the policy analysis function. Substantive areas include Medicaid benefits, eligibility, and financing; HCFA relations with the States; problems of access to health services for low income populations; child health, and long-term care. The head of the Division works with senior staff in the Public Health Service, the Social Security Administration, and the Office of Human Development Services in areas of mutual concerns as well as with HCFA senior staff.

b. *Division of Medicare and Reimbursement Policy (FQCB2).* The Division of Medicare and Reimbursement Policy is responsible for performing special projects, reviewing regulations and other documents, for the Associate Administrator for Policy, coordinating the development of the HCFA budgetary and legislative program, and undertaking other aspects of the policy analysis function. Substantive areas include Medicare policy with regard to benefits, eligibility, and financing and Medicare and Medicaid reimbursement to hospitals, physicians, laboratories, and suppliers of durable medical equipment. The head of the Division works with other Federal agencies in areas of mutual concern, including the Public Health Service, the Social Security Administration, and the Federal Trade Commission, as well as with HCFA senior staff.

Dated: October 27, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-33356 Filed 11-18-81; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary For Community Planning and Development

[Docket No. N-81-1099]

Community Development Block Grant Program For Indian Tribes and Alaskan Natives

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

ACTION: Notice.

SUMMARY: This Notice sets the deadline for filing preapplications for Community Development Block Grant funds for Indian Tribes and Alaskan Natives for Fiscal Year 1981. Preapplications are required in order to provide HUD with sufficient information to determine which applicants will be invited to submit full applications and to save applicants the cost of preparing full applications which have no chance of being funded.

EFFECTIVE DATE: November 19, 1981.

SUPPLEMENTARY INFORMATION: This Notice sets the deadline for submitting preapplications as provided in 24 CFR 571.301 published by final rule on December 15, 1978 (43 FR 58734) for the Community Development Block Grant Program for Indian Tribes and Alaskan Natives. These dates apply only to preapplications submitted by Indian Tribes and Alaskan Natives for Fiscal Year 1982.

Due to the Field reorganization of Indian Program Offices, which became effective October 1, 1980, only Regions V, VI, VIII, IX, X, and the Anchorage Area Office will be responsible for handling this program. Thus, preapplication submission dates for these Regions are the only ones to appear below.

As of the effective date of this notice (November 19, 1981), preapplications will be accepted by HUD.

FINAL DATES FOR SUBMISSION

Region	No later than[1]
Region V	January 22, 1982.
Region VI	January 29, 1982.
Region VIII	February 1, 1982.
Region IX	November 23, 1981.
Region X (except Alaska)	January 31, 1982.
Alaska	November 23, 1981.

[1] Applications must be received by HUD no later than the date specified. Preapplications which are submitted after the deadline will not be considered.

FOR FURTHER INFORMATION CONTACT: Ms. Marcia A. B. Brown, Office of Policy Planning, Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755-6092. This is not a toll-free number.

(*Catalog of Federal Domestic Assistance* number 14.223)

(Sec. 107, Title I, Housing and Community Development Act of 1974 (42 USC 5301 Et. Seq.); and sec. 7(d), Department of Housing and Urban Dev. Act (42 USC 3535(d)))

Issued at Washington, D.C., November 13, 1981.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 81-33341 Filed 11-18-81; 8:45 am]

BILLING CODE 4210-01-M

Office of Environmental Quality

[Docket No. NI-83]

Desert Falls Planned Residential Development, Riverside, California; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Desert Falls Planned Residential Development is a proposed development in the City of Palm Desert, County of Riverside, California. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. November 12, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on Desert Falls Subdivision, City of Palm Desert, California

The Department of Housing and Urban Development (HUD) Area Office in Los Angeles, California, intends to have prepared an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description: Desert Falls is a proposed development under Title X of the Housing and Community Development Act. The developer proposes to build 1,111 dwelling units in a mixture of housing densities and types. The proposed development includes streets, recreational facilities, and convenience commercial uses. The proposed development is located on 404 acres. The boundaries are Frank Sinatra Drive, Del Safari Country Club, Country Club Drive and Cook Street.

Need: An EIS is proposed due to HUD threshold requirements in accordance with housing program environmental regulations and probable impact on: topography, soils, water resources, vegetation, archeological sites, endangered species, public services and utilities, and traffic volumes.

Alternatives: At this time, the HUD alternatives are: accept the proposed development as submitted, accept the proposed development with modifications, or reject the proposed development.

Scoping: HUD will hold a scoping meeting open to all persons, groups, organizations, Federal, State and local agencies. HUD wishes to identify all significant issues. The scoping meeting will be held in the City Council Chambers at 2:00 p.m. on December 2, 1981, in the City Hall of the City of Palm Desert, California. The street address is 45275 Prickly Pear Lane. For further information, please contact William Shortall, Environmental Protection Specialist of the HUD Los Angeles Office. His telephone number is 213-688-5899.

Comments: Comments and questions regarding this proposal should be sent within 21 days of the publication of this Notice in the **Federal Register** to John J. Tuite, Area Manager, Attn: William Shortall, Environmental Protection Specialist, Department of Housing and Urban Development, Los Angeles Area Office, 2500 Wilshire Boulevard, Los Angeles, California 90037. The Area Office phone number is 213-688-5974.

[FR Doc. 81-33338 Filed 11-18-81; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

[Docket No. N-81-1098]

Privacy Act of 1974; Proposed Amendment to System of Records

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act system of records: HUD/DEPT-28, Property and Manufactured (Mobile) Home Improvement and Rehabilitation Loans—Default.

EFFECTIVE DATE: The amendment shall become effective without further notice on December 21, 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, S.W., 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 routine uses of records maintained in the system are being amended to permit the Department to use contractual support for debt servicing and to permit the Department to obtain the current addresses of debtors from the Internal Revenue Service. The words "to HUD contractor—for debt servicing" and "Internal Revenue Service—to obtain current addresses of debtors" have been added to routine uses. The Privacy Act allows disclosure of information under a routine use for purposes that are compatible with the purposes for which the information was collected. The information collected in this system relates to defaulted and delinquent loans. Disclosure of the information will assist in servicing and collecting these loans.

The notice is published below in its entirety, as amended. Previously, the system was published at 46 FR 22267 (April 16, 1981). The prefatory statement containing General Routine Uses was published at 45 FR 67608 (October 10, 1980). Appendix A, which lists the addresses of HUD's field offices was published at 45 FR 67626 (October 10, 1980).

HUD/DEPT-28

SYSTEM NAME:

Property Improvement and Manufactured (Mobile) Home Loans—Default.

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Manufactured (mobile) home and home improvement loan debtors who are delinquent or in default on their loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, credit applications, Social Security Number where available, case histories of borrowers; records of payment; financing statements; notes; mortgages and other evidences of indebtedness; delinquent and defaulted loan records and account cards; collection and field reports; records of claims and chargeoffs; creditor requests for collection assistance; justifications for closing collection action; related correspondence and documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title I, Sec. 2, National Housing Act, 12 U.S.C. 1703; Federal Claims Collection Act of 1966 (Sec. 1, Pub. L. 89-508).

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Use paragraphs in prefatory statement. Other routine uses: Department of Justice—for prosecution of fraud revealed in the course of claims collection efforts and for the institution of suit or other proceedings to effect collection of claims; FBI—investigation of possible fraud revealed in the course of claims collection efforts; General Accounting Office—for audit purposes; private employers and Federal agencies—to facilitate collection of claims against employees; Office of Personnel Management—for offsetting retirement payments; consumer reporting and commercial credit agencies—to facilitate claims collection consistent with Federal Claims Collection Standards, 4 CFR Section 102.4; to financial institutions that originated or serviced loans—to give notice of disposition of claims; to title insurance companies—for payment of liens; to local recording offices—for filing assignments of legal documents, satisfactions, etc.; to bankruptcy courts—for filing of proofs of claim; to HUD Contractor—for debt servicing; and to state motor vehicle agencies and Internal Revenue Service—to obtain current addresses of debtors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

File folders and on magnetic tape/disc/drum.

RETRIEVABILITY:

Claim number, name or other identification number.

SAFEGUARDS:

Manual files are kept in lockable cabinets or rooms; automated records are maintained in secured areas. Access to either type of record is limited to authorized personnel.

RETENTION AND DISPOSAL:

Files are partly active and partly historical and are disposed of in accordance with HUD Handbook 2225.6, Records Disposition Management: HUD Records Schedules.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Title I Insured Loans, HSI, 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 appealing 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 Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individual; current and previous employers; credit bureaus; financial institutions; business firms; federal and non-federal agencies; law enforcement agencies; title companies and abstractors; bankruptcy courts.

(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., November 12, 1981.

Donald J. Keuch, Jr.,

Deputy Assistant Secretary for Administration.

[FR Doc. 81-33339 Filed 11-18-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Chevron Shale Oil Company Right-of-Way; Colorado; Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Public scoping meetings.

SUMMARY: The U.S. Department of the Interior, Bureau of Land Management, Grand Junction District Office will prepare an environmental impact statement on a proposed 100,000 barrel per day shale oil project in Garfield County, Colorado. The project would include a combination of underground and open pit mining; shale oil retorting and upgrading facilities; a water system, including an intake structure in the Colorado River, pipelines and storage reservoir; and associated transportation facilities, including syncrude pipeline, electric power line, roads and community facilities.

Public scoping meetings will be held at the following:

December 1, 1981; 7:30 p.m.—Grand Junction High School, Grand Junction, CO

December 2, 1981; 7:30 p.m.—Rifle High School, 1353 Fontaine, Rifle, CO

December 3, 1981; 7:30 p.m.—DeBeque School, Minter Avenue, DeBeque, CO

December 7, 1981; 7:30 p.m.—Botanical Gardens, Education Bldg., John Mitchell Hall, 1005 York Street, Denver, CO

In accordance with the final regulations of the Council on Environmental Quality for Implementation of Procedural Provisions of the Natinal Environmental Policy Act (40 CFR Part 1500) the scoping meetings will:

a. Inform affected federal, state and local agencies, and other interested groups or individuals about the proposals.

b. Define the scope and significant issues to be analyzed in the EIS. This includes identification and elimination from detailed study those issues which are not significant.

c. Identify environmental reports which may be related to the proposal or may contain relevant data.

d. Identify related consultation and review requirements which will be addressed in the EIS, including identification of mandated documentation.

FOR FURTHER INFORMATION CONTACT: Robert W. Kline, Coordinator, Chevron Oil Shale EIS, Bureau of Land Management, 764 Horizon Drive, Grand Junction, CO 81501, Telephone: Commercial—303-243-6552; FTS—323-0011.

David A. Jones,

District Manager.

[FR Doc. 81-33411 Filed 11-18-81; 8:45 am]

BILLING CODE 4310-84-M

[Coal Lease Application C-29900]

Gunnison County, Colorado; Public Hearing and Availability of Environmental Impact Statement; Correction

In the matter of Gunnison County, Colorado; for further information contact Alan D. Campbell, phone 303-837-5551.

In notice published in volume 46, **Federal Register**, page 55426 in the issue of Monday, November 9, 1981, the last sentence of the first paragraph is corrected to read as follows: "Written comments may also be submitted to the Montrose District Office at the above address prior to close of business, December 18, 1981." The first word of the following line is corrected to read "Substantive."

Alvah Q. Whitledge,

Leader, Montrose Team, Branch of Adjudication.

[FR Doc. 81-33408 Filed 11-18-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-2345]

Idaho; Partial Termination of Classification for Multiple-Use Management

November 13, 1981.

1. Pursuant to authority delegated to me by Bureau Order No. 701, dated July 29, 1964 (29 FR 10526), I hereby terminate the Bureau of Land Management Multiple-Use Classification Order dated November 23, 1970 (Serial No. I-2345) published in the **Federal Register** November 5, 1970, 35 F.R. 17066, No. 216, insofar as it affected the lands described below:

Boise Meridian, Idaho

T. 8 S., R 13 E.,
Sec. 10, S½S½SE¼.

The area described contains 40 acres in Twin Falls County.

2. The segregative effect on the lands described in this order will terminate upon publication of this notice in the **Federal Register** as provided by the regulation in 43 CFR 2461.5(c)(2).

3. At 7:45 A.M. on December 17, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:45 A.M. on December 17, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the State Director, Idaho State Office, Bureau of Land Management, Federal Building, 550 West Fort Street, Boise, Idaho 83724.

Robert O. Buffington,

State Director.

[FR Doc. 81-33417 Filed 11-18-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-7435]

Idaho; Termination of Proposed Withdrawal and Reservation of Lands

November 4, 1981.

Notice of application, serial number I-7435, for withdrawal and reservation of lands was published as FR Doc. No. 74-2518 on page 3977 of the issues for January 31, 1974. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 7:45 a.m. on December 11, 1981, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

Boise Meridian

Raft River Valley Geothermal Research Area

Public Lands

T. 15 S., R. 26 E.,
Sec. 12, NE¼, SE¼NW¼, S½;
Sec. 13, NW¼NE¼, NW¼, N½SW¼, SW¼, SW¼;
Sec. 14, E½NE¼, SW¼NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 22, E½NE¼, SW¼NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 23, W½;
Sec. 25, S½N½, SE¼;
Sec. 26, E½SE¼;
Sec. 27, N½NW¼;
Sec. 28, E½NE¼, SW¼NE¼, SW¼, W½SE¼;
Sec. 29, lot 7;
Sec. 32, N½NE¼, SE¼NW¼, NW¼SW¼, S½S½;

Sec. 33, NW¼NE¼, S½NE¼, S½SW¼, N½SE¼;
Sec. 34, NE¼NW¼, NW¼NE¼, S½N½, N½S½;
Sec. 35, E½NE¼, NE¼NW¼, S½NW¼, N½S½.
T. 15 S., R. 27 E.,
Sec. 30, lots 1, 2, 3, 4, W½NE¼, E½NW¼.
T. 16 S., R. 26 E.,
Sec. 5, lots 1, 2, 3, 4, SW¼NE¼, SE¼NW¼.

The areas described aggregate 4,846.39 acres.

Private Land

Mineral Estate Only

T. 15 S., R. 26 E.,
Sec. 26, E½SW¼.

The area contains 80 acres.

The combined area described above aggregates 4,926.39 acres in Cassia County.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-33413 Filed 11-18-81; 8:45 am]

BILLING CODE 4310-84-M

Oil and Gas Lease Sale in the National Petroleum Reserve—Alaska

The Bureau of Land Management announces December 16, 1981 at Fairbanks, Alaska, as the date and place of the first oil and gas lease sale of lands in the National Petroleum Reserve in Alaska. Pursuant to Public Law 96-514, the Department of the Interior's Fiscal Year 1981 Appropriations Act, as amended, authorization was given to lease for oil and gas within the National Petroleum Reserve in Alaska, formerly the Naval Petroleum Reserve #4. The Appropriations Act specified that the lands will be leased by competitive procedures. The recommended 1.5 million acres to be offered in the first sale will be identified October 1 in conjunction with release of the final Environmental Assessment. The notice of sale, which will finalize the 1.5 million acres to be offered, will be posted in November. Specific sale and lease procedures also will be announced later.

Fred E. Wolf,

Acting State Director, Alaska.

[FR Doc. 81-33410 Filed 11-18-81; 8:45 am]

BILLING CODE 4310-84-M

Susanville District Advisory Council, California; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 (FLPMA) that a meeting of the Susanville District Advisory Council will be held on December 16, 1981.

The meeting will begin at 10:00 a.m. on December 16, in the Conference Room of the BLM Susanville District Office, 705 Hall Street, Susanville, California.

The agenda for the meeting will include:

1. Management of Susanville District for FY 82.
2. Ad Hoc Committee Report on Reporting ES Implementation Progress to the Public.

The meeting is open to the public and time will be provided for public comment.

Summary minutes of the council meeting will be maintained in the District Office and will be available for public inspection and reproduction within 30 days following the meeting.

Robert J. Sherve,

Acting District Manager.

[FR Doc. 81-33412 Filed 11-18-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Termination of Classification for Multiple-Use Management and Termination of Mineral Segregation

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 29, 1964 (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Order dated July 20, 1970 and published in the **Federal Register** July 29, 1970, Vol. 35, No. 146, Pages 12140-12141 is hereby terminated.

The public lands involved aggregate 372,713 acres in Garfield, Piute, and Sevier Counties.

2. The public lands described in the notice were classified for Multiple-Use Management and segregated from appropriation under the Agricultural Land Laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). Paragraph 4 also segregated 1,793 acres of the lands from all forms of appropriation, entry, location or selection under the public land laws, including the general mining laws, and from surface use and occupancy under the mineral leasing laws.

3. Pursuant to the regulations set forth in (43 CFR 2461.5(c)(2)), the above classification is hereby terminated. At 10:00 a.m., on December 28, 1981, the lands described in said Notice of July 20, 1970 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on December 28, 1981 shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. The lands described in paragraph 4 of the above notice will also be open to location under the United States Mining Laws at 10:00 a.m. on December 28, 1981.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: November 10, 1981.

Roland G. Robison, Jr.,

State Director.

[FR Doc. 81-33414 Filed 11-18-81; 8:45 am]

BILLING CODE 4310-84-M

[W-060194]

Wyoming; Cancellation of a Proposed Continuation of a Withdrawal

November 13, 1981.

The notice of a Proposed Continuation of a Bureau of Land Management Administrative Site Withdrawal appearing in the **Federal Register** Thursday, June 25, 1981, page 32946 is hereby cancelled. Further evaluation of the proposed action by the Bureau of Land Management has resulted in the determination that the administrative site can be protected by a right-of-way. Revocation of this withdrawal is pending.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-33416 Filed 11-18-81; 8:45 am]

BILLING CODE 4310-84-M

[U-48179]

Salt Lake District, Utah; Realty Action-Public Land Sale

AGENCY: Bureau of Land Management, Salt Lake District, Interior.

ACTION: Notice.

SUMMARY: The following described land has been identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (43 USC 1713) at no less than the fair market value shown.

Legal Description

T. 8 N., R. 8 E., SLM, Utah,
Sec. 28, Lots 3, 4;
Sec. 33, Lots 1, 2, 3, 4.

Acreage

239.43

Appraised Value $32,300.

DATE: The sale will be made on February 19, 1982, at 1:00 p.m., 13th

floor-BLM Conference Room, 136 East South Temple, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale, including the planning documents, enviornmental assessment and the record of public involvement, is available for review at the Salt Lake District, Bureau of Land Management Office, 2370 South 2300 West, Salt Lake City, Utah 84119, or call 524–5348 for Evan N. Rudd.

SUPPLEMENTARY INFORMATION: The purpose of the proposed public land sale is to dispose of public land which because of its location and other characteristics is difficult and uneconomical to manage. The public interest will be well served by offering these lands for sale.

The lands are to be sold to Randy Sessions of Star Route #2, Box 158, Evanston, Wyoming 82930 for the appraised value, by direct sale, authorized under 43 CFR 2711.3–(b) (sale by other than competitive bidding).

Because of the rights of the grazing permittee, historical use, and the land ownership pattern, a noncompetitive sale is warranted pursuant to section 203 and 310 of the Federal Land Policy and Management Act of 1976 (43 USC 1713; and 43 CFR 2711.3–2).

A certified check, postal money order, bank draft or cashier's check made payable to the Bureau of Land Management for not less than one fifth of the appraised value shall be received at the place of sale—BLM, 136 East South Temple, Salt Lake City, UT 84111 by 1:00 p.m. on February 19, 1982. The payment shall be enclosed in a sealed envelope clearly marked "Public Land Sale U–48179, Rich County."

The remainder of the full price shall be submitted within 30 days from the date of the sale. Failure to submit the full price prior to, but not including the 30th day following the sale, shall result in cancellation of the sale of the above described lands and the deposit shall be forfeited.

The terms and conditions applicable to the sale are:

1. The patent will contain a reservation to the United States for ditches and canals.

2. The sale is for the surface estate only.

3. The authorized officer may refuse to accept any offer and withdraw the tract for sale, if he determines that consummation of the sale would be inconsistent with the provisions of any existing law, or consummation of the sale would encourage or promote speculation in public lands.

4. The patent will be subject to any valid existing rights.

For a period of 45 days from the date of this notice, (until January 4, 1982) interested parties may submit comments to the State Director, BLM, 136 East South Temple, Salt Lake City, UT 84111. Any adverse comments will be evaluated by the state Director who may vacate or modify this realty action and issue a final determination.

Frank W. Snell,

Salt Lake District Manager.

[FR Doc. 81-33409 Filed 11-18-81; 8:45 am]

BILLING CODE 4310-84-M

Southwest North Dakota and McKenzie-Williams Management Framework Plans, Comments Sought on Planning Criteria; Public Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Dickinson District Office of the Bureau of Land Management (BLM) is inviting public participation in the formulation of planning criteria for two land use plans covering federal lands and resources in eight counties of western North Dakota. The criteria will consist of analysis or measurement methods that address the planning issues identified thus far.

The Southwest planning area includes Billings, Slope, Bowman, Hettinger, Adams, and Grant counties. This area is bounded on the south by South Dakota and on the west by Montana.

The other planning area is composed of McKenzie and Williams counties, which are also adjacent to Montana. These two counties are separated by the Missouri River (Lake Sakakawea).

A Federal Register notice in April of 1981 announced the start-up of planning for the two areas and publicized the availability of planning brochures. The public was asked to review the brochures and offer comments on the issues that should be addressed in planning for management of federal coal, oil and gas, other minerals, and certain surface lands. Comments thus far received were considered in developing the planning criteria. As other issues are identified, appropriate planning criteria will be developed.

Public briefings to familiarize area residents with the BLM planning process and to receive comments on issues or criteria will be held in four cities within the planning areas. The rights of surface owners over federal coal will be discussed in detail. Early in 1982 the Dickinson District Office will consult with surface owners as called for in the federal coal regulations [43 CFR 3420.2–3(e)]. This consultation will consist of asking surface owners their views toward the mining of federal coal under their lands.

DATES AND LOCATIONS: Comments on the planning issues and criteria will be taken through December 31, 1981. The public briefings will be held according to the following schedule:

December 2–2:00 p.m. CST; Civic Center, Watford City, ND

December 2–7:00 p.m. CST; County Courthouse, Memorial Room, Williston, ND

December 8–2:00 p.m. MST; County Courthouse, Courtroom, Bowman, ND

December 10–7:00 p.m. MST; Mott Armory, Mott, ND

ADDRESS: The issues brochure and planning criteria are available from the Bureau of Land Management, Dickinson District Office, P.O. Box 1229, Dickinson, ND 58601. The office is located on the second floor of the Gate City Building, 204 Sims Street, and the phone number is 225–9148. Persons wishing to review material relevant to the planning process in the two areas can do so at the above address.

FOR MORE INFORMATION CONTACT: Chuck Steele, Dickinson District Manager, at the above address.

SUPPLEMENTARY INFORMATION: The two land use plans are scheduled for completion by September 30, 1983. The issues brochures available to the public contain statistics, location maps, and overviews of BLM responsibilities and goals. An overlay map file is being developed for each county in the planning areas. A broad range of resources and other factors to be considered will be displayed on the overlays, all of which can be reviewed by the public in the District Office.

Charles E. Steele,

District Manager.

[FR Doc. 81-33380 Filed 11-18-81; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL COMMUNICATION AGENCY

United States Advisory Commission on Public Diplomacy

The U.S. Advisory Commission on Public Diplomacy is holding a rapidly-scheduled meeting on November 20, 1981 to discuss its proposed 1981 Report. The meeting will be held in the Commission office: Room 1008, 1750 Pa. Ave., NW., Wash., D.C. Because space is limited, please call Elizabeth Fahl if you

are interested in attending the meeting (202/724-9244).

Jane S. Grymes,

Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency.

[FR Doc. 81-33423 Filed 11-18-81; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-29679, at page 50618, in the issue of Wednesday, October 14, 1981, on page 50623, in the middle column, the third full paragraph, designated as "MC 120737", line 9, correct "NM" to read "MN".

BILLING CODE 1505-01-M

[Volume No. 25]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 10931 (formerly section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of state Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-727, filed October 14, 1981. Applicant: BENLIN DISTRIBUTION SERVICES, INC., 32 Mississippi Street, Buffalo, NY 14203. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities: Between all points in Erie, Niagara, Chautauqua, Cattaraugus, Alleghany, Wyoming, Genesee, Orleans, Monroe, Livingston and Steuben Counties. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-2490, filed October 15, 1981. Applicant: AXE & ARTHUR MOTOR EXPRESS, INC., 651 Genant Drive, Syracuse, NY 13204. Representative: Murray J. S. Kirshtein, Esq., 118 Bleecker St., Utica, NY 13501. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities: Between the Counties of Cayuga, Monroe, Onondaga, Ontario, Seneca and Wayne on the one hand, and, on the other, all points in the Counties of Herkimer, Madison, Oneida and Oswego. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-5088, filed October 6, 1981. Applicant: UTICA OSWEGO EXPRESS, INC., 1100 Broad St., Utica, NY 13501. Representative: Joseph N. Gorea, Jr., 1100 Broad St., Utica, NY 13501. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities: Between all points in the Counties of Fulton and Montgomery. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-6227, filed August 25, 1981. Applicant: HARDING EXPRESS, INC., 38 Mill Street, Lockport, NY 14094. Representative: Roy D. Pinsky, Suite 1020, State Tower Bldg., Syracuse, NY 13202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities: Between all points in Erie, Niagara, Orleans, Genesee, Monroe, Chautauqua and Cattaragus Counties. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-33353 Filed 11-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 198]

Motor Carriers; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: November 13, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 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 unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 79658 (Sub-13)X, filed September 16, 1981, previously, noticed in the Federal Register of September 29, 1981, republished as follows: Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47703. Representative: Michael L. Harvey, Vice President-Law, 1212 St. George Road, P.O. Box 509, Evansville, IN 47703. Applicant seeks to remove a restriction in Sub-No. 14 (previously

noticed as authority in MC–F–13997) to (1) remove the restriction in Sub-No. 14 excluding service east of an imaginary line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) Boundary line.

MC 107010 (Sub-70)X, filed October 27, 1981. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, NE 68305. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Lead and Subs 12, 13, 14, 15, 17, 19, 23, 24, 25, 26, 27, 30, 31, 32, 33, 37, 38, 42, 45, 47, 50, 52, 54, 56, 59, 63, 64F, 65F, 67F, 68F and 69F certificates and E–1 letter notice: (A) Broaden from (1) petroleum products, in bulk, in tank trucks, and rejected shipments; refined petroleum products, in bulk, in tank vehicles; anhydrous ammonia, in bulk, in tank vehicles; fertilizer and fertilizer compounds, acids and chemicals, in bulk, in tank or hopper-type vehicles; anhydrous ammonia and fertilizer solutions, in bulk, in tank vehicles and dry fertilizer; liquid animal food and liquid animal food supplements, in bulk, in tank vehicles; fertilizer and fertilizer materials, in bulk and in bags; liquid feed and liquid feed supplements, in bulk, in tank vehicles; inedible tallow, in bulk, in tank vehicles; propane, in bulk, in tank vehicles; and tallow, in bulk, to "commodities in bulk", lead and Subs 12, 14, 15, 19, 26, 30, 33, 38, 42, 50, 63, 64F, 68F, 69F and E–1; (b) refined petroleum products; liquefied petroleum gas, in bulk, in tank vehicles, asphalt and liquid soil stabilizers, in bulk, in tank vehicles; anhydrous ammonia, in bulk, in tank vehicles; propane, in bulk, in tank vehicles; and anhydrous ammonia, urea and fertilizer (except anhydrous ammonia and urea to "petroleum, natural gas and their products", lead (sheet 2), and Subs 32, 37, 45, 65F and 67F; (c) anhydrous ammonia and fertilizer solutions, in bulk, in tank vehicles; dry fertilizer and urea; chemicals and fertilizers and fertilizer materials derived from petroleum and petroleum products, in bulk, fertilizers, insecticides, fungicides and herbicides and materials and ingredients thereof, in bulk; and liquid fertilizer solutions, in bulk, in tank vehicles, to "chemicals and related products", Subs 13, 17, 23, 24, 25, 27, 31, 47, 52 and 59; (d) animal feed, in bags, to "food and related products", Sub 54; and (e) crushed rock, rock, sand and gravel to "clay, concrete, glass or stone products", Sub 56; (B) Remove the (1) "originating at and/or destined to" restriction, Subs 27, 30, 31, 37, 50, 54 and 69F; the (2) "plantsite" restrictions, lead (sheets 2 and 3) and Sub 25; and (3) "refining and distribution points or plants" restriction, lead (sheets 1 and 2) and Sub E1; (C) Broaden to (1) countywide authority: (1) (plantsite-Plattsmouth) Cass County, NE, and (Hastings) Adams County, NE, lead; (2) (Fremont) Dodge County, NE, Sub 12; (3) (plantsite-Hoag and Beatrice) Gage County, NE, Subs 13, 14, 24, 26, 42 and 65F; (4) (terminal site-Murphy and plantsite-Aurora) Hamilton County, NE, Subs 15 and 23; (5) (Nebraska City) Otoe County, NE, Sub 17; (6) (plant-Fort Dodge) Webster County, IA, Sub 19; (7) (facilities-Blair) Washington County, NE, Subs 27 and 38; (8) (plantsite-LaPlatte) Sarpy County, NE, Sub 30; (9) (facilities-Lincoln and Greenwood) Lancaster County, NE, Subs 31, 37, and 67F; (10) (facilities-Borger) Hutchinson County, TX; (Conway) McPherson County, KS; and Whiting, Early and Garner) Monona, Sac and Hancock Counties, IA, respectively, Sub 37; (11) (Hastings) Adams County, NE, Sub 47; (12) (plantsites-Humboldt and Falls City) Richardson County, NE, Subs 50 and 59; (13) (terminal-Clay Center) Clay County, KS, Sub 52; (14) (David City) Butler County, NE, and (terminals-Spencer and Holstein) Clay and Ida Counties, IA, Sub 63; (15) (Lawrence) Douglas County, KS, and (Phelps City) Atchison County, MO, Sub 64F; and (16) (Dakota City and West Point) Dakota and Cuming Counties, NE; (Denison and Fort Dodge) Crawford and Webster Counties, IA; (Luverne) Rock County, MN; and (Emporia) Lyon County, KS, Sub 69F; and (2) radial authority, all Subs.

MC 111320 (Sub-76)X, filed March 25, 1981, previously noticed in the **Federal Register** of April 10, 1981, republished as follows: Applicant: KEEN TRANSPORT, INC., P.O. Box 1417, Hudson, OH 44236. Representative: Michael Spurlock, 275 E. State St. Columbus, OH 43215. Applicant seeks to remove restrictions in its lead certificate and E–67, E–69, E–87, E–113, E–114, E–115, E–116, E–117, E–118, E–119, E–120, E–121, E–122, E–123, E–124, E–125, and E–129 letter notices. This Board previously broadened these commodity descriptions from (a) trailers which, at the time of movement, are equipped with road machinery, training school and show display equipment, and are being transported for purposes other than for sale, and tractors used in the transportation of said trailers, which are not for sale, in truckaway and driveaway service, (b) used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles, (except passenger automobiles), but including self-propelled road building and contractor's vehicles or machinery, in driveaway and truckaway service, and (c) new self-propelled road building equipment and parts thereof, in driveaway and truckaway service, to "commodities which because of their size or weight require the use of special handling or equipment, machinery, machinery parts, and equipment, materials and supplies used in the manufacture, sale, or distribution thereof." Subsequently it has come to this Board's attention that applicant is now precluded from handling many of the previously authorized commodities under the new commodity description in its revised certificate. Notice is hereby given that applicant requests that "transportation equipment" be added to the existing description authorized in Sub-No. 76X in order to enable it to transport all the commodities it was handling prior to filing this restriction removal application.

MC 112063 (Sub-29)X, filed October 28, 1981. Applicant: P.I. & I. MOTOR EXPRESS, INC., Broadway Avenue Extension, Masury, OH 44438. Representative: Milan Tatalovich, 11 West Liberty Street, Girard, OH 44420. Sub-Nos. 7 and 14, (A) change one-way territorial descriptions to radial descriptions; and (B) broaden plantsites and cities to countywide authority, as follows: Sub-No. 7, McKean, Venango, Butler and Clarion Counties, PA (Bradford, Franklin, Emlenton, Karns City, Rouseville, and Petrolia, PA, plantsite about 4 or 5 miles northerly of Smethport, and plantsite about 5 miles easterly of Franklin); and Sub-No. 14, Hancock County, WV (Congo, Hancock County).

MC 121046 (Sub-10)X, filed November 5, 1981. Applicant: B. A. MILLER & SONS TRUCKING CO., INC., P.O. Box 41, East St., Liberty Center, OH 43532. Representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, OH 43215. Subs 4 and 8F certificates: (1) broaden general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives, household goods and commodities in bulk)," Sub 4; (2) remove facilities limitations, Subs 4 and 8F and originating at and destined to restriction, Sub 4; (3) change one-way to radial authority, Sub 8F; and (4) change Liberty Center, OH to Henry County, Sub 8F.

MC 123640 (Sub-36X, filed October 19, 1981. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Ft. Wayne, IN 46803. Representative: Irving Klein, Southgate Tower, 371 Seventh Avenue, New York, NY 10001. Sub-Nos. 5, 7, 9, 16, 20, 28F and 33F permits, which authorize transportation of such commodities as are dealt in by hardware houses, broaden territorial descriptions to

"between points in the U.S.," under continuing contract(s) with the named shipper.

MC 125254 (Sub-85)X, filed October 14, 1981. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Subs 27, 28, 34, 43F, 44F, 48F, 52F, 55F, 56F, 63F, 68F, 69F, and 78F certificates: (1) remove the following restrictions: against the transportation of refractories from points in Audrain, Calloway and Montgomery Counties, MO, Sub 34; in tank vehicles, Subs 34 and 44F; in containers, Sub 63F; execpt chemicals, Sub 52F; except commodities in bulk, Subs 27, 34, 28, 44F, 69F, and 52F; (2) remove facilities limitation and originating at and/or destined to, Subs 34, 28, 44F, 56F, and 68F; (3) broaden (a) iron and steel articles to "metal products", Sub 34; (b) agricultural chemicals to "chemicals and related products", Sub 28; (c) glass containers, container accessories, and materials, equipment and supplies to "clay, concrete, glass, and stone products, and materials, equipment and supplies", Sub 44F; (d) plastic containers to "rubber and plastic products", Subs 43F and 48F; (e) cellulose bands and plastic articles to "rubber and plastic products", Sub 56F; (f) plastic articles to "rubber and plastic products", 68F; (g) paper and paper products and equipment, materials, and supplies to "pulp, paper and related products and equipment, materials, and supplies", Sub 69F; (h) wood products to "lumber and wood products", Sub 78F; and (i) liquid foundry compounds to "chemicals and related products", Sub 63F; (4) change one-way to radial authority, Subs 27, 34, 28, 43F, 48F, 56F, 68F, 78F, and 63F; and (5) replace cities with county-wide authority: Vanderburgh, Warrick and Posey Counties, IN and Henderson County, KY, for Evansdale, IN; Muscatine County, IA and Rock Island County, IL, for Muscatine, IA (Sub 27); Muscatine County, IA, for Wilton, IA (Sub 34); Muscatine County, IA, and Rock Island County, IL, for Muscatine, IA (Sub 28); Jefferson, Bullitt, and Oldham Counties, KY and Clark, Floyd, and Harrison Counties, IN, for Louisville, KY, Johnson County, IA, for Iowa City, IA Fayette County, IL for Vandalia, IL, and Oklahoma, Canadian, Cleveland, Logan, and Pottawatomie Counties, OK, for Oklahoma City, OK (Sub 43F); Fayette County, IL, for Vandalia, IL and Hennepin, Anoka, Ramsey, Dakota, and Scott Counties, MN, for Minneapolis, MN (Sub 48F); Muscatine County, IA and Rock Island County, IL, for Muscatine, IA, Morris County, NJ, for Dover, NJ, New Castle County, DE and Cecil County, MD, for Newark, DE, Androscoggins County, ME, for Lewiston, ME, Chautauqua County, NY, for Dunkirk, NY, Montgomery County, PA, for Fort Washington, PA, Hamilton County, OH and Boone, Kenton, and Campbell Counties, KY, for Cincinnati, OH, and Livingston County, MI, for Hamburg, MI (Sub 56F); Fayette County, IL, for Vandalia, IL, Clark County, IN, for Jeffersonville, IN, and Bullitt, Jefferson, and Oldham Counties, KY and Clark, Floyd, and Harrison Counties, IN, for Louisville, KY (Sub 68F); Marinette County, WI and Menominee County, MI, for Marinette, WI, Brown County, WI, for Green Bay, WI, Oconto County, WI, for Oconto Falls, WI, Fond du lac County, WI, for Fond du lac, WI, and Lake County, IN, for Munster, IN (Sub 69F); Buchanan and Andrew Counties, MO, for St. Joseph, MO and Muscatine County, IA and Rock Island County, IL, for Muscatine, IA (Sub 78F); Muscatine County, IA and Rock Island County, IL, for Muscatine, IA (Sub 63F); Clinton County, IA and Whiteside County, IL, for Clinton, IA and Scott and Muscatine Counties, IA, and Rock Island County, IL, for Davenport, IA (Sub 52F); and Fulton County, GA, for Union City, GA, Hamilton County, OH, for Sharonville, OH, Fairfield County, OH, for Lancaster, OH, Scott and Muscatine Counties, IA and Rock Island County, IL, for Davenport, IA, Clinton County, IA and Whiteside County, IL, for Clinton, IA, and Chautauqua County, NY, for Dunkirk, NY (Sub 55F).

MC 125916 (Sub-24)X, filed October 14, 1981. Applicant: NORWOOD TRANSPORTATION, INC., 2232 S. 7200 West Magna, UT 84044. Representative: Elwood G. Peterson (same as applicant). Sub-Nos. 1, 2, 3, 9F, and 12F: broaden (1) salt, drilling mud salt, salt products, salt additives, block salt, mineral mixtures to "salt and related products" in all Sub-Nos.; (2) Flux, Lake Point, Spray, and Saltair, UT, to Salt Lake, Tooele, and Weber Counties in Sub-Nos. 1, 2, 3; (3) authorize radial authority in all Sub-Nos.; (4) delete commodity restrictions in Sub-Nos. 2, 9, and 12.

MC 127972 (Sub-6)X, filed November 5, 1981. Applicant: CAMPAGNE TRUCKING CO., INC., P.O. Box 222, Bethpage, NY 11714. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048; Douglas Miller, 3524 Poinciana Drive, Lake Worth, FL 33463. Lead and Subs 2 and 3 permits broaden (1) remove in tank vehicle and except commodities in bulk restrictions in all permits (2) to "between points in the United States," under continuing contracts with named shipper and (3) from airplane parts, equipment, materials and supplies to "transportation equipment" in all permits.

MC 128772 (Sub-21)X, filed October 27, 1981. Applicant: STAR BULK TRANSPORT, INC., P.O. Box 633, 821 North Front Street, New Ulm, MN 56073. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. (1) Lead and Sub-Nos. 2, 5, 9, 10, 12, 13, 14 and 16F permits, broaden to "food and related products," from dairy products, equipment, supplies and materials, from butter, nonfat dry milk, buttermilk powder and concentrate, and cheese and whey powder (when transported with butter and cheese), from cheese, from butter and cheese, and from diary products, as defined in the *Descriptions case*, 61 M.C.C. 209; Sub-No. 18F permit, broaden to "food and related products, and such commodities as are used in the manufacture, distribution, and sale of lunch and picnic kits," from cereal, plastic articles, lunch and picnic kits, napkins, salt, pepper, sugar, condiments, and straws (except commodities in bulk); and (2) Lead and Sub-Nos. 2, 5, 9, 10, 12, 13, 14, 16F, 17F, and 18F, broaden the territorial descriptions to "between points in the United States," under continuing contract(s) with the named shippers.

