

Federal Register

Tuesday
January 12, 1982

Highlights

- 1302 Energy** DOE/CRE revises Geothermal Loan Guaranty Program.
- 1315 Air Transportation—International** CAB issues decision on filing of tariffs that contain specific prices.
- 1301 Grant Programs—Energy** DOE/withdraws proposed rule on energy auditor training and certification grants.
- 1299** DOE proposes to amend program for weatherization assistance to low-income persons.
- 1308 Radio** FCC proposes rules on use of AM carrier for utility load management purposes.
- 1267 Energy** DOE/FERC revises Form No. 1, "Annual Report of Electric Utilities, Licensees and Others (Class A and B)."
- 1338 Coal Mining** Interior/GS announces intent to revise mining order on reporting recoverable coal reserves from Federal leaseholds.
- 1294 Endangered and Threatened Wildlife** Interior/FWS suspends export of Bobcat taken in 1981-82 season.
- 1316 Imports** Commerce/ITA terminates countervailing duty investigation on lamb meat from New Zealand.

CONTINUED INSIDE



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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.

Highlights

- 1295 Fisheries** Commerce/NOAA amends fishery management plan for groundfish of the Bering Sea and Aleutian Islands Area.
- 1294** Commerce/NOAA allocates Atlantic Mackerel reserve to foreign fishing.
- 1366 Sunshine Act Meetings**

Contents

Federal Register

Vol. 47, No. 7

Tuesday, January 12, 1982

- Agricultural Marketing Service**
RULES
1265 Oranges and grapefruit grown in Tex., and imported oranges
- Agricultural Department**
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Federal Grain Inspection Service; Forest Service; Rural Electrification Administration.
- Alcohol, Drug Abuse, and Mental Health Administration**
NOTICES
1332 Meetings; advisory committees: February
- Animal and Plant Health Inspection Service**
RULES
1257 Plant quarantine, domestic: Imported fire ant; regulated areas
- Civil Aeronautics Board**
NOTICES
1314 Certificates of public convenience and necessity and foreign air carrier permits
Hearings, etc.:
1315 Capitol International Airways Inc.
1315 Competitive marketing of air transportation
1315 Westair Commuter Airlines, Inc., et al.; commuter fitness determinations
- Civil Rights Commission**
NOTICES
1316 Meetings; State advisory committees: Tennessee
- Commerce Department**
See International Trade Administration; National Oceanic and Atmospheric Administration.
- Conservation and Renewable Energy Office**
PROPOSED RULES
1302 Geothermal loan guaranty program; eligible amounts, project costs determinations, etc.
- Customs Service**
RULES
1286 Organization and functions; field organization; ports of entry, etc.: Saginaw-Bay City-Flint, Mich., et al.
- Defense Department**
NOTICES
1317 Meetings:
1316 Electron Devices Advisory Group
1317 Science Board task forces (2 documents)
- Drug Enforcement Administration**
NOTICES
1353 Registration applications, etc.; controlled substances: Woodson, Thomas E., D.O.
- Energy Department**
See also Conservation and Renewable Energy Office; Federal Energy Regulatory Commission.
PROPOSED RULES
1301 Residential conservation service program: Energy auditor training and certification grants; withdrawn
1299 Weatherization assistance for low-income persons: Sub-grantee selection criteria
NOTICES
1326 Remedial orders: Atlantic Richfield Co.
- Environmental Protection Agency**
RULES
1290 Air quality implementation plans; approval and promulgation; various States, etc.: Arkansas
1291 Kentucky
1292 Michigan
1293 Air quality implementation plans; delayed compliance orders: Arizona
PROPOSED RULES
1304 Air quality implementation plans; approval and promulgation; various States, etc.: Wisconsin
1304 Air quality implementation plans; interstate pollution abatement: New York, Pennsylvania, and Maine; extension of time
Air pollution control; new motor vehicles and engines:
1306 Nitrogen oxides (NO_x) emission standards; 1981-1984 light-duty diesel-powered vehicles; hearing
1307 Waste management, solid: Beverage containers, resource recovery facilities, and source separation for materials recovery guidelines; reporting requirements removal
NOTICES
1326 Meetings: Science Advisory Board
- Farmers Home Administration**
NOTICES
1312 Environmental statements; availability, etc.: Seward Energy Group, Ltd., project; fuel grade alcohol production
- Federal Communications Commission**
RULES
1294 Organization, functions, and authority delegations: Adjudication Division, General Counsel Office; transfer and name change; correction