MC 134094 (Sub-12)X, filed November 2, 1981. Applicant: HEIGHT'S SERVICE, INC., 521 E. Nevada Ave., St. Paul, MN 55101. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St. Minneapolis, MN 55402. Lead and Subs. 2, 3, 4, 6, 8, 9F and 11 permits: Broaden to (A)(1) "food and related products and malt beverages dispensing equipment" from malt beverages and/or related advertising materials, premiums and malt beverages dispensing equipment, when moving in mixed loads with malt beverages, lead and Subs 3, 6, and 8; (2) "food and related products" from (a) wine and alcoholic liquors, Subs 4 and 9F, and (b) malt beverages, Sub 11; and (3) "chemicals and related products" from chemicals, in containers, Sub 2; and (B) between points in the U.S., under continuing contract(s) with named shippers, all Subs.

MC 138104 (Sub-109)X, filed October 19, 1981. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116. Subs 3, 7, 9, 11, 14, 15, 18, 22, 23, 24, 26, 27, 30, 34, 36, 38, 39, 41, 43, 44, 45, 48, 49, 53, 55F,

57F, 58F, 62F, 65F, 66F, 68F, 69F, 70F, 71F, 72F, 73F, 76F, 77F, 83F, 84F, 88F, 89F, 90F, 92F, 93F, 94F, 95F, 96F, 97F, 99F, 100F, 102F, 103, 104, 105, 106, and 107 certificates: (A) Broaden from (1) trailers and trailer chassis, trailer converter dollies, semi trailers, refuse containers and refuse bodies, truck bodies, bodies, hoists and containers, and van truck bodies, in initial movements, in secondary movements, and in truckaway service, to "transportation equipment", Subs 3, 9, 14, 18, 27, 38, 39, 44, 48, 69F, 72F, 77F, 84F, 89F, 96F, and 100F; (2) iron and steel articles and iron and steel scrap, Sub 11; iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks and parts and accessories for iron and steel tanks and aluminum tanks, Sub 22; reinforcing iron and steel wire mesh and bars, Sub 34; iron and steel articles, Subs 36, 65 and 66; and flange steel, Sub 90, to "metal products"; (3) pipe, pipe fittings, valves, fire hydrants and castings, Sub 58; and iron and steel articles and pipe, Subs 88 and 92, to "metal products and pipe, other than metallic and related products"; (4) iron and steel articles and materials and equipment used in the manufacture of iron and steel articles, Sub 55, to "metal products and machinery"; (5) iron and steel articles and pipe and materials, equipment and supplies used in the manufacture, production and distribution of iron and steel articles and pipe, Sub 71, to "machinery, metal products and pipe, other than metallic and related products"; (6) buildings, complete, knocked down, or in sections, building sections and building panels, and parts and accessories used in the installation and completion of the commodities designated above and materials, supplies, equipment and accesories used in the manufacture and installation of the commodities above; construction materials, and materials and supplies used in the manufacture and/or distribution of construction materials, roofing granules, in bulk; precast concrete modular burial crypts; building and construction materials, and materials and supplies used in the manufacture and distribution of construction materials; precast concrete beams; building materials as used in said certificates to "building and construction materials and related materials and supplies", Subs 49, 53, 57, 62F, 68F, 93F, 94F, 95F and 105; (7) Sub 97, drilling rigs, tanks, pumping units, and cooling towers, and materials, supplies and equipment used in the manufacture thereof; and Sub 103, from drilling mud additives, clay, lignite, petroleum, pitch, foundry sand additives, and agricultural adjuvents, respectively, to "mercer commodities"; (8); ground limestone, clay, in bulk, mineral filler, clay, in bulk, in tank vehicles, and kiln dust, in bulk, in tank vehicles, respectively, to "ores and minerals, and clay, concrete, glass or stone products", Subs 24, 41, 73F, 76F and 102F; (9) bentonite and lignite, except in bulk; lignite, except in bulk, and paper bags to "ores and minerals, clay, coal, lignite, stone and related products"; Sub 70; (10) oilfield equipment, pipe, and commodities which because of their size or weight require the use of special equipment to "mercer commodities, pipe, and commodities which because of their size or weight require the use of special equipment", Sub 26;

(11) foundary materials, equipment and supplies to "machinery, metal products, non metallic minerals, chemicals and related products, and clay, concrete, glass, stone and related products", Sub 107; (12) green and wet salted hides; hides, tallow in bulk, in tank vehicles; hides; and hides, respectively, to "food and related products", Subs 7, 15, 83F, 99F and 106; soda ash, in bulk, in dump vehicles, to "chemicals and related products", Sub 43; and ferro-manganese and silicon manganese, in bulk, in dump vehicles, ferro-manganese and silicon manganese, in bulk, and manganese and alloys, in bulk, respectively to "metal products, including galvanized" Subs 23, 30 and 45; (B) remove (1) restriction prohibiting the transportation of specified commodities, in initial or secondary movements and truckaway or driveaway service, all subs; (2) "originating at or destined to" restriction, Subs 3, 7, 9, 11, 15, 18, 23, 24, 27, 30, 34, 36, 39, 41, 43, 44, 45, 48, 49, 53, 55F, 57F, 58F, 62F, 65F, 66F, 68F, 69F, 70F, 71F, 72F, 73F, 76F, 77F, 83F, 84F, 88F, 89F, 90F, 92F, 93F, 95F, 96F, 97F, 99F and 100F; (3) restriction prohibiting the transportation of commodities in bulk, and/or in dump or in tank vehicles, Subs 23, 24, 30, 41, 43, 45, 49, 53, 57F, 62F, 68F, 70F, 73F, 76F, 83F, 94F and 102F; (4) "facilities" restriction, Subs 70F, 104 and 105; (5) "except El Paso, TX", Sub 15; and (6) "size of weight" restriction, Sub 36; (C) broaden to county-wide authority: (1) Sub 3, Fort Worth—Tarrant County, TX; (2) Sub 9, plantsite, Arlington and Mansfield—Tarrant County, TX; (3) Sub 11, facilities, Midlothian—Ellis County, TX; (4) Sub 14, facilities, Rhome—Wise County, TX; (5) Sub 18, facilities, Omaha—Douglas County, NE; Memphis, Shelby County, TN; Fort Madison—Lee County, IN; Charlotte—Mecklenberg County, NC; (6) Sub 23, Houston—Harris County, TX, and facilities, Midlothian—Ellis County, TX; (7) Sub 24, plantsite, Bridgeport—Wise County, TX; (8) Sub 27, facilities, Carrollton—Dallas County, TX; Lewisville—Denton County, TX; Houston—Harris County, TX; (9) Sub 30, Houston—Harris County, TX; Fort Worth—Tarrant County, TX; (10) Sub 34, facilities, Houston—Harris County, TX; (11) Sub 36, facilities, Midlothian—Ellis County, TX; (12) Sub 39, facilities, Madison—Dane County, WI; (13) Sub 43, Baton Rouge—East Baton Rouge Parish, LA; Decatur—Wise County, TX; (14) Sub 44, Fresno—Fresno County, CA; (15) Sub 45, Mobile—Mobile County, AL; facilities, Midlothian—Ellis County, TX; (16) Sub 48, plantsite, Boyd—Wise County, TX; (17) Sub 49, plantsite, Evant—Coryell County, TX; (18) Sub 51, Galveston—Galveston County, TX; (19) Sub 53, facilities, Texarkana—Miller County AR; (20) Sub 55F, facilities, Midlothian—Ellis County, TX; (21) Sub 57F, facilities, Little Rock—Pulaski County, AR; Ennis—Ellis County, TX; (22) Sub 58F, facilities, Birmingham and Bessemer—Jefferson County AL; (23) Sub 62F, facilities, Marrero—Jefferson Parish, LA; (24) Sub 65F, facilities, Hope—Hempstead County AR; (25) Sub 66F, Plum—Fayette County, TX; (26) Sub 68F, facilities, Texarkana—Miller County, AR; (27) Sub 69F, facilities, Brady—McCulloch County, TX; (28) Sub 71F, facilities, Conroe—Montgomery County, TX; (29) Sub 72F, facilities, Oklahoma City—Oklahoma County, OK and Great Bend—Barton County, KS; (30) Sub 73F, Batesville—Independence County, AR and facilities, Dallas—Dallas County, TX; (31) Sub 77F, facilities, Fort Wayne—Allen County, IN; Middletown—Westmoreland County, PA; Uniontown—Fayette County, PA; and Waverly—Pike County, OH; (32) Sub 83F, facilities, Amarillo—Potter County, TX; Dakota City—Dakota County, NE; West Point—Cuming County, NE; Denison—Crawford County, IA; Fort Dodge—Webster County, IA; Emporia—Lyon County, KS; and Luverne—Rock County, MN; (33) Sub 84F, Longview—Gregg County, TX; (34) Sub 88F, Laredo—Webb County, TX; and Eagle Pass—Maverick County, TX; (35) Sub 89F, facilities, Brazil—Clay County, IN; Memphis—Shelby County, TN; and Savannah—Chatham County GA; (36) Sub 90F, facilities, coalton—Boyd County, KY, and Mansfield—Tarrant County, TX; (37) Sub 92F, facilities, Newport—Campbell County KY; (38) Sub 93F, facilities, Houston—Harris County, TX; (39) Sub 96F, facilities, Athens—McMinn County, TN; Lancaster—Lancaster County, PA; Milwaukee—Milwaukee County, WI;

and Tishomingo—Tishomingo County, MS; (40) Sub 97F, facilities, Alvarado—Johnson County, TX and Arlington and Mansfield—Tarrant County, TX; and (D) broaden to radial authority: Subs 3, 7, 9, 11, 15, 18, 22, 23, 24, 27, 30, 34, 36, 39, 41, 43, 44, 45, 48, 49, 51, 53, 55F, 57F, 58F, 62F, 68F, 69F, 70F, 71F, 72F, 73F, 76F, 77F, 83F, 84F, 88F, 89F, 90F, 92F, 93F, 95F, 96F, 97F, 99F 100F and 106.

MC 138574 (Sub-4)X, filed November 6, 1981. Applicant: NORTHERN EXPRESS, INC., 31 Virginia Avenue, Carteret, NJ 07008. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Lead and Subs 1 and 2: (1) broaden commodity description from (a) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in the lead, and (b) pharmaceutical products to "chemicals and related products and health care products" in Subs 1 and 2; (2) eliminate facilities limitation in Sub 1; (3) broaden territorial descriptions: Carle Place to Nassau County, NY, in Sub-1, and Avon to Hartford County, CT, in Sub-2; (4) expand one-way to radial authority in Sub-1; and (5) remove restrictions (a) against the transportation of magazines, periodicals, paper back books, and related advertising matter of the aforesaid commodities in the lead; (b) 100 pound weight limitation in Sub-1; and (c) except commodities in bulk in Sub-2.

MC 142448 (Sub-1)X, filed November 6, 1981. Applicant: WALTER WOODS d.b.a. W & T TRUCKING, 95 McKinley Avenue, Lodi, NJ 07644. Representative: William F. Cuthbert, 711 E. Main Street, Bridgewater, NJ 08807. Lead permit, broaden envelopes to "pulp, paper related products"; and to between points in US, under continuing contract with a named shipper.

[FR Doc. 81-33355 Filed 11-18-81; 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** 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 environmental nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form or 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. OPY-2-220

Decided: November 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 149233 (Sub-4) filed November 2, 1981. Applicant: EDGAR SERVICE COMPANY, INC., 3445 Paterson Plank Rd., North Bergen, NJ 07047. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403, 617-238-9363. 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 150062 (Sub-2), filed November 2, 1981. Applicant: MORTON TRUCKING CO., INC., P.O. Box 663, Radcliff, KY 40160. Representative: Raymond L. Powell (same address as applicant) (502) 351-4945. 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 158972, filed October 26, 1981. Applicant: B. D. RANDOLPH TRUCKING, R4 Box 149 B, Mt. Vernon, KY 40456. Representative: B. D. Randolph (same as applicant), (606) 256-5552. 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 159102, filed November 2, 1981. Applicant: G. Z. MAGNUM CORPORATION, 12115-A Woodroff Ave., Downey, CA 90241. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655-3573. 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 159122, filed November 3, 1981. Applicant: MUTUAL DISTRIBUTION SYSTEMS, INC., 850 Charles St., Gloucester City, NJ 08030. Representative: Robert L. Cope, Suite 501, 1730 M St., NW, Washington, DC 20036, (202) 296-2900. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–5–198

Decided: November 9, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 159029, filed October 29, 1981. Applicant: SUMMERS MOVING & STORAGE, P.O. Box 11813, Fresno, CA 93775. Representative: Daniel Summers (same address as applicant), (209) 268–0948. Transporting *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 159099, filed November 2, 1981. Applicant: COOPER REID AND ASSOCIATES, 3630 Lakeridge Drive, Grapevine, TX 76051. Representative: Jack L. Coke, Jr., 4555 First National Bank Bldg., Dallas, TX 75202, (214) 741–6263. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159109, filed November 2, 1981. Applicant: PRESTON BROWN and JOY BROWN, d.b.a. B & M TRUCKING, P.O. Box 613, Branson, MO 65616. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–33356 Filed 11–18–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

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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 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 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 inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–221

Decided: November 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 26462 (Sub-4), filed October 30, 1981. Applicant: JACA TRUCK LINES, P.O. Box 87, McDermitt, NV 89421. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (201) 343–3071. Transporting *general commodities* (except classes A and B explosives), between points in Owyhee County, ID, Carson City, Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, Storey and Washoe Counties, NV, and Malheur and Harney Counties, OR, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, NC, ND, OR, SD, UT, WA and WY.

Note.—Applicant indicates intention to tack with existing authority.

MC 142603 (Sub-62), filed November 3, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Tami L. Quinlan (same address as applicant), (413) 732–6283. Transporting *toys*, between points in the U.S., under continuing contract(s) with H.G. Toys, Inc., of Long Beach, NY.

MC 144532 (Sub-3), filed November 2, 1981. Applicant: ANDERSON POTATO CO., INC., 2179 Route 112, Medford, NY 11763. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Warner-Lambert Company, of Morris Plains, NJ.

MC 159033, filed October 30, 1981. Applicant: ROBERT D. FANSLER, d.b.a. CUMBERLAND LIMOUSINE SERVICE, 911 Michigan Ave., Cumberland, MD 21502. Representative: Robert D. Fansler (same address as applicant), (301) 777–3882. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between points in PA, VA, WV, and those in Allegany, Garrett, and Washington Counties, MD.

Volume No. OPY–2–222

Decided: November 10, 1981.

By the Commission, Review Board No. 1, Member Parker.

MC 55312 (Sub-17), filed October 28, 1981. Applicant: TRAILWAYS TENNESSEE LINES, INC., 327 Gayoso St., Memphis, TN 38105. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655–7937. Over *regular routes*, transporting *passengers and their baggage, and express, in the same vehicle with passengers*, (1) between Chattanooga and Murfreesboro, TN, over Interstate Hwy 24, serving no intermediate points, and (2) between Bristol, TN, and Roanoke,

VA, over Interstate Hwy 81, serving all intermediate points.

MC 144572 (Sub-64), filed November 2, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80602. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717-17th St., Denver, CO 80202, 303-892-6700. Transporting *such commodities* as are dealt in by brewers, between the facilities of Jos. Schlitz Brewing Company, at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148212 (Sub-4), filed November 2, 1981. Applicant: LAURENCE M. DARNELL, d.b.a. LENRAD LEASING CO., P.O. Box 285, Audubon, PA 19407. Representative: Richard A. Carr, 3015 Lindberg Ave., Allentown, PA 18103, (215) 432-3103. Transporting (1) *clay, concrete, glass or stone products* between Winchester, VA, points in Lehigh and Northampton Counties, PA, Berkeley and Kanawha Counties, WV, and DE, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV and DC, and (2) *commodities in bulk*, between those points in the U.S., in and east of WI, IL, KY, TN and MS.

MC 153883 (Sub-3), filed October 29, 1981. Applicant: HARNIC TRUCKING, INC., P.O. Box 1218, 3340 Calumet Avenue, Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682-8154. Transporting (1) *metal products and ores and minerals*, between points in the U.S., under continuing contract(s) with Nobert Plating Company of Chicago, IL, (2) *machinery and related parts*, and *such commodities* as are used in the installation of machinery and related parts, between points in the U.S., under continuing contract(s) with Aaron Equipment Company, Div. of Areco, Incorporated, of Schiller Park, IL, (3) *metal products* between points in the U.S., under continuing contract(s) with Corey Steel Company, of Chicago, IL, Ogden Steel Company of Chicago, IL, and Wyckoff Steel, Division of Ampco-Pittsburgh Corporation of Chicago, IL, (4) *metal products, fireplaces, parts, attachments and accessories for fireplaces*, between points in the U.S., under continuing contract(s) with Superior Fireplace Company, Division of Mobex Corporation, of Fullerton, CA.

MC 154972, filed November 2, 1981. Applicant: COLLIE EQUIPMENT AND MANUFACTURING, INC., P.O. Box 455, West Fargo, ND 58078. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, 701-237-4223. Transporting *food and related products*, between points in Cass County, ND, on the one hand, and, on the other, points in the U.S.

MC 159042, filed October 30, 1981. Applicant: R. W. BRIGGS TRUCKING, INC., Washington Lane (P.O. Box 278), Westborough, MA 01581. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. Transporting *sand*, between points in MA, on the one hand, and, on the other, points in CT, ME, MA, NH, NJ, NY, RI and VT.

MC 159082, filed November 2, 1981. Applicant: OMNECO, INC., 909 Industrial Park Drive, Carson City, NV 89701. Representative: Robert L. Crowell, 402 North Carson St., P.O. Box 1000, Carson City, NV 89701, 702-882-1311. Transporting *metal products, machinery, clay, concrete, glass or stone products, and building materials*, between points in Washoe, Carson, and Douglas Counties, NV, on the one hand, and, on the other, points in CA.

Volume No. OPY-4-437

Decided: November 12, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 146336 (Sub-26), filed October 30, 1981. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609 109th St., Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with Campbell Soup Company, Inc., of Camden, NJ, and its subsidiaries: Camsco Mushroom Company, Inc., of Evansville, PA, Champion Valley Farms, Inc., of Bloomsburg, PA, Domsea Farms, Inc., of Brimerton, WA, German Village Products, Inc., of Wauseon, OH, Godiva Chocolatier, Inc., of Reading, PA, Hanover Trail, Inc., of Camden, NJ, Herider Farms, Inc., of Macogdoches, TX, Lexington Gardens, Inc., of Norwalk, CT, Martino's Bakery, Inc., of Burbank, CA, Pepperidge Farm Incorporated, of Norwalk, CT, Pietro's Corp., of Seattle, WA, and Vaisic Foods, Inc., of W. Bloomfield, MI.

MC 152766 (Sub-4), filed October 26, 1981. Applicant: NORTHERN VIRGINIA MOVING AND STORAGE CO., P.O. Box 1124 (CS), Fredericksburg, VA 22401. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0025. Transporting (1) *household goods*, and (2) *furniture and fixtures*, between points in VA, MD, and DC.

MC 157486, filed October 30, 1981. Applicant: HERBERT Y. GILL, d.b.a. CIMARRON TRUCKING CO., P.O. Box 25711, Albuquerque, NM 87125. Representative: Herbert Y. Gill (same address as applicant), (505) 873-2838. Transporting (1) *lumber and wood products*, and (2) *roofing and roofing materials*, between points in NM, TX, AZ, OK, CO, KS, WY, MT, ID, UT, NV, WA, OR, and CA.

MC 157596, filed October 26, 1981. Applicant: VANGUARD CONTRACT CARRIER, INC., 25 N. Via Monte, (P.O. Box 9285), Walnut Creek, CA 94598. Representative: Alfred G. Krebs, (same address as applicant), (415) 944-7374. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Rockwell International, of York, SC. Condition: The person or persons who appear to be engaged in common control of regular 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 4, Room 2410.

MC 158096 (Sub-1), filed October 30, 1981. Applicant: BEST WAYS EXXPRESS, INC., 129 176th St. S., Suite 6, Spanaway, WA 98387. Representative: Kenneth R. Mitchell, 2320A Milwaukee Wy., Tacoma, WA 98421, (206) 383-3998. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. under continuing contract(s) with Lumberman Merchandising Corp., of Wayne, PA.

MC 158947, filed October 22, 1981. Applicant: CUBANICA TRANSPORT CORP., 7353 SW., South Waterway Dr., Miami, FL 33155. Representative: Mario Gonzales (same address as applicant), (305) 261-6056. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in FL, restricted to traffic having a prior or subsequent movement by water.

MC 159006, filed November 2, 1981. Applicant: SUTTLES TRUCK LEASING, INC., Hwy. 43 S., P.O. Box 129, Demopolis, AL 36732. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 899-2531. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S., under continuing contract(s) with A. R. Tatlor Veneer Co. Inc. of Demopolis, AL, Basic Chemical Co. Inc., of Montgomery, AL, Borden Inc., of

Columbus, OH, and FIS Wholesale Distributors, Inc., of Fountain Inn, SC.

Volume No. OPY–4–438

Decided: November 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 64446 (Sub-5), filed November 6, 1981. Applicant: W. H. FITZGERALD, INC., 78 Highland Ave., Youngsville, PA 16371. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI) under continuing contract(s) with National Forge Company, of Irvine, PA.

MC 109736 (Sub-52), filed November 5, 1981. Applicant: CAPITOL BUS COMPANY, 1061 So. Cameron St., Harrisburg, PA 17104. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108, (717) 232–8000. Transporting *passengers and their baggage*, in charter and special operations, between points in the U.S. (except AK and HI).

MC 134806 (Sub-76), filed November 4, 1981. Applicant: B–D–R TRANSPORT, INC., P.O. Box 1277, Vernon Dr., Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East Weat Hwy., Suite 404, Bethesda, MD 20814, (301) 986–9030. Transporting (1) *cast iron stoves and accessories*, between points in the U.S. (except AK and HI), under continuing contract(s) with Energy Harvester Corp., of Fitzwilliam, NH, and (2) *woodburning stoves and soapstone*, between points in the U.S. (except AK and HI), under continuing contract(s) with Heartstone Corp., of Morrisville, VT.

MC 140656 (Sub-8), filed November 2, 1981. Applicant: TROUCHU TRUCKING SERVICES, LTD., 429 58th Ave., Calgary, Alberta, Canada T2G 2A7. Representative: Charles E. Johnson, P.O. Box 773, Bismarck, ND 58502, (701) 223–5300. Transporting *soda ash*, between points in Sweetwater County, WY, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada.

Note.— The purpose of this application is to convert applicant's contract carrier authority in Permit No. MC–143268 Sub 3 to common authority.

MC 143696 (Sub-24), filed November 4, 1981. Applicant: AMERICAN INDUSTRIAL TRANSPORTATION, INC., P.O. Box 1416, Hwy 259 So., Henderson, TX 75652. Representative: Hugh T. Matthews, 555 Griffin Square, Suite 850, Dallas, TX 75202, (214) 742–9175. Transporting (1) *metal products*, (2) *machinery*, (3) *those commodities which because of their size or weight require the use of special handling or equipment*, and (4) *Mercer commodities*, between points in CA, OR, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147196 (Sub-18), filed November 4, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50202, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459, (504) 643–1700. Transporting *paper and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Alco Gravure, Inc., of Memphis, TN.

MC 153196 (Sub-5), filed November 5, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in Brown, Calumet, Manitowoc, Oconto, Outagamie, and Winnebago Counties, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155936 (Sub-2), filed November 5, 1981. Applicant: GREAT WESTERN TRANSPORTATION CO., INC., 8058 E. Carol Way, Scottsdale, AZ 85260. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012, (602) 266–2224. Transporting (1) *metal products*, and (2) *chemicals and related products*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in Alameda, Butte, Fresno, Glenn, Humboldt, Imperial, Kern, Los Angeles, Mendocino, Orange, Plumas, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Louis Obispo, Santa Clara, Shasta, Siskiyou, Tehama, Tulare, Ventura, and Yuba Counties, CA, and Cook, Lake, and McHenry Counties, IL.

MC 157786, filed November 5, 1981. Applicant: MULLINS LEASING SERVICE, INC., Box 387, Lyburn, WV 25632. Representative: John M. Friedman, P.O. Box 426, Hurricane, WV 25526, (304) 562–3460. Transporting (1) *forest products*, and (2) *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Hamer Lumber Company, Division of Celotex Corporation, of Kenova, WV.

MC 159086, filed November 2, 1981. Applicant: SUNBIRD TOURS, INC., d.b.a. GRAY LINE OF DALLAS, 1111 River St., Dallas, TX 75202. Representative: Dennis A. Smith (same address as applicant), (214) 824–2424. Transporting *passengers and their baggage*, in charter operations, beginning and ending at Dallas, TX, and extending to points in NM, CO, OK, AR, and LA.

MC 159127, filed November 3, 1981. Applicant: STADS CORPORATION, d.b.a. HOLIDAY ADVENTURES TRAVEL, 6536 E. Tanque Verde, Tucson, AZ 85715. Representative: Arthur Evenchik (same address as applicant), (602) 886–5381. To engage in operations, in interstate or foreign commerce as a *broker*, at Tucson, AZ, in arranging for the transortation, by motor vehicle, of *passengers and their baggage*, between points in AZ, on the one hand, and, on the other, points in the U.S.

MC 159136, filed November 3, 1981. Applicant: GV&G TRANSPORTATION SERVICES, INC., 5957 So. Rutherford Ave., Chicago, IL 60638. Representative: Gilbert J. Green (same address as applicant), (312) 586–9370. Transporting *general commodities* (except commodities in bulk, household goods, and classes A and B explosives), between points in Cook and DuPage Counties, IL, on the one hand, and, on the other, points in IL, IA, IN, MI, MO, OH, and WI.

MC 159146, filed November 4, 1981. Applicant: CONCEPT VAN LINES, 47 Mellen St., P.O. Box 4838, Framingham, MA 01701. Representative: John F. O'Connell, Jr. (same address as applicant), (617) 879–1820. Transporting *such commodities* as are dealt in or used for trade show purposes, between Denver, CO, Atlanta, GA, Chicago, IL, Indianapolis and Fort Wayne, IN, Kansas City, MO, New Orleans, LA, Baltimore and Beltsville, MD, Detroit, MI, Las Vegas, NV, Atlantic City, NJ, Cleveland, OH, Philadelphia and Pittsburgh, PA, Seattle and Tacoma, WA, Portland, OR, and Washington, DC, and those points in MA, CT, NY, FL, TX, AZ, and CA .

Volume No. OPY–5–197

Decided: November 9, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 109 (Sub-5), filed October 29, 1981. Applicant: CAMPBELL'S AUTO EXPRESS, Lambs Road and Laurel Drive, Pitman, NJ 08071. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. and Cotman St., Jenkintown, PA 19046, (215) 576–0131. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in CT, DE, MD, MA, NJ, NY, PA, RI, VA and DC.

MC 31799 (Sub-9), filed November 2, 1981. Applicant: HELLMAN TRUCKING CO., INC., Houghton, IA 52631. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *metal products*, between points in Lee County, IA, Calhoun County, AL, and Tarrant County, TX, on the one hand, and, on the other, points in the U.S.

MC 101458 (Sub-29), filed October 27, 1981. Applicant: NATIONAL CARTAGE CO., P.O. Box 1121, Melrose Park, IL 60160. Representative: Marc J. Blumenthal, 29 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between points in MI, IL, IN, WI, OH, and MO.

MC 105369 (Sub-16), filed October 29, 1981. Applicant: MIDATLANTIC COAST DELIVERY SYSTEMS, INC., 47–10 Grand Ave., Maspeth, MY 11378. Representative: Bruce J. Robbins, 18 East 48th St., New York, NY 10017, 212–755–9400. Transporting *such commodities* as are dealt in by door to door sales, catalogue sale and mail-order houses (except commodities in bulk, household goods as defined by the Commission and classes A and B explosives), (1) between points in Middlesex County, NJ, on the one hand, and on the other, points in New York, NY; Philadelphia, PA; and Washington, DC, and (2) between points named in (1) above, on the one hand, and, on the other, points in DE, MD, VA, WV and DC.

MC 120368 (Sub-3), filed October 29, 1981. Applicant: DIXIE TRUCKING COMPANY, INC., 4901 Sunset Rd., Charlotte, NC 28213. Representative: K. D. Shaver, Sr., (same address as applicant), 704–598–7900. Transporting *containers and display products*, between points in the U.S. under continuing contract(s) with American Display Corporation of Concord, NC.

MC 129028 (Sub-2) (republication), filed October 7, 1981, previously noticed in the **Federal Register** notice of October 29, 1981. Applicant: BAUCOM'S TRANSFER & STORAGE COMPANY, INC., 511 Johnson Rd., Charlotte, NC 28213. Representative: Archie B. Culbreth, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting (1) *household goods*, and (2) *computer components*, between points in AL, FL, GA, KY, MD, NC, SC, TN, VA, and DC.

Note.—Purpose of republication is to include DC in territorial description.

MC 134978 (Sub-25), filed November 2, 1981. Applicant: C. P. BELUE, d.b.a. BELUE's TRUCKING, Route 3, Campobello, SC 29322. Representative: Mitchel King, Jr., P.O. Box 5711, Greenville, SC 29606, (803) 288–6000. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of fertilizer, between points in GA, KY, NC, SC, TN, and VA.

MC 135518 (Sub-31), filed October 9, 1981. Applicant: WESTERN CARRIERS, INC., 53 South Dawson St., Seattle, WA 98108. Representative; A. J. Swanson, P.O. Box 1103, 226 No. Phillips Ave., Sioux Falls, SD 57101–1103, (605) 335–1777. Transporting (1) *rubber and plastic products* and (2) chemicals and related products, between points in Schuylkill County, PA, Winona County, MN, Hunt County, TX, and Orange County, CA, on the one hand, and, on the other, points in the U.S.

MC 138328 (Sub-140), filed October 27, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S. (except AK and HI).

MC 142378 (Sub-6), filed October 14, 1981. Applicant: CENTRAL DISPATCH, INC., 650 Manhatten St., Harvey, LA 70058. Representative: Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005, (504) 835–4724. Transporting in foreign commerce, (1) *engine and motor parts* used on ships and ocean going vessels, and (2) *passengers and their baggage*, in vehicles having a seating capacity of nine passengers or less, (a) between Atlanta, GA, Brunswick, GA, Jacksonville, FL, and points in Lafourche and St. Mary Parishes, and (b) between points in (a) on the one hand, and, on the other, points in Oregon, Jefferson, Cameron and Calhoun Counties, TX, Baytown, Houston, Galveston, Corpus Christi, Texas City and Freeport, TX, Plaquemines, St. Bernard, Orleans, Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, Iberville, East Baton Rouge, West Baton Rouge and Calcasieu, LA, Harrison and Jackson Counties, MS, Baldwin and Mobile Counties, AL, Tampa, Miami, West Palm Beach, and St. Petersburg, FL, Savannah, GA, Charleston, SC, Norfolk, VA, Wilmington, DE, Baltimore, MD, Philadelphia, PA, Newark and Elizabeth, NJ, and New York, NY.

MC 142888 (S20), filed October 30, 1981. Applicant: COX TRANSFER, INC., P.O. Box 168, Eureka, IL 61530. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *appliances*, between points in Williamson and Knox Counties IL, on the one hand, and on the other, points in IA, IN, KY, MO, MI, OH and WI.

MC 144208 (Sub-8), filed October 28, 1981. Applicant: ART NORDANG TRUCKING, INC., P.O. Box 507, Methow, WA 98834. Representative: Boyd Hatman, P.O. Box 3641, Bellevue, WA 98009, 206–453–0312. Transporting (1) *general commodities* (except classes A and B explosives), between points in WA and OR, (2) *building materials, mining and logging equipment, machinery, mine ores, and concentrates*, between points in WA, ID, and CA, and (3) *paper and paper products*, between points in WA, OR, ID, MT, CO, UT, NV, CA, NM, AZ, and WY.

MC 145129 (Sub-12), filed October 29, 1981. Applicant: WHITTAKER TRANSPORTATION COMPANY, 2909 South Hickory St., Chattanooga, TN 37407. Representative: M. C. Ellis, 1001 Market St., Chattanooga, TN 37402, 615–756–3620. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 147978 (Sub-8), filed October 29, 1981. Applicant: SYSTEM REEFER SERVICE, INC., 6414 Lincoln Ave., Cypress, CA 90603. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, 301–797–6060. Transporting *food and related products, kitchen utensils and tableware*, between point in Los Angeles County, CA, on the one hand, and, on the other, Baltimore, MD; Philadelphia, PA; Chicago, IL; Detroit, MI; and Boston, MA.

MC 149579 (Sub-3), filed October 27, 1981. Applicant: TRANSPORT SERVICE, INC., 216 Amaral St., P.O. Box 4167, East Providence, RI. Representative: Jeffrey A. Vogelman, P.O. Box 11278, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. Transporting *metal products, machinery, and building materials and building supplies* between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, and VT, on the one hand, and, on the other, points in the U.S.

MC 150058 (Sub-2), filed November 2, 1981. Applicant: PHILPOTT CARTAGE CO., 6658 West 99th St., Chicago Ridge, IL 60415. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094.

Transporting *such commodities* as are dealt in or used by manufacturers of railway equipment, between points in the U.S. (except AK and HI).

MC 150248 (Sub-6), filed October 26, 1981. Applicant: BERNIE BERGER, d.b.a. BERGER BROS. TRUCKING, Box 20, R.R. 4, Mandan, ND 58554. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340–0808. Transporting *Lumber and wood products,* between points in CA, OR, ID, WA, and MT, on the one hand, and, on the other, points in MN, IA, WI, IL, IN, OH, and MI.

MC 150939 (Sub-25), filed October 29, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *malt beverages* between points in the U.S., under continuing contract(s) with Stroh Brewery Co., of Detroit, MI.

MC 150939 (Sub-27), filed November 2, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad Street, Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except household goods and classes A and B explosives) between points in the U.S., under continuing contract(s) with Stylette Plastics, Inc., at Oakdale, PA.

MC 152368 (Sub-3), filed October 29, 1981. Applicant: D. L. WILLIAMS TRUCKING, INC., P.O. Drawer 818, Hillsboro, TX 76645. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339–4108. Transporting (1) *lumber and lumber products* between points in AL, AR, AZ, CO, GA, LA, MS, MN, OK, and TX, on the one hand, and, on the other, points in AL, AZ, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MS, MO, NE, NM, NC, OH, OK, SC, TN, TX, VA, and WV, and (2) *granite* between points in GA, on the one hand, and, on the other, points in TX.

MC 153748 (Sub-1), filed November 2, 1981. Applicant: DANDY TRUCKING, INC., 1035 Donnelly Avenue, S.W., Atlanta, GA 30310. Representative: Lavern R. Holdeman, 521 S. 14th St., P.O. Box 81849, Lincoln, NE 68501, (402) 476–1144. Transporting *food and related products,* between points in TN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 156009 (Sub-1), filed October 28, 1981. Applicant: NORTRUP PETROLEUM, INC., 203 South Mary, Stronghurst, IL 61480. Representative: Douglas G. Brown, 913 South Sixth Springfield, IL 62703, (217) 753–3925. Transporting *feed ingredients, petroleum products (including alcohol and carbon dioxide (liquefied)), vegetable oil, chemicals, and food and related products,* between points in the U.S., under continuing contract(s) with Agmart, Inc., of Monmounth, IL.

MC 158709, filed October 9, 1981. Applicant: MOORE'S BUS SERVICE, INC., 414 Evergreen Circle, Milford, DE 19963. Representative: Odus A. Moore (same address as applicant), 302–422–6660. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at points in Kent and Sussex Counties, DE, and extending to points in FL, GA, SC, NC, VA, WV, MD, DE, PA, NJ, NY, CT, NH, RI, MA, ME, VT and DC.

MC 158839, filed October 16, 1981. Applicant: SHAMROCK TRUCKING, INC., 5258 Springdale Road, Forest Park, GA 30050. Representative: Archie B. Culbreth, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting (1) *metal containers,* (2) *can ends,* (3) *tin plate,* and (4) *bottle caps,* between Atlanta, GA, Philadelphia, PA, Baltimore, MD, Chicago, IL, Houston, TX, Milwaukee, WI, and points in Essex County, MA, Hudson County, NJ, Wicomico County, MD, Frederick County, VA, Chesterfield and Spartanburg Counties, SC, Wood County, OH, Kankakee County, IL, Dakota County, MN, Tarrant and Taylor Counties, TX, Washakie County, WY, and Contra Costa and Los Angeles Counties, CA, on the one hand, and, on the other, points in the U.S.

MC 158979, filed October 26, 1981. Applicant: ROBERT G. LEADUM, 316 Pleasant Dr., Cherry Hill, NJ 08003. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110–1097, 215–561–1030. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 14 passengers (not including the driver) in the vehicle, beginning and ending at Philadelphia, PA and extending to New York, NY; The District of Columbia, and points in DE and NJ, and those points in MD on and east of Interstate Highway 81.

MC 159028, filed October 29, 1981. Applicant: A. K. CARTAGE, INC., P.O. Box 14365, Cincinnati, OH 45214. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between Lexington, KY, Dayton and Cincinnati, OH, and Los Angeles, CA; and points in Trimble, Carroll, Henry, Franklin, Scott, Bourbon, Harrison, Robertson, Mason, Bracken, Pendleton, Grant, Boone, and Kenton Counties, KY; Wayne, Union, Franklin, Decatur, Bartholomew, Jackson, Jennings, Ripley, Dearborn, Ohio, Switzerland, Jefferson, Scott, and Clark Counties, IN; Clermont, Clinton, Warren, Butler, Greene, Clark, Miami, Darke, and Preble Counties, OH; Union County, NJ; Clinton County, PA; and Greenville County, SC, on the one hand, and, on the other, points in the U.S.

MC 159039, filed October 28, 1981. Applicant: FREDERICK and PATRICIA DICK, d.b.a. PENNYRICH TRAVEL, 1470 Paddock Drive, Florissant, MO 63033. Representative: Frederick Dick (same address as applicant), (314) 837–0242. To operate as a *broker,* at St. Louis, MO and Effingham, IL, in arranging transportation of *passengers and their baggage,* in same vehicle with passengers, in special and charter operations, between points in MO and IL, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-33357 Filed 11-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–31186, published at page 53230, on Wednesday, October 28, 1981, on page 53231, in the third column, in paragraph "MC 125522", in the ninth line, "MS, NO, NE," should be corrected to read "MS, MO, NE,"..

BILLING CODE 1505-01-M

[Docket No. AB-6 (Sub-No. 106F)]

Rail Carriers; Burlington Northern Railroad Company—Abandonment—Between Villisca and Clarinda, IA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its line of railroad known as the Villisca to Clarinda, IA, line extending from railroad milepost 67.67 near Villisca to railroad milepost 52.43, at the end of the line, near Clarinda, a distance of 15.24 miles, in Montgomery and Page Counties, IA, subject to certain conditions. Since no investigation was

instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-33352 Filed 11-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 62)]

Rail Carriers; Seaboard Coast Line Railroad Co., et al.; Exemption for Contract Tariff ICC-SCL-C-0008

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 Seaboard Coast Line Railroad Company, Louisville and Nashville Railroad Company and the Baltimore and Ohio Railroad filed on November 3, 1981, a joint petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). They request that we permit them to make tariff ICC-SCL-C-0008 effective on one day's notice.

The contract between petitioners and the shipper relates to the movement of phosphate rock over a period of five years. The contract tariff was filed with the Commission on October 28, 1981, and bears the statutorily required effective date of November 27, 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.

The petition is granted. Service by one of the petitioners is provided over the line of a bankrupt railroad and the lease negotiations between petitioner and the Trustee took much longer than anticipated. Any further delay in implementing this contract may cause the shipper major inventory problems. We conclude that this is the type of exceptional circumstances which warrants an exemption. Petitioner's contract tariff ICC-SCL-C-0008 may become effective on one day's notice.

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: November 12, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-33351 Filed 11-18-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA-203-11]

Bolts, Nuts, and Large Screws of Iron or Steel; Report to the President

November 9, 1981.

To the President:

In accordance with sections 203(i)(2) and 203(i)(3) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2) and (i)(3)), the United States International Trade Commission herein reports the results of an investigation concerning bolts, nuts, and large screws of iron or steel.

Summary of Advice of the Commission [1]

Commissioners Alberger, Calhoun, and Stern advise, on the basis of information obtained in the investigation, that termination of the import presently in effect will not have an adverse economic effect on the domestic industry producing bolts, nuts, and large screws of iron or steel and that such relief should not be extended.

Commissioners Bedell and Frank advise, on the basis of information obtained in the investigation, that the termination of the import relief presently in effect will have an adverse economic effect on the domestic industry producing bolts, nuts, and large screws of iron or steel and that such relief therefore should be extended at the level presently in effect for the full three-year period allowed.

Background

The Commission instituted this investigation on July 9, 1981, following receipt, on June 30, 1981, of a petition filed on behalf of the United States Fastener Manufacturing Group, the United Steel Workers of America, the International Association of Machinists and Aerospace Workers, the United Automobile, Aerospace and Agricultural Implement Workers of America, and the Industrial Union Department of the AFL-CIO. Public notice of the investigation and hearing was given by posting copies of the notice at the office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of July 15, 1981, (46 FR 36778). A public hearing was held in connection with this investigation on September 10, 1981, in Washington, D.C. All interested persons were afforded an opportunity to be present, to present evidence, and to be heard.

The information in this report was obtained from field work, questionnaires

[1] Commissioner Eckes did not participate.

sent to domestic producers and importers, the Commission's files, other Government agencies, briefs filed by interested parties, and other sources.

Statement of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun, and Commissioner Paula Stern

On the basis of the information before the Commission in this investigation, it is our judgment that termination of import relief with respect to bolts, nuts, and large screws of iron or steel would not have a significant adverse economic effect on the domestic industry.[2] The purpose of this investigation—and of these views—is to provide upon which the President can base his decision regarding the future of the import relief program. Although the Commission is limited to an advisory role,[3] the Commission's investigation provides the only public opportunity for interested parties to present their respective cases. Our advice is based on our assessment of several factors, including the present condition of the domestic industry, levels and trends of imports during the relief period, the effectiveness of further relief, efforts made by the industry to adjust to import competition, and the other factors set forth in section 202(c) of the Trade Act of 1974. Based on these factors, we recommend that relief not be extended.

The information made available to us in the course of this investigation indicates that the failure of the domestic fastener industry to make significant improvements in its condition during the import relief period is attributable primarily to cyclical factors inherent in the nature of the industry. When the great reduction in demand for its products is taken into account, the industry's performance and particularly its profitability are remarkable. Furthermore, we believe that extension of the present relief will not facilitate significant adjustment by the industry to future import competition. Domestic producers and importers hold approximately the same market shares that they did when import relief was imposed, and imports have also been declining since the current economic downturn began. Because the recent declines in both domestic and imported shipments derive from general economic conditions, we fail to see how import relief will provide an effective remedy.

The Products

Bolts, nuts, and large screws of iron or steel, commonly referred to as industrial or mechanical fasteners, are used to hold, join, or assemble the components of other products. They are used by most U.S. industries, either as original equipment parts or as replacement items. Although other metals are used, approximately 90 percent of these fasteners are ferrous materials.[4]

The industry often categorizes fasteners as either "standard" or "special" fasteners. Although the terms "standard" and "special" have no single, commonly accepted meaning, a useful general definition of each can be formulated. "Standard" fasteners ordinarily have multiple applications and can be manufactured and held in inventory in anticipation of orders from different purchasers. These typically are high-volume items. Usually, these fasteners can be referenced from accepted specifications published by the Industrial Fasteners Institute (IFI). "Special" fasteners, on the other hand, are designed to satisfy the requirements of a particular purchaser and are frequently low volume items. They cannot be referenced from IFI standards, and cannot ordinarily be produced for inventory to meet anticipated orders. The definition of a fastener as either a "standard" or a "special" is subject to change. If an item falls out of usage, it may no longer be considered a standard. Similarly, if a special fastener gains common acceptance by a number of purchasers, it may become a standard.[5]

During the course of our investigation, an effort was made to determine whether and the extent to which there is a significant pattern of special fasterners, over time, becoming standards. The existence of such a pattern could suggest that the domestic industry is at a competitive disadvantage in that it expends its resources in the development and marketing of specials, only to lose an opportunity to recoup and generate further profit upon a special fastener becoming a standard.

While we found some limited evidence of this phenomenon, we could find nothing to suggest a meaningful pattern of such a process or any significant impact from this process. Moreover, special fasteners are typically priced much higher than standards. This suggests that pricing strategies attempt to account for the fact that specials require particularized development and processing and tend, as well, to have comparatively short production runs. This pricing might also take into account the above-noted phenomenon of specials potentially becoming standards over time.

Condition of the Domestic Industry

The condition of the domestic industry has not improved significantly during the import relief period. Except for a period of improvement during the first year of relief, 1979, most indicators of the health of the industry have declined somewhat since 1978. This condition, however, is attributable to cyclical factors, particularly a downturn in demand, that have affected importers just as they have affected the domestic industry.

In 1979, the first year after imposition of import relief, the industry experienced an upturn in business, in part because of increasing demand. Apparent consumption increased from 1,707 million pounds in 1978 to 1,737 million pounds in 1979, approximately 2 percent. Domestic production increased approximately 10 percent from 834 million pounds in 1978 to 917 million pounds in 1979.[6] Domestic shipments, sales, and net profits had similar results, posting increases of 13, 15 and 30 percent, respectively, from 1978 to 1979.[7] Employment grew 3 percent from 1978 to 1979,[8] while the total number of hours worked increased from 45.3 million hours to 48.1 million hours, and wages rose from $450 million to $494 million.[9] Total utilization of available capacity for production of fasteners also increased.[10]

[2] Presidential Proclamation No. 4632 of January 4, 1979 (44 FR 1699), sets forth the import relief with respect to lag screws or bolts, bolts (except mine-roof bolts) and bolts and their nuts imported in the same shipment, nuts, and screws having shanks or threads over 0.24 inch in diameter, all the foregoing of iron or steel, provided for in items 646.49, 646.54, 646.56, and 646.63 of the Tariff Schedules of the United States (TSUS). The relief, in the form of increased duties, is described in TSUS items 923.50 through 923.53, and is scheduled to terminate at the closed of January 5, 1982, unless extended by the President.

[3] The Commission's authority to conduct this investigation is based on sections 203(i)(2) and 203(i)(3) of the Trade Act, which together provide that the Commission shall advise the President of its judgment as to the probable economic effect on the domestic industry concerned of the extension, reduction, or termination of import relief. For a complete discussion of the statutory framework of section 203, *see* Views of Vice Chairman Bill Alberger and Commissioners George M. Moore, Paula Stern, and Michael J. Calhoun, *Color Television Receivers and Subassemblies Thereof*, Inv. No. TA-203-6 (1980); Views of Commissioners Alberger and Stern, *Stainless Steel and Alloy Tool Steel*, Inv. No. TA-203-5 (1979), at pp. 4-6.

[4] Report at A-2 to A-3.

[5] Report at A-4, A-67 to A-69.

[6] Report at A-19.

[7] Report at A-20, A-21.

[8] Report at A-21.

[9] Report at A-21.

[10] Report at A-19. As noted in the Report, the specific figures capacity utilization may be somewhat misleading, because the maximum practical capacity utilization for this industry had been stated to be about 75 percent, and practical capacity is even lower when manufacturing specials. Utilization data are therefore more

Continued

In 1980 all of the indicators of the domestic industry's condition followed consumption, which declined 21 percent compared to 1978 and continued to decline during the first six months of 1981. Domestic production declined 26 percent,[11] shipments declined 19 percent,[12] sales showed a slight increase of .4 percent,[13] net profits declined 21 percent,[14] and employment declined 9 percent.[15]

During the first half of 1981, consumption declined 11 percent compared to the first half of 1980.[16] During this same period, domestic production declined 5 percent,[17] shipments 7 percent,[18] and employment 5 percent.[19] Sales and net profits increased 8 percent and 11 percent, respectively.[20]

The condition of the domestic industry is closely tied to cyclical fluctuations in the economy. The demand for industrial fasteners is derived chiefly from the demand for durable goods, particularly consumer durable goods. The automotive industry is an especially important consumer of industrial fasteners. It alone accounted for about 20 percent of the total domestic shipments of fasteners during the import relief period, and some producers rely on the automotive industry for over 50 percent of their business.[21]

The decline of total consumption in 1980 is primarily due to the recession in the automotive industry and other durable goods industries, such as the construction equipment industry. As stated previously, domestic production and shipments declined 26 and 28 percent respectively from 1978 to 1980. Imports during the same period declined 20 percent. However, import penetration increased slightly from 49.8 percent of total consumption to 50.6 percent. Although both imports and domestics were adversely affected by slumping demand of the automotive sectors, the impact was felt more heavily by the domestic industry, possibly because the automotive manufacturers use a greater proportion of specials than standards and the specials are obtained primarily from U.S. manufacturers.[22]

The data further show that during periods when production of durable goods increased, the domestic industry's fortunes also improved. Although production and domestic shipments are still below 1979 levels, both have stabilized.[23] Employment as measured by total wages and number of hours worked has rebounded somewhat compared to the 1980 level.[24]

Additionally, although indicators are mixed, it is important to note that the financial performance of the domestic industry indicates its continuing viability despite sagging demand. Consistent with the decline in production, aggregate net sales declined from $821.5 million in 1979 to $717 million in 1980 as a result of decreased sales volume. In response to renewed demand, net sales then increased 8 percent in the first half of 1981 compared to the corresponding period in 1980.[25] Net operating profits similarly fell in 1980, but began to recover in the first half of 1981.[26] Nevertheless, despite decreases in demand, production, and profits, the domestic industry during the period of relief has maintained a profit margin that compares very favorably to the profit margins attained by all manufacturers and manufacturers of fabricated metal products in particular.[27] The industry has achieved profit margins of 10.5 percent in 1978, 11.9 percent in 1979, and 8.3 percent in 1980. The margin for the first half of 1981 is 9.2 percent.

Our finding that cyclical factors inherent in the nature of the industry are responsible for the industry's performance is also supported by the quantitative analysis of the effects of the present relief and the potential elimination of the higher duties.[28] The imposition of import relief in 1979 appears to have had at most a minor effect on import levels and domestic production. Increasing demand was a more significant factor in raising the level of production and shipments in 1979.[29] [30] Moreover, it is apparent that imported and domestic fasteners, such as was accomplished by the tariff increases in 1979, have had little impact on shipments of domestically produced items.

This apparent price insensitivity may be largely attributable to a lack of direct competition between imports and the bulk of the domestic goods.[31] In recent years the industry has shifted increasingly away from production of standards and toward production of specials, where it competes more effectively.[32] Based on quantitative analysis of the interrelationship of rates of future consumption, domestic shipments, and imports, we find no evidence to indicate that there will be a significant change in the relative positions of imports and domestic fasteners in the event of termination of relief. Thus, termination of import relief will not have a significant adverse effect on the industry.

Imports During the Relief Period

Imports have declined during the period of investigation. As discussed above, falling demand for industrial fasteners has adversely affected imports as well as domestic production. Aggregate imports decreased from 849.3 million pounds in 1978 to 793 million pounds in 1979 and 678.5 million pounds in 1980. This represents a 20.1 percent decline in volume. Imports dropped further in the first half of 1981, decreasing 15.1 percent in quantity and 7.1 percent in value as compared to the same period in 1980.[33]

As a result of the drastic decline in imports, the decrease in domestic production and shipments did not bring about a significant change in the level of import penetration. Imports as a percentage of total apparent U.S. consumption declined from 49.8 percent in 1978 to 45.6 percent in 1979, increased to 50.6 percent in 1980, then fell off again in 1981. Import penetration dropped from 51 percent in the first half of 1980 to 48.6 percent in the corresponding period of 1981, a level slightly below that prior to the imposition of tariff relief.[34]

Industry Efforts To Adjust to Import Competition[35]

The efforts made by the domestic industry during the period of relief to adjust to import competition have not been sufficient. Total expenditures by U.S. producers for both capital

significant insofar as they demonstrate trends rather then the actual levels of capacity utilization. Report at A-19.

[11] Report at A-19.
[12] Report at A-20.
[13] Report at A-22.
[14] Report at A-21.
[15] Report at A-21.
[16] Report at A-16.
[17] Report at A-19.
[18] Report at A-20.
[19] Report at A-21.
[20] Report at A-22.
[21] Report at A-11. Other factors may be influencing the declining demand for fasteners, including the shift toward production of smaller cars, which use fewer fasteners and may utilize alternative joining techniques.

[22] Report at A-6, A-11.
[23] Report at A-19 to A-20.
[24] Report at A-21.
[25] Report at A-22.
[26] Report at A-22.
[27] Report at A-22 to A-24.
[28] Report at A-42.
[29] Report at A-42.
[30] Vice Chairman Calhoun is of the view that the quantitative analysis demonstrates that demand for fasteners is relatively price inelastic but that the data is not conclusive in supporting a finding that increasing demand was the most significant factor in raising the level of domestic production and shipments in 1979.

[31] Report at A-43.
[32] Report at A- 33 to A-38, A-43.
[33] Report at A-12.
[34] Report at A-16.
[35] 19 U.S.C. 2252(c)(3).

expenditures and research and development have lagged in the period following imposition of relief. Capital expenditures fell from $23.4 million in 1978 to $22.3 million in 1979 and increased only to $23.2 million in 1980, a figure still below the 1978 expenditures. Although capital expenditures increased in 1980 in nominal terms, when adjusted for inflation real capital expenditures declined approximately 25 percent. Capital expenditures in the first half of 1981 were far below levels for the same period in the previous year. While the ratios of capital expenditures to both net sales and cash flow increased, these increases are attributable chiefly to decreases in net sales and net profits.[36]

Aggregate spending on research and development followed the same trends, rising in 1979, then falling in 1980 to roughly the 1978 level. Research and development expenditures increased 20 percent in January–June 1981 over January–June 1980.[37] Most of the capital expenditures and research and development expenses were incurred by producers of special fasteners.[38] Available information indicates that the industry, on the whole, has not acted quickly to modernize its equipment with new, high-speed machinery. We recognize that the failure to revamp production processes can be explained in part by the facts that the new equipment may not be especially suitable for producing special fasteners and that the purchase costs are in some instances so high as to offset the benefits attained by higher productivity.[39] Other efforts to improve competitiveness reported by the domestic industry, including adjustments in marketing and management strategies, do not appear to have been significant.

We believe that import relief has not been particularly effective in promoting adjustment by the industry to import competition. Sales of imported fasteners in the United States and the level of penetration by imports have not been significantly altered by the relief now in effect and there is no reason to believe that extending relief even further will significantly enhance the competitive posture of the industry.

Section 202(c) Considerations

In giving our advice, we have reviewed all the various considerations set forth in section 202(c) of the Trade Act and would like to comment specifically on the impact on the consumers of industrial fasteners.[40] We do not believe that termination of relief will have a significant impact on consumers of industrial fasteners or purchasers of finished goods using those fasteners. The imposition of controls was followed by price rises that were little different from inflationary increases registered in the prices of comparable goods, so it can be expected that elimination of relief will have a similarly insignificant impact. Even if substantial increases occurred in the prices for fasteners, those items represent only a small fraction of the cost of finished durable goods, so the ultimate consumer of the latter would experience little effect.

Conclusion

Based on the information before us, we believe that relief should not be extended. The domestic fastener industry is viable, but is presently suffering from cyclical economic forces that are unrelated to the presence or absence of import relief. The imposition of relief has had little effect on the ratio of imports to total U.S. consumption. For these reasons, import relief should be terminated.[41]

Statement of Commissioners Catherine Bedell and Eugene J. Frank

On the basis of the information obtained in this investigation, it is our judgment that termination of the import relief currently in effect with resepct to bolts, nuts, and large screws of iron or steel will have an adverse impact on the domestic industry producing such articles. We therefore advise that relief should be extended for the full three-year period allowed.[42]

Our advice is based upon information indicating that the health of the industry has not improved during the period of import relief, imports remain at a very high level, and the efforts of the industry to adjust to import competition have been hindered by developments beyond the industry's control. Additional time is needed for the industry to complete the adjustment process.

Condition of the Industry

The condition of the domestic fastener industry is less favorable than it was prior to the imposition of relief. U.S. production of fasteners has declined from 833.9 million pounds in 1978, the year preceding the imposition of relief, to 616.9 million pounds in 1980, a 26 percent decrease. Production continued to fall in the first half of 1981.[43] Over the 1978–80 period domestic shipments declined 18.7 percent in quantity and 7.9 percent in value, and U.S. exports declined 45 percent in quantity. The downturn in domestic shipments continued in the first half of 1981, although the value of these shipments registered a small gain over the corresponding period in 1980.[44] Both industry capacity and utilization of capacity are down significantly from 1978 levels.[45] Consistent with the declines in production, capacity, and capacity utilization, employment levels are lower then in 1978, as are the aggregate number of hours worked.[46]

The industry's financial performance has suffered as well. Aggregate net operating profit declined from $75 million in 1978 to $59.4 million in 1980.[47] The ratio of net operating profit to net sales stood at 8.3 percent in 1980 compared to 10.5 percent in 1978.[48] Net losses were reported by 11 companies in 1980 and 10 in the first half of 1981, or [49] about 38 percent of the firms reporting. One of the largest domestic fastener producers, the Lamson & Sessions Co., terminated its fastener operations in 1981 as a result of continued operating losses.[50] In all, four plant closings were reported during the relief period.[51]

In addition, penetration of the U.S. market by imports has not dropped. Although the absolute number of imports has decreased, import levels as a percentage of total U.S. consumption are as high now as in 1978.[52] Import penetration peaked in 1980 at 50.6

[36] Report at A–27, A– 107.
[37] Report at A–28, A– 107.
[38] Report at A–27.
[39] Report at A–26.
[40] The Report at A–46 to A–51 provides a further discussion of the section 202(c) considerations.
[41] Should import relief be extended, we would recommend that aerospace fasteners be excluded from the scope of the relief. This matter is discussed in detail at pp. A–44 to A–46 of the Report.
[42] 19 U.S.C § 2253(h)(3).
[43] Report at A–19.
[44] Report at A–20.
[45] Report at A–19. As noted in the Report, capacity utilization statistics for this industry are probably overstated. Using 80 percent of reported capacity as equivalent to 100 percent of practical capacity, it appears that utilization rates have declined markedly from 63.1 percent in 1978 to 49.6 percent in 1980. Report at A–19. Utilization of capacity for the production of lag screws and bolts has fallen even more sharply, from 74.9 percent in the first half of 1980 to 32.2 percent in the first half of 1981.
[46] Report at A–21. Although the aggregate wages paid were higher in the first half of 1981 than they were in 1978, this is clearly due to wage increases, since employment and the number of hours worked both decreased.
[47] Report at A–22.
[48] Report at A–23.
[49] Report at A–23, A–104.
[50] Report at A–18.
[51] Report at A–25.
[52] The extent of U.S. consumption of imported fasteners may actually be much greater than indicated by the data in the Report, since a considerable number of fasteners enter the United States affixed to imported durable goods (i.e., indirect shipments) and are thus not counted in import statistics on fasteners.

percent, then declined somewhat in the first half of 1981, but only to a level almost exactly that in 1978.[53] Imports have maintained their share of the market because the relative margins by which they undersell domestic products have remained rougly constant.[54]

The above data, however, do not indicate that import relief has been wholly ineffective in assisting the domestic industry to adjust to import relief. On the contrary, the experience of the industry in 1979, the first year of relief, testifies to the potential efficacy of relief. Import penetration dropped significantly in 1979 from 54.5 percent to 49.7 percent, even though demand for industrial fasteners remained high, with apparent domestic consumption increasing 1.8 percent over the 1978 level.[55] In light of the growth in domestic consumption, the decline in imports is explainable only as a result of the imposition of tariff relief at the beginning of 1979.

The benefits to the domestic industry of the imposition of relief in 1979 are apparent. Total U.S. production of fasteners increased from 833.9 million pounds in 1978 to 916.6 million pounds in 1979.[56] Similar increases were made in U.S. shipments and exports.[57] Total employment, hours worked, and wages all exhibited a similar trend. Significantly, profitability increased dramatically in 1979. Aggregate net operating profit grew 30 percent, while the ratio of net operating profit to net sales increased from 10.5 percent to 11.9 percent.[58]

The improvement in the condition of the industry was reversed after 1979 by economic developments that interfered with the ability of the industry to take full advantage of import relief. The most significant of these intervening developments has been the drop in demand for fasteners brough about primarily by the serious recession in the automobile industry. The fastener industry is acutely dependent upon demand from producers of durable goods, especially automobile manufacturers. The automotive industry provided an estimated 20 percent of the overall demand for fasteners during the period of relief, [59] and it can reasonably be expected that a healthy automobile industry would have accounted for an even greater percentage of the overall demand. Some fastener manufacturers relied on the automotive industry for over half of their business.[60] As a result of the slump in the market for U.S. automobiles, the fastener industry has been deprived of an opportunity to improve its competitive position.

The recession in the industry's primary demand sector precipitated a swift decline in the industry's condition in 1980. Total U.S. fastener production dropped sharply in 1980 to 616.9 million pounds from 916.6 million pounds in 1979.[61] Domestic shipments dropped from 803.1 million pounds to 577.3 million pounds.[62] Employment, total hours and wages all declined dramatically.[63] The sharp downturn in 1980 also negatively affected the industry's profitability. Aggregate net operating profit declined from $97.6 million to $59.4 million, and the profit margin fell from 11.9 percent to 8.3 percent.[64]

When the rapid decline in the industry's condition is taken into consideration, it comes as no surprise that the industry was unable to increase its capital expenditures and research and development greatly in order to further its adjustment to import competition. The industry has been compelled to postpone investment because of the uncertainty of demand for its products. In addition, it is reasonable to conclude that the industry has faced significant difficulty in obtaining financing for capital investment. Current high interest rates are a disincentive to borrowing, and lenders may be reluctant to extend credit in light of the weakened condition of many firms and the consequent inability to assure an adequate return on investment.

The industry's commitment to meeting import competition, however, is demonstrated by the increased proportion of its dwindling resources that it has devoted to this task during the period of relief. Between 1978 and 1980 the ratio of capital expenditures to net sales increased 10 percent and the ratio of capital expenditures to cash flow more than doubled.[65] These capital expenditures were used for investment in new machinery and equipment, expansion of plant facilities, and introduction of new technology or production processes.[66] As would be expected, those firms that reported relatively high levels of profit in 1980 were most likely to undertake adjustment efforts requiring a significant investment of capital.[67]

Morever, it appears that some of the most effective efforts that the industry has undertaken to improve its competitive position do not require extensive investment in machinery and equipment. The use of new, high-speed production machinery often is not cost-effective, especially in the production of special fasteners.[68] The steps that the industry has taken with relative success include changes in management and marketing techniques, improved quality control and inventory control, and development of new products.[69] Commission staff analysis reveals that industry efforts to adjust have been most effective when directed toward introduction of new products, changes in the mix of products, and marketing efforts.[70] The changes in product mix have to a large extent been compelled by increased imports of high-volume standard fasteners, which have caused domestic producers to turn increasingly toward production of special fasteners, diversification into non-fastener products, and supplementation of their product lines with foreign-made standard fasteners.[71]

Extension of Relief

Import relief for the domestic industry producing bolts, nuts and large screws of iron or steel should be continued. Despite the current downturn, we believe the industry is viable and capable of successfully adjusting to competition from imports. Although foreign competitors have captured a large portion of the U.S. market for standard fasteners, the domestic industry remains highly competitive as a source of special fasteners and a significant number of standard fasteners. The industry has the advantage of geographical proximity to its customers, which allows it to be more responsive to its customers' needs.[72]

The industry clearly has not been afforded an adequate opportunity to adjust to import competition because of the rapid short term deterioration of demand for its products. The industry was able to experience the benefits of relief for at best a year, as imports declined and the industry's condition began to rebound in 1979. These improvements were erased by the drop in domestic consumption of fasteners

[53] Report at A-17.
[54] Report at A-33 to 38.
[55] Report at A-16.
[56] Report at A-19.
[57] Report at A-20.
[58] Report at A-22, A-23.
[59] Report at A-11.
[60] Report at A-11.
[61] Report at A-19.
[62] Report at A-20.
[63] Report at A-21.
[64] Report at A-22, A-23.
[65] Report at A-27.
[66] Report at A-35.
[67] Report at A-30 to A-31.
[68] Report at A-26.
[69] Report at A-32.
[70] Report at A-31 to A-32.
[71] Report at A-18, A-29 to A-32.
[72] Report at A-25.

that began in 1980. The fastener industry is highly capital-intensive and requires an extensive period of relief in order to complete the adjustment process. Extension for the full three-year period allowable will permit the industry to continue its adjustment efforts as the effects of the immediate slump in demand lessen.[73]

Moreover, termination of the relief can be expected to increase the competitive pressures on the domestic industry. Termination would generally cause U.S. tariffs on fasteners to fall below duty levels set by other important consuming countries, and diversion of exports from those countries to the United States could occur, resulting in increased import penetration of the U.S. market.[74] Additionally, the Commission staff analysis of the probable effects of elimination of relief, while generally inconclusive, indicates that a moderate amount of substitution of imports for domestic shipments can be expected.[75]

Two parties have requested that certain types of fasteners be excluded from our recommendation that import relief be extended. A Canadian importer of ferrous aerospace fasteners has requested exclusion of those items on the ground that they do not compete with the products manufactured by the domestic industry concerned in this investigation. The petitioners agree with this contention, and the available data do not indicate that termination of relief as to these imports would adversely affect U.S. producers of aerospace fasteners. Accordingly, we believe these items should no longer be subject to import relief. It is unclear, however, how this exclusion could be effectively administered. The potential difficulties of administering the exclusion and possible ways in which the exclusion could be effected are discussed in the Report at pp. A–44 to A–46.

However, we cannot similarly recommend the exclusion of anchor bolts, as requested by the Government of India. These items are not provided for separately in the Tariff Schedules of the United States, and the Commission is wholly lacking information from which to ascertain the effect on domestic producers of terminating relief with regard to them.

Issued: November 9, 1981.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-33360 Filed 11-18-81; 8:45 am]

BILLING CODE 7020-02-M

[73] Commissioner Frank notes that if import penetration were to continue to increase with corresponding continued loss of domestic capacity, a critical economic dislocation would follow and could have a negative impact on the national defense procurement program. In this respect, Commissioner Frank believes the relationship between the domestic industrial fasteners industry and national defense procurement needs of the United States is a relevant economic factor which should be considered.

[74] Report at A–50 to A–51.

[75] Report at A–42 to A–44.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on June 14, 1981, U.S. Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinol (7370)	I.
2,5-Dimethoxy-4-Methylamphetamine (7395)	I.
3,4-Methylenedioxy amphetamine (7400)	I.
Psilocybin (7437)	I.
Psilocin (7438)	I.

As to the basic classes of controlled substances listed above for which application for registration has been made, any other applicant therefore, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than December 21, 1981.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43475–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Acting Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: November 12, 1981.

Marion W. Hambrick,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-33382 Filed 11-18-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer or controlled substance; Application

Pursuant § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 13, 1981, Johnson Matthey Inc., 1401 King Road, West Chester, Pennsylvania 19380, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Methaqualone (2565).

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than December 21, 1981.

Dated: November 12, 1981.

Marion W. Hambrick,

Acting Administrator, Drug Enforcement Administrator.

[FR Doc. 81-33381 Filed 11-18-81; 8:45 am]

BILLING CODE 4410-09-M

Quotas for Controlled Substances in Schedules I and II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of established 1982 aggregate production quotas.

SUMMARY: This notice establishes 1982 aggregate production quotas for Schedule I and II substances, as required under the controlled Substances Act of 1970.

EFFECTIVE DATE: November 19, 1981.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division Drug Enforcement Administration, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration in accordance with § 0.100 of Title 28 of the Code of Federal Regulations.

On September 1, 1981, a notice of the proposed 1982 aggregate production quotas for Schedule I and II controlled substances was published in the **Federal Register** (46 FR 43907). All interested parties were invited to comment on or object to these proposed aggregate production quotas on or before October 1, 1981. Three comments were received.

One comment was received from Mallinckrodt, Inc. of St. Louis, Missouri. Mallinckrodt objected to the quotas which were proposed for diphenoxylate and methadone. Based on the sales level established for these substances in 1981, the expected inventories of these substances at year-end 1981, and the estimated sales for these substances in 1982, the company stated that the proposed quotas for diphenoxylate and methadone were too low. Further, the company recommended that the quotas for these substances be substantially increased. DEA has considered this comment and has concluded that no increase in the proposed quotas for these substances is necessary at this time. DEA will review all quotas in early 1982, based on complete 1981 sales and inventory data and, where necessary, will propose revised quotas. The comment submitted by Mallinckrodt will be reconsidered at that time.

One comment was received from Hoffmann-La Roche, Inc. of Nutley, New Jersey. Hoffmann-La Roche requested that the quota for levorphanol be increased and based their request on an increase in the domestic sales of this substance, as well as a substantially increased demand for levorphanol for export. For the same reasons stated in the preceding paragraph, this comment will be reconsidered during the review of the quotas which will be undertaken in early 1982.

One comment was received from Ciba-Geigy Corporation of Summit, New Jersey. Ciba-Geigy expressed concern over the possibility that the quota proposed for methylphenidate may be too low in light of the expected introduction in 1982 of a new dosage formulation of methylphenidate. The company believes that this formulation may have an impact on the legitimate medical needs for methylphenidate. The company stated, however, that further consideration of this issue could be deferred until 1982 and that, therefore, it would not request an adjustment at this time. The company indicated that it will, if necessary, raise the issue again in 1982.

No other comments and no requests for a hearing were received. In accordance with § 1303.11(c) of Title 21 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration has determined that no hearing relative to the comments received is necessary at this time.

Pursuant to Sections 3(c)(3) and 3(e)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Acting Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The establishment of annual aggregate production quotas for Schedule I and II controlled substances is mandated by law and by the international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration hereby orders that the 1982 aggregate production quotas for Schedule I and II controlled substances, expressed as grams of anhydrous acid or base, be established as follows:

Basic class	Established 1982 quotas
Schedule I	
2,5-Dimethoxyamphetamine	12,230,000
Tetrahydrocannabinols	25,000
Schedule II	
Alphaprodine	46,000
Amobarbital	6,018,000
Amphetamine	849,000
Cocaine	1,000,000
Codeine (for sale)	55,837,000
Codeine (for conversion)	4,173,000
Desoxyephedrine (1,377,000 grams for the production of levodesoxy-ephedrine for use in a noncontrolled, nonprescription product, and 200,000 grams for the production of methamphetamine)	1,577,000
Dextropropoxyphene	56,928,000
Dihydrocodeine	1,635,000
Diphenoxylate	585,000
Ecgonine (for conversion)	800,000
Ethylmorphine	19,000
Fentanyl	4,000
Hydrocodone	991,000
Levorphanol	13,000
Meperidine	9,926,000
Methadone	1,234,000
Methadone Intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)	1,763,000
Methylphenidate	1,082,000
Mixed Alkaloids of Opium	14,000
Morphine (for sale)	908,000
Morphine (for conversion)	61,198,000
Opium (tinctures, extracts, etc. expressed in terms of USP powdered opium)	1,787,000
Oxycodone (for sale)	1,756,000
Oxycodone (for conversion)	6,000
Oxymorphone	3,000
Pentobarbital	14,059,000
Pethidine Intermediate-A	7,464,000
Phenmetrazine	1,505,000
Phenylacetone	6,132,000
Secobarbital	6,866,000
Thebaine (for sale)	2,366,000
Thebaine (for conversion)	1,015,000

DEA will review the above established quotas early in 1982 to take into consideration actual 1981 sales and actual December 31, 1981 inventories, as well as other information which might be available to DEA at that time.

Dated: November 2, 1981.

Marion W. Hambrick,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-33437 Filed 11-18-81; 8:45 am]

BILLING CODE 4410-09-M

Federal Bureau of Investigation

National Crime Information Center; Advisory Policy Board; Meeting

The Advisory Policy Board of the National Crime Information Center (NCIC) will meet on December 9 and 10, 1981, from 9:00 a.m. until 5:00 p.m. at the Bay Harbor Inn, 7700 Courtney Campbell Causeway, Tampa, Florida.

The major topics to be discussed include:

(1) Status of implementation of the Interstate Identification Index Pilot Project.

(2) Status of the pilot project concerning feasibility of establishing a national unidentified dead file.

(3) Amendments to Bylaws for the *NCIC Advisory Policy Board and Regional Working Groups.*

(4) The presentation of proposals recommended by local and state users of the NCIC System and the quality or records within the System.

The meeting will be open to the public with approximately 30 seats available for seating on a first-come first-served basis. Any member of the public may file a written statement with the Advisory Policy Board before or after the meeting. Anyone wishing to address a session of the meeting should notify the Advisory Committee Management Officer, Mr. W. A. Bayse, FBI, at least twenty-four hours prior to the start of the session. The notification may be by mail, telegram, cable or hand-delivered note. It should contain the name, corporate designation, consumer affiliation or Government designation, along with a capsulized version of the statement and an outline of the material to be offered. A person will be allowed not more than 15 minutes to present a topic, except with the special approval of the Chairman of the Board.

Inquiries may be addressed to Mr. David F. Nemecek, Committee Management Liaison Officer, NCIC, Federal Bureau of Investigation, Washington, D.C. 20535, telephone number 202–324–2606.

Dated: November 13, 1981.

William H. Webster,

Director.

[FR Doc. 81-33377 Filed 11-18-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATE: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by December 16, 1981. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357–7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the June 7, 1979 **Federal Register**. Additional information was published in the August 13, 1981 **Federal Register**, page 40951.

The application received is:

1. Applicant

Charles W. Potter, National Museum of Natural History, Smithsonian Institution, Washington, D.C. 20560.

A. Activities for Which Permit Requested

Taking; Import into U.S.A.

The applicant proposes to collect and import up to ten adults of each sex of a number of antarctic and sub-antarctic birds: *Diomedia exulans* (wandering albatross); *D. melanophris* (black-browed albatross); *D. chrysostoma* (light-mantled sooty albatross); *Pachytila* sp. (whale-birds); *Halobaena caerulea* (blue petrel); *Pterodroma* sp. (gadfly petrel); *Fregetta tropica* (black-bellied storm petrel); *Garrodia nereis* (grey-backed storm petrel); *Pelecanoides* sp. (diving petrel). Specimens will be obtained mainly by salvaging birds killed or injured by collision with the research vessel and will be deposited in the U.S. National Museum.

B. Location

Southern ocean area near 60°S latitude from approximately 0° to 60°E longitude.

C. Dates

December 19, 1981 to March 1, 1982.

Authority to publish this notice has been delegated by the Director, NSF to the Director, Division of Polar Programs.

Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 81-33368 Filed 11-18-81; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

- **Railroad Accident Report:** *Derailment of Southern Pacific Transportation Company Freight Train Extra 9164 West at Surf, Calif., May 22, 1981 (NTBS–RAR–81–8).*—Related recommendations to Research and Special Programs Administration (Oct. 6): R–81–97 and –98, hazardous materials shipments in tank cars placarded "empty."
- **Safety Recommendations to—**

Bureau Enquetes Accidents (Nov. 9), A–81–150 through –152: tire failure on takeoff, landing gear extension; crew coordination prior to abnormal landings; recording capability of CVR prior to flight.

Federal Aviation Administration (Nov. 9), A–81–153: inadvertent gear collapse, Swearingen SA–226 aircraft.

- **Recommendation Responses from—**

Federal Highway Administration: (Oct. 26) H–80–4: training for Interstate maintenance personnel. *(Nov. 4) H–81–13 through –15:* surveillance of Central Texas Bus Lines, Inc., operations; On Guard Bulletin for charter bus companies; identification of violations and enforcement of Federal Motor Carrier Safety Regulations (FMCSR). *(Nov. 4) H–81–44 and* –45: surveillance, enforcement, Direct Transit Lines, Inc.; lessors/contractors, motor vehicle equipment in interstate commerce under FMCSR.

International Association of Chiefs of Police, Inc.: (Nov. 5) H–81–25: collection of data re fixed object-highway accidents.

Research and Special Programs Administration: (Nov. 2) H–81–78: driver training, responsibilities, transporting bulk hazardous materials. *(Nov. 2) P–81–13 and* –14: pipe failures, fatigue cracks initiated during rail shipment of pipe.

National Tank Truck Carriers, Inc.: (Nov. 3) H–81–80: rail/highway grade crossing accidents, trucks laden with hazardous materials.

U.S. Coast Guard: (Nov. 2) M–81–44 and –45: update of "Guide to Safety in Towing"; manning of uninspected towing vessels on Great Lakes.

Colonial Pipeline Company: (Nov. 4) P–81–15: systems analysis to minimize pipe failures during rail shipment.

Note: Single copies of reports, recommendation letters and responses are free on written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation

Safety Board, Washington, D.C. 20594. (Multiple copies of reports are available from National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.)

Margaret L. Fisher,

Federal Register Liaison Officer.

November 13, 1981.

[FR Doc. 81-33170 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence; Overexposure in an Unrestricted Area

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). Example I.A.2 ("For All Licensees") of the Policy Statement notes that an exposure to an individual in an unrestricted area such that the whole body dose received exceeds 0.5 rem in one calendar year [10 CFR 20.105(a)] can be considered an abnormal occurrence.

Date and Place—Based on an investigation of a lost 1.5 curie cesium-137 source reported to the NRC on June 26, 1981 by a consultant of Mustang Services Company of Houston, Texas, it was found that a member of the general public may have received a radiation exposure in excess of NRC regulatory limits on June 23, 1981 in Norman, Oklahoma.

Nature and Probable Consequences—Mustang Services Company (the licensee) was closing its Oklahoma City facility and had sold a trailer containing a mounted gage for determining pipe wall thickness; the gage contained the radioactive source. Since the new owner of the trailer did not have a license to possess the source, the licensee removed the gage prior to the new owner taking possession of the trailer in Oklahoma City. A former employee of the licensee was contracted to remove the gage and transport it to the licensee's facilities in Houston in a pickup truck owned by the licensee.

The contract employee began the gage removal alone at about 11:00 PM on June 18, 1981. He, however, did not have any personnel dosimetry nor did he use any survey meters. During the gage removal, the small sealed radioactive source was inadvertently and unknowingly released from its shielded enclosure and apparently fell into a pan recessed below the floor of the trailer. There were several large wear holes, several inches in length, in the pan. The employee transferred the gage to the bed of the pickup truck and left the site, bound for Houston, at about midnight. The trailer was locked upon his departure.

For the next five days, the locked trailer remained in the locked compound, a restricted area. No work was performed in the compound during this time; therefore, no known exposure are believed to have occurred during this time interval.

On June 23, 1981, a representative of the new owner began towing the trailer to the new owner's facilities in Houston, Texas. A stop was made in Norman, Oklahoma for engine repairs and a second stop was made in Ardmore, Oklahoma for refueling. During the first stop for engine repairs, the trailer was disconnected from the truck and the representative waited near the trailer for about four hours.