- PROPOSED RULES**
- Radio broadcasting:
- 1308 Utility load management; use of AM carrier
- Radio services, special:
- 1310 Land mobile services; service area measure; 20 miles substituted for 40 dBu; extension of time
- NOTICES**
- Hearings, etc.:
- 1326 Redwood Television Ministries, Inc., et al.
- Federal Energy Regulatory Commission**
- RULES**
- Electric utilities (Federal Power Act):
- 1267 Annual reports (Form No. 1), class A and B licensees; elimination of unnecessary data requirements
- NOTICES**
- Hearings, etc.:
- 1317 Alabama Power Co.
- 1317 Algonquin Gas Transmission Co.
- 1317 Cincinnati Gas & Electric Co. et al.
- 1318 Cities Service Gas Co.
- 1318 Coppock, Thomas W.
- 1318 El Paso Natural Gas Co.
- 1321 Lawrenceburg Gas Transmission Corp.
- 1321 Natural Gas Pipeline Co. of America
- 1321 Northern Border Pipeline Co.
- 1322 Ohio Edison Co.
- 1322 Ohio Power Co.
- 1322 Pacific Gas & Electric Co.
- 1322 Sea Robin Pipeline Co.
- 1323 Southern Natural Gas Co. et al.
- 1323 Southeastern Power Administration
- 1324 Tennessee Gas Pipeline Co. (2 documents)
- 1325 Texas Eastern Transmission Corp.
- 1325 Valero Interstate Transmission Co.
- Federal Grain Inspection Service**
- NOTICES**
- Meetings:
- 1313 Advisory Committee
- Federal Home Loan Bank Board**
- NOTICES**
- Applications, etc.:
- 1330 First Federal Savings & Loan Association of Morrilton, Ark.
- 1330 First Federal Savings & Loan of Florida Keys, Fla.
- 1330 Investors Federal Savings & Loan Association
- 1366 Meetings; Sunshine Act
- Federal Maritime Commission**
- NOTICES**
- 1330 Agreements filed, etc.
- 1366 Meetings; Sunshine Act
- Federal Reserve System**
- NOTICES**
- 1366 Meetings; Sunshine Act
- Federal Trade Commission**
- NOTICES**
- premerger notification waiting periods; early terminations:
- 1331 Dresser Industries, Inc.
- 1331 Hilton Hotels Corp.
- 1332 Rollins Leasing Corp.
- Fish and Wildlife Service**
- RULES**
- Endangered Species Convention:
- 1294 Bobcat taken in 1981-1982 season; suspension
- Food and Drug Administration**
- RULES**
- Animal drugs, feeds, and related products:
- 1289 Tylosin
- Food additives:
- 1288 Synthetic wax polymer
- Food for human consumption:
- 1287 Ice cream, frozen custard, ice milk, and sherbert; identity standards; effective date confirmed
- NOTICES**
- Food additives, petitions filed or withdrawn:
- 1335 American Cyanamid Co.
- 1332 Ciba-Geigy Corp.
- 1334 Reynolds Metal Co. et al.
- Medical devices:
- 1333 Horizon Pharmacal, Inc.; premarket approval of Horizon System
- 1334 Robbin Associates, Inc.; premarket approval of Normaline Kit
- Meetings:
- 1335 Consumer information exchange; cancellation
- 1332 Consumer information exchange; location and date change
- Forest Service**
- NOTICES**
- Environmental statements; availability, etc.:
- 1313 Six Rivers National Forest, Calif.; California Nickel Corp., Gasquet Mountain mining project
- Geological Survey**
- NOTICES**
- Mining orders, general:
- 1338 Reporting recoverable coal reserves from Federal leaseholds; intent to revise
- Health and Human Services Department**
- See Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; National Institutes of Health.
- Historic Preservation, Advisory Council**
- NOTICES**
- Meetings
- 1312 Montana; programmatic agreement regarding in-lieu selection of Federal lands
- Housing and Urban Development Department**
- See Interstate Land Sales Registration Office.
- Interior Department**
- See Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service.
- International Trade Administration**
- NOTICES**
- Antidumping:
- 1316 Fireplace mesh panels from Taiwan; correction
- Countervailing duties:
- 1316 Lamb meat from New Zealand