On June 24, 1981, the licensee discovered that the source was not in the gage. The licensee had a consultant perform radiation surveys of the gage, pickup truck, the trailer, and the facilities and grounds of both the licensee and the new owner of the trailer. The consultant informed the NRC of the loss during the morning of June 26, 1981 and stated that the health departments of Texas and Oklahoma had been notified and were assisting the consultant in a highway search for the source.

Using radiation detection equipment, a Texas Department of Health Resources representative located the source on a bridge near Lewisville, Texas during the evening of June 26, 1981. The source had fallen onto a structural member of the bridge several feet below the surface of the roadway. The dose rate at the bridge surface was about 5 millirem/hour. Thus, it is unlikely that anyone received any appreciable exposure from the source while it was lodged on the bridge support structure. Apparently, the source fell through one of the holes in the trailer floor pan during transport.

Since the source was not within the licensee's immediate control for several days, there was a potential for serious radiation overexposures if someone came in close contact with it. Based on the NRC investigation, however, it is believed that only two individuals received appreciable exposures. One was the contract employee who dismantled the gage and may have received a calculated whole body exposure of less than 600 millirems, which is less than the NRC regulatory limit for a worker in a restricted area in a calendar quarter. The other was the representative of the trailer's new owner who may have received a conservatively calculated whole body exposure of about 1.4 rem (an average of 350 millirems/hour) standing near the trailer while the truck was being repaired. 10 CFR 20.105 (b)(1) requires that a licensee not use, possess, or transfer radioactive material such that there is created in an unrestricted area radiation levels which, if an individual were continuously present in the area, could result in his receiving a dose in excess of two millirems in any one hour. The exposures possibly received by the licensee's contract employee and the truck driver are not expected to result in any detectable medical affects.

Cause or Causes—The principle causes of the incident were (1) failure of the licensee to use or supervise the use of licensed material by an individual so authorized by the license, and (2) failure of the contract employee to make proper radiation surveys during the gage removal from the trailer.

Actions Taken To Prevent Recurrence

Licensee/Consultant—The immediate corrective actions were directed to finding the lost source, as described above.

The licensee, having closed its Oklahoma City facililty, is no longer performing NRC licensed activities. The licensee requested termination of its license, and the license was terminated by the NRC on September 14, 1981.

NRC—An investigation was conducted by an inspector of the NRC Region IV office on June 29, 1981; three violations of regulatory requirements were identified. A telephone enforcement conference was held with the President of the licensee on August 5, 1981. On August 21, 1981, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalties in the amount of $6,000. The licensee responded on September 18, 1981. Based on review of this response, the NRC reduced the penalty to $4,000 which was imposed on October 20, 1981.

Dated at Washington, D.C. this 13th day of November 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-33435 Filed 11-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-389A]

Florida Power & Light Co. (St. Lucie Plant, Unit No. 2)

November 13, 1981.

By November 10, 1981 order, we calendared the oral argument on the pending appeal of Parsons and Whittemore, Inc. and Resources Recovery (Dade County), Inc. for 9:30 a.m. on Tuesday, December 8, 1981. At the request of counsel for the appellants, the argument is hereby postponed to *9:30 a.m. on Thursday, December 17, 1981.* All other provisions of the November 10 order remain in effect.

It is so ordered.

For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 81-33436 Filed 11-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-267]

Public Service Company of Colorado; Fort St. Vrain Generating Station; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-34 issued to the Public Service Company of Colorado, which revised Technical Specifications for operation of the Fort St. Vrain Generating Station (the facility) located in Platteville, Colorado. Part 1 of the amendment was effective on October 28, 1981. Part 2 of the Amendment is effective as of the date of issuance.

The amendment consists of two parts, each with a different effective date: (1) A temporary change to the Technical Specifications in response to a telecopied request of October 26, 1981 for relief from LCO 4.2.7.c PCRV Pressurization until November 27, 1981. This part of the amendment was authorized by telephone on October 28, 1981 and was confirmed by letter dated October 28, 1981; (2) in response to an application dated October 30, 1981 a change to the Technical Specifications section 7.1, Organization, Review and Audit-Administrative Controls, was made to incorporate the Shift Technical Advisor position and to reflect recent organizational changes. This part of the amendment becomes effective with the date of issuance.

The applications for the amendment comply 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 applications for amendment dated October 26, 1981 and October 30, 1981, (2) Amendment No. 24 to License No. DPR-34, 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, N.W., Washington, D.C. and at the Greeley Public Library, City Complex Building, Greeley, Colorado. 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 9th day of November 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-33440 Filed 11-18-81 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-556CP and STN 50-557CP]

Public Service Company of Oklahoma, Associated Electric Cooperative, Inc. and Western Farmers Electric Cooperative, (Black Fox Station, Units 1 and 2); Identifying Location of Prehearing Conference

November 13, 1981.

Pursuant to our Order of October 14, 1981, beginning at 9:00 a.m., a prehearing conference will be held on December 16, 1981 at the following location: United States Courthouse, Fourth Floor,[1] 333 West 4th Street, Tulsa, Oklahoma 74103.

As stated in the Order of October 14, 1981, the Board will consider motions to reopen the hearing record and proposed contentions.

The public is invited to attend this prehearing conference.

[1] The prehearing conference will be held in either Courtroom 2 or 3, whichever is available that day.

For the Atomic Safety and Licensing Board.

Sheldon J. Wolfe,

Administrative Judge.

[FR Doc. 81-33441 Filed 11-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) has issued Amendments No. 33 and No. 13 to Facility Operating License Nos. NPF-4 and NPF-7 issued to the Virginia Electric and Power Company (the licensee) which revised Technical Specifications for operation of the North Anna Power Station, Units No. 1 and No. 2 (the facility) located in Louisa County, Virginia. The amendments are effective on November 20, 1981.

The amendments consist of changes to the Technical Specifications which revise the surveillance requirements for safety related snubbers. The changes are in conformance with the Commission's Revision 1 to the Standard Technical Specifications regarding inservice surveillance requirements for snubbers dated November 20, 1980.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments 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 these amendments.

For further details with respect to this action, see (1) the application for amendments dated July 1, 1981 as supplemented September 10, 1981; (2) Amendment Nos. 33 and No. 13 to Facility Operating Licenses No. NPF-4 and NPF-7 and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisor's

Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 5th day of November, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-33442 Filed 11-18-81; 8:45 am]

BILLING CODE 7590-01-M

Memorandum of Understanding Between the Nuclear Regulatory Commission and the Department of Energy; Implementation of the West Valley Demonstration Project Act of 1980

The Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) have entered into a Memorandum of Understanding concerning the Western New York Nuclear Service Center (the Center) at West Valley, New York. This Memorandum establishes procedures for review and consultation by the NRC with respect to activities at the Center under the West Valley Demonstration Project Act of 1980.

The text of this Memorandum is set out below.

WEST VALLEY DEMONSTRATION PROJECT, MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. DEPARTMENT OF ENERGY AND THE U.S. NUCLEAR REGULATORY COMMISSION

Memorandum of Understanding West Valley Demonstration Project

I. Purpose and Scope

This Agreement, mandated by the West Valley Demonstration Project Act of 1980, (the Act), Pub. L. No. 96-368, establishes procedures for review and consultation by the U.S. Nuclear Regulatory Commission (NRC) with respect to activities conducted at the Western New York Nuclear Service Center, West Valley, New York (the Center) by the U.S. Department of Energy (the Department) under the Act. This agreement encompasses those development, design, construction, operation, and decontamination and decommissioning activities that are associated with the project as described in the Act.

II. Responsibilities of Parties

A. Department of Energy

1. The Act directs the Department to carry out a high-level radioactive waste management demonstration project (the project) at the Center. Under the Act, the Department is responsible for demonstrating the solidification and preparation of the liquid high-level radioactive wastes stored at the Center in a form suitable for transportation and disposal. The Department has responsibility for the public health and safety associated with this project. The Department agrees to provide the NRC information required to identify any potential radiological danger to public health and safety and to provide access to the Center to NRC for the monitoring of project activities to further assure the public health and safety from a radiological standpoint.

2. The Department's Deputy Assistant Secretary for Nuclear Waste Management and Fuel Cycle Programs, or his successor, is responsible for ensuring the implementation of the terms of this Agreement. The Department's West Valley Project Manager (Project Manager) will be the Department's point of contact for all communications relating to carrying out the provisions of this Agreement. The Department's Project Manager will coordinate all interactions with the NRC and, on a timely basis, provide the NRC the information, reports, and access as provided in this Agreement. The Department's Project Manager will consult with the NRC on matters within the scope of this Agreement. This consultation includes the exchange of information and opinion, in person, and in writing, between personnel of both the Department and the NRC.

B. Nuclear Regulatory Commission

1. The Act requires that the Department enter into an agreement with the NRC to establish arrangements for review and consultation by the NRC with respect to the project. The review and consultation shall be conducted informally and, in accordance with the Act, shall not be subject to formal Commission procedures or actions required by law for licensed activities. The NRC review, consultation, and monitoring established by this Agreement will provide the Department with independent analyses to assist the Department in fulfilling its responsibility for public health and safety. The NRC has the responsibility to carefully review, critique, and analyze, in a timely manner, the information provided to identify to the Department any potential radiological danger to the public health and safety which may be presented by the project.

2. The NRC's Director of Nuclear Material Safety and Safeguards (NMSS), or his successor, is responsible for ensuring the implementation of the terms of this Agreement. The NRC's West Valley Project Manager (Project Manager) will be the NRC point of contact for all communications relating to carrying out the provisions of this Agreement. NMSS, or any office to whom its functions may be transferred, is responsible for reviewing, consulting with respect to, and commenting upon project activities to identify any potential radiological danger to the public health and safety. The NRC's Project Manager will receive and coordinate the review of project information submitted by the Department. The NRC's Project Manager will provide the Department with comments as appropriate or required by this Agreement. The NRC's Project Manager will consult with the Department on matters within the scope of this Agreement. This consultation includes the exchange of information, opinion and advice, in person and in writing, between personnel of both the Department and the NRC.

III. Agreements Between Parties

A. General Provisions

1. The purpose of this Agreement is to promote the timely and orderly completion of the project mandated by the Act with due regard for the public health and safety. Essential to this timely and orderly completion is a relationship between the agencies marked by open and candid communications at all levels and prompt resolution of any issues which may arise.

2. Insofar as practicable, the NRC agrees to receive and use information and reports developed in the course of the Department's routine operations, and in accordance with Department administrative rules, regulations, procedures and orders which apply to its management and control of the project. The Department will, however, provide the NRC such additional information as the NRC may require to identify any potential radiological danger to the public health and safety which may be presented by the project. To the extent not subject to the exemptions contained in 5 U.S.C. 552(b), information or reports required under this agreement to be submitted by the Department to the NRC, for review and any comments provided by the NRC to

the Department in response thereto, shall be available for public inspection.

3. NRC comments resulting from its review and consultation will be discussed between the respective Project Managers and confirmed in writing. The Department will inform the NRC in writing of the disposition of such comments upon NRC's request.

4. Should an activity be identified by NRC as posing an immediate radiological threat to public health and safety, the NRC's Director, NMSS, will so notify the Department's Project Manager. The Department will promptly review the activity and take appropriate action. The NRC and the Department agree that a high priority will be given such resolutions.

5. The Department will transport, in accordance with applicable provisions of law, the waste solidified at the Center to an appropriate Federal repository for permanent disposal.

6. The Department will, in accordance with applicable licensing requirements, dispose of low-level radioactive and transuranic waste produced by the solidification of the liquid high-level waste under the project.

7. For those portions of the Center in the possession of the Department which are not used in connection with the project, the Department will provide the Commission information to identify any potential radiological danger to the public health and safety and access to monitor the activities.

8. To the extent that detailed working procedures are necessary to implement the provisions of the Act and of this Agreement, the Department and the NRC agree to establish such procedures by the exchange of letters between the Department's Project Manager and the NRC's Chief, Advanced Fuel and Spent Fuel Licensing Branch, or his successor.

9. If an issue should arise which cannot be promptly resolved between Project Managers, the NRC and the Department agree to refer the matter to appropriate management levels for resolution.

10. Nothing in this Agreement shall derogate from the statutory authority of the Department or the NRC.

B. Specific Provisions

1. Waste Solidification, Disposal, and Decontamination Plan (the Project Plan). a. The Department will submit to the NRC, for review and comment, a plan for the solidification of the high-level waste at the Center, the removal of the waste for purposes of its solidification, the preparation of the waste for disposal, and the decontamination of the facilities used in solidifying the waste.

Before the submission of the plan, the Department may consult with the NRC, in person or in writing, with respect to the development of such plan or any issues that may be presented by it, including decisions which the Department proposes to make in accordance with the process contemplated by the National Environmental Policy Act. NRC will respond to a Department request for such consultation, in person or in writing, as the case may be.

b. The Project Plan will contain the level of detail generally associated with conceptual design of structures, systems and components. As the project continues and more precise information is developed, that information will be submitted to the NRC prior to the beginning of project activities for which the information is relevant.

c. The Project Plan will be submitted as soon as practicable prior to major construction or modification of structures, systems and components at the project facilities. The Project Plan will discuss the Department's approach for the conduct of the project by describing what is going to be done and how it will be accomplished, and will include:

(1) A description of what is to be developed, constructed, or used including the major systems or elements of the project and facilities, whether existing, modified, or new.

(2) A description of the status of technology for implementing the project including a description of any ongoing or planned supporting development work upon which the project is dependent.

(3) A description of the specific scientific, technological, or engineering approaches or processes to be used in meeting the project objectives.

(4) A preliminary project schedule and a description of each phase of the project including the work to be accomplished and products developed, including major project events, technical activities, and decision points.

d. Upon submission of the Project Plan to the NRC, the Department will publish in the **Federal Register** a notice of the submission and the plan's availability for public inspection.

e. The NRC will review the Plan and provide written comments to the Department. In preparing its comments, the NRC will specify with precision its objection to any provision of the plan.

f. Upon receipt of Commission comments, the Department will publish in the **Federal Register** a notice of receipt and of the availability of the comments for public inspection.

g. If the Department does not revise the plan to meet objections specified in the Commission's comments, the Department will so notify the Commission and publish in the **Federal Register** a detailed statement for not so revising the plan.

h. The Department will inform the Commission of significant changes in the plan as the project proceeds.

2. Waste Form and Containers. a. The Department will consult with the NRC with respect to the form in which the high-level radioactive waste at the Center will be solidified and with respect to the containers to be used in the permanent disposal of this waste.

b. As the basis for this consultation, the Department will provide the NRC a description and an analysis of the extent to which the final waste form and container complies with any NRC technical regulations (or proposed regulations) regarding disposal of high-level radioactive waste in geologic repositories.

c. Upon receipt the NRC will review the information and provide written comments and recommendations to the Department. As a basis for its comments and recommendations, the NRC will use any technical criteria issued with respect to the waste form and containers that may be emplaced in geologic repositories that are subject to the licensing jurisdiction of the NRC.

3. Safety Analysis Reports and Other Information. a. Before substantial construction or modification of structures, systems or components, the Department will prepare a safety analysis report (SAR) that will assure that: (1) Potential hazards are systematically identified; (2) potential impacts are analyzed; and (3) reasonable measures to eliminate, control or mitigate the hazards have been taken. The Department will submit the SAR to the NRC for independent review. The SAR will contain design descriptions, safety operating limits, and minimum conditions for operation.

The safety analysis will address in appropriate detail the following topics: (1) A description and evaluation of the project facilities and processes; (2) design criteria for systems, components, and structures; (3) normal and emergency operating procedures to be used; (4) identification of hazards; (5) physical design features and administrative controls provided to prevent or mitigate potential accidents; (6) potential accidents and consequences including those resulting from natural phenomena; (7) operational limitations; and (8) means for controlling effluents and minimizing radiation exposures.

A quality assurance plan and a safeguards and security plan will be prepared by the Department and provided to the NRC with the SAR or in advance of the SAR if they are available earlier.

b. Before solidification of the waste, the Department will provide to the NRC information updating the SAR which will describe the project facilities as actually constructed or modified where such construction or modification does not conform to the description contained in the SAR. The SAR updates will address changes in design, safety operating limits, and minimum conditions for operation and will be similar in form to the SAR.

4. Decontamination and Decommissioning. a. The Department will perform an analysis of impacts and risks of potential disposition modes for the tanks and other facilities of the Center in which the high-level radioactive waste solidified under the project was stored, and facilities, material, and hardware used in connection with the project. The NRC and Department project managers will consult on requirements and disposition modes to be analyzed.

b. Upon receipt of the Department analysis, the NRC will prescribe decontamination and decommissioning (D&D) requirements in accordance with the Act.

c. The Department will prepare a Project Decommissioning Plan which includes a description of engineering and operating activities to be performed. This plan will be reviewed by the NRC and comments provided to the Department. The Department will review and consider the comments provided prior to initiation of D&D operations.

d. The Department will prepare a Site Status Report. The report will provide:

(1) A statement of the D&D requirements prescribed by NRC and an analysis of the extent to which such requirements have been satisfied for those portions of the Center required to be decontaminated and decommissioned by the Act; and

(2) A description of those portions of the Center in the possession of the Department with particular reference to physical and radiological conditions.

5. Monitoring. a. The Department will afford the NRC such access as necessary to monitor project activities to further assure the public health and safety. The NRC will use the descriptions, operating limits, minimum conditions, and technical specifications included in the SAR as the criteria for conduct of its monitoring program.

The monitoring results will be discussed between the respective Project Managers and provided to the Department in the form of a written monitoring report. The Department will inform the NRC in writing of the disposition of such comments upon NRC's request.

b. *Records Examination.* For the purposes of further assuring the public health and safety, the Department will make available to the NRC for examination and copying, upon reasonable notice, records kept by the Department pertaining to the project.

IV. Effective Date

This agreement shall take effect upon the signing by the Deputy Assistant Secretary for Nuclear Waste Management and Fuel Cycle Programs of the U.S. Department of Energy, and the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, and shall continue in effect until revised by mutual agreement unless terminated by either party, for good cause, upon 120 days notice in writing.

For the United States Department of Energy.

Sheldon Meyers,

Dated: September 22, 1981.

For the United States Nuclear Regulatory Commission.

John G. Davis,

Dated: September 23, 1981.

Dated at Silver Spring, Maryland, this 13th day of November, 1981.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 81-33439 Filed 11-18-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

November 11, 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

• Farmers Home Administration
Certificates of Beneficial Ownership and Insured
Notes—7 CFR 190–K
FMHA 471–7
On occasion
Individuals or households/businesses or other institutions
Individuals and investors of government notes
SIC: 602 603 612 621 631 637
Small businesses or organizations
Area and Regional Development: 600 responses; 225 hours; $41,600 Federal cost; 1 form; $1,575 public cost; not applicable under 3504 (h)
Nell Minow, 202–395–7340

Information is used by FMHA to record a change in ownership for insured FMHA notes. The information is needed to insure that any payments of principal and interest are transmitted to the new owner.

• Department of Agriculture
Community Development Survey
REA 627
Annually
Businesses or other institutions
REA electric and telephone cooperatives
SIC: 481 491
Small businesses or organizations
Energy supply: 1,184 responses; 592 hours; $1,422 Federal cost; 1 form; $11,840 public cost; not applicable under 3504 (h)
Charles A. Ellett, 202–395–7340

This Form provides to REA information on the community development activities of REA electric and telephone borrowers. The information is used by REA in several media and, to foster further community development by borrowers.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Revisions

• Bureau of the Census
Office furniture (manufacturers' shipments)
MA–25H
Annually
Businesses or other institutions
Manufacturers of office furniture
SIC: 252 349
Small businesses or organizations
Other Advancement and regulation of commerce: 250 responses; 250 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Survey results are used by government agencies, business firms, and trade associations for market analysis and to forecast long-term growth and changes in the industry.

• Bureau of the Census
Pumps and Compressors
MA–35P
Annually
Businesses or other institutions
Manufacturers of pumps (except hydraulic) & compressors
SIC: 356
Small businesses or organizations
Other advancement and regulation of commerce: 460 responses; 460 hours; $31,539 Federal cost; 1 form; not applicable under 3504 (h)
Statistical Policy Branch, 202–395–7313

This survey was begun in 1960 to provide quantity and value of shipments data for pumps and compressors. Government agencies use the data for trade analysis and forecasting. Business firms and trade associations use the data for market analysis and long-term planning.

• Bureau of the Census
Farm Machinery and Lawn and Garden Equipment (Shipments)
MA–35A
Annually
Businesses or other institutions
Manufacturers of farm and lawn and garden equipment
SIC: 352
Small businesses or organizations
Other advancement and regulation of commerce: 1,000 responses; 1,000 hours; $45,059 Federal cost; 1 form; not applicable under 3504 (h)
Statistical Policy Branch, 202–395–7313

This survey was begun in 1920 to measure the quantity and value of shipments of farm machinery and equipment. Government agencies use the data for trade analysis and forecasting. Business firms and trade associations use the data for market analysis and long-term planning.

• Bureau of the Census
Broadwoven Fabrics (Gray)
MQ–22T
Quarterly/annually
Businesses or other institutions
Producers of gray broadwoven fabrics
SIC: 221 222 223 229
Small businesses or organizations
Other advancement and regulation of commerce: 1,625 responses; 4,875 hours; $34,221 Federal cost; 1 form: not applicable under 3504 (h)
Statistical Policy Branch, 202–395–7313

Survey results are used by government agencies, business firms, and trade associations for market analysis, including analysis of import penetration, and to forecast long-term growth and changes in the industry.

Extensions (Burden Change)

• Bureau of the Census
Copper-Base Mill Products (Receipts, Use, and Inventory)
M33K
Monthly
Businesses or other institutions
Manufacturers consuming copper
SIC: 335
Small businesses or organizations
Other advancement and regulations of commerce: 1,465 responses; 977 hours; $33,761 Federal cost; 1 form; not applicable under 3504 (h)
Statistical Policy Branch, 202–395–7313

Survey results are used by government agencies, business firms, and trade associations to measure current supplies and to analyze dislocations and shortages resulting from strikes and other disruptions.

• Bureau of the Census
Steel Mill Shapes and Forms (Receipts, Use and Inventories)
M33H
Monthly
Businesses or other institutions
Steel consumers
SIC: 331
Small businesses or organizations
Other advancement and regulation of commerce: 1,515 responses; 253 hours; $45,604 Federal cost; 1 form; not applicable under 3504 (h)
Statistical Policy Branch, 202–395–7313

Survey results are used by government agencies, business firms, and trade associations to measure current supplies and to analyze dislocations and shortages resulting from strikes and other disruptions. The data are also used by the Federal Reserve Board for its index of industrial production.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202–633–9770

Extensions (burden change)

• Economic Regulatory Administration
Annual Report of Forecasted Loads and Projected Changes in Generating Capacity, Monthly Report of Electric Energy, Capability and Peak Load
EP 119A and 119M
Monthly, annually
Businesses or other institutions
Electric utilities with generating capacity
SIC: 491
Small businesses or organizations
Energy information, policy, and regulation: 4,004 responses; 10,503 hours; $98,000 Federal cost; 2 forms; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

These forms collect information on near-term capability and peak load as well as long-term transmission, generation, capability and peak load. The information is published and used for monitoring electric utilities ability to meet future demands.

DEPARTMENT OF TRANSPORATION

Agency Clearance Officer—John Windsor—202–426–1887

Reinstatements

• Federal Aviation Administration
General Operating and Flight Rules—FAR 91
On Occasion
Individuals or households/State or local governments/businesses or other institutions
Aircraft owners and operators
SIC: 929 939
Small businesses or organizations
Air transportation: 1,732,183 responses; 311,879 hours; $880,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Federal Aviation Act of 1958, Section 307 (49 U.S.C. 1348), authorizes issuance of regulations governing the use of navigable airspace. 14 CFR 91 prescribes regulations governing the general operation and flight of aircraft. Information is collected to determine compliance.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Revisions

• Bureau of Alcohol, Tobacco and Firearms
Report of Tax-Free Alcohol User
ATF F 1451 (5150.28)
Annually
State or Local governments/businesses or other institutions
2
SIC: 805 806 807
Small businesses or organizations
Federal law enforcement activities: 1 responses; 1 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

This report serves as an accounting by the permittee of all tax free alcohol received and disposed of during the year. It is used for statistical purposes and to monitor the permittee's use of alcohol.

Extensions (burden change)

• Bureau of Alcohol, Tobacco and Firearms
Formula for Article Made with Specially Denatured Alcohol and Rum
ATF F 1479 (5150.19)
On occasion
Businesses or other institutions
Persons manufacturing products using denatured alcohol
SIC: 284
Small businesses or organizations
Federal law enforcement activities: 13,195 responses; 11,876 hours; $2,126 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Persons using specially denatured alcohol in the manufacture of a product are required to submit this form. The form requests information regarding formulation of the product, copies of labels to be used, and submission of a sample. This information is used to ensure authorized use of the alcohol and consumer safety purposes.

• Bureau of Alcohol, Tobacco and Firearms
DSP Processing—Production of Gin and Vodka by Other Than Original or Continuous Distillation
ATF REC 5110/10
On occasion
Businesses or other institutions
Distilled sprits plants
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 21,080 responses; 10,540 hours; $475 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Accounts for spirits, extracted oils and other aromatics used, received for use, and final amount produced. Audit trail, protection of the revenue.

• Bureau of Alcohol, Tobacco and Firearms
Limited Withdrawal Permit To Procure SDA or Tax-Free Alcohol
ATF F 4327 (5150.11)
On occasion
Businesses or other institutions
Limited users of tax-free alcohol
SIC: 806 808 809
Small businesses or organizations
Federal law enforcement activities: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form is used by persons qualified to use specially denatured spirits or tax-free alcohol in limited quantities to withdraw such articles. Identifies the user and his location, whether specially denatured spirits or tax-free alcohol is wanted, the person from whom articles are to be procured and the maximum allowable to be shipped at one time during one year. Preshipper identifies each shipment on the form.

• Bureau of Alcohol, Tobacco and Firearms
Application for Permit To Use Specially Denatured Spirits
ATF F 1479 (5150.23)
On occasion
State or local governments/businesses or other institutions
Manufacturers of chemicals, toiletries, pharmaceutical supplies, etc.
SIC: Multiple
Small businesses or organizations
Federal law enforcement activities: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

This form is filed by persons wanting to use specially denatured spirits which, by law, requires that a permit be obtained. The application requests information such as operations to be conducted, location of premises, and equipment to be used. This information is used to determine if the applicant qualifies for a permit.

• Bureau of Alcohol, Tobacco and Firearms
Application for Permit To Use Alcohol Free of Tax
ATF F 2600 (5150.22)
On occasion
Businesses or other institutions
Hospitals, clinics, laboratories, colleges & governmental entities
SIC: 806 807 808

Small businesses or organizations
Federal law enforcement activities: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

The form is necessary to apply for a permit to use alcohol free of tax. It describes the applicant's business, premises and other qualifications. From a completed application, a determination is made as to whether the applicant is qualified.

• Bureau of Alcohol, Tobacco and Firearms
Application To Procure Reprocess Bottle Repkq. or Resell Prods. Containing SDA
ATF F 2622
On occasion
Businesses or other institutions
4
SIC: 284 599 512
Small businesses or organizations
Federal law enforcement activities: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

This form must be completed by a business who wants to conduct certain operations involving products containing SDA. It gives a description of business, need for applying, and operations involving SDA products. From completed application, a determination is made as to whether the applicant is qualified.

• Bureau of Alcohol, Tobacco and Firearms
Shipment and Receipt Specially Denatured Tax-Free or Recovered Spirits
ATF F 1473 (5110.16)
On occasion
State or local governments/businesses or other institutions
Distilled spirits plants, dealers in denatured spirits, etc.
SIC: 286 281 282
Small businesses or organizations
Federal law enforcement activities: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

This form is used to control the transfer of spirits from DSP's or dealers in spirits to other permittees who are eligible to receive such spirits.

• Bureau of Alcohol, Tobacco and Firearms
Application and Withdrawal Permit To Procure Spirits Free of Tax
ATF F 1450 (5130.13)
Annually
State or local governments/businesses or other institutions
Tax-free alcohol users (hospitals, educational institutions, research organizations)
SIC: 806 808 809
Small businesses or organizations
Federal law enforcement activities: 1 response; 1 hour; $9,500 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

The holder of a tax free alcohol user permit submits this application to obtain spirits free of tax. The form also acts as a permit which lists the quantity allowed to be withdrawn, and serves as a record of how much was actually withdrawn.

• Bureau of Alcohol, Tobacco and Firearms
Application for Permit to Deal in Specially Denatured Spirits
ATF F 1474 (5150.30)
On occasion
Businesses or other institutions
Dealers in industrial alcohol
SIC: 516
Small businesses or organizations
Federal law enforcement activities: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

The law requires all persons to obtain a permit before dealing in specially denatured spirits. Application for the permit is made on this form. The application requests certain information such as location of premises and storage capacities. This information is used to make a determination as to whether or not the application qualifies for a permit.

• Bureau of Alcohol, Tobacco and Firearms
Application and Withdrawal Permit of Bond to Procure Specially Denatured Spirits
ATF F 1477 (5150.15)
Annually
Businesses or other institutions
Wholesale dealers in industrial alcohol
SIC: 516
Small businesses or organizations
Federal law enforcement activities: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

This application is filed by authorized dealers in order to procure specially denatured spirits. The approved form serves as a permit to list the amount allowed to be withdrawn, and also serves to record the quantity actually withdrawn.

• Bureau of Alcohol, Tobacco and Firearms
Application and Withdrawal Permit of User to Procure Specially Denatured Spirits
ATF F 1485 (5150.12)
Annually
Businesses or other institutions
Manufacturers of chemicals, toiletries, & pharm. supplies
SIC: Multiple
Small businesses or organizations
Federal law enforcement activities: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

In order to control the amount of alcohol which permittees receive and use, they apply for and receive withdrawal permits. These permits limit the amount of alcohol they can receive and help ensure that they do not receive more than their bond covers.

• Bureau of Alcohol, Tobacco and Firearms
Details of Packages Filled With Denatured Spirits
ATF F 1467 (5110.15)
On occasion
Businesses or other institutions
Distilled spirits plants
SIC: 286
Small businesses or organizations
Federal law enforcement activities: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

This form is used to record packages filled with denatured spirits by licensed dealers of specially denatured spirits. The form describes the licensee, the size of packages, quantity and type of SDS filled into each package, the package ID number, and date of packaging. Form provides a record for ATF to audit activities of the dealers.

• United States Customs Service
Entry Record
CF 5101
On occasion
Individuals or households/businesses or other institutions
Imported (individual and firms)
SIC: All
Small businesses or organizations
Federal law enforcement activities: 4,400,000 responses; 220,000 hours; $2,074,746 Federal cost; 1 form; $1,848,000 public cost; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Used primarily to facilitate the entry, liquidation and accounting process for all types of formal import entries. To assure that bills and refunds are sent to the proper importer of record or ultimate consignee. Used in processing refund payments for drawback purposes. This is a recordkeeping requirement pursuant to 19 CFR 161.1C, retention period, 5 years from date of entry.

Extensions (No Change)

• Bureau of Alcohol, Tobacco and Firearms
DSP Storage—Voluntary Destructions
ATF Rec 5110/9
On occasion
Businesses or other institutions
Distilled spirits plants
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 2,000 responses; 400 hours; $119 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Accounting tool, audit trail. Provides record of amounts destroyed before or after tax determination so tax liability can be adjusted accordingly. Protection of the Revenue.

• Internal Revenue Service
Employment—Reference Inquiry
2163
Nonrecurring
Individuals or households/State or local governments/farms/businesses or other institutions
Past and present employers and indiv. listed as reference, etc.
SIC: all
Small businesses or organizations
Central fiscal operations: 20,000 responses; 4,000 hours; $26,385 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

This form is used to verify past employment history and to question listed and developed references as to the character and integrity of current or potential IRS employees. The information received is incorporated into a report on which a security determination is based.

COMMODITY FUTURES TRADING COMMISSION

Agency Clearance Officer—Joseph G. Salazar—202–254–9735

New

• Copies of Crop and Market Information Reports
On occasion
Businesses or other institutions
Clearing members and futures commission merchants
SIC: 622
Other advancement and regulation of commerce: 30 responses; 5 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Copies of market reports are required on call and used in investigations concerning persons or organizations attempting to influence price or misrepresent facts to potential customers.

• Compliance with Requirements for Designation as a Contract Market
On Occasion
Businesses or other institutions
Commodity Exchanges
SIC: 622
Other advancement and regulation of commerce: 2 responses; 500 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Reports are required if continuing problems with futures contracts indicate that contract terms and conditions no longer conform to industry practices.

• Market Surveys
On occasion
Businesses or other institutions Brokers
SIC: 622
Other advancement and regulation of commerce: 400 responses; 2,000 hours; $85,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Surveys are conducted to determine use made of futures markets by commercial entities or to investigate underlying causes of marketwide phenomena.

• Information Concerning Warehouses
On occasion
Businesses or other institutions
Commodity exchanges
SIC: 623
Small businesses or organizations
Other advancement and regulation of commerce: 22 responses; 4 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Provides list of warehouses regular for delivery and schedule of warehouse charges.

• Stockes of Grain in Licensed Warehouses
Series CFTC 38
Weekly
Businesses or other institutions
Warehouse operators
SIC: 515
Other advancement and regulation of commerce: 2,600 responses; 2,712 hours; $99,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Used in conjunction with large trader data in market surveillance to estimate deliverable supplies, also forms the basis for weekly publication.

Delivery notices
On occasion
Businesses or other institutions
Commodity exchanges
SIC: 623
Other advancement and regulation of commerce: 572 responses; 100 hours; $115,000 Federal cost; 1 form; not applicable under 3504 (h)
Robert Veeder 202–395–4814

Used in conjunction with large trader data in market surveillance to determine attempted or actual price manipulation or market congestion. Summary data is used in contract market rule reviews.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

Revisions

• Request for Waiver of Re-examination Waiting Period and Notification of Action
FCC Form 757–B
On occasion
Individuals or households
Oper. lic. appli. wanting a waiver of the waiting per., etc.
Other advancement and regulation of commerce: 13,000 responses; 1,083 hours; $9,000 Federal cost; 1 form; not applicable under 3504 (h)
William T. Adams 202–395–4814

Operator license applicants failing an exam element are not eligible for re-examination of any class of license requiring that element for a specified time period. Applicants able to show adequate preparation for re-examination may receive a waiver from the waiting time period if approved by FCC.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

• Rule 6C–6(t)
Nonrecurring
Businesses or other institutions
Reg. separate acct. and their depositors, sponsor, etc.
SIC: 999
Small businesses or organizations
Other advancement and regulation of commerce: 120 responses; 8,220 hours; $7,850 Federal cost; 1 form; $822,000 public cost; not applicable under 3504 (h)
Robert Veeder 202–395–4814

The rule is needed to allow registered separate accounts to respond to revenue ruling 81–225 by organizing new portfolio companies and substituting them for existing portfolio companies without prior Commission approval.

• Form N–1Q (Family of 1940 Act Calendar Quarterly Reports)
Quarterly
Businesses or other institutions
Management investment companies
SIC: 999

Other advancement and regulation of commerce: 2,400 responses; 36,000 hours; $4,754 Federal cost; 1 form; $900,000 public cost; not applicable under 3504 (h)
Robert Veeder 202–395–4814

Form N–1Q is used by management investment companies to report the occurrence during the preceding calendar quarter of any one or more of twelve specified events.

Barbara F. Young,

Acting Chief, Reports Management.

[FR Doc. 81-33082 Filed 11-18-81; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Docket No. A82–1; Order No. 406]

Arcadia, Texas 77517 (Mrs. C. W. Stephens, Petitioner); Notice and Order of Filing of Appeal

Issued: November 16, 1981.

On November 9, 1981, the Commission received a letter from Mrs. C. W. Stephens (hereinafter "Petitioner") concerning the alleged plans of the United States Postal Service to consolidate the Arcadia, Texas, Post Office with the Alta Loma, Texas, Post Office.

Although the petitioner does not expressly refer to the Postal Reorganization Act (39 U.S.C. 101 *et seq.*) and did not attach a copy of the Postal Service's written determination, we believe that her letter should be construed as a petition for review pursuant to section 404(b) of the Act, in order to preserve her right of appeal, in light of the Commission's rules of practice which call for liberal construction in order to secure a just and speedy determination of issues.[1]

The Act requires that the Postal Service provide the affected community with at least sixty days notice of a proposed post office closing or consolidation to "insure that such persons will have an opportunity to present their views."[2] The petition requests that the Arcadia Post Office be kept open. From the face of the petition, it is not clear whether any hearings have been held and whether a determination has been made under 39 U.S.C. 404(b)(3).

The Commission's rules of practice require the Postal Service to file the administrative record of a case within fifteen days after the date on which the petition for review is filed with the Commission.[3]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[4]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close or consolidate a post office. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry, to determine whether the Postal Service compiled with its regulations governing the discontinuance of post offices.[5]

Upon preliminary inspection, the petition appears to have raised the following issues of law:

1. Did the Postal Service consider the effect of this post office consolidation on the community it served, in conformity with section 404(b)(2)(A)?

2. Did the Postal Service consider whether this consolidation is consistent with the policy of the Act that Postal Service provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining, in conformity with section 404(b)(2)(C) of the Act?

Additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in Lone Grove, Texas, *et al.*, Docket Nos. A79–1 *et al.* (May 7, 1979) and the Commission's subsequent decisions dealing with appeals of post office closings and consolidations. The determination may be found to resolve some or all of the issues involved in this case.

In view of the above and in the interests of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above and/or any further issues of law disclosed by the determination made in this case.

In the event that the Commission finds a memorandum necessary to explain or clarify the Service's legal position or interpretation of any issue, it will, within 20 days of receiving the determination and record pursuant to section 113 of the rules of practice [39 CFR 3001.113] make a request by order and specify the issues to be addressed. If a request is issued, the Postal Service's memorandum shall be due within 20 days and the Service shall serve a copy of the memorandum on the petitioner. In briefing the case on filing any motion to dismiss for want of prosecution, the Service may, in appropriate circumstances, incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases [6] and none is appointed.

A procedural schedule of the various phases of this docket is set forth as an Appendix.

The Commission orders that:

A. The letter received on November 9, 1981 from Mrs. C. W. Stephens of Arcadia, Texas be construed as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)].

B. The Secretary of the Commission shall publish this Notice and order in the **Federal Register.**

C. The Postal Service shall file the administrative record in this case on or before November 24, 1981, pursuant to the Commission's rules of practice. [39 CFR 3001.113(a)].

By the Commission.

David F. Harris,

Secretary.

Appendix

November 9, 1981—Filing of Petition.

November 16, 1981—Notice and Order of Filing of Appeal.

November 24, 1981—Filing of Record by Postal Service [*see* 39 CFR 3001.113(a)].

November 30, 1981—Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].

December 9, 1981—Petitioner's Initial Brief [*see* 39 CFR 3001.115(a)].

December 24, 1981—Postal Service Answering Brief [*see* 39 CFR 3001.115(b)].

[1] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94–421 (September 24, 1976), 90 Stat. 1310–11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 U.S.C. 404(b)(1).

[3] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[4] 39 U.S.C. 101(b).

[5] 42 FR 59079–85 (11/17/77); the Commission's standard of review is set forth at 39 U.S.C. Section 404(b)(5).

[6] In the matter of Gresham, S.C., Route #1, Docket No. A78–1 (May 11, 1978).

January 8, 1982—(1) Petitioner's Reply Brief should petitioner choose to file [*see* 39 CFR 3001.115(c)].

(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.

March 9, 1982—Expiration of 120 day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 81-33364 Filed 11-18-81; 8:45 am]

BILLING CODE 7715-01-M

RAILROAD RETIREMENT BOARD

Proclamation Regarding Railroad Unemployment Insurance Account

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the railroad unemployment insurance account as of the close of business September 30, 1981, was a net deficit of $17,949,490.82. Based on this balance and pursuant to the table in section 8(a) of the Railroad Unemployment Insurance Act, the contribution rate to finance the railroad unemployment insurance program for calendar year 1982 shall be 8.0 percent.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 12th day of November, 1981.