- Interstate Commerce Commission**
NOTICES
Motor carriers:
1341, Permanent authority applications (2 documents) 1289
1343
1349 Permanent authority applications; restriction removals 1354
- Interstate Land Sales Registration Office**
NOTICES
Land sales program, State certification applications:
1336 Minnesota 1304
- Justice Department**
See Drug Enforcement Administration.
- Labor Department**
See Mine Safety and Health Administration; Occupational Safety and Health Administration.
- Land Management Bureau**
NOTICES
Opening of public lands:
1337 Oregon 1266
- Mine Safety and Health Administration**
NOTICES
Petitions for mandatory safety standard modifications:
1354 Carbon Fuel Co. 1359
1354 Colorado Westmoreland Inc. 1359
- National Institutes of Health**
NOTICES
Meetings:
1335 Blood Diseases and Resources Advisory Committee 1359
1335 Digestive diseases research; role of fiber optic instrumentation 1359
- National Oceanic and Atmospheric Administration**
RULES
Fishery conservation and management:
1294 Atlantic mackerel; foreign fishing 1359
1295 Groundfish, Bering Sea and Aleutian Islands area; foreign and domestic fishing 1361
- National Park Service**
NOTICES
Historic Places National Register; pending nominations:
1340 Arizona et al. 1361
- Nuclear Regulatory Commission**
NOTICES
Applications, etc.:
1356 Baltimore Gas & Electric Co. 1361
1356 Consumers Power Co. 1361
1356 Duke Power Co. 1361
1355 Edlow International et al. 1361
1356, Metropolitan Edison Co. et al. (2 documents) 1361
1357
1358 Northern States Power Co. 1361
1358 Power Authority of State of New York 1361
1358 Virginia Electric & Power Co. 1361
1366 Meetings; Sunshine Act 1361
- Occupational Safety and Health Administration**
RULES
State plans; development, enforcement, etc.:
Wyoming 1289
NOTICES
State plans; standards approval, etc.:
Washington 1354
- Pension Benefit Guaranty Corporation**
PROPOSED RULES
Multiemployer plans:
Mergers and transfers; correction 1304
- Rural Electrification Administration**
NOTICES
Environmental statements; availability, etc.:
1314 Minnkota Power Cooperative, Inc. (2 documents) 1314
- Securities and Exchange Commission**
RULES
Accounting bulletins, staff:
Parent company and other financial disclosures, early adoption of new rules; interpretation 1266
NOTICES
Hearings, etc.:
1359 Capital Venture Fund, Inc. 1359
1359 Central & South West Corp. 1361
1361 Narragansett Electric Co. 1362
1362 Tannetics, Inc. 1360
1360 Tucker Anthony Mutual Fund 1362
1362 Winthrop Residential Associates II et al. 1364
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc. 1364
National Association of Securities Dealers, Inc. 1364
Self-regulatory organizations; unlisted trading privileges:
1361 Midwest Stock Exchange, Inc. 1361
- Small Business Administration**
NOTICES
Applications, etc.:
1365 Metro Capital Corp. 1365
- Synthetic Fuels Corporation**
NOTICES
Meetings 1365
- Treasury Department**
See Customs Service.
-
- MEETINGS ANNOUNCED IN THIS ISSUE**
-
- AGRICULTURE DEPARTMENT**
Federal Grain Inspection Service—
1313 Washington, D.C. (open), 1-27-82
Forest Service—
1313 Gasquet Mountain Mining Project, Del Norte, Calif.; environmental impact statement, Crescent City, Calif. (open), 1-27-82
- CIVIL RIGHTS COMMISSION**
1316 Tennessee Advisory Committee, Knoxville, Tenn. (open), 1-29-82