Dated: November 12, 1981.

William P. Adams,
Chairman.

C. Chamberlain,
Member.

Earl Oliver,
Member.

By the Railroad Retirement Board:

Beatrice Ezerski,
For the Board.

[FR Doc. 81-33422 Filed 11-18-81; 8:45 am]

BILLING CODE 7905-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 01/02-0218]

Nutmeg Capital Corp.; License Surrender

Notice is hereby given that Nutmeg Capital Corporation, 426 East Street, New Haven, Connecticut 06510, has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Nutmeg Capital Corporation was licensed by the Small Business Administration on November 30, 1962.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the License was accepted on November 3, 1981, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 4, 1981.

Peter F. McNeish,
Deputy Associate Administrator for Investment.

[FR Doc. 81-33428 Filed 11-18-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0248]

Western Venture Capital Corp.; Issuance of a Small Business Investment Company License

On July 1, 1981, a notice was published in the **Federal Register** (45 FR 34448) stating that an application has been filed by Western Venture Capital Corporation, 4900 South Lewis, Tulsa, Oklahoma 74105, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)) for a license as a small business investment company.

Interested parties were given until close of business July 16, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 06/06-0248 to Western Venture Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 4, 1981.

Peter F. McNeish,
Deputy Associate Administrator for Investment.

[FR Doc. 81-33429 Filed 11-18-81; 8:45 am]

BILLING CODE 8025-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Solicitation of Public Views on the Extension, Reduction, or Termination of Import Relief for Bolts, Nuts, and Large Screws of Iron or Steel

On January 4, 1979, the President issued Proclamation 4632 implementing import relief in the form of temporary duty increases on the importation of bolts, nuts and large screws of iron or steel described in item numbers 923.50 through 923.53 of the Tariff Schedules of the United States. That action was taken pursuant to section 203(a) of the Trade Act of 1974, 19 U.S.C. 2253, in response to a finding by the USITC that the domestic industry producing like or directly competitive products was suffering from serious injury or the threat thereof substantially caused by increased imports of such products.

The import relief will expire on January 5, 1982 unless extended by the President. Pursuant to section 203(h)(3) and (4) of the Trade Act, the President may extend, reduce or terminate the import relief after receiving advice from the USITC and taking into account the considerations in section 202(c) of the Trade Act.

On November 9, 1981, the USITC reported to the President its advice under sections 203(i)(2) and 203(i)(3) of the Trade Act of 1974 as to the probable economic effects on the industry of import relief termination. The advice of the Commission was divided. Three of the five Commissioners advised that "on the basis of information obtained in the investigation, that termination of the import relief presently in effect will not have an adverse economic effect on the domestic industry producing bolts, nuts, and large screws of iron or steel and that such relief should not be extended." Two Commissioners concluded differently and advised "that the termination of the import relief * * * will have an adverse economic effect * * * and that such relief therefore should be extended at the level presently in effect for the full three-year period allowed." (See USITC Report Number TA-203-11 of November 1981 for futher details.)

The Office of the United States Trade Representative chairs the interagency Trade Policy Committee Structure and makes recommendations to the President as to what action, if any, he should take with respect to an extension, reduction or termination of relief. In order to assist the Trade Policy Staff Committee in developing

recommendations to the Trade Representative, interested persons are invited to submit written briefs to the Trade Policy Staff Committee on the probable effects of any extension, reduction or termination of import restrictions now in effect with respect to bolts, nuts, and large screws of iron or steel, specifically with respect to the following factors:

(1) The probable effectiveness of the extension, reduction, or termination of the import relief as a means to promote adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relative to the position of the industry in the Nation's economy;

(2) The effect of the extension, reduction or termination of import relief on consumers and on competition in the domestic markets for such articles;

(3) The effect of the extension, reduction or termination of import relief on the international economic interest of the United States;

(4) The impact on United States industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

(5) The geographic concentration of imported products marketed in the United States;

(6) The extent to which the United States market is a focal point for exports of such article by reason of restraints on exports of such article to, or on imports of such article into, third country markets; and

(7) The economic and social costs which would be incurred by taxpayers, communities and workers if import relief were or were not extended, terminated or reduced.

Briefs should be submitted in twenty (20) copies to the Secretary, Trade Policy Staff Committee, Room 413, 600 17th Street, N.W., The Winder Building, Washington, D.C. 20506.

To be considered by the Trade Policy Staff Committee, submissions should be received by the Secretary no later than the close of business Monday, November 30, 1981.

For further information, contact J. David Morrissy, Room 113 (202–395–6160). Legal questions should be directed to Mike Hathaway, Room 221 (202–395–3432).

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81-33498 Filed 11-18-81; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC No. 21-XX]

Advisory Circular for Installation of Used Engines in New Production Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft Advisory Circular (AC) and request for comments.

SUMMARY: This proposed AC is to notify the public that under certain conditions, used engines may be used in new production aircraft.

DATES: Comments must identify the AC No. 21–XX and be received on or before January 22, 1982.

ADDRESSES: Send all comments on the draft AC to: Federal Aviation Administration, Attention: Aircraft Manufacturing Division (AWS–200), 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: George J. Pour, Chief, Aircraft Manufacturing Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426–8361.

Comments received on the draft AC may be inspected in Room 313, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between the hours of 8:30 and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Comments are invited from all interested persons.

Discussion of Draft Advisory Circular

For many years the Federal Aviation Administration (FAA), and its predecessor the Civil Aeronautics Administration, have allowed the use of used engines in new production aircraft, when the engine specified in the type design either was no longer in production, or when the purchaser of a new production aircraft provided engines to the aircraft manufacturer to install in the aircraft he/she had purchased. Notable examples of such use were the used, overhauled radial engines installed in a popular twin-engine aircraft throughout its long production run, and also in many agricultural aircraft still being built today. Such practices have recently generated considerable controversy and discussion, mainly with respect to defining the responsibility of the aircraft manufacturer for determining conformity to the type design of an aircraft with used engines installed; that is, should the aircraft manufacturer producing aircraft under FAR 21, Subparts F or G be held responsible for the conformity to the type design of the engines installed in the aircraft it builds.

FAR 21.31 defines "type design" as the drawings, specifications, etc., that define the configuration and design features of the product "shown to comply with the requirements of that part of this subchapter applicable to the product." The type certification requirements applicable to aircraft specify only that "each engine must be type certificated under Part 33," and are silent as to the condition (new or used) of such engines. It follows, therefore, that an aircraft type certificated under Parts 23, 25, 27, or 29 would conform to its type design when it had the specified type certificated engine installed, whether or not the engine was new or used.

While there is no regulation that prohibits the use of used engines in new production aircraft, the type certificate for an aircraft includes the performance requirements that have been approved and that may be directly related to the performance of the engine(s) installed. A new production aircraft with a used engine installed would need to meet all of the production flight test parameters established in the type design and the approved production flight test procedure. A failure to meet the approved production flight test requirements would be a nonconformity with the type certificate, and if such failure is traceable to inadequate performance of an engine, another engine would need to be installed and the flight performance testing would need to be repeated until all type certificate performance parameters have been demonstrated.

A question has been raised as to whether a production aircraft with used engines installed would be a "new" aircraft within the scope of FAR 21.183 (a) or (b), or 21.185(a) for airworthiness certification. An "aircraft" is a complete product including the engine(s); however, the holder of a production certificate for an "aircraft" obtains such certificate based on his having a type certificate (or the right to one) for the aircraft issued under FAR Parts 23, 25, 27, or 29. The type certificate would require only the installation of a type certificated engine, as specified in the type design. The holder of the production certificate for the "aircraft" would, therefore, be manufacturing the airframe and installing the proper type

certificated engine(s). The "aircraft," whether the engine(s) was new or used, in either case would have been newly manufactured in the sense that the "aircraft" had been assembled as a complete entity for the first time and had never been operated. An aircraft can be considered "used" only after it has accumulated flight time as an aircraft. It can, therefore, be concluded that, even if used engines are installed in an aircraft produced under FAR Subparts F or G, it is "new" within the meaning of FAR 21.183 (a) or (b), or 21.185(a).

The proposed advisory circular, therefore, is intended to set forth criteria in keeping with regulatory requirements, but is NOT intended to expand the use of used engines in new production aircraft beyond those situations where such use was allowed in the past.

Issued in Washington, D.C. on November 10, 1981.

M. C. Beard,

Director of Airworthiness.

FAR Guidance Material

Subject: Installation of Used Engines in New Production Aircraft.

1. Purpose. This advisory circular (AC) is to advise that under certain specified criteria, used engines may be used in new production aircraft.

2. Background. For many years the Federal Aviation Administration (FAA), and its predecessor the Civil Aeronautics Administration, have allowed the use of used engines in new production aircraft, when the engine specified in the type design either was no longer in production, or when the purchaser of a new production aircraft provided engines to the aircraft manufacturer to install in the aircraft he/she had purchased. Notable examples of such use were the used, overhauled radial engines installed in a popular twin-engine aircraft throughout its long production run, and also in many agricultural aircraft still being built today. Such practices have recently generated considerable controversy and discussion, mainly with respect to defining the responsibility of the aircraft manufacturer for determining conformity to the type design of an aircraft with used engines installed; that is, should the aircraft manufacturer producing aircraft under FAR 21, Subparts F or G be held responsible for the conformity to the type design of the engines installed in the aircraft it builds. This advisory circular, therefore, is intended to set forth criteria in keeping with regulatory requirements, but is NOT intended to expand the use of used engines in new production aircraft beyond those situations where such use was allowed in the past.

3. Criteria. Used engines may be installed in new production aircraft produced under FAR 21, Subparts F or G, subject to the following conditions:

a. All ancillary installations, whether new or used, that compose the powerplant, and are not part of the engine, must conform to the type design for the aircraft and be in condition for safe operation;

b. The production flight test of the aircraft must show that the aircraft meets all of the type design performance requirements. If any performance parameters cannot be met because of the condition of a used engine, the engine must be replaced with one that enable the aircraft to meet all flight test requirements applicable to a new production aircraft; and,

c. The engine maintenance records must be in accordance with FAR 91.173 and must accompany the engine and be provided by the aircraft manufacturer to the purchaser of the aircraft. Engine zero time may be shown only if the engine has been rebuilt under FAR 91.175.

d. Points also to be considered when airworthiness certificates are issued under these criteria:

(1) When the type design calls out an engine no longer in production, and used engines to meet production needs are procured by the aircraft manufacturer, the engines should be newly overhauled; or,

(2) When used engines are provided by the buyer of a new production aircraft for use in his/her own aircraft, the engines need not be newly overhauled; however, the provisions of preceding paragraphs 3a and 3b must be met, and the engine maintenance records must be in accordance with FAR 91.173.

[FR Doc. 81-33122 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-30]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: December 9, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

(Par. (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regs. (14 CFR Part 11)

Issued in Washington, D.C., on November 10, 1981.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTIONS

Docket No.	Petitioner	Regulations affected	Description of relief sought
22276	Trans Continental Airlines	14 CFR 121.311(e)(2)	To permit petitioner to operate its DC-6 aircraft beyond the March 6, 1982, compliance date for the seat belt/shoulder harness installation at each flight deck station.
21815	Air Logistics	14 CFR 43.3 & 43.7	Reconsideration of denial of exemption to allow a person certificated by a foreign country and authorized by that country for the specific make and model of aircraft to perform maintenance, and approve for return to service following maintenance, U.S. aircraft operating in a foreign country.
22346	Turcal, Inc	14 CFR 91.31	To permit petitioner to operate its DC-6 aircraft under Part 125 at a 5 percent increased zero fuel and landing weight.

PETITIONS FOR EXEMPTIONS—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
22349	American Cyanamid Co.	14 CFR 121.311	To permit petitioner to operate its Grumman Gulfstream II aircraft after March 6, 1982 compliance date for the installation of seat belts/shoulder harnesses at each flight deck station.
21758	Great Western Airlines Inc	14 CFR 121.623	Reconsideration of Denial of Exemption to permit petitioner to operate CV-580 cargo aircraft under instrument flight rules without first listing an alternate for each destination in the flight release.
22356	ACM Aviation, Inc	14 CFR 135.89(b)(3)	To allow petitioner to operate Gates Learjet 36A aircraft up to flight level 410 without either pilot being required to wear his/her oxygen mask so long as there are two pilots at the controls, and each pilot has a quickdonning type of oxygen mask.
15735	Cessna Aircraft Co.	14 CFR 65.81 & 145.89(d)	Extension of Exemption 2353 which allows petitioner's graduates to continue to perform and supervise propeller repair and maintenance of McCauley propellers.
22280	Michael Woletyk	14 CFR 101.13(a)(2)	To permit petitioner to conduct kite operations more than 500 feet above the surface of the earth.
22357	American Airlines	14 CFR 121.578	To permit petitioner to continue to operate some of their B-747 and DC-10 aircraft up to 180 days after the compliance date of February 20, 1982, for installation of catalytic converters (Ozone).
22411	University Aviation Assn.	14 CFR 141.101	To allow the members to use the normal class grade book, for students enrolled in a credit course leading to a FAA written examination, to meet the chronological requirements of that section.
22407	Lloyd Goheen	14 CFR 65.91	To permit petitioner to obtain an inspection authorization even though petitioner's current experience has been on aircraft that are not U.S. registered.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
21883	Mr. Vasilios E. Palouhas	14 CFR 65.71	To enable petitioner to become eligible for an airframe mechanic's certificate without meeting the requirements to complete the airframe exams within 2 years. *Denied Oct. 22, 1981.*
20388	Wiggins Airways	14 CFR 135.1(a) and (b)	Reconsideration of the denial of petitioner's petition to permit petitioner to operate spceific Bell 206 helicopters on a wet-lease agreement for the exclusive use of two Boston area television (TV) stations, WCVB-TV5 and WBX-TV4 and to use polots who are not 135 qualified as crewmembers on the proposed contract operation. *Denied Oct. 28, 1981.*
22144	Tennessee Airways	14 CFR 135.247(a)(2)	To permit petitioner's pilots, who have not met the recent experience requirement involving night takeoffs and landings, to serve as pilot in command of aircraft carrying passengers. *Denied Oct. 29, 1981.*
22115	Piedmont Aviation, Inc.	14 CFR 121.291	To allow petitioner to block off 12 seats and to operate its Boeing B-737 aircraft with two flight attendants when a third flight attendant cannot be made available without undue delay of flight cancellation. *Denied Oct. 29, 1981.*
22192	Richmor Aviation, Inc	14 CFR 141.91(a)	To permit petitioner to conduct flight training operations under its pilot school certificate at satellite bases, in New York, which are more than 25 miles from its main operations base. *Granted Oct. 27, 1981.*
22097	Tenneco, Inc	14 CFR 91.23(a)(3)	To permit petitioner to reduce the fuel reserve requirement for helicopter operations to no less than 30 minutes. *Granted Oct. 27, 1981.*
13203	Boeing	14 CFR 25.807(c)(1), (5) 25.809(f)(1), and 25.813(b).	Amendment to Exemption No. 1879A, to allow carriage of three crewmembers plus five non-crewmembers on upper deck of Model 747-200F and 747-200C cargo airplanes. *Granted Oct. 26, 1981.*
21963	Flight Training Devices	14 CFR 63.39(b)(2)	To permit flight engineer applicants being trained by the petitioner to show, in an approved simulator, that the applicants can satisfactorily perform the normal duties and procedures relating to the airplane, airplane engines, propellers (if appropriate), systems, and appliances. *Partial Granted Oct. 26, 1981.*
21958	Mr. Scott Edwin Abram	14 CFR 61.151(a)	To allow petitioner to obtain an airline transport pilot certificate before reaching his 23rd birthday. *Denied Oct. 26, 1981.*
20792	Airborne Express, Inc.	14 CFR 121.371(a) and 121.378	Extension of Exemption 3042 which permits petitioner to use an FAA-approved foreign repair station to repair, overhaul, and inspect parts for use on its Caravelle aircraft. *Granted Oct. 26, 1981.*
20869	United Air Carriers, Inc	14 CFR 121.291(a)(b)	To permit petitioner to operate its DC-8-61 aircraft without first conducting a full-seating capacity emergency evacuation and ditching demonstration. *Granted Oct. 22, 1981*
22104	Mr. Harris L. Gordon	14 CFR 141.33(b)	To permit petitioner to be chief flight instructor for more than one approved flight school. *Denied Nov. 3, 1981.*
21776	Mr. Louis Edward McCollum	14 CFR 61.58(c)(1) and 91.4	To permit petitioner to act as pilot in command of a variety of aircraft for which he holds a type rating and that require more than one pilot flight crewmember without meeting the 24-month proficiency check requirements. *Denied Nov. 3, 1981.*
17324	Gulf Air Company	14 CFR 11.53	To allow petitioner to continue to operate two leased; U.S.-registered L-1011 aircraft, N92TA and N92TB, using a FAA-approved master minimum equipment list and an FAA-approved continuous airworthiness maintenance program. *Granted Oct. 23, 1981.*
20520	KLM Royal Dutch Airlines	14 CFR 11.53	Extension of exemption 3036 which allows petitioner to operate three U.S.-registered B-747-206B aircraft using a FAA-spproved master minimum equipment list and an FAA-approved continuous airworthiness maintenance program. *Granted Sept. 17, 1981.*
22284	Compania Mexicana de Aviacion, S.A. (Mexicana)	14 CFR Portions of Parts 21, 25 & 91	To permit petitioner to continue to operate two U.S.-registered DC-10 aircraft which are equipped with passenger food tray carts which have not been approved for use on airplanes. *Granted Oct. 27, 1981.*
20818	Ransome Airlines, Inc	14 CFR 135.429	Extension of Exemption No. 3166 which permits petitioner to continue using certain foreign repair facilities to repair and inspect parts for its Nord-262 aircraft. *Granted Nov. 6, 1981.*

[FR Doc. 81-33119 Filed 11-18-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Mason County, Michigan

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 is being prepared for a proposed highway project in Mason County, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth L. Barkema, District Engineer, Federal Highway Administration, P.O. Box 10147, Lansing, Michigan 48901, Telephone (517) 377-1851 (FTS 374-1851), or Mr. Jack Morgan, Manager, Public Involvement Section, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, Telephone 1-800-292-9676 (toll free).

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Michigan Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed improvement of U.S. Route 31 (U.S. 31) in Mason County, Michigan. The proposed improvements involve the construction of 7.5 miles of U.S. 31 on new location or the reconstruction of 5.5 miles of the existing route U.S. 31 which is combined with U.S. Route 10 (U.S. 10) between the cities of Scottville and Ludington, Michigan. U.S. 31 and U.S. 10 are Michigan arterials of statewide and national importance. Within Michigan, U.S. 31 connects Niles, St. Joseph/Benton Harbor, Holland, Muskegon, Ludington, Manistee, Traverse City, Petoskey and Mackinaw City. U.S. 10 provides access to the cities of Detroit, Pontiac, Flint, Saginaw, Bay City, Midland, Clare, Reed City and Ludington.

U.S. 31 is scheduled for reconstruction as a freeway facility into Mason County near Ludington. It is at the point where U.S. 10 and U.S. 31 are combined along the same two-lane highway between Ludington and Scottville. Currently, traffic volumes along this segment are at the practical capacity of the roadway and are anticipated to exceed this capacity once the freeway is completed to U.S. 10/31.

An area where traffic congestion already occurs is at the intersection of U.S. 10 and U.S. 31 in the City of Scottville. Traffic conflicts between turning movements and through movements has caused traffic back-ups and delays. This situation becomes even more dramatic when vacation and recreation vehicles are mixed with the normal daily traffic.

Alternatives under consideration include (1) taking no action; (2) using alternate modes of travel; (3) low capital investment alternative; (4) upgrading of the existing facility and construction of a bypass of Scottville; and (5) construct on a new location a freeway or two-lane roadway within limited access right-of-way of sufficient width to accommodate a freeway. The construction on new location alternative would correct the deficiencies of U.S. 10/31 with varying degrees of social, economic and environmental impacts.

Early coordination with a number of Federal, State and local agencies, as well as input received from a pre-study meeting conducted in 1978, has identified the more significant issues to be addressed in the EIS. Accordingly, no scoping meeting is planned at this time. A preliminary scoping document has been prepared by FHWA and MDOT identifying those issues and it is available on request to all interested agencies, organizations and individuals. A public information meeting will be held in the local area in the near future. Comments and suggestions on the scoping document and the issues identified are invited from all interested parties and should be submitted to the FHWA or MDOT by December 31, 1981. Please furnish any comments to the above contact persons. Separate copies of the scoping document are being furnished to field offices of the following Federal agencies who have been involved in the early coordination activities, or who may be designated a cooperating agency: U.S. Army Corps of Engineers; U.S. Department of Agriculture, Soil Conservation Service; U.S. Department of Agriculture, Forest Service; U.S. Department of the Interior, Fish and Wildlife Service.

The Draft EIS is scheduled for completion in early 1982 and will be made available for public and agency review and comment.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: November 13, 1981.

David A. Merchant,

Division Administrator, Lansing, Michigan.

[FR Doc. 81-33375 Filed 11-18-81; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement; Notice of Intent; Seattle, Washington

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

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 Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: William J. Glover, Environmental Engineer, Federal Highway Administration, Suite 501, Evergreen Plaza, 711 South Capitol Way, Olympia, Washington 98501, Telephone: (206) 753-9480.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington State Department of Transportation, will prepare an Environmental Impact Statement (EIS) on a proposal to construct access lanes connecting Interstate 90 with the Seattle central business district, the King County Stadium area, the Duwamish industrial/commerical area and Interstate 5. The proposed improvements, being developed in conjunction with the reconstruction of a 6.9 mile section of Interstate 90 between Interstate 405 and Interstate 5, would construct transit, carpool and general purpose lanes westerly of the Connecticut Street interchange on Interstate 5. It is anticipated that the proposal would require modifications to local streets for the extension of limited access freeway connections in an area bounded generally by Rainier Avenue South, Atlantic Street, the Alaskan Way Viaduct and Dearborn Street. Improvements within the corridor are considered necessary to provide priority transit and high occupancy vehicle access to the Seattle central business district, provide direct general purpose access from Interstate 90 to major activity centers and alleviate existing traffic congestion on the southern periphery of the Seattle central businsess district.

Alternatives currently under consideration are based upon recommendations found in the Municipality of Metropolitan Seattle (Metro) Study, *I-90 Transit Access Study Phase I Final Report* published in December 1979. The Metro study evaluated ten alternatives for developing transit and general purpose access from Interstate 5 and Interstate 90 to the Seattle central business district, recommending detailed evaluation of a composite Aerial Structure/Atlantic Street alternative in

the project EIS. Based on this recommendation, the Washington State Department of Transportation proposes to study three alternatives in the draft EIS, (1) taking no action, (2) the Basic Case alternative which would develop transit and high occupancy vehicle access using the Dearborn Street corridor and general traffic access via a two level structure over Interstate 5 in the Royal Brougham Way (formerly Connecticut Street) corridor, and (3) the Aerial Structure/Atlantic Street alternative which would develop transit and high occupancy vehicles access using structures over Interstate 5 in the Atlantic Street and Royal Brougham Way corridors and general traffic access via a structure in the Royal Brougham Way Corridor. Alternatives generated as a result of comments received during early coordination with governmental agencies, private organizations and the public will also be studied in the draft EIS. Design variations of grade, alignment and ramp configuration will be incorporated into and studied with the various build alternatives.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies as well as citizens and organizations that have expressed interest in this proposal. A series of meetings with the public, interested community groups and governmental agencies will be held between September 1981 and January 1982. In addition, a public hearing will be held subsequent to publication of the Draft Environmental Impact Statement. Public notice of actions related to the proposal identifying date, time, place and public review period will be published when appropriate. A formal scoping meeting is not planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: November 9, 1981.

William J. Glover,

Evironmental Engineer, Washington Division, Olympia, Washington.

[FR Doc. 81-33238 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Denial of Petition for Hearing on Reasonableness of Notification and Remedy

This notice sets forth the reasons for the denial of a petition to hold a hearing on whether General Motors Corporation ("GM") has reasonably met its obligation to remedy a safety-related defect in a motor vehicle. (49 CFR Part 557).

On June 15, 1981, Emanuel I. Witty of Brentwood, New York petitioned NHTSA with respect to defective wheel bearings on his 1978 Chevrolet Malibu, ostensibly repaired by his dealership, but which subsequently caused brake loss and a near accident.

NHTSA's investigation revealed that the vehicle had been presented to the dealership by Mrs. Witty who reclaimed it before repairs could be effected, but who was under the impression that all work had been performed. Presentation for repair had not occurred until 14 months after initial notification. Nevertheless GM reimbursed Mr. Witty for the cost of his emergency repairs.

As there were no similar complaints and the problem was resolved without a hearing, Mr. Witty's petition was denied on September 15, 1981.

(Sec. 156, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1416); delegation of authority at 49 CFR 1.50 and 501.81)

Issued on November 13, 1981.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 81-33419 Filed 11-18-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 11]

Republic Insurance Company; Surety Companies Acceptable on Federal Bonds; Correction Effective July 1, 1981

At 46 FR 33962, No. 127, in the issue of Tuesday, June 30, 1981, Circular 570; 1981 Revision was published. The following company and information should be added to page 33973 of the circular:

Name of Company: Republic Insurance Company.
Business address: Post Office Box 223000, Dallas, Texas 75222.
Underwriting limitation: $10,699,000.
Surety Licenses: All except Ala., Alaska, CZ., Fla., Guam, Hawaii, Me., Mass., Mont., N.H., N. Dak., R.I., S. Dak., Vt., Virgin Islands.
Incorporated in: Delaware.

Questions concerning this correction notice may be directed to the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226. Telephone (202) 634-5010.

Dated: November 12, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-33347 Filed 11-18-81; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1980 Rev., Supp. No. 35]

Surety Companies Acceptable on Federal Bonds; Change in State of Incorporation

On June 30, 1980, the Republic Insurance Company, Dallas, Texas, changed its State of incorporation from Texas to Delaware. The company was last listed as an acceptable surety on Federal bonds at 45 FR 44511, July 1, 1980.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued under sections 6 to 13 of Title 6 of the United States Code, to Republic Insurance Company, incorporated in the State of Delaware. This new certificate replaces the company's former Treasury certificate, retroactive to July 1, 1980. With respect to any bonds written during the period of July 1, 1980 through June 30, 1981, no action needs to be taken by bond-approving officers of the Government.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business, and other information.

Questions concerning this notice may be directed to the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226. Telephone (202) 634-5010.

Dated: November 12, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-33348 Filed 11-18-81; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on December 18, 1981, at 1:00 p.m., the Des Moines Regional Office Station Committee on Educational Allowances shall conduct a hearing at Room 1025, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309 to determine whether Veterans Administration benefits to all eligible persons enrolled in MBA Program, University of South Dakota, Sioux City Branch should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: November 13, 1981.

Norman W. Bauer,

Director, VA Regional Office, 210 Walnut Street, Des Moines, Iowa 50309.

[FR Doc. 81-33426 Filed 11-18-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 223
Thursday, November 19, 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

CIVIL AERONAUTICS BOARD

[M-337 Amdt. 1, November 12, 1981]

Notice of Addition and Closure of Items to the November 12, 1981 Board Meeting

TIME AND DATE: 10 a.m., November 12, 1981.

PLACE: Room 1027 (open), Room 1012 (closed) (after open meeting).

SUBJECT:

24. Upcoming negotiations with Chile to begin November 18, 1981 in Washington, D.C. (BIA)

25. Negotiations/Consultations with Japan, United Kingdom and Germany. (BIA)

STATUS:

1-22 (Open)
23, 24, 25 (Closed)

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1736-81 Filed 11-17-81; 3:49 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M-337 Amdt. 2, November 13, 1981]

Notice of Deletion of Items From the November 12, 1981 Board Meeting

TIME AND DATE: 10 a.m., November 12, 1981.

PLACE: Room 1027 (open), Room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428

SUBJECT:

21. Docket 37025—Application of Surinam Airways Limited for amendment of its foreign air carrier permit (1) to include passenger authority, and (2) to add the intermediate points Georgetown, Guyana; Port of Spain, Trinidad and Tobago; and Panama. (Memo 885, 885-A, BIA, OGC, BALJ)

23. (1) Application of Trans-Mediterranean Airways, S.A.L. (TMA) for a special Authorization under Part 216 of the Board's Economic Regulations and (2) Docket 39957—Application of Middle East Airlines Airliban, SAL (MEA) for an exemption under section 416(b) of the Act. (Memo 886-A, BIA)

STATUS:

1-22 (Open)
23, 24 and 25 (Closed)

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1735-81 Filed 11-17-81; 3:49 pm]

BILLING CODE 6320-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, November 27, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., Eighth floor conference room.

SATATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing.

* * * * *

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Tuesday, November 24, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C. fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Sunflower Seeds/Chicago Board of Trade Contract Market Designation Application
Large Trader Reporting System
Preliminary Staff Report in Potential Fee Structure

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1731-81 Filed 11-17-81; 10:53 am]

BILLING CODE 6351-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change 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 it's closed meeting held at 2:30 p.m. on Monday, November 16, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), concurred in by Director Irvine H. Sprague (Appointive), 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 matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 44,976-L (Amended)—Franklin National Bank, New York, New York.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsection (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B)).

Dated: November 16, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1729-81 Filed 11-17-81; 10:32 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of 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 open meeting held at 2:00 p.m. on Monday, November 16, 1981, the Corporation's Board of Directors determined, on motion of Director Charles E. Lord (Acting Comptroller of the Currency), seconded by Director Irvine H. Sprague (Appointive), concurred in by Chairman William M. Isaac, 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:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 44,989–L—International City Bank and Trust Company, New Orleans, Louisiana
Memorandum and Resolution re: First State Bank of Northern California, San Leandro, California
A personnel resolution.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: November 16, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1730-81 Filed 11-17-81; 10:33 am]

BILLING CODE 6714-01-M

6

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46. No issue number at this time. No page number at this time. Date to be published, Wednesday, November 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, November 19, 1981.

PLACE: 1700 G Street, N.W., board room, sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting.

Transactions Involving Affiliated Persons.

[No. 563, November 17, 1981]

[S-1734-81 Filed 11-17-81 2:49 pm]

BILLING CODE 6720-01-M

7

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol No. 46, Issue No., none at this time. Page No. none at this time. Date to be published, Wednesday, November 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, November 19, 1981.

PLACE: 1700 G Street, N.W., board room, sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting.

Reconsideration of Bank Membership and Insurance of Accounts—Frontier Savings and Loan Association, Fairbanks, Alaska.

[No. 562, November 17, 1981]

[S-1733-81 Filed 11-17-81; 2:27 pm]

BILLING CODE 6720-01-M

8

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, November 19, 1981.

PLACE: 1700 G Street, N.W., board room, sixth Floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED: Request for Approval Pursuant to section 407(p)(2).

[No. 561, November 17, 1981]

[S-1732-81 Filed 11-17-81; 12:13 pm]

BILLING CODE 6720-01-M

9

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., November 24, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Report on Notation Items disposed of during October 1981.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during October 1981.
3. Report of the Secretary on Applications for Admission to Practice approved during October 1981, pursuant to delegated authority.
4. Agreement No. 10270–2: Modification of the Gulf European Freight Association Agreement to extend the term of the basic agreement indefinitely.
5. Agreement No. 9984: Extension of the term of approval of the South Atlantic North Europe Rate Agreement.
6. Agreements Nos. 8770–12 and 9988–13: Modifications of the U.K./U.S.A., Gulf Westbound Rate Agreement and the Continental/U.S. Gulf Freight Association Agreement, respectively, to provide for appointment of resident representatives in the United States.
7. Report on compliance with General Order 7, Revised—Self-Policing.

Portions closed to the public:

1. Malpractice Target Program.
2. Docket No. 80–80: Paulssen & Guice Ltd.—Independent Ocean Freight Forwarder License No. 1166; Paulssen & Guice Midwest, Inc.—Applicant for a License as an Independent Ocean Freight Forwarder—Consideration of request for oral argument and possible consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-1728-81 Filed 11-17-81; 9:33 am]

BILLING CODE 6730-01-M

10

INTERNATIONAL TRADE COMMISSION

[USITC SE-81-36]

TIME AND DATE: 10 a.m., Tuesday, November 24, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 337–TA–97 (Certain Steel Rod Testing Apparatus and Components Thereof)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-1727-81 Filed 11-16-81; 4:17 pm]

BILLING CODE 7020-02-M

federal register

Thursday
November 19, 1981

Part II

Department of Transportation

Office of the Secretary

Supplemental Department Regulations Agenda and Review List, Maritime Administration

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

46 CFR Ch. II

[OST Docket No. 59; Notice 80-13]

Department Regulations Agenda and Review List; Semi-Annual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Supplemental Department Regulations Agenda and Review List, Maritime Administration.

SUMMARY: The Regulations Agenda is a semi-annual summary of each pending proposed regulation that the Department of Transportation ("Department") has issued and each proposed and final regulation that the Department expects to publish in the **Federal Register** during the succeeding 12 months or such longer projected period as may be anticipated. The Regulations Review List is a semi-annual summary of the existing regulations that the Department of Transportation has selected for review and possible revocation or revision. The Agenda and Review List provide the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

The Department's most recent Agenda was published on October 1, 1981.The Maritime Administration (MARAD) was made an operating administration of the Department of Transportation on August 6, 1981. At that time, development of the Department's October 1, 1981, Agenda was already underway and it was too late to include the MARAD regulatory actions. This supplemental Agenda, therefore, covers MARAD.

ADDRESSES: The mailing address for MARAD is 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda or the Review List, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-4723.

Specific

For further information about any particular item on the Agenda or the Review List, contact the individual listed in the column headed "Contact" for that item.

SUPPLEMENTARY INFORMATION:

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Supplementary Information:
- Background
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- Definitions
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Agenda
Review List
Appendix A—Instructions for Obtaining Copies of Regulatory Documents
Appendix B—General Rulemaking Contact Persons
Appendix C—Public Rulemaking Dockets

Background

To help the Department of Transportation ("Department") achieve the Reagan Administration regulatory goals, and in accordance with Executive Order 12291 ("Federal Regulation," 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semi-annual Department Regulations Agenda for publication in the **Federal Register**. The Agenda summarizes each pending proposed regulation that the Department has issued and each proposed and final regulation that the Department expects to publish in the **Federal Register** during the succeeding 12 months or such longer projected period as may be anticipated. The Executive Order and the Regulatory Policies and Procedures also include a requirement that the Department prepare a semi-annual list of existing regulations it has selected for review and possible revocation or revision for publication in the **Federal Register**.

The Department's last Regulations Agenda and Review List was published in the **Federal Register** on October 1, 1981 (46 FR 20036). The next one, which will include MARAD, is scheduled for publication in the **Federal Register** on April 1, 1982.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), P.L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. The symbol "†" appears at the left margin, prior to the title, for each significant and nonsignificant regulation in this Agenda for which a Regulatory Flexibility Analysis will be, or has been, prescribed. In addition, where the RFA applies to a significant regulation in this Agenda, that fact is noted in the regulation's summary under subheading C "Analysis," by the addition of a slash (/) after the words "Regulatory Evaluation" or "Regulatory Impact Analysis," followed by the words "Regulatory Flexibility Analysis."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The Review List in this and future Agendas will include those regulations to be reviewed under the RFA or those for which review has been concluded since the last Agenda. The symbol "†" also will appear in the left margin, prior to the title, for each such regulation. It should be noted, however, that after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

Definitions

The Agenda and the Review List cover all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulations* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary—

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transportation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register**; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively that (1) is likely to result in:

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

(b) A major effect on the general economy in terms of costs, consumer prices, or production;

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

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

(2) The Secretary or head of the initiating office determines deserves such an analysis.

Explanation of Information on the Regulations Agenda

The Regulations Agenda lists: (1) significant regulations, which are subdivided into two subcategories—major significant regulations and other significant regulations, (2) nonsignificant regulations, and (3) routine and frequent nonsignificant regulations. For each proposed and final regulation, the Agenda provides the following information: (1) a short descriptive title; (2) a summary; (3) the earliest expected date for a decision on whether to issue the proposed or final regulation; (4) a contact office official who can provide additional information, including advice on how to obtain documents referenced in the Agenda; and (5) the related regulatory citation in the Code of Federal Regulations. If final action has been taken on an item included on the previous semi-annual Agenda, that item is still contained in this Agenda and the final action is indicated under the "Summary" column of that item.

For a significant regulation, the summary includes: (1) a description of the proposed or final regulation; (2) a brief statement as to why it is considered significant; (3) a listing of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), Regulatory Flexibility Analysis, and an Urban Impact Analysis; (4) a brief statement of the objectives—why the regulation is needed; (5) the legal basis for the action being taken; (6) the past and anticipated chronology of the development of the regulation including any final action taken since the last semi-annual Agenda and (7) the related regulatory citation in the Code of Federal Regulations. It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the Agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation.

If a regulatory docket number has already been established, it is contained in parentheses immediately following the short descriptive title of the regulation. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Earliest Expected Decision Date" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a date in this column is not an indication that a proposal or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291, must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the **Federal Register** would follow within a few days. These dates are based on current schedules. Subsequently received information could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

It should be noted that some of the items on the Agenda result from programs that were established to review existing regulations and revoke or revise those regulations that the initiating office determined were not achieving their intended purpose. Projects under regulatory development that resulted from a review of existing regulations to determine whether they should be revoked or revised are preceded by the word "Review" in the "Title" column. Because some reviews can be large-scale undertakings, and because there are already a number of these in the regulatory development process, the Department thought it would provide the public with valuable information if it indicated not only which regulatory reviews are under consideration but also which reviews have now reached the stage where proposed revisions are being, or have been, prepared. The number of regulatory projects that an initiating office can handle is limited by available resources. Therefore, the number of projects in the regulatory development stage may limit the number of reviews that can be added.

Explanation of Information on the Regulations Review List

The Regulations Review List provides the following information: (1) a short description of the existing regulations involved, including the related citation to the Code of Federal Regulations; (2) a brief description of the reasons for each selection; (3) a contact office or official who can provide additional information; and (4) the target date for completing the review and determining the corrective course of action to be taken. The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures. If final action has been taken on an item included on the previous semi-annual Review List, that item is still contained in this Review List and the final action is indicated under the "Reasons for Selection" column for that item.

General

To allow for easier use of the Agenda and for quick comparison with earlier Agendas, the Department has instituted

the following additional procedures in the Agenda: (1) Items listed on the Agenda or Review List retain the same order in each semi-annual publication. If subheadings are used within an initiating office's listing, then the same order is retained within each subheading. (2) New items generally are added at the end of the appropriate portion of the Agenda or Review List and are identified by an asterisk ("*") on the left side of the "Title" when first added. (3) New substantive information added to items that were on an earlier Agenda or Review List is printed in italics.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, and Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semi-Annual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the Agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the Agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the Agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included on our Review List; that is , which existing regulations issued by MARAD do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to MARAD or at the address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are spedifically invited on regulations listed in the Review portion of the Agenda that are targeted for review under the RFA. Those comments should be addressed to the MARAD "contact" person at the address noted in the "Addresses" paragraph above.

Innovative Regulatory Techniques

The Department of Transportation is reviewing its regulations for regulatory areas where the application of innovative regulatory techniques would be appropriate. The Department invites the assistance of the public in this search.