- DEFENSE DEPARTMENT**
Office of the Secretary—
- 1316 Defense Science Board Task Force on Autodin II, Washington, D.C. (closed), 2-18 and 2-19-82
- 1317 Defense Science Board Task Force on Rapid Deployment Forces, Washington, D.C. (closed), 2-3 and 2-4-82
- 1317 DOD Advisory Group on Electron Devices, Working Group C (Mainly Imaging and Display), San Diego, Calif. (closed), 1-19-82
- ENVIRONMENTAL PROTECTION AGENCY**
- 1326 Science Advisory Board, Washington, D.C. (open), 1-28 and 1-29-82
- HEALTH AND HUMAN SERVICES DEPARTMENT**
Alcohol, Drug Abuse and Mental Health Administration—
- 1332 National Advisory Council on Alcohol Abuse and Alcoholism, Bethesda, Md. (partially open), 2-1-82
- Food and Drug Administration—
- 1332 Consumer participation, Washington, D.C. (open), date changed from 1-11-82 to 1-22-82
- National Institutes of Health—
- 1335 Blood Diseases and Resources Advisory Committee, Bethesda, Md. 12-2-81
- 1335 Role of Fiber Optic Instrumentation in Digestive Diseases Research, Bethesda, Md. (open), 1-21 through 1-23-82
- HISTORIC PRESERVATION ADVISORY COUNCIL**
- 1312 Memphis, Tenn. (open), 2-3-82
- SYNTHETIC FUELS CORPORATION**
- 1365 Board of Directors, Nashville, Tenn. (open), 1-18-82
- CANCELLED MEETINGS**
- HEALTH AND HUMAN SERVICES DEPARTMENT**
Food and Drug Administration—
- 1335 Consumer participation meeting, St. Louis Park, Minn. (Minneapolis District Office) (open), 1-21-82
- HEARINGS**
- ENERGY DEPARTMENT**
- 1299 Weatherization assistance to low-income persons, Washington, D.C., 1-28-82
- ENVIRONMENTAL PROTECTION AGENCY**
- 1306 Waiver of 1981 to 1984 model year oxides of nitrogen (NO_x) emission standard, applicable to light-duty diesel-powered vehicles, Washington, D.C., 1-27-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR		
301.....	1257	Proposed Rules:
906.....	1265	2672.....
944.....	1265	1304
10 CFR		
Proposed Rules:		
440.....	1299	40 CFR
457.....	1301	52 (3 documents).....
790.....	1302	1290-
17 CFR		1292
211.....	1266	65.....
18 CFR		1293
141.....	1267	Proposed Rules:
19 CFR		52 (2 documents).....
101.....	1286	1304
21 CFR		86.....
135.....	1287	244.....
175.....	1288	1307
176.....	1288	245.....
178.....	1288	1307
558.....	1289	246.....
29 CFR		1307
1952.....	1289	47 CFR
		0.....
		1294
		Proposed Rules:
		2.....
		1308
		73.....
		1308
		90.....
		1310
		50 CFR
		23.....
		1294
		611 (2 documents).....
		1294,
		1295
		675.....
		1295

Rules and Regulations

Federal Register

Vol. 47, No. 7

Tuesday, January 12, 1982

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

Animal and Plant Health Inspection Service

7 CFR Part 301

Imported Fire Ant Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends, on an emergency basis, the imported fire ant quarantine and regulations by adding areas in Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, and Texas to the list of generally infested areas. The quarantine and regulations, among other things, impose restrictions on the interstate movement of regulated articles from generally infested areas. This action is necessary as an emergency measure to prevent the artificial spread of the imported fire ant.