Particular techniques that have shown promise throughout the federal government are (1) the creation of marketable rights; (2) the use of economic incentives; (3) the use of performance standards; (4) the use of market-oriented compliance measures; (5) the enhancement of competition; (6) the use of information disclosure; (7) the use of voluntary standards; and (8) the tailoring of standards to distinguish among categories of regulated entities ("tiering"). More complete descriptions of these innovative techniques are set forth in Appendix D. The Department of Transportation is already using these techniques in many regulatory programs. However, the views of the public are solicited with respect to other regulatory programs where these techniques can be applied effectively to reduce the burdens on regulated entities or to reduce governmental costs. If you have any suggestions, please send them to MARAD, at the address noted in the "Addresses" paragraph above. Additional information on the innovative techniques program can be obtained by contacting Neil R. Eisner, whose address appears above.

Purpose

The Department is publishing this Regulations Agenda and Review List in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible.

This publication in the **Federal Register** does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the Agenda or the Review List. Regulatory action in addition to the items listed is not precluded.

If further information is desired on any of the items listed in the Agenda or the Review List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the Agenda or the Review List, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, D.C. on November 9, 1981.

Drew Lewis,

Secretary of Transportation.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

Maritime Administration

Significant Regulations: Major

Title	Summary	Contact	Earliest expected decision date
Construction-Differential Subsidy (CDS) Repayment: Total Repayment Policy and Procedure.	**A. Description:** This rulemaking would establish the policy of the Maritime Subsidy Board (MSB) of (MarAd) in considering applications for the total repayment of CDS with respect only to tankers of at least 100,000 deadweight tons. **B. Why Significant:** This regulation concerns a matter of substantial controversy. **C. Analysis:** Regulatory impact analysis..... **D. Need:** Regulation is needed to state policy for the exercise of authority by Secretary of Transportation to accept total CDS repayment—the subject of litigation involving the respective interests of operators in the domestic trade and operators of large tankers built with CDS. **E. Legal Basis:** 46 U.S.C. 1114(b), 1117, 1156 and 1204..... **F. Chronology:** First NPRM—Nov. 2, 1970 (45 FR 51045); Second NPRM—May 5, 1980 (45 FR 29610); Interim Rulemaking—October 15, 1980 (45 FR 68393); Amendment to Interim Rule—Nov. 24, 1980 (45 FR 7745). **G. Citation:** 46 CFR Pt. 276.....	William B. Ebersold, (202) 382-0374.	FR December 1981.

Significant Regulations: Other

Title	Summary	Contact	Earliest expected decision date
Requirements and Procedures for the Administration of Condition Surveys and Maintenance and Repair Subsidy.	**A. Description:** Regulation clarifies and liberalizes MarAd policy and procedure in administering that part of the Operating-Differential Subsidy (ODS) program relating to requirement for conducting condition surveys of vessels under ODS agreements which provide maintenance and repair (M&R) subsidy. *(This regulation has been reclassified as a nonsignificant regulation. It is now located in the nonsignificant portion of this agenda).*	John J. Davis, (202) 426-5743.	November 1981.
Documentation, Transfer or Charter of Vessels.	**A. Description:** Amendments would be made to regulations governing MarAd approval of the transfer of U.S. owned or documented vessels to non-citizens, as well as approval of vessel charters to non-citizens, pursuant to authority in the Shipping Act, 1916. Since amendments either remove a restriction or involve a foreign affairs function, no NPRM is required under 5 U.S.C. 553. *(This regulation has been reclassified as a nonsignificant regulation. It is now listed in the nonsignificant portion of the agenda).*	Jessie Fernanders, (202) 426-5821.	FR November 1981.
Construction-Differential Subsidy (CDS)—Requirements for Aid.	**A. Description:** By provision of tihe Merchant Marine Act, 1936, the Maritime Administration administers the CDS program, providing subsidy for the construction reconstruction or reconditioning of vessels in U.S. shipyards. **B. Why Significant:** Regulation involves important Department policy on a matter of substantial interest and controversy. **C. Analysis:** Regulatory evaluation..... **D. Need:** Establish comprehensive formal regulations governing administration of CDS program.	James Saari, (202) 426-5888.	NPRM pending review of CDS Program.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

Maritime Administration

Significant Regulations: Other—Continued

Title	Summary	Contact	Earliest expected decision date
	E. Legal Basis: 46 U.S.C. 1114(b), 1151–1157		
	F. Chronology: Draft NPRM has been prepared		
	G. Citation: 46 CFR Pt. 251		
Cargo Preference—U.S. Flag Vessels-Determination of Fair and Reasonable Rates.	**A. Description:** Regulation would set forth criteria for determining "fair and reasonable rates" (statutory term) required for the carriage of at least the 50 percent of U.S. government procured or impelled cargoes reserved by law for U.S. owned, constructed and documented vessels.	Frederick R. Larson, (202) 382-0409.	Further Action to be determined.
	B. Why Significant: This Regulation concerns a matter on which there is substantial public interest.		
	C. Analysis: Regulatory evaluation		
	D. Need: To clarify meaning of statutory term		
	E. Legal Basis: 46 U.S.C. 1241(b), 1114(b)		
	F. Chronology: Regulation was last revised in 1977		
	G. Citation: 46 CFR Pt. 381 and possibly new Pt. 382		
Merchant Marine Training	**A. Description:** The Maritime Administration is responsible for operating the U.S. Merchant Marine Academy and for providing financial assistance to State Maritime academies and the U.S. Maritime Service, a voluntary Maritime training organization.	Erick J. Bernhardt, (202) 426-5766.	NPRM—Subpart C (Merchant Marine Academy) November 1981; NPRM—Subpart B (U.S. Maritime Service) February 1982.
	B. Why Significant: Regulations concern matter of substantial public interest.		New Subpart February 1982.
	C. Analysis: Regulatory evaluation		Subpart D to be deleted.
	D. Need: Maritime Education and Training Act of 1980 (P.L. 96–453) requires changes in regulations to reflect new requirements as conditions for financial aid for merchant marine training, as well as disposition of excess or surplus government property.		
	E. Legal Basis: 46 U.S.C. 1114(b), 1295		
	F. Chronology: Subpart A (State Maritime Academies)—NPRM June 9, 1981 (46 FR 30507) FR July 22, 1981 (46 FR 37694).		
	G. Citation: 46 CFR Pt. 310		
Award and Administration of Operating-Differential Subsidy (ODS) for Dry Bulk Cargo Vessels.	**A. Description:** Regulation states conditions for award of ODS for dry bulk cargo vessels engaged in worldwide trade.	Frederick R. Larson, (202) 382-6036.	FR or new NPRM December 1981.
	B. Why Significant: This regulation reflects a change in policy on a matter of substantial public interest.		
	C. Analysis: Regulatory evaluation		
	D. Need: Regulation would recognize unique economic aspects of dry bulk carriers and is intended to afford sufficient flexibility to allow them to compete in worldwide trade.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

Maritime Administration

Significant Regulations: Other—Continued

Title	Summary	Contact	Earliest expected decision date
	E. Legal Basis: 46 U.S.C. 1114(b), 1171–1176 **F. Chronology:** NPRM September 6, 1979 (44 FR 52002) **G. Citation:** New 46 CFR Pt. 254 or integration with 46 CFR Pt. 252.		
Construction-Differential Subsidy (CDS) Standard Contracts.	**A. Description:** This regulation would incorporate standardized language used in administration of CDS Program *(This regulation has been reclassified as a nonsignificant regulation. It is now listed in the nonsignificant portion of this agenda).*	Melvin Eck, (202) 426–5888.	FR pending Administration review of CDS Program.
Requirements for Establishing United States Citizenship.	**A. Description:** Regulation describes how individuals, corporations and other entities can establish U.S. citizenship to qualify for participation in MARAD financial assistance programs. **B. Why Significant:** Proof of U.S. citizenship is required of all applicants for Construction-Differential Subsidy, Operating-Differential Subsidy and Title XI obligation guarantees. **C. Analysis:** Regulatory evaluation **D. Need:** To amend citizenship regulations to insure control by U.S. citizens under current corporate operational methods and to simplify proof of corporate citizenship. **E. Legal Basis:** 46 U.S.C. 1151, 1273, 802, 1114(b) **F. Chronology:** NPRM October 12, 1979 (44 FR 58928) **G.** 46 CFR Pt. 355	Doris Lansberry, (202) 426–5711.	FR November 1981.
Federal Income Tax Aspects of the Capital Construction Fund..	**A. Description:** Joint rulemaking with Treasury Department would finalize technical regulations governing the utilization of Capital Construction Fund (CCF)—comprised of deposits of the deferred income from shipping operations, related income, and CCF investment income. **B. Why Significant:** Regulation involves a matter of substantial public interest and has major impact on another Federal Agency (Treasury Department). **C. Analysis:** Regulatory evaluation **D. Need:** Implement statutory provision **E. Legal Basis:** 46 U.S.C. 1177, 1114(b) **F. Chronology:** NPRM published jointly with Treasury Department on June 15, 1972 (37 FR 11887); FR with respect to non-tax areas and second NPRM on technical tax provisions published January 29, 1976 (41 FR 4257, 4280). **G. Citation:** 46 CFR Pt. 391	Lawrence B. Pripeton, (202) 382–0409.	FR awaiting action by Treasury Department.
Rules of Practice and Procedures; Procedure for Hearing in Operating-Differential Subsidy (ODS) Applications; Applications for Subsidies and Other Direct Financial Aid.	**A. Description:** Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 208 that would establish a standard discovery order and standard technique for forecasting the adequacy/inadequacy of U.S. flag liner service in hearings required under the Merchant Marine Act, 1936, (Act) on application for ODS.	Robert J. Patton, (202) 426–5746.	FR awaiting report of task force on ODS application proceedings expected Fall 1981.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

Maritime Administration

Significant Regulations: Other—Continued

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: Regulations involve important Department policy. **C. Analysis:** Regulatory evaluation **D. Need:** Response to petition for issuance of a rule by an operator receiving ODS and complaints filed with Presidential Task Force on Regulatory Relief, alleging unreasonable delays and excessive costs in proceedings under section 605(c) of the Act. **E. Legal Basis:** 46 U.S.C. 1114(b); 1175(c) **F. Chronology:** NPRM June 25, 1979 (44 FR 37003) **G. Citation:** 46 CFR Pts. 201, 208, 251		
Cargo Preference-Geographical Allocation of Preference Cargoes.	**A. Description:** Rule would have required U.S. government agencies that administer programs subject to the Cargo Preference Act of 1954 to make an equitable geographical allocation of the "preference cargoes" among the ports of the four coastal areas of the U.S., Great Lakes, Atlantic Coast, Gulf Coast and Pacific Coast. **B. Why Significant:** This has been a matter of great controversy to competing port interests and government agencies that administer programs subject to the Cargo Preference Act of 1954. **C. Analysis:** Regulatory evaluation **D. Need:** An effort by MarAd to interpret statutory term, "by geographical areas," to effectuate equitable allocation of preference cargoes among U.S. port rangers. **E. Legal Basis:** 46 U.S.C. 1241(b); 1114(b) **F. Chronology:** NPRM Jan. 9, 1981 (46 FR 2370); extension to file comments, February 3, 1981 (46 FR 16515); suspension of rulemaking July 31, 1981 (46 FR 39183). **G. Citation:** 46 CFR Pt. 381		Action Complete.
National Shipping Authority (NSA)..	**A. Description:** Eleven regulations relating to shipping operations that govern the activities of the NSA, within MarAd, during times of war and national emergency. *(This regulation has been reclassified as a nonsignificant regulation. It is now listed in the nonsignificant portion of this agenda).*	Burton T. Kyle, (202) 426-5739.	FR December 1981.
Uniform System of Financial Reporting.	**A. Description:** Revision of bookkeeping and reporting requirements, now applicable only to operators receiving Operating-Differential Subsidy, to reduce burden and expand their application to contractors receiving financial assistance under all Maritime Administration programs. **B. Why Significant:** Regulation initiates a change in policy **C. Analysis:** Regulatory evaluation **D. Need:** Reduce and simplify bookkeeping and reporting requirements and expand application to participants in all of agency's financial assistance programs. **E. Legal Basis:** 46 U.S.C. 1114(b) **F. Chronology:** Regulation was issued in 1974	James J. Zok, (202) 426-5852.	NPRM November 1981.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

Maritime Administration

Significant Regulations: Other—Continued

Title	Summary	Contact	Earliest expected decision date
	G. Citation: 46 CFR Pt. 282, to be revoked and replaced by new 46 CFR Pt. 232.		
*Review: Operating-Differential Subsidy (ODS) Rates for Liner Vessels.	**A. Description:** New regulation would establish subsidy rates for liner vessels under ODS agreements.	Frederick R. Larson, (202) 382-6036.	NPRM March 1982.
	B. Why Significant: Regulation involves a program concerning which of these is substantial public interest.		
	C. Analysis: Regulatory evaluation		
	D. Need: To formalize in a regulation policy of Maritime Subsidy Board concerning subsidy rates now published in Manual Form.		
	E. Legal Basis: 46 U.S.C. 1171-1176, 1114(b)		
	F. Chronology: New regulation under development		
	G. Citation: New Subpart in 46 CFR Pt. 280		

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Requirements and Procedures for the Administration of Condition Surveys and Maintenance and Repair Subsidy. (46 CFR Part 272).	**Description:** Regulation clarifies and liberalizes MarAd policy and procedure for administering that part of the Operating-Differential Subsidy (ODS) program relating to requirement for conducting condition surveys of vessels under ODS agreements which provide maintenance and repair (M&R) subsidy.	John J. Davis, (202) 426-5743.	November 1981.
Documentation, Transfer or Charter of Vessels.	**Description:** Amendments would be made to regulations governing MarAd approval of the transfer of U.S. owned or documented vessels to non-citizens, as well as approval of vessel charters to non-citizens, pursuant to authority in the Shipping Act, 1916. Since amendments either remove a restriction or involve a foreign affairs function, no NPRM is required under 5 U.S.C. 553.	Jessie Fernanders, (202) 426-5821.	FR November 1981.
Construction-Differential Subsidy (CDS) Standard Contracts.	This regulation would incorporate standardized language for contracts used in administration of CDS program.	Melvin Eck, (202) 426-5888.	FR pending administration review of CDS Program.
National Shipping Authority (46 U.S.C. Parts 316, 320, 321, 326, 329, 332, 335-339).	**Description:** Eleven regulations relating to shipping operations that govern the activities of the NSA, within MarAd during times of war and national emergency. These regulations are exempt from the notice provisions of 5 U.S.C. 553 because they involve a military function.	Burton T. Kyle, (202) 426-5739.	FR December 1981.
*Review: Capital Construction Fund (46 CFR Pt. 390).	Amendments to regulations would clarify existing provisions and remove restrictions on fundholders.	Lawrence Pripeton, (202) 382-0409.	November 1981.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

Maritime Administration

Regulations selected for review	Reasons for selection	Contact	Target date
Values for War Risk Insurance (46 CFR Pt. 309).	Review adequacy of valuation procedure for vessels with war risk insurance. Upon review determination was made that regulation was necessary and requires no revision.	Jack Malkin, (202) 382-0369.	Action Complete.
Operating-Differential Subsidy (ODS) for Bulk Cargo Vessels Engaged in Carrying Grain to the USSR (46 CFR Pt. 294).	Regulation arises out of Maritime Agreement with USSR that is to expire at the end of 1981. Action is subject to review of program policy and negotiation of new Maritime Agreement.	Frederick R. Larson, (202) 382-6036.	Action Complete.
Limitation in the Award of Operating-Differential Subsidy (ODS) for Liner Operators (46 CFR Pt. 280).	Review the policy on payment of ODS to liner operators in view of budget constraints.	E. A. Uttridge, (202) 382-0400.	March 1981.
Operating-Differential Subsidy for Bulk Cargo Vessels in the United States Foreign Commerce in the Great Lakes, Connecting Rivers St. Lawrence River and Gulf of St. Lawrence (46 CFR Pt. 279).	Review regulation, issued as temporary in 1972, for possible revocation or consolidation with 46 CFR Pt. 252. No regulation development has been initiated.	Frederick R. Larson, (202) 382-6036.	Action Complete.
* Merchant Ship Sales Act of 1946—(46 CFR Pt. 299).	Review regulation for sale and charter of World War II built vessels owned by the Government, for possible revocation.	Jessie Fernanders, (202) 426-5821.	December 1981.
* Minimum wage, minimum manning and reasonable working conditions (46 CFR Pt. 262).	Regulations affecting subsidized operators not amended since 1966.	Arthur Friedberg, (202) 426-5755.	February 1982.

Appendix A—Instruction for Obtaining Copies of Regulatory Documents

Any one desiring a copy of a MarAd regulatory document referred to in the Agenda may request a copy of that document by contacting Mr. Robert J. Patton, Jr., Secretary, Maritime Administration, 400 Seventh Street, SW., (Room 7300B), Washington, D.C. 20590, (202) 426-5746.

Appendix B—General Rulemaking Contact Persons

MarAd—Mr. Robert J. Patton, Jr., 400 Seventh Street, SW., Room 7300B, Washington, D.C. 20590, Telephone: 202/426-5747

Appendix C—Public Rulemaking Dockets

MarAd—Docket Clerk, 400 Seventh Street, SW., Room 7300B, Washington, D.C. 20590, Working Hours 9:00-5:30

[FR Doc. 81-33169 Filed 11-18-81; 8:45 am]

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federal register

Thursday
November 19, 1981

Part III

Department of Agriculture

Forest Service

National Environmental Policy Act; Revised Implementing Procedures

DEPARTMENT OF AGRICULTURE

Forest Service

National Environmental Policy Act; Revised Implementing Procedures

AGENCY: Forest Service, USDA.

ACTION: Notice of final policy.

SUMMARY: These guidelines establish Forest Service policy and procedures for implementing the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508). The policies and procedures replace the guidelines published in the **Federal Register** on July 30, 1979, and will be incorporated in the agency directives system as Forest Service Manual (FSM) Chapter 1950, NEPA Implementing Procedures, along with Forest Service Handbook (FSH) 1909.15, NEPA Procedures Handbook. The handbook has been developed to provide the detailed guidance that formerly was contained in the manual.

The draft guidelines were published for public review in the **Federal Register** on June 26, 1981, 46 FR 33198. Twenty organizations and individuals and a number of units within the Forest Service responded. We fully considered each comment in preparing the final procedures and made changes as appropriate. We also made numerous editorial and organizational changes in the text.

The Response to Comments section of this preamble describes the substantive comments received and our response.

DATE: These procedures are effective November 19, 1981, and apply to the fullest extent practicable to analyses and documents started before that date. However, they do not require redoing or revising work completed under previous guidelines.

FOR FURTHER INFORMATION CONTACT: Ralph B. Solether, Environmental Coordination Specialist, USDA, Forest Service, P.O. Box 2417, Washington, D.C. 20013, Telephone: (202) 447–4708.

Purpose and Background

After two years' experience operating under the guidelines published in 1979, the Forest Service identified changes which would clarify and simplify its procedures for implementing NEPA.

The significant changes are:

1. As required by Forest Service directives system policy, FSM 1950 now contains policy direction only. Detailed procedural direction has been placed in FSH 1909.15.

2. Categorical exclusions (FSM 1951) more clearly reflect the kinds of actions that do not require documentation.

3. Direct quotations from the CEQ regulations have been deleted. References are made to the regulations where appropriate.

4. Environmental analysis is described as a component of Forest Service planning and decisionmaking rather than as the Forest Service planning and decisionmaking process.

5. The interdisciplinary approach is further defined to include those situations where an individual with the necessary skills and knowledge of one or more discipline may conduct the environmental analysis. The interdisciplinary approach may also include the review of environmental analyses by a team of knowledgeable individuals representing two or more disciplines.

6. Tiering and adoption are defined as being applicable to environmental assessments.

Response to Comments

General. Many reviewers noted that direct quotations from the CEQ regulations have been deleted. Several reviewers suggested that including appropriate quotations from the regulations in the Forest Service procedures would be a more practical approach. We decided to reference the CEQ regulations in the manual and handbook. This change was made to reduce duplication and to avoid quoting the regulations out of context, even though this change means that all procedures are not integrated in one document. Thus, the regulations must be read and used in concert with FSM 1950 and FSH 1909.15. The CEQ regulations will be printed as part of chapter 40 of the handbook.

Forest Service Manual—FSM 1950.

FSM 1950.3—Policy. A number of reviewers suggested minor editorial changes in policy wording. These suggestions were generally accepted and changes were made accordingly.

We changed FSM 1950.3—4 to clarify when contractors or applicants may prepare an environmental impact statement or an environmental assessment. Contractors chosen by the forest Service may prepare either document; however, applicants may only prepare an environmental assessment.

We have redefined the policy for in-Service projects to provide that costs of environmental analyses and documents will be funded through the regular budgetary process.

Many reviewers commented on the policy which permits the preparation of an environmental assessment in any format useful to decisionmaking. Several reviewers supported this position while others opposed it. The intent of this policy is to encourage the preparation of clear concise documents and to minimize duplication and paperwork. After careful consideration and review, we decided to retain the flexibility to use a format appropriate to the situation.

The procedural direction for the content of environmental assessments was a matter of concern to several reviewers who suggested that more detail was needed. Our procedures specify that environmental assessments must meet the content requirements of the CEQ regulations (40 CFR 1508.9), but we do not believe that further direction is necessary. The responsible official may document the results of the environmental analysis in the detail appropriate to the action considered. The content of environmental assessments will vary depending on the scope of the action. However, all environmental assessments must contain the required elements and provide the basis for determining either no sigificant impact or a significant impact which then requires an environmental impact statement. Accordingly, we did not change the procedures.

Several reviewers suggested that definitions should be included in FSM 1950. FSM 1900-Planning, the CEQ regulations, and other documents contain defination. Therefore, rather than repeating these definitions, we decided to include only those definitions not included elsewhere. FSH 1909.15, chapter 40 contains these definitions with appropriate references to other source documents.

FSM 1951—Categorical Exclusions. Nearly all reviewers addressed the subject of categorical exclusions. Many reviewers support the policy and suggested additions. Others opposed what they believed was a broadening of categories of actions that could be excluded. Reviewers suggested that the Forest Service develop a list of those actions categorically excluded.

Our revised procedures do not constitutes a change in policy; rather they provide further definition of those categories of actions that can be excluded. We believe that by better defining the criteria, a list of actions categorically excluded is not necessary. The decision of exclude an action must rest on the judgment of the responsible official. The manual has been revised to

clearly reflect that categorical exclusions are based on previous experience with actions that have been found to have limited context and intensity. The manual now defines, as examples, routines operations and maintenance actions, actions of limited size and magnitude, and actions with short-term effects. These are examples which must be related to the overall intent of the policy for categorical exclusions.

FSM 1953—When to Prepare an Environmental Impact Statement. One reviewer pointed out that present manual direction requires that an environmental impact statement be prepared for those actions which would adversely affect the charcter of a RARE II Roadless Area. This direction has been deleted from the revised procedures because the language is ambiguous and difficult to interpret. The effects of an action within a particular roadless area should be evaluated through an environmental analysis, and the results of that analysis documented in an environmental assessment or environmental impact statement as appropriate. The environmental analysis provides for evaluation of the effects of the action. Therefore, the responsible official will make a determination on a case-by-case basis of the appropriate documentation for a particular action.

Forest Service Handbook—FSH 1909.15

In response to comments received, a number of editorial and organizational changes were made in the text of the handbook. The sections of the handbook have also been renumbered to conform to Forest Service directives policy (FSM 1100). Specific comments on the handbook are closely related to those comments made on FSM 1950.

Several reviewers pointed out that there is confusion between use of the terms environmental analysis and environmental assessment. Environmental analysis is the process used to analyze the effects of alternative actions and to assist in the choice of a preferred alternative. Environmental assessment is a document that records the results of the analysis. The text of FSH 1909.15, chapter 10 has been reworded to clarify this difference.

Several commenters supported the concept that scoping may be a part of environmental analysis when an environmental assessement is prepared: Others did not agree. Whether or not an environmental impact statement is needed, we decided the concept of scoping may be applied to any decision, although in many cases it may not be a formal process.

Reviewers pointed out that Exhibit 1 was confusing because of the dotted arrow between the decision notice and finding of no significant impact and the notice of intent to prepare an environmental impact statement. Exhibit 1 has been revised to delete the dotted arrow. The environmental assessment is the basis for preparation of a decision notice and a finding of no significant impact, which means that an environmental impact statement will not be prepared.

One commenter disagreed with our description of the interdisciplinary approach. The procedures described in FSH 1909.15, chapter 10, provide a practical means of analyzing the effects of a particular action. A term representing several different disciplines may be necessary, depending on the scope and complexity of the action. However, we believe that in many cases an individual with the skills and knowledge of the required disciplines may conduct an environmental analysis and still meet the intent of NEPA. The interdisciplinary approach may also be fulfilled when an interdisciplinary team reviews the environmental documents.

All other comments on the handbook were addressed as part of our response to comments on the manual.

Conclusion

We appreciate the comments and help we received in revising the Forest Service NEPA implementing procedures. These procedures are printed below.

Dated: November 12, 1981.

Douglas R. Leisz,

Associate Chief.

United States Department of Agriculture, Forest Service

FSM 1950—NEPA Implementing Procedures

October 1981.

Title 1900—Planning

Chapter 1950—National Environmental Policy Act Implementing Procedures

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Title 1900—Planning

Chapter 1950—National Environmental Policy Act Procedures

This chapter and FSH 1909.15, NEPA Procedures Handbook, constitute Forest Service procedures for implementing the National Environmental Policy Act (NEPA) as amended (42 U.S.C. 4321–4347) under Department of Agriculture NEPA Policies and Procedures and Council on Environmental Quality Regulations. See Chapter 50, FSH 1909.15, NEPA Procedures Handbook for Council on Environmental Quality Regulations, 40 CFR Parts 1500–1508, and Department of Agriculture NEPA Policies and Procedures, 7 CFR Part 3100.

These procedures supplement and are not a substitute for Council on Environmental Quality Regulations.

1950.1—Authorities. The Forest Service is encouraged by NEPA to carry out its programs in ways that will create and maintain conditions under which man and nature can exist in productive harmony and fulfill social, economic, and other needs of present and future generations.

NEPA requires that a systematic interdisciplinary approach be used in planning and decisionmaking for actions which may have an impact on the human environment. NEPA also requires detailed statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

1950.2—Objectives. (See FSM 1900.) The objective of the Forest Service NEPA procedures is to integrate the requirements of NEPA with planning and decisionmaking. (FSM 1902).

1950.3—Policy. 1. Environmental documents must be concise, written in plain language, and address the issues pertinent to the decision being made.

2. Environmental documents may replace or be combined with other reports which serve to facilitate decisionmaking.

3. Costs of analyses and environmental documents shall be planned for during the budgetary process for the plan, program, or project. Special provision for financing of NEPA process activities which are unanticipated and extraordinary may be made at the Washington Office level.

4. For out-Service originated activities, project proponents may be required to provide data and documentation subject to the requirements of 40 CFR 1506.5(b). When an applicant or contractor is

permitted to prepare an environmental assessment (EA) or a contractor is employed to prepare an environmental impact statement (EIS), their activities shall be limited to the usual role of participants for staff, specialists, or interdisciplinary team. (Chapter 10, FSH 1909.15). Applicants or contractors shall be required to comply with the requirements of FSM 1900 and 1950.

5. Environmental documents, decision notices, and records of decision must be provided or made available for review by the public free of charge to the extent practicable.

6. An environmental assessment may be prepared in any format useful to facilitate planning and decisionmaking as long as the purpose and content requirements of 40 CFR 1508.9 are met.

7. The concepts of tiering and adoption applicable to environmental impact statements are also applicable to environmental assessments.

(Secs. 22.3 and 22.4, FSH 1909.15)

1950.4—Responsibilities.

1950.41—Chief. The Chief is responsible for environmental analysis and documentation relating to legislation and national policies, plans, programs, and projects including but not limited to those affecting areas involved in pending legislation for wilderness designation or study.

1950.42—Director of Environmental Coordination. The Director is the staff official responsible for the establishment of national standards, procedures and coordination necessary to carry out the policies and implementation of NEPA for the Forest Service.

1950.43—Regional Foresters, Station and Area Directors, and Forest Supervisors. Officials delegated responsibility for proposed actions are responsible for environmental analyses and documentation. Delegations of authority are specified in FSM 1230.

Regional Foresters, Station and Area Directors, and Forest Supervisors shall designate an Environmental Coordinator to provide technical staff advice on NEPA procedural matters. The Environmental Coordinator shall also maintain information on status of environmental impact statements and other elements of the NEPA process.

Regional Foresters and Station and Area Directors are authorized to file environmental impact statements directly with the Environmental Protection Agency for actions within their authority. This authority may be redelegated, as appropriate.

1951—Categorical Exclusions. (See 40 CFR 1508.4.) for the following categories of actions listed in sections 1951.1 and 1951.2, the preparation of an environmental assessment or environmental impact statement is not required.

Notwithstanding the categorical exclusions in sections 1951.1 and 1951.2, the responsible official may determine that circumstances dictate the need to prepare environmental documents.

A decision notice may be used to document the exclusion of a particular action.

1951.1—Department of Agriculture Categorical Exclusions. (7 CFR 3100.22.)

"(1) Policy development, planning and implementation which relates to routine activities such as personnel, organizational changes or similar administrative functions;

"(2) Activities which deal solely with the functions of programs, such as program budget proposals, disbursement, transfer or reprogramming of funds;

"(3) Inventories, research activities and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity (1508.27);

"(4) Educational and informational programs and activities;

"(5) Civil and criminal law enforcement activities;

"(6) Activities which are advisory and consultative to other agencies, public and private entities such as legal counseling and representation;

"(7) Activities related to trade representation, and market development activities overseas."

1951.2—Forest Service Categorical Exclusions. Actions which, based on previous experience, have been found to have limited context and intensity (40 CFR 1508.27 (a) and (b)) and produce little or no environmental effects, individually or cumulatively, to either the biological or physical components of the human environment. (40 CFR 1508.14). Some examples are:

1. *Routine operations.* Routine operations are ongoing or recurring actions which are limited in scope with respect to environmental change to the biological or physical components of the human environment. These actions include operations that do not alter existing conditions, such as:

a. Administration of ongoing operations.
b. Equipment purchases.
c. Custodial actions.
d. Posting of signs.
e. Station and area surveillance.

2. *Routine maintenance.* Routine maintenance means the repair, renovation, and upkeep of facilities and improvements at the same location for the same purpose. Some routine maintenance operations or activities may be of sufficient scope to require environmental documents.

3. *Actions with short-term effects.* A few examples of actions within this class are granting and/or renewal of permits for:

a. Gathering firewood.
b. Collecting plant materials.
c. Siting of bee hives.
d. Mountain climbing.
e. River floating.

4. *Actions of limited size or magnitude.* Examples of actions which may fall within this class are *some:*

a. Timber sales.
b. Thinning and pruning projects.
c. Seeding and planting projects.
d. Range and wildlife improvement projects.

1952—When to Prepare an Environmental Assessment. An environmental assessment must be prepared for actions other than those:

1. Categorically excluded.

2. Specifically and adequately analyzed and discussed by an environmental impact statement or another environmental assessment.

3. For which a decision has already been made to prepare an environmental impact statement.

4. Emergencies unless required by FSM 1954 or 40 CFR 1506.11. See FSH 1909.15 for specific procedures.

1953—When to Prepare an Environmental Impact Statement. An environmental impact statement must be prepared for:

1. Proposals for legislation recommended by the Forest Service which are determined to be a major Federal action significantly affecting the quality of the human environment.

2. Regional and forest land and resource management plans.

3. Other major Federal actions significantly affecting the quality of the human environment that have not been adequately addressed in another environmental impact statement.

"Major" actions and "significant" effects are difficult to define precisely and uniformly because of the great variation in social, economic, physical, and biological conditions. The responsible official shall determine when an environmental impact statement is needed. See 40 CFR 1508.18 and 1508.27. See FSH 1909.15 for specific procedures.

1954—Emergencies. (See 40 CFR 1506.11.) Some individual actions may require immediate attention to prevent or reduce risk to public health or safety or serious resource loss. These include, but are not limited to:

1. Fire suppression.

2. Oil or toxic spills.
3. Search and rescue.
4. Avalanche abatement.
5. Impending fire losses.

Normally, these actions will not require environmental documentation unless called for by the responsible line officer. The Washington Office Director of Environmental Coordination should consult with the Council on Environmental Quality as necessary. (40 CFR 1506.11).

1955—Procedures Related to Other Documents.

1955.1—Notice of Intent. In addition to the requirements of 40 CFR 1508.22, the name, title, and phone number of the responsible official(s) and the estimated dates for filing the draft and final environmental impact statements must be given.

1955.2—Finding of No Significant Impact. See 40 CFR 1508.13.

1955.3—Record of Decision. A record of decision is a separate document which records the decision of the responsible official. In addition to the requirements in 40 CFR 1505.2, the location, administrative unit, and a statement indicating whether or not the decision is subject to administrative review must be provided in the record of decision.

For decisions that are subject to administrative review, the record of decision must be signed by the responsible official and dated on the date that it and the final environmental impact statement are transmitted to the Environmental Protection Agency and made available to the public.

For decisions that are subject to administrative review, the record of decision must be signed by the responsible official and dated on the date that it and the final environmental impact statement are transmitted to the Environmental Protection Agency and made available to the public.

For decisions that are not subject to administrative review, the record of decision shall be signed and dated no sooner than 30 days after the Environmental Protection Agency publishes the notice of availability of the final environmental impact statement in the **Federal Register.**

1955.4—Decision Notice. In cases where an environmental assessment has been prepared, the responsible official shall, at the time of decision, sign and date a decision notice stating what the decision was, the reasons for the decision, and whether the decision is subject to administrative review.

The responsible official shall notify the public of the decision and the availability of the decision notice in a manner appropriate to the situation.

The finding of no significant impact and the environmental assessment may be combined with the decision notice. A decision notice may be used to document the exclusion of a particular action from the preparation of an environmental assessment or environmental impact statement. (FSM 1951).

United States Department of Agriculture; Forest Service

FSH 1909.15—NEPA Procedures Handbook

October 1981.

NEPA Procedures Handbook

The Forest Service National Environmental Policy Act (NEPA) process consists of all measures necessary for compliance with the requirements of Section 2 and Title 1 of the National Environmental Policy Act, as amended. This handbook provides procedural guidelines for implementing Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), as they pertain to Forest Service activities. Environmental impact statements for regional and forest land and resource management plans (36 CFR Part 219) will be prepared according to the guidelines in this handbook.

Environmental analyses, environmental documents, decisions, implementation, and monitoring are the primary subjects addressed. Objectives, policies, responsibilities, and identification of typical classes of actions which require or do not require environmental documents are addressed in FSM 1950.

This handbook also contains (in chapter 40) copies of the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), Department of Agriculture NEPA Policies and Procedures (7 CFR Part 3100); and Executive Order 11514, Protection and Enhancement of Environmental Quality, for ease of reference.

Definitions and terminology for the NEPA process are included in chapter 40.

United States Department of Agriculture, Forest Service—NEPA Procedures Handbook

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NEPA Procedures Handbook, Chapter 10—Environmental Analysis

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NEPA Procedures Handbook

Chapter 10—Environmental Analysis

Environmental analysis is the process associated with the preparation of an environmental assessment or environmental impact statement and the decision whether to prepare an environmental impact statement. It is an analysis of alternative actions and their predictable short- and long-term environmental effects—which include physical, biological, economic, and social factors and their interactions.

For the preparation of environmental impact statements for regional and forest land and resource management plans (36 CFR Part 219), the environmental analysis process forms a part of the planning process described in 36 CFR Part 219. Planning process steps may be combined with environmental analysis process steps, but in doing so the requirements of these guidelines as well as the requirements of 36 CFR Part 219 must be met.

11—Interdisciplinary Approach. NEPA requires a systematic, interdisciplinary approach which will ensure an integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on the human environment.

The interdisciplinary approach used in environmental analysis may vary according to the judgment of the responsible official. Interdisciplinary teams are not needed for all analyses. A qualified individual may perform the necessary analysis for simple actions.

However, the physical, biological, economic, and social factors pertinent to the decision must still be considered. The interdisciplinary approach may also be met through team review of the analysis. More complex actions may require a team of specialists having the necessary disciplines. See section 33.1 for additional information if interdisciplinary teams are involved.

The usual relationships between the environmental analysis, the environmental documents, the decision documents, and implementation are shown in exhibit 1.

A model of the NEPA process illustrating environmental analysis, documentation, decision, implementation, monitoring, and usual role of participants is shown in exhibit 2.

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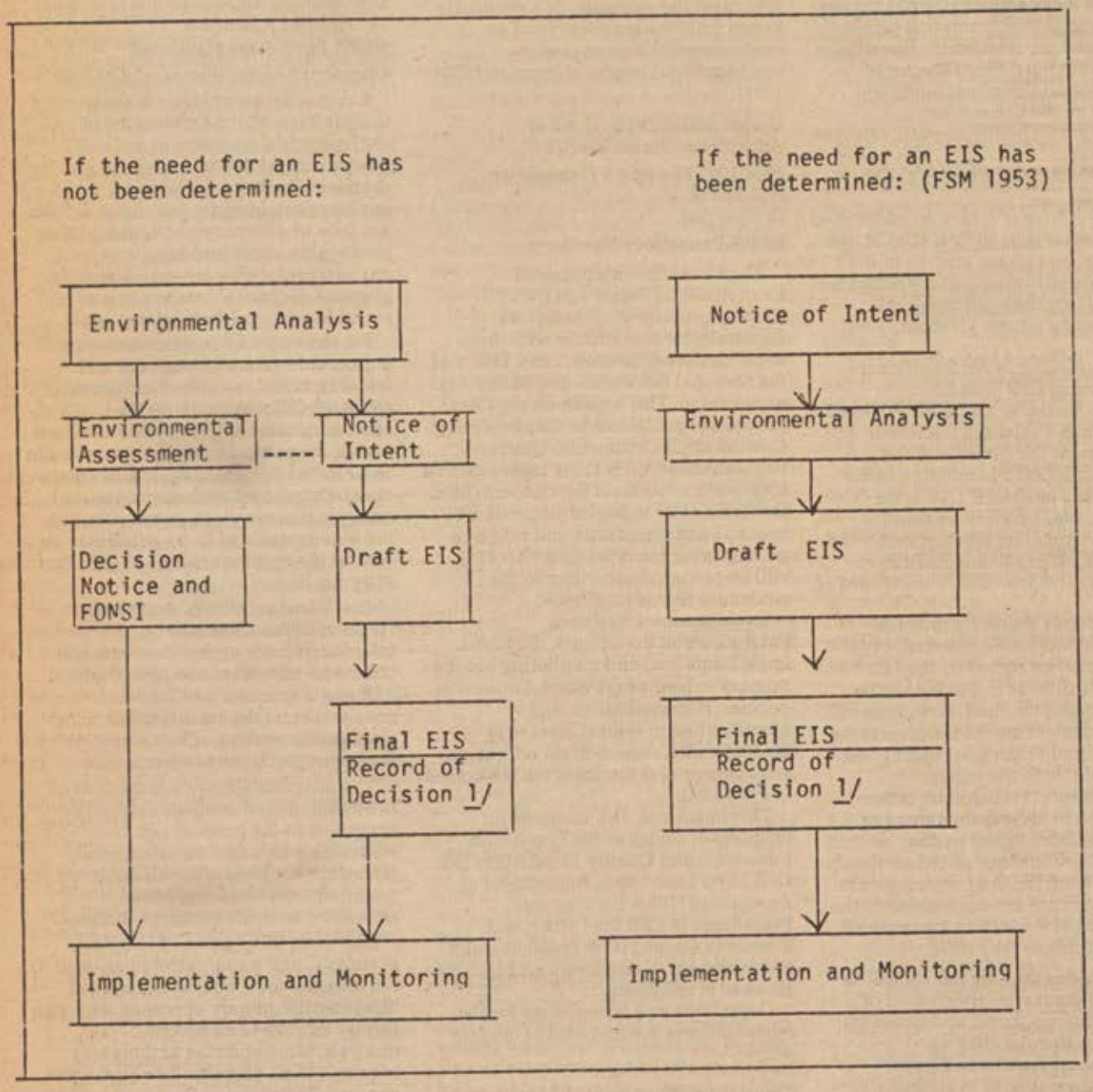
NEPA PROCEDURES HANDBOOK

Exhibit 1 - Environmental Relationships



1/ If the decision is not subject to administrative review , the record of decision is signed and dated no sooner than 30 days after the notice of availability of the final EIS has been published in the Federal Register.

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EXHIBIT 2—USUAL ROLE OF PARTICIPANTS

NEPA process	Responsible official	Staff, specialist or interdisciplinary team	Agencies, organizations, and individuals
1. Environmental analysis actions: [1]			
a. Identify purpose and need	Approval	Responsible	Recommend.
b. Develop criteria	do	do	Do.
c. Collect data	Review	do	Provide information.
d. Interpret data, analyze the situation	do	do	Do.
e. Formulate alternatives	do	do	Recommend.
f. Estimate effects	do	do	Provide information.
g. Evaluate alternatives	do	do	Do.
h. Identify the preferred alternative	Responsible	Recommend	Recommend.
2. Documentation	Review	Responsible	Review.
3. Decision	Responsible	Recommend	Do.
4. Implementation and monitoring	do	Assist	Assist.

[1] Analysis actions may be combined as appropriate to the situation.

12—Analysis Actions. Environmental analysis uses a systematic interdisciplinary approach to examine a proposed action and alternatives, and their effects, as an aid to identify a preferred course of action. The process is an integrated component of planning and decisionmaking for actions for which the preparation of an environmental assessment or environmental impact statement has been determined to be necessary. Therefore, the Environmental analysis process should provide the information needed to prepare environmental assessments or environmental impact statements.

Because the nature and complexity of a proposed action determines the scope and intensity of the analysis required, no single technique is required or prescribed. Various steps of the process outlined in this handbook may be combined, as appropriate. The disciplines involved in an analysis should be appropriate to the scope of the proposed action and issues identified. In each analysis, previously documented information should be used to avoid duplication of efforts. The line officer responsible for the decision on the proposed action must determine the scope and intensity of environmental analysis. If the need to complete the analysis is eliminated (that is, if a project application is withdrawn or for other reasons), the analysis should be stopped and the interested parties should be informed.

12.1—Identify Purpose and Need. Environmental analysis begin by identifying the objectives, issues, concerns, and opportunities to be addressed and the need for a decision.

At the outset the responsible official should determine from documentation already available and other experience related to the proposed action the approximate extent of analysis required to provide a basis for an informed decision. This preliminary determination helps decide whether an interdisciplinary team will be needed to carry out the remainder of the analysis process or whether a much less formal interdisciplinary approach will suffice. (Sec. 11.)

This initial appraisal also contributes to and guides subsequent steps in the analysis process. The following considerations are among those appropriate in this initial step.

1. Actions adequately addressed by another environmental document, such as an environmental impact statement for a forest plan. For such actions, a record of decision or a decision notice and finding of no significant impact adopting the previously prepared environmental assessment or environmental impact statement may be prepared with no further analysis necessary.

2. Environmental effects or other information discussed in another environmental document or other records. Information available from such sources may narrow the scope of the environmental analysis necessary and be incorporated by reference in the environmental documents prepared for the proposed action. (See secs. 22.4, Tiering, 22.5, Adoption, and 32.21, Incorporation by Reference).

Scoping is an integral part of the analysis process which is appropriate for environmental assessments and required for environmental impact statements. (Sec. 31.1.)

12.2—Develop Criteria. Criteria and standards guide the process and should be agreed upon early.

Forest Service objectives established in policies and plans should be considered in establishing criteria and standards.

Criteria are frequently needed regarding the following items:

1. The kind, detail, and accuracy of data.

2. The depth or level of analysis.

3. The formulation and evaluation of alternatives.

4. The determination of whether the environmental consequences of the proposed action are significant. (See 40 CFR 1508.27).

Criteria may be adjusted throughout the process as necessary.

12.3—Collect Data. The type and amount of data to be collected depends on the situation, objectives, issues, concerns, opportunities, and scope of anticipated effects. Data collection should focus on the present and expected future conditions of those physical, biological, economic, and social factors affecting and affected by the decision. Assumptions, methods, and data sources used in the analysis should be documented. For environmental impact statements a worst-case analysis should be made in the event that information essential to a reasoned choice among alternatives is not known or is not available. See 40 CFR 1502.22.

12.4—Interpret Data. Data and information must be interpreted to provide an understanding of current and expected future conditions related to the objectives, issues, and concerns. This may include supply and demand relationships and other relevant physical, biological, economic, and social factors.

12.5—Formulate Alternatives. A range of reasonable alternatives must be developed to provide different ways to address significant issues, objectives, concerns, and opportunities. All reasonable alternatives must be considered.

"The phase 'all reasonable alternatives' is firmly established in the case-law interpreting the NEPA. The phrase has not been interpreted to require that an infinite or unreasonable number of alternatives be analyzed." (Supplementary information for the Council on Environemntal Quality Regulations, **Federal Register** Vol. 43, No. 230, Nov. 29, 1978, p. 55983).

Objectives from legislation or higher-order Forest Service plans, programs, and policies guide but do not necessarily limit the range of alternatives.

The alternative of taking no action must always be considered. Two distinct interpretations of "no action" are often possible depending on the nature of the proposal being evaluate. The first situation might involve an action such as updating a land management plan where ongoing programs initiated under existing legislation and regulations will continue, even as new plans are developed. In these cases "no action" is "no change" from current management direction or level of management intensity. Consequently, projected impacts of alternative management schemes would

be compared to those impacts projected for the existing plan.

The second interpretation of "no action" might involve Federal decisions on proposals for projects. "No action" in such cases could mean the proposed activity would not take place. The resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward.

In each case the analysis can provide a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the alternative actions. Reasonable alternatives outside the jurisdiction of the Forest Service must also be considered when environmental impact statements are involved. See 40 CFR 1502.14.

Alternatives should be fully and impartially developed. Care should be taken to ensure that the range of alternatives does not prematurely foreclose options which might protect, restore, and enhance the environment.

Alternatives are often modified and/or new alternatives may be developed as the analysis proceeds.

Alternatives should include management requirements, mitigation measures, and monitoring of environmental effects.

12.6—Estimate Effects. (See 40 CFR 1502.16 and 1508.8.) The effects of implementing each alternative must be estimated. Direct, indirect, and cumulative effects must be considered. Effects may be expressed in terms of changes in the physical, biological, economic, and social components of the human environment for each alternative. The changes should be those associated with implementation of alternatives and, when possible, should be analyzed in terms of differences from the present condition, magnitude, duration, and significance. See section 41 for a list of environmental factors which may change as a result of implementation of the various alternatives. It is not always necessary to deal with all factors and components of the environment. The effects considered in detail should be those significant to the objectives, issues, concerns, and opportunities.

If indicators of economic efficiency are appropriate, they should be developed in this step.

Unquantified environmental amenities and values must also be appropriately considered.

Although separate analysis is not necessary, the following must be considered for all alternatives:

1. Effects on consumers, civil rights, minority groups, and women. (Secretary's Memorandum 1662 Supplement 8, OMB Circular A–19, and FSM 1730).

2. Effects on prime farmland, rangeland, and forest land.

3. Effects on wetlands and flood plains.

4. Effects on threatened and endangered species.

5. Effects on cultural resources.

If the information relevant to adverse impacts is essential to a reasoned choice among alternatives being considered in an environmental impact statement and is not known, see 40 CFR 1502.22.

If the need for an environmental impact statement has not already been established (FSM 1953), the significance of effects in terms of context and intensity must be considered to determine the need for an environmental impact statement. See 40 CFR 1508.27, "significantly," for definition of "context" and "intensity."

12.7—Evaluate Alternatives and Identify the Preferred Alternative(s). Alternatives are compared, using evaluation criteria, on the basis of their effects on the human environment. This evaluation, along with other relevant considerations, provides a basis for identifying the preferred alternative(s).

NEPA Procedures Handbook, Chapter 20—Environmental Assessments

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Chapter 20—Environmental Assessments

21—Documentation. (See FSM 1952.) The length and detail of documentation in an environmental assessment may vary according to the complexity of the issues involved in the decision. If an environmental analysis reveals that an action significantly affects the quality of the human environment, then an environmental impact statement is needed and a notice of intent should be published.

21.1—Format and Content. (See 40 CFR 1508.9.) An environmental assessment may be prepared in any format useful to facilitate planning and decisionmaking as long as the requirements of 40 CFR 1508.9 are met. It must include brief discussions of:

1. The need for the proposal.

2. Alternatives as required by Section 102(2)(e) of NEPA.

3. Environmental impacts of the proposed action and alternatives.

4. A listing of agencies and persons consulted.

22—Other Considerations.

22.1—Public Involvement. See 40 CFR 1502.25 and 1506.6.

22.2—Responsibilities When Applicants and Contractors Are Involved. (See 40 CFR 1506.5(b)). Applicants or contractors may be required to conduct studies to determine the impact of the proposed action on the human environment and to provide data and documentation. When an applicant is permitted or a contractor is employed to prepare an environmental assessment, their activities should be limited to the usual role of participants for staff, specialists, and interdisciplinary teams shown in exhibit 2, chapter 10.

22.3—Tiering. (See 40 CFR 1502.20 and 1508.28.) Tiering is appropriate to environmental assessments as well as environmental impact statements. (See also sec. 35.1.)

22.4—Adoption. (See 40 CFR 1506.3.) Adoption is appropriate to environmental assessments as well as environmental impact statements.

22.5—Incorporation by Reference. See 40 CFR 1502.21.

22.6—Supplements, Corrections and Revisions. Environmental assessments may be supplemented, corrected or revised as needed. (See sec. 32.4.)

23—Decision.

23.1—Decision Notice. A decision notice may be a separate document or combined with a finding of no significant impact which is attached to the environmental assessment.

The decision notice may also be an integral part of brief environmental assessments. See exhibit 1 for a combined decision notice and finding of no significant impact. See exhibit 2 for a combined environmental assessment, decision notice, and finding of no significant impact.

Exhibit 1—Decision Notice and Finding of No Significant Impact

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

Lower Star River Recreation Project, Summit County, Colorado

USDA Forest Service, Star Mountain National Forest

An environmental assessment that discusses proposed recreation development on 150 acres of National Forest lands adjacent to six (6) miles of the Star River is available for public review in the Forest Service Office in Central, Colorado. This project involves the flood plains and wetlands adjacent to the Star River.

Decision Notice

It is my decision to adopt Alternative B for the recreation development and management for these National Forest System lands. This alternative calls for moderate development and use, including two day-use picnic sites, 40 developed camping sites, and 12 miles of nature trails. Alternative B provides for recreation development and use with minimum environmental impacts near a metropolitan area with rapidly increasing demand for recreational opportunities.[1] Other alternatives considered were (A) the no-action alternative which would continue present management, (C) maximum development and use to accommodate 10,000 persons at one time, and (D) an alternative that would allow for day-use only. The assessment evaluates the site-specific design and construction necessary to implement some of the management decisions contained in the Star Mountain National Forest Plan.

The District Ranger is directed to modify Alternative B to initiate a monitoring program to determine annually the effects of project implementation upon the water quality of the Lower Star River. In addition, the use of the area shall be limited to not more than 5,000 persons at one time. Mitigation measures to avoid environmental harm are specified in the environmental assessment.

Finding of No Significant Impact

I have determined that this action would not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination was made considering the following factors:

(a) Construction of roads and day-use recreational facilities on 150 acres will have only a slight effect on the ecosystem; (b) there are no irreversible resource commitments or irretrievable loss of timber production on lands used for roads and parking lots; (c) there are no apparent adverse cumulative or secondary effects; (d) the physical and biological effects are limited to the area of planned development and use; and (e) no known threatened or endangered plants or animals are within the affected area.[2]

Project implementation will take place no sooner than 30 days from the date of this decision.[3]

This decision is subject to administrative review.

Dated: September 1, 1984.

William E. Hill,

Forest Supervisor.

Exhibit 2—Environmental Assessment, Decision Notice, and Finding of No Significant Impact

DECISION NOTICE, ENVIRONMENTAL ASSESSMENT, FINDING OF NO SIGNIFICANT IMPACT

Pertaining to Right-of-Way Acquisition for the Deer Park Work Center, North Side Ranger District, Summit County, Colorado

USDA Forest Service, Star Mountain National Forest

It has been determined through a land survey that a small portion of the road that provides access to the Deer Park Work Center is located on private land. Moreover, other Forest Service constructed improvements including a weather station and a fence are also located on the private land.

Decision Notice

It is my decision to proceed with the alternative of purchasing a right-of-way in fee. This alternative will provide the most suitable and safe access to the Work Center at the least cost. It will improve property lines and result in the most beneficial use of this parcel of land. While it is the general policy (FSM 5461.03a.3.) to acquire right-of-way easements, the authority to acquire rights-of-way is broad enough to acquire a right-of-way area in fee. It is evident from the circumstances of this situation that fee acquisition is appropriate.

Environmental Assessment

The affected private land consists of a small triangular-shaped parcel, approximately 0.08 acre in size which is wedged between the federally-owned administrative site and County Highway Number 136. The shape of the parcel and its small size result from the fact that most of the subdivision lot of which it was once a part was acquired for County Highway purposes. The parcel is a part of Lot 1, Block 1, Deer Park Subdivision in Section 6, T.8S., R.70W., 6th PM.

Occupancy of the private land is occurring at the will of the landowner. However, the landowner desires resolution of the matter.

The practical alternatives available to the Forest Service for resolving the situation are:

1. Relocate the access road and improvements,

2. Purchase a right-of-way easement for road purposes and relocate the other improvements,

3. Purchase a right-of-way in fee which would include all of the parcel, and

4. Purchase the parcel in fee through land purchase authorities and purchase a right-of-way easement.

The alternatives of no action and land exchange were identified, but considered impractical. The no-action alternative is not legally appropriate, and land exchange would not be practical because of the very small acreage involved.

Each of the alternatives was evaluated on the basis of applicable laws and policies, physical opportunities, relative costs, and social benefits.

The relocation alternative would require obliteration of the existing road entryway, construction of a new entryway northwest of the existing road, and construction of a new site for the weather station. Construction at the alternate roadway location would require a substantial amount of road fill, and result in a winding road alignment. The resulting traffic circulation pattern would not be as safe or convenient as the existing pattern. The private parcel would no longer be occupied by Forest Service improvements. However, because of its shape, small size, and location, the parcel appears unsuitable for any other beneficial use. This alternative would cost about $50,000.

The alternative of purchasing a right-of-way easement would permit continued use of the present entryway, but necessitate relocation of the weather station. Because of the small size and configuration of the parcel and the impact of road use, acquisition of a partial interest for a road right-of-way would prevent any other effective use of the parcel and would result in severance damages equivalent to the value of the fee estate. This alternative would cost about $5,000.

The alternative of purchasing a right-of-way in fee that would include all of the parcel would permit continued use of the entryway and weather station. It would also result in the establishment of straight and logical property lines, and the most beneficial use of the land. This alternative would involve the least cost (about $500).

The alternative of purchasing the parcel in fee under authorities for the acquisition of administrative sites would provide the same results as the previous alternative, except that it would entail more cost to the government due to future administrative costs. Provision for use of these authorities must be made in applicable appropriations. Consequently, the acquisition process is more extended and complicated.

Because of limited access opportunity to the Work Center and the layout of Forest Service buildings in relation to the location of the existing entryway, the Forest Service desires to acquire rights to the property rather than relocate the road and other improvements. The County Highway Department and Summit County Commissioners were consulted concerning the right-of-way acquisition and had no objections.

This proposal would create no adverse resource impact in the area. There are no known threatened or endangered species or wetlands or flood plains present in the affected area.

[1] Decision and reasons for the decision.

[2] Factors that were considered in making the determination that an environmental impact statement (EIS) was not required (finding of no significant impact).

[3] Date when implementation may start. For this example wetlands and flood plains are involved. The "brief review period before taking any action" required by Executive Order 11988 and Executive Order 11990 will be met by the 30-day waiting period before implementation.

Finding of No Significant Impact

Based on the facts and circumstances discussed herein, it is determined that there will be no significant impact on the quality of the human environment; therefore, an environmental impact statement will not be prepared.

Implementation of the right-of-way acquisition may take place immediately. This decision is subject to administrative review.

Questions regarding this decision should be sent to the Regional Forester, USDA Forest Service, 8434 W. Custer Ave., Summit, Colorado 80225.

Date: ———

William Watson,

Regional Forester.

23.3—Unprecedented Actions or Actions Similar to Those Which Normally Require an Environmental Impact Statement. (See 40 CFR 1501.4(e).) Decisions shall not be implemented until after the decision notice and finding of no significant impact have been available for public review (including State and areawide clearinghouses) for 30 days when:

1. The proposed action is or is closely similar to one which normally requires an environmental impact statement.

2. The nature of the proposed action is without precedent.

At the end of the 30-day period the action may be implemented or a notice of intent to prepare an environmental impact statement may be published.

23.4—Actions Involving Flood Plains and Wetlands. For actions involving wetlands, decisions shall not be implemented until 30 days after the decision notice has been signed and dated to allow a reasonable period of public review as required by Executive Order 11988 and Executive Order 11990.

23.5—Actions with Effects of National Concern. If the responsible official determines that an environmental impact statement is not needed but the effects of the action are of national concern, the decision notice and finding of no significant impact must be published in the **Federal Register** and sent to State and areawide clearinghouses. (40 CFR 1506.6(2).)

23.6—Distribution. (See 40 CFR 1506.6(b).) Subject to the requirements of sections 23.3 and 23.5, environmental assessments, decision notices, and findings of no significant impact must be distributed in a manner designed to inform interested and affected parties as determined by the responsible official.

24—Implementation and Monitoring.

24.1—Implementation. Implementation of actions documented in a decision notice not involving the situations described in sections 23.3 and 23.4 may take place immediately after the decision notice is signed and dated. Implementation includes responding to any requirements for mitigation or monitoring included in the environmental assessment or decision notice.

24.2—Monitoring. Actions are monitored to ensure that:

1. The action is fulfilling the purpose and need for which it was designed.

2. Necessary adjustments are made to achieve desired environmental effects.

3. Anticipated results are achieved.

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Chapter 30—Environmental Impact Statements

31—Scoping, Documentation, Notice of Intent, Cancellation Notice.

31.1—Scoping. (See 40 CFR 1501.7.) The scoping process combines public participation, coordination, document research, and administrative activities to help do environmental analyses. The actions that make up the scoping process may vary, depending upon whether the decision is, prior to scoping, to prepare an environmental impact statement (EIS).

The concept of scoping, as discussed in 40 CFR 1501.7 is intended to identify issues early in the NEPA process to ensure thorough analysis of issues associated with the proposed action and to take several other issue-related administrative actions. Scope defines the extent of environmental analysis related to:

1. Actions that may be taken, may be connected or dependent upon other actions, may be cumulative, or may be similar to other proposed actions.

2. Alternatives which include a no-action alternative, other reasonable courses of actions, and mitigation measures not in the proposed action.

3. Impacts which may be direct, indirect or cumulative.

Scoping may lead to a decision to prepare an environmental assessment (EA) rather than an EIS. Following scoping, the responsible official should give prompt feedback to participants summarizing both the scope and the significant issues to be analyzed in depth in the EA or EIS.

31.2—Documentation. See FSM 1953.

31.3—Notice of Intent. (See 40 CFR 1506.6 and 1508.22.) In addition to the requirements of 40 CFR 1508.22, the identity of the responsible official(s), and the estimated dates for filing the draft and final environmental impact statements (EIS's) must also be included. The notice of intent must be published as soon as it is determined that an EIS will be prepared. One copy of the notice must be sent to the

Washington Office Director of Environmental Coordination for use in reporting to the Department. Notices of intent are used to develop lists of EIS's under preparation. (See exhibit 1 for a notice of intent.)

The official responsible for preparation of the EIS must notify the appropriate Regional, Station, or Area Environmental Coordinator and the Washington Office Director of Environmental Coordination whenever information shown in the notice of intent changes. Significant changes may require publication of a revised notice of intent. (See 40 CFR 1501.7 and 1507.3(e).)

Exhibit 1—Notice of Intent

3410-11 [1]

DEPARTMENT OF AGRICULTURE, FOREST SERVICE

Cloud Top Mountain Alpine Winter Sports Site

Star Mountain National Forest, Summit County, Colorado

Notice of Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare an environmental impact statement for the development of the proposed Cloud Top Mountain Alpine Winter Sports Site on the Galaxy Ranger District.

The Star Mountain National Forest Land and Resource Management Plan has been prepared. One of the management decisions in the Plan was to study further the development of an Alpine Winter Sports Site on Cloud Top Mountain.

A range of alternatives for this site will be considered. One of these will be non-development of the site. Other alternatives will consider different sizes of development—ranging from 4,000 to 10,000 persons at one time. Alternative locations for uphill facilities, ski runs, and support facilities will be considered.

Federal, State and local agencies, potential developers, and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. Identification of those issues to be addressed.

2. Identification of issues to be analyzed in depth.

3. Elimination of insignificant issues or those which have been covered by a previous environmental review.

4. Determination of potential cooperating agencies and assignment of responsibilities.

The Fish and Wildlife Service of the Department of the Interior will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the potential winter sports site.

The Forest Supervisor will hold public meetings in his office at the Star Mountain National Forest, Central, Colorado at 1:00 p.m., Saturday, November 3, 1981, and at the Summit County Community Center in Central, Colorado, at 7:00 p.m., Wednesday, November 14, 1981.

William Watson, Regional Forester of the Rocky Mountain Region in Denver, Colorado, is the responsible official.

The analysis is expected to take about 10 months. The draft environmental impact statement should be available for public review by June 1982. The final environmental impact statement is scheduled to be completed in October 1982.

Written comments and suggestions concerning the analysis should be sent to William Hill, Forest Supervisor, Star Mountain National Forest, Central, Colorado 80000 by December 15, 1981.

Questions about the proposed action and environmental impact statement should be directed to Phil Graham, Recreation Staff Officer, Star Mountain National Forest, phone 303-234-3800.

William Watson,

Regional Forester.

October 13, 1981.

Signing official must sign over his or her own title. The **Federal Register** will not accept documents signed by an offical "for" another official. The original and two signed and certified copies must be mailed directly to the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408. If the Chief is the responsible official, the notice must be sent to the Washington Office Director of Environmental Coordination for publication in the **Federal Register**.

31.4—Cancellation Notice. If a ntoice of intent has been published or a draft of environmental impact statement has been distributed and the project application is withdrawn or for some other reason a decision is no longer necessary, the process may be terminated by publishing a cancellation notice. The cancellation notice should refer to any previously published notice of intent or notice of availability of an environmental impact statement. The cancellation notice should be distributed in the same manner as the notice of intent. (See exhibit 2 for a cancellation notice.)

Exhibit 2—Cancellation Notice

3410-11 [1]

DEPARTMENT OF AGRICULTURE, FOREST SERVICE

North Slop Unit Plan

Star Mountain National Forest, Summit County, Colorado

Environmental Impact Statement Cancellation Notice

A draft environmental impact statement (EIS) for the North Slope Unit Plan was distributed to the public and filed with the Environmental Protection Agency on July 19, 1979.

I am terminating the EIS process because the Land and Resource Management Plan for the Star Mountain National Forest will consider the issues and concerns involved in the North Slope Unit Plan.

The Forest Plan will be developed according to the regulations for land and resource management plans for the National Forest System (36 CFR Part 219).

This Forest Plan will be completed by December 31, 1983, in accordance with the schedule published in the **Federal Register** Vol. 44, No. 85, p. 47861, July 30, 1979.

William Watson,

Regional Forester.

Date _____

31.41—Composite Lists. A list of environmental impact statements (EIS's) under preparation is kept in each Regional, Station, and Area office and in the Washington Office. Lists are updated as new notices of intent, revised notices of intent, and cancellation notices are published. (See sec. 31.3.) (See exhibit 3 for a composite list of EIS's under preparation.)

[1] Forest Service billing code is shown on all **Federal Register** publications.

[1] Forest Service billing code must be shown on all **Federal Register** publications.

EXHIBIT 3—COMPOSITE LIST OF EIS'S UNDER PREPARATION

Date: October 1, 1981

Rocky Mountain Region		Black Mountain NF [1]		For information contact [6]	Date filed or estimated date [7]	
Title [2]	Nature of proposal [3]	Location [4]	Responsible official [5]		Draft	Final
Balo Mountain	Resource Development (Winter Sports).	Colorado, Summit Co	Regional Forester	Recreation Planner, 1000 7th St., Summit, CO 80000, 303-798-7870.	May 1981	Oct. 1981.
Black Mountain	Land Management Plan	Colorado, Mineral Co., Hinsdale Co., Gunnison Co.	Regional Forester	Forester Planner, 398 Simms St., Grand Junction, CO 80000, 303-298-3790.	Dec. 1981	Jan. 1982.

EXHIBIT 3—COMPOSITE LIST OF EIS'S UNDER PREPARATION—Continued

Date: October 1, 1981

Rocky Mountain Region		Black Mountain NF [1]		For information contact [6]	Date filed or estimated date [7]	
Title [2]	Nature of proposal [3]	Location [4]	Responsible official [5]		Draft	Final
Moose Creek Wilderness Proposal.	Legislative	Colorado, Hinsdale Co	Secretary	Recreation Staff Officer, 618 W. 4th Ave., Colorado City, CO 80000, 303-973-6980.	July 1982	Mar. 1983.

[1] Insert the name of the Region, National Forest, etc., as appropriate.
[2] Use the local name of the proposal.
[3] Identify the nature of the proposal.
[4] Show States and Counties where the plan, program, or project is located.
[5] Show title of the person responsible for the decision.
[6] Show title and phone number of person who can answer questions about the proposed action and the environmental impact statement.
[7] Show month and year.

32—Environmental Impact Statements.

32.1—Preparation, Legislative Proposals, Format, Writing, Page Limits.

32.11—Preparation. See FSM 1953.

32.12—Legislative Proposals. See 40 CFR 1506.8 and FSM 1924.

32.13—Format. See 40 CFR 1502.10.

32.14—Writing. See 40 CFR 1502.8.

32.15—Page Limits. See 40 CFR 1502.7.

32.2—Content.

1. *Cover Sheet.* (See 40 CFR 1502.11.) In addition to the Council on Environmental Quality requirements, the name and title of the responsible official should be included. The alternatives considered and the preferred alternative should be briefly discussed. See exhibit 4 for a cover sheet.

Exhibit 4—Cover Sheet

Draft Environmental Impact Statement

Star Mountain National Forest Land and Resource Management Plan, Summit, Comet, and Garfiled Counties, Colorado

Lead Agency: USDA—Forest Service
Cooperating Agencies: USDI—Bureau of Land Management, 321 No. Fern Street, Central, Colorado 80000. Colorado Fish and Game Department, 1700 Alder Street, Garfield, Colorado 80017
Responsible Official: William Watson, Regional Forester, Rocky Mountain Region (for NFS lands)
For Further Information Contact: Ms. Ruth Gibson, Forest Planner, Star Mountain National Forest, 123 So. Fern Street, Central, Colorado 80000 (303-555-1515)

Abstract: Five alternatives for development of a Land and Resource Management Plan for the 2,500,000 acre Star Mountain National Forest are described and evaluated. The alternatives are: (A) Moderate increase in commodity production; (B) a continuation of present management direction with no change in the level of outputs or activities; (C) dispersed recreation emphasis; (D) commodity emphasis; and (E) amenity emphasis. Alternative A is the Forest Service preferred alternative. The plan will guide management of the Forest for the decade 1984–1993.

Comments must be received by September 15, 1983.

2. *Summary.* See 40 CFR 1502.12.

3. *Table of Contents.* Self-explanatory.

4. *Purpose and Need.* See 40 CFR 1502.13.

5. *Alternatives, Including the Proposed Action.* See 40 CFR 1502.14 and 1506.2(d).

6. *Affected Environment.* See 40 CFR 1502.15.

7. *Environmental Consequences.* (See 40 CFR 1502.16 and 1502.22.) Physical, biological, economic, and social consequences may be discussed in terms of quantified or relative changes in components of the affected environment. In addition, it is appropriate to discuss the expected outputs—in terms of goods, services, and uses—that will result from implementing each alternative. Outputs, where presented, should be expressed in Service-wide standard terminology. (See FSH 1309.11, Management Information Handbook.) The Resources Planning Act program planning time periods should be used where appropriate.

8. *List of Preparers.* See 40 CFR 1502.17.

9. *List of Agencies, Organizations, and Persons to Whom Copies of the Statement are Sent.* Self-explanatory.

10. *Index.* Environmental impact statements (EIS's) must include indexes. The purpose of an index is to make the imformation in the EIS fully available to the reader without delay. (See sec. 42 for preparation of indexes.)

11. *Appendix.* See section 32.51b and 40 CFR 1502.18 and 1503.4.

32.21—Incorporation by Reference. See 40 CFR 1502.21.

32.22—Incomplete or Unavailable Information. See 40 CFR 1502.22.

32.23—Cost-Benefit Analysis. See 40 CFR 1502.23.

32.24—Methodology and Scientific Accuracy. See 40 CFR 1502.24.

32.34—Circulation of the Environmental Impact Statements (EIS). (See 40 CFR 1502.19.) After a draft environmental impact statement (EIS) has been prepared:

1. Circulate the draft EIS to agencies and the public and file it with the Environmental Protection Agency (EPA) in Washington, D.C.

2. Conduct public participation sessions, if appropriate.

3. Review, analyze, evaluate, and respond to substantive comments on the draft EIS. Copies of all review comments should be available for public and in-Service review in the office of the responsible official or administrative unit affected by the policy, plan, program, or project. (See 40 CFR 1506.9.)

4. Prepare a final EIS. File the final EIS and EPA along with all substantive comments or summaries thereof on the draft EIS. Circulate the final EIS to other agencies and the public. (See 40 CFR 1506.10.) If the statement is unusually long, a summary may be circulated instead. If a summary is distributed as a separate document, it must:

a. State how the complete EIS can be obtained or reviewed

b. Have a cover sheet attached.

When the EIS is filed with the EPA, the responsible official shall ensure that a reasonable number of copies of the statement are available free of charge. EIS's must be made available to other agencies and the public at the same time as or before the EIS is filed with the EPA.

Statements involving legislation, regulations, multiagency actions at the national level, and Service-wide policies are filed with EPA by the Washington Office (WO). If the Chief is the responsible official, other levels of the Forest Service may assist with the analysis and preparation of documents.

If the final EIS deals with plans or projects which make allocation to nonwilderness uses in RARE II "Further Planning" areas, the responsible official may make public distribution and file the final EIS with EPA the same as for other EIS's. Five copies of the final EIS should be sent to the WO Director of Environmental Coordination for transmittal to congressional committees. These five copies are in addition to the number of copies normally provided to the WO.

32.4—Corrections, Revisions, or Supplements. (See 40 CFR 1502.9.) Environmental impact statements (EIS's)

may be corrected by using errata sheets. Draft EIS's may be revised. Supplements may be used to modify EIS's. Supplements and revisions must be prepared, circulated, filed, and reviewed the same as the document being modified.

32.41—Draft Environmental Impact Statement. See 40 CFR 1502.9 and 1502.10.

32.42—Final Environmental Impact Statements. See 40 CFR 1502.9.

32.5—Review of Environmental Impact Statements.

32.51—Forrest Service Environmental Impact Statements.

32.51a—Draft Environmental Impact Statements. (See 40 CFR 1503.1(a).) Comments on the draft environmental impact statement (EIS) may be received after the review period is closed and before the final EIS is filed. If it is too late to incorporate the comments in the final EIS, the responsible official may respond to them on an individual basis.

32.51b—Final Environmental Impact Statements. (See 40 CFR 1502.9(b) and 1503.4.) When the responsible official determines that a summary of the response is appropriate, the summary must accurately reflect all substantive comments received on the draft environmental impact statement. Comments that are pertinent to the same subject may be aggregated by categories, but the summarization must specifically identify the comment. A general summary should be avoided.

As a minimum, copies of all comments from Federal, State and local agencies, and elected officials on a draft environmental impact statement must be included in the appendix of the final environmental impact statement. See exhibit 5 for a summary of substantive comments.

Exhibit 5—Summary of Substantive Comments [1]

"The concept of scoping was one of the innovations in the proposed regulations most uniformly praised by members of the public ranging from business to environmentalists. There was considerable discussion of the details of implementing the concept. Some commenters objected to the formality of the scoping process, expressing the view that compliance with this provision in every case would be time-consuming, would lead to legal challenges by citizens and private organizations with objections to the agency's way of conducting the process, and would lead to paperwork since every issue raised during the process would have to be addressed to some extent in the environmental impact statement. These commenters stated further that Federal agencies themselves were in the best position to determine matters of scope, and that public participation in these decisions was unnecessary because any scoping errors that were made by such agencies could be commented upon when the draft EIS was issued (as was done in the past) and corrected in the final document. These commenters urged that scoping at least be more open-ended and flexible and that agencies be merely encouraged rather than required to undertake the process.

Other commenters said that the Council had not gone far enough in imposing uniform requirements. These commenters urged the Council to require that a scoping meeting be held in every case, rather than only when practicable; that a scoping document be issued which reflected the decisions reached during the process; and that formal procedures be established for the resolution of disagreements over scope that arise during the scoping process. These commenters felt that more stringent requirements were necessary to ensure that agencies did not avoid the process."

32.52.—Other Agency Environmental Impact Statements. (See 40 CFR 1503.2 and 1503.3.) When requested to do so because of special expertise, the Forest Service must review and comment on environmental impact statements (EIS's) prepared by other agencies. Unless otherwise assigned by the Chief, officials in the Washington Office (WO) should review and comment on legislative or Service-wide policies, regulations, or national program proposals. All other draft and final EIS's should be reviewed by the Regional Forester or Area Director in whose Region or Area the proposal is located. When an EIS affects both Regional and Area program responsibilities, the Regional Forester and Area Director should determine who will assume the lead for responding.

Comments on other agency EIS's should be submitted directly to the appropriate agency by the responsible field unit. One copy of the comments should be sent to the WO Director of Environmental Coordination. When another agency's EIS involves more than one Region, the Washington Office Director of Environmental Coordination should coordinate the responses.

32.52a.—Referrals. (See 40 CFR 1504.3.) When Forest Service review of another agency's draft environmental impact statement (EIS) determines the proposed action is environmentally unacceptable, the procedures set forth in 40 CFR 1504.3(a) shall be followed.

Upon receipt of the final EIS, if the situation is not remedied and an agreement has not been reached, the procedures set forth in 40 CFR 1504.3(b) shall be followed. The referral should be sent to the Washington Office Director of Environmental Coordination for processing. The Director, through the Office of the Secretary, submits the referral to the Council on Environmental Quality.

The 25-day time period is exremely short; therefore, referral documentation should begin as soon as it is determined that the proposal is environmentally unacceptable.

In addition to the requirements of 40 CFR 1504.3(c), the responsible official should include a letter to the Council on Environmental Quality requesting the referral. The Secretary of Agriculture should sign the letter.

33—Other Requirements.

33.1—Interdisciplinary Approach and Interdisciplinary Teams. See section 102(2)(A) of the National Environmental Policy Act, (NEPA) as amended, 40 CFR 1502.6, and chapter 10 of this handbook.

Interdisciplinary teams are required for preparing regional and forest plans (36 CFR Part 219), and if appropriate, may be used to do environmental analyses.

The interdisciplinary approach for preparing an environmental impact statement often begins with the responsible official designating an interdisciplinary team and leader. The team is responsible for conducting the environmental analysis, subject to review and approval of the responsible official, and for preparing the environmental documents. A team can integrate its collective knowledge of the physical, biological, economic, and social sciences and environmental design arts into the decision process. Interaction among team members often provides insight that otherwise would not become apparent.

The manner in which a team operates has a great deal to do with job satisfaction of team members, the relationship of the team to the responsible official, the relationship to out-Service people, efficiency, and the adequacy and quality of the analysis. When teams are used, factors such as those listed below are also important to the success of the analysis effort.

1. The role and leadership style of the team leader.

2. The composition of the team with respect to different disciplines needed and represented.

3. Group size.

4. Individual team member qulifications.

5. Knowledge of how people react and work in team situations.

Team leadership should be assigned to an individual possessing a working knowledge of the NEPA process and the ability to communicate effectively with

[1] Taken from the preamble to the Council on Environmental Quality's **Federal Register** notice on the final regulations for implementing the National Environmental Policy Act (FR Vol. 43, No. 230, Nov. 29, 1978, p. 55982).

team members. Facilitating interaction among team members who are experts in their field toward team goals is an art that is not well defined.

Disciplines to be represented in an interdisciplinary team should be selected on the basis of the nature and complexity of the action addressed in the analysis effort. Individual team members must have knowledge and experience in the field they represent, should be able to conceptualize problems, seek solutions, communicate in group interaction situations, and must have an understanding of the environmental analysis process.

33.2—Public Involvement. See 40 CFR 1501.7, 1502.25, and 1506.6.

33.3—Environmental Review and Consultation Requirements. See 40 CFR 1502.25.

33.4—Elimination of Duplication With State and Local Procedures. See 40 CFR 1506.2.

33.5—Federal and Federal-State Agencies With Legal Jurisdiction or Special Expertise. (See 40 CFR 1503.1.) See section 43 for Council on Environmental Quality's list of agencies with jurisdiction by law or special expertise. See section 43.1 for addresses and recommended document distribution.

33.6—Limitations on Actions During the NEPA Process. (See 40 CFR 1506.1.) "Required" as used in 40 CFR 1506.1 means required by law as opposed to a voluntary or discretionary environmental impact statement.

34—RESPONSIBILITIES WHEN APPLICANTS AND CONTRACTORS ARE INVOLVED. Project proponents may be required to provide data and documentation. When a contractor is employed to prepare an environmental impact statement, the contractor's activities should be limited to the usual role of participants for the interdisciplinary team in exhibit 2 of chapter 10. Applicants or contractors may be required to conduct studies to determine the impact of the proposed action on the human environment.

35—TIERING, ADOPTION, LEAD AGENCY, COOPERATING AGENCY.

35.1—Tiering. (See 40 CFR 1502.20.) When an alternative other than the no-action alternative has been selected in a broad program document and a record of decision prepared, that no-action alternative need not be described in detail in subsequent environmental documents tiered to the parent document unless new information has emerged. These documents may refer to the evaluation of the no-action alternative in the broad program document. However, the decision on site-specific actions must consider the no-action alternative appropriate to that decision.

35.2—Adoption. See 40 CFR 1506.3.

35.3—Lead Agency. (See 40 CFR 1501.5, 1501.6, 1501.7, 1503.1, and 1508.16.) If the Forest Service requests the Council on Environmental Quality to determine which Federal agency shall be the lead agency, the request should be sent to the Director of Environmental Coordination in Washington, D.C. for processing. Where National Forest System lands are involved, the Forest Service should exert a strong role in the preparation of environmental documents. If the Forest Service is the lead agency, all other Federal agencies with jurisdiction by law or special expertise should be requested in writing, at the earliest possible time, to be cooperating agencies.

35.4—Cooperating Agency. (See 40 CFR 1501.6, 1503.2, 1503.3, 1508.5, and 1508.15.) When National Forest System lands are involved and the Forest Service is not the lead agency, the responsible official should request that the Forest Service be a cooperating agency. There may be other circumstances where the Forest Service should be a cooperating agency.

If the Forest Service is requested to be a cooperating agency and other program commitments preclude the requested involvement, a reply to this effect shall be prepared by the responsible official. Copies of the reply should be sent to the Council on Environmental Quality and to the Director of Environmental Coordination in Washington, D.C.

36—Distribution.

36.1—Draft Environmental Impact Statement (EIS). When the responsible official is the Regional Forester or Station, or Area Director, send:

1. Five (5) copies of the draft EIS to the Environmental Protection Agency (EPA) in Washington, D.C., for filing purposes.

2. Fifteen (15) copies of the draft EIS to the Washington Office (WO) Director of Environmental Coordination.

3. Two (2) copies of the transmittal letter to EPA to the WO.

When the responsible official is the Chief, send:

1. Twenty (20) copies of the draft EIS to the WO. (WO will file 5 copies with EPA)

2. One (1) original and two (2) copies of the transmittal letter for EPA to the WO for the Chief's signature.

(Seventy (70) copies of the EIS are needed for wild and scenic river studies).

36.2—Final Environmental Impact Statement. When the responsible official is the Regional Forester or Station, or Area Director, send:

1. Five (5) copies of the final EIS to the Environmental Protection Agency (EPA) in Washington, D.C., for filing purposes.

2. Fifteen (15) copies of the final EIS to the Washington Office (WO). (For projects or plans involving RARE II "Further Planning" areas, send an additional five copies to the WO for distribution to congressional committees).

3. Two (2) copies of the transmittal letter to EPA to the WO. When the responsible official is the Chief, send:

1. Twenty (20) copies of the final EIS to the WO. (WO will file 5 copies with EPA).

2. One (1) original and two (2) copies of the transmittal letter for EPA to the WO for the Chief's signature.

(Seventy (70) copies of the EIS are needed for wild and scenic river studies). See exhibit 6 for a transmittal letter to EPA.

Authority to file statements directly with EPA may be redelegated by Regional Foresters and Station and Area Directors as appropriate.

Exhibit 6—Transmittal Letter to EPA

Return Address[1]
1950[2]
August 4, 1983.

Director, Office of Federal Activities,
Environmental Protection Agency, Mail Code A–104, EIS Registration Section, Room 2119, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460

Dear Sir: Five copies of the Draft Environmental Impact Statement for the Snow Top Mountain Ski Area proposed development, Star Mountain National Forest, Summit, Comet, and Garfield Counties, Colorado are enclosed.

The responsible official is Regional Forester William Watson, Rocky Mountain Region, Denver, Colorado.

Sincerely,

William Watson,
Regional Forester.

Enclosures.

36.3—Lists. Responsible officials should ensure that lists of individuals, groups, organizations, and government agencies which may be interested in reviewing Forest Service environmental impact statements (EIS's) are maintained. Regions should develop specific distribution lists.

State and areawide clearinghouses should be used, by mutual agreement, for obtaining reviews of draft EIS's. The responsible official may also communicate directly with appropriate

[1] When the Chief is the responsible official, use WO return address: P.O. Box 2417, Washington, D.C. 20013.

[2] Use 1950 file designation to ensure proper distribution of EIS's in the Forest Service.

State or local officials or agencies if clearinghouses are unwilling or unable to handle this phase of the process. However, clearinghouses should always be sent copies of EIS's.

36.31—State and Local Agencies. Regions, Stations, and Areas should develop and maintain lists of State and local agencies as supplements to this section.

.32—Organizations. Regions, Stations, and areas should develop and maintain lists of organizations as supplements to this section.

36.33—Individuals. Regions, Stations, and Areas should develop and maintain, as supplements to this section, lists of individuals who have expressed an interest in receiving Forest Service environmental impact statements.

36.34—Federal Agencies. Following is the mandatory distribution list for all environmental impact statements (EIS's) prepared by the Forest Service:

Environmental Protection Agency, Mail Code A-104, Room 2119, 401 M Street, SW., Washington, D.C. 20460
Environmental Protection Agency, Appropriate Regional Offices
Director, Office of Environmental Project Review, Office of the Secretary, Department of the Interior, Room 4256, Washington, D.C. 20240

Copies of EIS's should always be sent to the Environmental Protection Agency and the Department of the Interior by certified mail—return receipt requested, or by other methods of delivery where receipt can be verified. This method may also be desirable for others on the mailing list. Any other distribution to Federal agencies should be determined according to agency expertise and legal jurisdiction. Regions, Stations, and Areas should use this list and distribute EIS's as appropriate. When review and comments are requested from any of these agencies, the addresses, phone numbers and number of copies to be provided are shown in section 43.1.

37—Decision, Implementation, and Monitoring.

37.1—Decision.

37.11—Record of Decision. (See 40 CFR 1505.2.) A record of decision is a separate document which states the decision of the responsible official. The name, location, and administrative unit, and a statement indicating whether or not the decision is subject to administrative review is required in addition to the requirements of the Council on Environmental Quality regulations.

The responsible official signs the record of decision. For those decisions subject to administrative review, the record of decision establishes the date of decision as the date that it and the final environmental impact statement (EIS) are transmitted to the Environmental Protection Agency (EPA) and made available to the public.

For decisions not subject to administrative review, the record of decision must be signed, dated and distributed no sooner than 30 days after the notice of availability of the final EIS is published in the **Federal Register**. The record of decision should be distributed in the same manner as the final EIS.

When joint lead agencies are identified in an EIS, the responsible official from each agency should sign and date the record of decision for those actions within their authority. Separate records of decision may be prepared by each responsible official. See exhibit 7 for a record of decision. See exhibit 8 for a list of conditions that must be met prior to a decision and implementation.

Exhibit 7—Record of Decision

Record of Decision—USDA Forest Service

Star Mountain National Forest Land and Resource Management Plan Summit, Comet, and Garfield Counties, Colorado—Final Environmental Impact Statement

Based on the analysis in the Final Environmental Impact Statement for the Star Mountain National Forest Land and Resource Management Plan, it is my decision to adopt Alternative A as the plan for management for these National Forest System lands. Alternative A provides for a moderate level increase over the next five years in timber harvest and developed site recreational use. Livestock grazing will remain at the present level.

The other alternatives considered included (1) a continuation of present management direction with no change in outputs or activities; (2) dispresed recreation emphasis; (3) commodity emphasis with maximium development of the Forest transportation system; and, (4) an amenity emphasis alternative with a substantial increase in acreage in visual quality objective classes of preservation and retention. Alternative A is consistent with the Regional Plan and although it will not be the least expensive to implement, it is the most responsive to the social and economic needs of the affected area. It is also environmentally preferable to the other alternatives when the physical, biological, economic, and social factors are weighed on balance.

The decision to adopt Alternative A was made in light of the Forest Service mission as defined by legislative mandate of the Multiple Use Sustained-Yield Act of 1960 and the Forest and Rangle and Renewable Resources Planning Act of 1974 (RPA), as amended by the National Forest Management Act of 1976 (NFMA).

The President's Statement of Policy on the RPA Program was transmitted to Congress on June 22, 1980, and established national resource management policies and output and activity targets for the period 1981–85. The Regional Plan is responsive to RPA and provides standards and guidelines for management of the Star Mountain National Forest.

The alternative selected provides adequate mitigation to avoid environmental harm. A monitoring program described in detail in the Final Environmental Impact Statement and the Forest Plan is adopted. State and national standards for ambient air quality over the Star Mountain National Forest will be met or exceeded. Water quality will continue to meet existing State standards.

This decision is subject to administrative review in accordance with the provisions of 36 CFR 211.19.

The Plan will be implemented no sooner than December 16, 1983.

Dated October 31, 1983.

William Watson,

Regional Forester, 11177 W. 8th Ave., Denver, Colorado 80255.

EXHIBIT 8—CONDITIONS FOR DECISION AND IMPLEMENTATION

If an EIS is required for	These conditions must be met prior to a decision	These conditions must be met prior to implementation
I. Land and Resource Management Plans for units of the National Forest System. (36 CFR Part 219):		
A. That *do not* involve RARE II *Further Planning* areas.	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA. 2. A final EIS that responds to comments on the draft EIS has been prepared.	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. (The record of decision accompanies the EIS).
B. That *do* involve RARE II *Further Planning* areas.	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA. 2. A final EIS that responds to comments on the draft EIS has been prepared.	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. 2. 90 days while Congress is in session have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER. 3. An extension of time has not been requested by the appropriate congressional committee chairman. 4. The WO has notified the responsible official that condition 3 has been met.

EXHIBIT 8—CONDITIONS FOR DECISION AND IMPLEMENTATION—Continued

If an EIS is required for	These conditions must be met prior to a decision	These conditions must be met prior to implementation
II. Plans (other than land management plans), programs or projects adversely affecting the existing wilderness character of RARE II *Further Planning* areas.	1. 60 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA. 2. A final EIS that responds to comments on the draft EIS has been prepared.	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. 2. 90 days while Congress is in session have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER. 3. An extension of time has not been requested by the appropriate congressional committee chairman. 4. The WO has notified the responsible official that condition 3 above has been met.
III. Land management or other plans, programs or projects affecting areas involved in pending legislation for wilderness designation in which either the House or Senate has passed a bill to designate all or any portion of an inventoried roadless area for wilderness or for wilderness study.	1. 60 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA. 2. A final EIS that responds to comments on the draft EIS has been prepared.	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. 2. The WO has notified the responsible official that the Department has no objections and that obligations to the Congress to postpone implementation have been met.
IV. Other plans, programs or projects subject to administrative review (appeal) (namely, 36 CFR 211.19)	1. 60 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA. 2. A final EIS that responds to comments on the draft EIS has been prepared.	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA.
V. Actions not subject to administrative review, for example, State and Private Forestry and Research programs, etc. (namely, 36 CFR 211.19)	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA. 2. A final EIS that responds to comments on the draft EIS has been prepared. 3. 30 days have elapsed since the notice of availability of the final EIS was published in the FEDERAL REGISTER by EPA[1].	1. A record of decision has been signed and dated.

[1] The 90-day period and the 30-day period may run concurrently if a 45-day period for public comment is provided.

37.11a—Distribution. The record of decision should be distributed to those who have received or requested to receive the final environmental impact statement. In addition, the public may be notified as indicated in 40 CFR 1506.6.

37.2—Implementation. (See 40 CFR 1506.10.) Conditions listed in exhibit 8 must be met prior to implementation of the decision if an environmental impact statement (EIS) is required. Commitments for mitigation or monitoring included in the final EIS and record of decision must also be met.

37.3—Monitoring. (See 40 CFR 1505.3.) Actions will be implemented and monitored to ensure that:

1. Environmental safeguards are executed according to plan.

2. Necessary adjustments are made to achieve desired environmental effects.

3. Anticipated results and projections are reviewed.

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Chapter 40—References

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Chapter 40—References

40.5—Definitions.

1. *Categorical Exclusion.* See 40 CFR 1508.4.

2. *Cooperating Agency.* See 40 CFR 1508.5.

3. *Cumulative Impact.* See 40 CFR 1508.7.

4. *Decision Notice.* A concise public record of the responsible official's decision.

5. *Effects.* See 40 CFR 1508.8.

6. *Environmental Analysis.* A process associated with the preparation of an environmental assessment or an environmental impact statement. It is an analysis of alternative actions and their predictable short- and long-term environmental effects, which include physical, biological, economic, and social factors and their interactions.

7. *Environmental Assessment.* See 40 CFR 1508.9.

8. *Environmental Design Arts.* Those disciplines which directly influence the biological and physical environment as a result of the design of projects of all kinds.

9. *Environmental Documents.* See 40 CFR 1508.10.

10. *Environmental Impact Statement.* See 40 CFR 1508.11.

11. *Environmentally Preferable Alternative.* That alternative (or alternatives) that best meets the goals of Section 101 of NEPA.

12. *Finding of No Significant Impact.* See 40 CFR 1508.13.

13. *Flood Plains.* "Lowland and relatively flat areas adjoining inland and coastal water including as a minimum, that area subject to a one percent or greater chance of flooding in any given year." (Executive Order 11988).

14. *Human Environment.* See 40 CFR 1508.14.

15. *Irreversible.* Applies primarily to the use of nonrenewable resources, such as minerals or cultural resources or to those factors which are renewable only over long time spans, such as soil productivity. Irreversible also includes loss of future options.

16. *Irretrievable.* Applies to losses of production, harvest or use or renewable natural resources. For example, some or all of the timber production from an area is irretrievably lost while an area is being used as a winter sports site. If the use is changed, timber production can be resumed. The production lost is irretrievable, but the action is not irreversible.

17. *Issue.* A point of discussion, debate, or dispute.

18. *Jurisdiction by Law.* See 40 CFR 1508.15.

19. *Lead Agency.* See 40 CFR 1508.16.

20. *Legislation.* See 40 CFR 1508.17.

21. *Major Federal Action.* See 40 CFR 1508.18.

22. *Matter.* See 40 CFR 1508.19.

23. *Mitigation.* See 40 CFR 1508.20.

24. *NEPA Process.* See 40 CFR 1508.21.

25. *Notice of Intent.* See 40 CFR 1508.22.

26. *Opportunities.* Possible actions, measures, or treatments identified which may be taken to address goals and objectives.

27. Proposal. See 40 CFR 1508.23.

28. *Record of Decision.* A concise public record of the responsible official's decision on actions for which an environmental impact statement was prepared. (See 40 CFR 1505.2).

29. *Referring Agency.* See 40 CFR 1508.24.

30. *Scope.* See 40 CFR 1508.25.

31. *Scoping.* See 40 CFR 1501.7.

32. *Special expertise.* See 40 CFR 1508.26.

33. *Significantly.* See 40 CFR 1508.27.

34. *Substantive Comment.* A comment which provides factual information, professional opinion, or informed judgment which is germane to the decision being considered.

35. *Tiering.* See 40 CFR 1508.28.

36. *Wetlands.* "Areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction" (Executive Order 11990).

41—Environmental Factors. The following list identifies environmental factors considered in data and information collection that may be significant in environmental analyses. Few, if any, analyses deal with all of these factors. The classification into physical, biological, economic, and social factors is arbitrary and is not mandatory.

41.1—Physical Factors.

1. Location.
2. Geomorphic/physiographic.
a. Geologic hazards.
b. Unique land forms.
3. Climate.
4. Soils.
a. Productivity.
b. Capability.
c. Hazard.
(1) Erodibility.
(2) Mass failure.
5. Minerals and energy resources.
a. Locatable minerals.
b. Leasable minerals.
c. Energy sources.
6. Visual resources.
7. Cultural resources.
a. Archaeological.
b. Historical.
c. Architectural.
8. Wilderness resources.
9. Wild and scenic rivers.
10. Water resources.
a. Water quality.
b. Streamflow regimes.
c. Flood plains.
d. Wetlands.
e. Ground water recharge areas.
11. Air quality.
12. Noise.
13. Fire.
a. Potential wildfire hazard.
b. Role of fire in the ecosystem.
14. Land use including prime farm, timber and rangelands.
15. Infrastructure improvements.
a. Roads.
b. Trails.
c. Utility corridors and distribution.
d. Water collection, storage, and distribution.
e. Communications systems.
f. Solid waste collection and disposal.
g. Sanitary waste collection and disposal.

41.2—Biological Factors.

1. Vegetation.
a. Forest, including diversity of tree species.
b. Rangeland, including conditions and trends.
c. Other major vegetation types.
d. Threatened or endangered plants.
e. Research natural area (RNA) potentials.
f. Unique ecosystems (other than RNA's).
g. Diversity of plant communities.
h. Noxious weeds.
2. Wildlife.
a. Habitat.
b. Populations.
c. Threatened or endangered species.
d. Diversity of animal communities.
e. Animal damage control.
3. Fish.
a. Habitat.
b. Populations.
c. Threatened or endangered species, including State-listed species.
4. Recreation resources (usually a combination of physical and biological factors).
5. Insects and diseases.
6. Exotic organisms; for example, Russian thistle, Siberian ibex.

41.3—Economic Factors.

1. Economic base
2. Employment/unemployment
3. Housing
4. Land use requirements
5. Community service requirements.
6. Revenue base.
a. Local general government.
b. Special service districts.
7. Plans and programs of other agencies.
8. Income.
a. Sources.
b. Amounts.
c. Distribution.
9. Cost.
a. Financial analysis (who pays for what-when).

41.4—Social Factors.

1. Population dynamics.
a. Size (growth, stability, decline).
b. Composition (age, sex, minority).
c. Distribution and density.
d. Mobility.
e. Displacement.
2. Social institutions.
a. Educational.
b. Family.
c. Economic.
d. Political.
e. Military.
f. Religious.
g. Recreation/leisure.
3. Special concerns.
a. Minority (civil rights).
b. Historic/archaeological/cultural.
4. Ways of life—defined by.
a. Subcultural variation.
b. Leisure and cultural opportunities.
c. Personal security.
d. Stability and change.
e. Basic values.
f. Symbolic meaning.
g. Cohesion and conflict.
h. Community identity.
i. Health and safety.
5. Land tenure and land use.
6. Legal considerations.

42—Indexing and Indexes. Preparation of an index is a specialized task. Consider using an experienced indexer, rather than the author of the environmental impact statement. The author(s) can assist the indexer by suggesting subject headings and indicating their relative importance. Contacts with local publishing firms, colleges, and universities may be useful in locating experienced indexers.

42.1—Definitions. The following definitions were derived from a publication on British Standards for

Indexing (B.S. 3700:1964) and are used in this section of the handbook.

1. *Index.* A systematic guide to the text, comprising a series of entries, with headings arranged in alphabetical order and with references to show where each indexed item is located in the text.

2. *Entry.* A unit of the index consisting of a heading and at least one reference to the location of the item in the text (or with a cross-reference to another entry to the index).

3. *Heading.* The word(s) or symbol(s) selected from, or based on, an item in the text—specifically the initial word or keyword, for example:

Fish
Fishing
Water

4. *Subheading.* The word(s) or symbol(s) under which references in a complex entry are specifically located, for example:

Fish (heading)
  Trout (Subheading)
    rainbow (subheading)

5. *Reference.* The number of the section or page where the item is to be found in the body of the material indexed.

6. *Cross-reference.* A direction from one heading or subheading to another heading.

7. *"See" cross-references.* A direction from one heading (after which there are no references) to an alternative heading, under which all the relevant references to an item in the text are collected. "See" cross-references are usually used for synonyms or near-synonyms, for example, "Impacts, see Effects." "See" cross-references are also used when the "inverted form" of heading is used, for example, Human environment, see Environment, human.

8. *"See also" cross-references.* A direction from one heading (after which there are references) to any additional heading(s) under which further relevant references to an item in the text are to be found, for example: "environment, natural (see also Environment, physical) . . . 89"

Note.—The reference "89" above indicates that the natural environment is mentioned on page 89 of the text.

42.2—Length. The length of an index is usually expressed in relation to the length of the text material. Since indexes are usually printed in smaller type than that used for the text, it is customary to express the index length in number of lines and to compare this to the number of lines in the text. The length of the index should generally be from 4 to 8 percent of the number of lines in the document. Example: If an environmental impact statement is 105 pages long (including the Appendix, but not the Table of Contents), and there are 45 lines per page, the total length would be 4725 lines. The index should be from 190 to 390 lines in length.

42.3—Layout. Use of the "set out" system of subheadings is recommended. In this system, the heading is started flush with the left margin of the list; subheadings are indented three spaces, and subheadings are indented another three spaces. A comma is placed after headings with subheadings, but is not used after headings without subheadings. A line of dots is used to connect the heading and the reference. References are aligned with the right margin of the list.

Example:

EPA, See Environmental Protection Agency
Environment:
Biological 32–39
Economic 17–21
Human 2
Social 21–23
Environmental Protection Agency 2, 7, 16

If the list of references exceeds that which can be placed on one line, list only the first reference on the line with the heading and subsequent references on subsequent lines, for example,

Environmental Protection Agency...2, 7, 16, 93–95, 101

Use of smaller than normal size type is customary for indexes. Since most environmental impact statements are printed from camera-ready material typed on a standard typewriter, smaller-than-normal size type can only be created by reducing the page of copy to a smaller size before printing. If the index is originally typed on 12" × 15¾" paper, using double size margins, in two columns of material, it can be reduced to 8" × 10½" and will still be legible.

42.4—Conventional Practices. Although indexing is more of an art than a science, these are generally accepted standards:

1. Leave a blank line between the last heading in one letter of the alphabet and the first heading in the next letter.

2. Use upper and lower case headings as appropriate.

3. The table of contents of the environmental impact statement (EIS) is not subject to indexing.

4. Index footnotes, the bibliography, and the appendix.

5. If paragraphs are numbered, it is permissible to use paragraph numbers as well as the page numbers for references. Place paragraph numbers in parentheses immediately following the heading, for example, Environment, man's (3.25) . . . 36. When this practice is followed, the introduction to the index should explain it. If pages are not numbered, references should be to number paragraphs of the EIS. When this is done, this should be clearly stated at the bottom of each page of the index.

6. Compound headings of two or more words should be indexed under the words likely to be most useful to prospective readers and still be consistent with the general construction of the index.

7. Use a noun as the heading, or subheading, rather than an adjective, when choice is available, for example, "criteria, evaluation" rather than "evaluation criteria." If, as in the example above, the term is a subject-matter heading in the EIS, or is otherwise likely to be searched for in the index, use a "see" reference after the heading that begins with the adjective, for example, "Evaluation Criteria, see criteria, evaluation."

8. When possible, avoid having separate entries under both the singular and plural forms of a noun. Use "(s)," "(ies)" after the entry and list all appropriate references, for example:

Index(es) 72, 91

9. References:

a. List references in page order, for example, 7, 23, 29, 56.

b. It is permissible, but not necessary to emphasize "more important" references by underling them in typed copy, or by printing them in boldface type. For example, 7, 23, 29, 56. When this practice is followed, the introduction to the index should explain it.

c. When there is scattered mention of the subject on several pages, the reference should list each of the pages, for example 63, 64, 67, 72.

d. When several pages deal continuously with the subject, the reference should be to the first and last pages, for example 63–72.

e. When the reference is to a subject that starts on one page and continues to the next page, list both pages, for example 63–4.

f. When pages are listed, repeat 10's and 100's only when there is any possibility of misunderstanding, for example:

Use 121–6 rather than 121–26,
Use 13–17 rather than 13–7,
Use 97–101 rather than 97–1, or 97–01,
Use 125–31 rather than 125–131.

10. Use letter-by-letter alphabetization, particularly for compound word headings, that is, treat all letters in the heading as if they were in a single word.

Red Cross would be treated as if it were spelled redcross. If in doubt about the order of listing of entries, check a current dictionary and use the system used there.

11. Proper names require special attention:

a. Do not invert a proper name just so that the noun can be used as the heading, for example "Desolation Wilderness" is preferable to "Wilderness, Desolation," or to "Wilderness (Desolation);" "Sierra Club" is preferable to "Club, Sierra;" "Western Timber Association" is perferable to "Association, Western Timber."

b. For names of people, the last name should be listed before the name and initials, for example: "Peterson, R. Max" or "Peterson, R. M.," rather than "R. Max Peterson" or "R. M. Peterson."

c. If in doubt about the listing of names of people, firms, or organizations, consult the telephone directory to see how they are listed there.

12. If initials are used in the text, the index heading should also use the initials with a "see" reference to the full name, for example:

"EPA, see Environmental Protection Agency"

13. Headings consisting of initials only should be listed at the head of the letter division of the index, for

EPA, see Environmental Protection Agency, environment:
- Biological 32–39
- Economic 17–21
- Social 21–3

Environmental Protection Agency 2, 7, 16

14. When entries start on one page and are continued on the next page (or start in one column and continue in the next column), repeat the heading followed by "(continued)."

42.5—Methodology. If specialist indexer services are not used, the following suggestions may be useful:

1. Index from final typed copy, not from earlier drafts.

2. Use 3" × 5" cards with a separate entry on each card. Keep the cards arranged alphabetically in a file box.

3. Plan on at least three readings of the text.

4. Determine the approximate length of the index and after completing about one-fourth of the text (on the first review), check the number of entries to see if the length will be approximately that which is desired.

5. Check references carefully during the last review of the text. Check to be sure that a series of "see" references do not take the reader back to the original reference.

6. Proofread the final typed index carefully against the original text.

42.6—References. The following reference may be useful for further understanding of the practice of indexing: Council of Biological Editors, 1972, "CBE Style Manual," Third Edition, published by the Council of Biological Editors, Washington, DC 20016 (Pages 199–204).

43—List of Federal Agencies and Federal-State Agencies with Jurisdiction by Law or Special Expertise on Environmental Quality Issues.

43.1—List of Federal and Federal-State Agencies for Distribution Purposes.

EXHIBIT 1.—EIS DISTRIBUTION LIST FOR FEDERAL AND FEDERAL-STATE AGENCIES

	Number of copies
Advisory Council on Historic Preservation (ACHP)	
Office of Architectural and Environmental Preservation, Advisory Council on Historic Preservation, 1522 K Street, NW, Suite 430, Washington, DC 20005, 202-254-3954	1.
Agriculture, U.S. Department of (USDA)	
Animal and Plant Health Inspection Service PPQ (APHIS), U.S. Department of Agriculture, Hyattsville, MD FP, 202-447-3668	1.
Office of Equal Opportunity (OEO), U.S. Department of Agriculture, Room 242-E, Washington, DC 20250, 202-447-4256	1.
Rural Electrification Administration (REA), Director, Environment and Energy Division, Washington, DC 20250 (For copies of Regional and Forest Plans only)	1.
Rural Electrification Administration (REA), Management Analysis and Services Branch, U.S. Department of Agriculture, Room 4024, Washington, DC 20250, 202-447-4531	1.
Science and Education Administration (SEA), U.S. Department of Agriculture, Room 307-A, Washington, DC 20250, 202-447-3801	1.
Soil Conservation Service (SCS), Environmental Services Division, U.S. Department of Agriculture, Room 6103, Washington, DC 20250, 202-447-3839	1.
Commerce, U.S. Department of (DOC)	
Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Room 3425, Washington, DC 20230, 202-377-2186	5.
(Commerce will make distribution to its agencies)	
Defense, U.S. Department of (DOD)	
Deputy Assistant Secretary of Defense, Energy Environment and Safety (M, Ra and L), Room 3D833, Pentagon, Washington, DC 20301, 202-695-7820	2.
U.S. Air Force (USAF), Department for Environment and Safety (SAF/MIQ), Washington, DC 20330, 202-697-1147	1.
Chairman, Department of Defense, Explosives Safety Board, 2461 Eisenhower Avenue, Alexandria, VA 22331, 703-352-0152	1.
Army Corps of Engineers (COE), Headquarters, ATTN: DAEN-ZCE, Washington, DC 20310, 202-694-3434	2.
U.S. Navy (USN), Office of Chief of Navy Operations, Environment Protection Division, OP-45, Room BD766, Pentagon, Washington, DC 20350, 202-697-3689	1.
Office of Chief Oceanographer of the Navy, Environment Protection Division, OP-952, Room 4E462, Washington, DC 20350, 202-695-3777	3.
Delaware River Basins Commission	
Head Environment Unit, Delaware River Basin Commission, P.O. Box 360, Trenton, NJ 08603, 609-883-9500 ext. 268	1.

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Economic Opportunity, Office of (OEO)	
Office of the Deputy General Counsel, Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, DC 20506, 202-634-6831	1.
Energy, U.S. Department of (DOE)	
Acting Director, Division of NEPA Affairs, U.S. Department of Energy, Mail Station E-201, GTN, Washington, DC 20545, 202-566-9760	3.
Environmental Protection Agency (EPA)	
For EIS's pertaining to national programs, regulatory actions, legislation, or programmatic actions, EIS's should also be transmitted to the EPA headquarters office listed below. This is in addition to the five (5) copies transmitted for filing purposes.	
Assistant Director, Resource Liaison Development Staff, Office of Environmental Review, Mail Code A-104, Rm., 2119, 401 M Street, SW., Washington, DC 20460	5.
In order to fulfill the requirements under Section 309 of the Clean Air Act, five (5) copies of each EIS must be transmitted to each appropriate EPA Regional Office simultaneously with the official filing.	

	States
EIS Review Coordinator, Environmental Protection Agency, Region I, John F. Kennedy Federal Bldg., Rm. 2303, Boston, MA 02203.	Connecticut, Maine, Massachusetts, Rhode Island, Vermont, New Hampshire.
EIS Review Coordinator, Environmental Protection Agency, Region II, 26 Federal Plaza, Rm. 908, New York, NY 10007.	New Jersey, New York, Puerto Rico, Virgin Islands.
EIS Review Coordinator, Environmental Protection Agency, Region III, Curtis Bldg., 6th Floor, Philadelphia, PA 19106.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
EIS Review Coordinator, Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE, Atlanta, GA 30309.	Alabama, Florida, Georgia, Kentucky, Mississippi, No. Carolina, So. Carolina, Tennessee.
EIS Review Coordinator, Environmental Protection Agency, Region V, 1 North Wacker Drive, Chicago, IL 60606.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
EIS Review Coordinator (6ASAF), Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, TX 75270.	Arkansas, Louisiana, New Mexico, Texas, Oklahoma.
EIS Review Coordinator, Environmental Protection Agency, Region VII, 324 E. 11th Street, Kansas City, MO 64105.	Iowa, Kansas, Missouri, Nebraska.
EIS Review Coordinator, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, CO 80203.	Colorado, Montana, No. Dakota, So. Dakota, Utah, Wyoming.
EIS Review Coordinator, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.	Am. Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Terr. of Pacific Islands, Wake Island.

	States
EIS Review Coordinator, Environmental Protection Agency, Region X, 1200 6th Avenue, Seattle, WA 98101.	Alaska, Idaho, Oregon, Washington.

	Number of copies
Federal Energy Regulatory Commission (FERC)	
Advisor on Environmental Quality, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20406, 202-357-8118.	Draft 3, Final 2.
General Services Administration (GSA)	
Environmental Affairs Division, General Services Administration, 18th and F Streets, NW., Washington, DC 20405, 202-566-0405.	3.
Great Lakes Basin Commission	
For statements affecting lands within the Basin: Executive Director, Great Lakes Basin Commission, P.O. Box 999, Ann Arbor, MI 48106, 313-769-7243.	Draft 1, Final 3.
Health, Education and Welfare, U.S. Department of (HEW)	
Director, Office of Environmental Affairs, U.S. Department of Health, Education and Welfare, Room 524, FS HEW South, Washington, DC 20201, 202-245-7243.	1.
Housing and Urban Development, U.S. Department of (HUD)	
Statements regarding legislative proposals, regulations, or policy documents of national significance or national or multi-State programmatic EIS's.	
Director, Office of Environmental Quality, U.S. Department of Housing and Urban Development, Washington, DC 20410, 202-755-8910.	2.
Other statements:	
Regional Administrator I, Environmental Officer, U.S. Department of Housing and Urban Development, John F. Kennedy Federal Bldg., Rm. 800, Boston, MA 02203, 617-223-4066.	2.
Regional Administrator II, Environmental Officer, U.S. Department of Housing and Urban Development, 26 Federal Plaza, New York, NY 10007, 212-264-8068.	2.
Regional Administrator III, Environmental Officer, U.S. Department of Housing and Urban Development, Curtis Bldg., 6th and Walnut Streets, Philadelphia, PA 19106, 215-597-2560.	2.
Regional Administrator IV, Environmental Officer, U.S. Department of Housing and Urban Development, Richard B. Russell Bldg., 75 Spring Street, SW., Atlanta, GA 30303, 404-526-5585.	2.
Regional Administrator V, Environmental Officer, U.S. Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, IL 60606, 312-353-5680.	2.
Regional Administrator VI, Environmental Officer, U.S. Department of Housing and Urban Development, 222 W. Lancaster Avenue, P.O. Box 2905, Fort Worth, TX 76113, 817-334-2867.	2.
Regional Administrator VII, Environmental Officer, U.S. Department of Housing and Urban Development, Federal Office Bldg., 911 Walnut Street, Rm. 300, Kansas City, MO 64106, 816-374-2661.	2.
Regional Administrator VIII, Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Executive Tower Bldg., Denver, CO 80202, 303-837-4061.	2.
Regional Administrator IX, Environmental Officer, U.S. Department of Housing and Urban Development, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102, 415-556-4752.	2.
Regional Administrator X, Environmental Officer, U.S. Department of Housing and Urban Development, 3003 Arcade Plaza Bldg., 1321 Second Avenue, Seattle, WA 98101, 206-583-5415.	2.
Interior, U.S. Department of the (USDI)	
For projects east of Mississippi	12.
For projects west of Mississippi	18.
Director, Environmental Project Review, U.S. Department of the Interior, Interior Bldg., Rm. 4256, Washington, DC 20240.	
Interstate Commerce Commission (ICC)	
Chief, Section of Energy and Environment, Interstate Commerce Commission, Washington, DC 20423, 202-275-7692.	1.
Labor, U.S. Department of	
Assistant Secretary of Policy Evaluation and Research, Occupational Safety and Health, Rm. N-3673, U.S. Department of Labor, Washington, DC 20210, 202-523-6076.	1.
Missouri River Basins Commission	
For statements affecting lands within their geographical area. Executive Secretary, Missouri River Basins Commission, 10050 Regency Circle, Suite 403, Omaha, NB 68114.	1.
National Endowment for the Arts	
Office of Architectural and Environmental Arts Program, National Endowment for the Arts, 2401 E Street, NW., Washington, DC 20506, 202-634-6369.	1.
New England River Basins Commission	
Staff Director, New England River Basins Commission, 55 Court Street, Boston, MA 02108, 617-223-6244.	1.
Ohio River Basin Commission	
Executive Director, Ohio River Basin Commission, 35 East 4th Street, Suite 206, Cincinnati, OH 45202, 513-684-3831.	1.
Pacific Northwest River Basins Commission	
Planning Director, PNW River Basins Commission, P.O. Box 908, One Columbia River, Vancouver, WA 98666, 206-694-2581	1.
Susquehanna River Basin Commission	
U.S. Commissioner, Susquehanna River Basin Commission, Interior Bldg., Rm. 6246, Washington, DC 20240, 202-343-4091.	1.
Tennessee Valley Authority (TVA)	
Director, Environmental Planning, Tennessee Valley Authority, 720 Edney Bldg., Chattanooga, TN 37401.	18.
Transportation, U.S. Department of (DOT)	
Assistant Secretary for Systems Development, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590, 202-624-4000.	2.
U.S. Coast Guard (USCG), Environmental Impact Branch, Marine Environmental Protection Branch, G-WEP-7/73, 400 7th Street, SW., Washington, DC 20590, 202-426-4357.	2.
Federal Aviation Administration (FAA)	
Send EIS's only to the appropriate Region(s):	
Central Region, Office of the Regional Director, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106.	2.
Eastern Region, Office of the Regional Director, Federal Aviation Administration, Federal Bldg., JFK International Airport, Jamaica, NY.	2.
Great Lakes Region, Office of the Regional Director, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018.	2.
New England Region, Office of the Regional Director, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803.	2.
Northwest Region, Office of the Regional Director, Federal Aviation Administration, FAA Bldg., Boeing Field, Seattle, WA 98108.	2.
Rocky Mountain Region, Office of the Regional Director, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, CO.	2.
Southern Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.	2.
Southwest Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.	2.
Western Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.	2.
Federal Highway Administration (FHA)	
Send to appropriate Region(s):	
Region 1, Regional Administrator, Federal Highway Administration, 4 Normanskill Boulevard, Delmar, NY 12054.	1.
Region 3, Regional Administrator, Federal Highway Administration, George H. Fallon Federal Office Bldg., 31 Hopkins Plaza, Rm. 1621, Baltimore, MD 21201.	1.
Region 4, Regional Administrator, Federal Highway Administration, 1720 Peachtree Road, NW., Suite 200, Atlanta, GA 30309.	1.
Region 5, Regional Administrator, Federal Highway Administration, Dixie Highway, Homewood, IL 60430.	1.

	Number of copies
Region 6, Regional Administrator, Federal Highway Administration, 819 Taylor Street, Fort Worth, TX 76102.	1
Region 7, Regional Administrator, Federal Highway Administration, Country Club Station, P.O. Box 7186, Kansas City, MO 64113.	1
Region 8, Regional Administrator, Federal Highway Administration, Denver Federal Center, Bldg. 40, Rm. 242, Denver, CO 80225.	1
Region 9, Regional Administrator, Federal Highway Administration, Embarcadero Center, Suite 510, San Francisco, CA 94111.	1
Region 10, Regional Administrator, Federal Highway Administration, Mohawk Bldg., Rm. 412, 222 SW Morrison Street, Portland, OR 97204.	1
Federal Railroad Administration	
Office of Policy and Plans, Federal Railroad Administration, 400 7th Street, SW., Washington, DC 20590.	1
Office of Hazardous Materials, Federal Railroad Administration, 400 7th Street, SW., Washington, DC 20590.	1
Office of Pipeline Safety, Federal Railroad Administration, 400 7th Street, SW., Washington, DC 20590.	1
Water Resources Council (WRC)	
Office of the Acting Director, Water Resources Council, 2120 L Street, NW., Suite 800, Washington, DC 20037, 202-254-6442.	3

[FR Doc. 81-33359 Filed 11-18-81; 8:45 am]
BILLING CODE 3410-11-M

federal register

Thursday
November 19, 1981

Part IV

Office of Management and Budget

Budget Deferral

OFFICE AND MANAGEMENT OF BUDGET

Budget Deferral

To The Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one deferral of $108 thousand in fiscal year 1982 funds.

This action is taken to restrain spending of funds made available by the Continuing Resolution, Pub. L. 97–51.

The deferral contained in this message is for the Department of Interior's Historic Preservation Fund.

The details of the deferral are contained in the attached report.

Ronald Reagan,

The White House.

November 13, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral#	Item	Budget Authority
	Department of the Interior	
	National Park Service	
D82-218	Historic preservation fund	108
	Total	108

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FOR FY 1982
(in thousands of dollars)

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Effect of Sixth special message	---	108
Previous special messages	108,700	2,759,694
Total amount proposed in special messages	108,700	2,759,802

Deferral No: D82-218

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 97-51): $ 3,700,000
Bureau: National Park Service	Other budgetary resources: -0-
Appropriation title & symbol: Historic Preservation Fund 142/35140	Total budgetary resources: 3,700,000
	Amount to be deferred: Part of year: $ 108,000
	Entire year:
OMB identification code: 14-5140-0-2303	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1983 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation finances matching grants to the States and Territories, certified local governments, and the National Trust for Historic Preservation for historic preservation planning, projects and activities; grants for survey and inventory of historic properties; and grants-in-aid for special legislated purposes. It is necessary to defer these funds to preserve all funding level options in appropriations action taken by the Congress subsequent to October 1, 1981. This deferral will remain in effect until final congressional action on the President's request is completed, but not beyond the expiration of the Continuing Resolution or any extensions thereof.

Estimated Effects: This deferral action will restrain the rate of obligations that might otherwise occur under the Continuing Resolution (P.L. 97-51) to a rate consistent with the President's current fiscal 1982 budget request. The impact on the program will be minimal as the funds deferred are solely for administrative activities.

Outlay Effect: This deferral action -- by itself -- has no significant effect on fiscal 1982 outlays due to its expected short duration. However, if the Congress provides regular appropriations at a level consistent with the President's request, $108 thousand of the annual savings achieved could be attributed to the funding level now available.

[FR Doc. 81-33448 Filed 11-18-81; 8:45 am]
BILLING CODE 3110-01-C

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

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.

REMINDERS

List of Public Laws

Last Listing November 18, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.R. 3975 / Pub. L. 97-78 To facilitate and encourage the production of oil from tar sand and other hydrocarbon deposits. (Nov. 16, 1981; 95 Stat. 1070) Price: $1.50.

S. 736 / Pub. L. 97-79 Lacey Act Amendments of 1981. (Nov. 16, 1981; 95 Stat. 1073) Price: $1.75.