DATES: Effective date of interim rule: January 12, 1982. Written comments concerning this interim rule must be received on or before March 15, 1982.

ADDRESSES: Written comments concerning this interim rule should be submitted to Thomas J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and

Plant Health Inspection Service, U.S. Department of Agriculture, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule will have an estimated annual effect on the economy of less than \$1,500; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause 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.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Because of the possibility that the imported fire ant could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions of 5 U.S.C. 533, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

In addition, because of the need for immediate action, it is impracticable for

the Department to follow the procedures established by Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from specified areas in the States of Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, and Texas. There are thousands of small entities that move such articles interstate from those States and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the Department, it has been determined that approximately 180 small entities move such articles interstate from the specified areas in those States. Further, the overall economic impact from this action is estimated to be less than \$1,500.

Background

The imported fire ant (*Solenopsis* spp.) is an insect that interferes with farming operations, can cause damage to certain crops, and is a pest of livestock and pets, as well as of people, in rural and urban areas.

The imported fire ant quarantine and regulations (7 CFR 301.81 through 301.81-10) quarantine the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas because of the imported fire ant; and restrict the interstate movement of regulated articles from regulated areas in these States in order to prevent the artificial spread of the imported fire ant.

Under the quarantine and regulations an area may be designated as a regulated area if it is an area in which the imported fire ant has been found, or in which there is reason to believe that the imported fire ant is present, or which it is deemed necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. Regulated areas are divided into suppressive areas and generally infested areas. Suppressive areas are regulated areas in which eradication of

the imported fire ant is undertaken as an objective. Generally infested areas are regulated areas not designated as suppressive areas. Restrictions are imposed on the interstate movement of regulated articles from both generally infested areas and suppressive areas in order to prevent the artificial movement of the imported fire ant into noninfested areas, and to prevent the reinfestation of suppressive areas after the imported fire ant has been eradicated.

Surveys conducted by inspectors of the U.S. Department of Agriculture and officials of State agencies establish that the imported fire ant has spread, or is likely to spread, to areas not previously listed as regulated areas. Also, eradication of the infestation is not undertaken as an objective in these areas. Therefore, as an emergency measure, it is necessary to add the following areas in Alabama, Arkansas, Georgia, Mississippi, North Carolina, and Texas to the list of generally infested areas:

Alabama

Cherokee County. T. 9 S., R. 9 and 10 E.; T. 10 S., R. 10 E.; and those portions of T. 9 S., R. 8 and 11 E., and T. 10 S., R. 11 E. lying in the county.

Arkansas

Calhoun County. T. 11 and 12 S., R. 13 and 14 W.; T. 13 S., R. 14 and 15 W.; T. 14 S., R. 15 W.; and those portions of T. 11 and 12 S., R. 12 W.; T. 12 and 15 S., R. 15 W., T. 12, 13, 14 and 15 S., R. 16 W.; and T. 17 S., R. 13 W. lying in the county.

Cleveland County. That portion of the county lying south of the south line of T. 10 S.

Columbia County. That portion of the county lying south of the south line of T. 17 S.; W. $\frac{1}{2}$ T. 17 S., R. 18 W.; E. $\frac{1}{2}$ T. 17 S., R. 20 W.; T. 17 S., R. 19 W.; T. 16 S., R. 20 and 21 W.; and those portions of T. 17 S., R. 22 and 23 W., T. 15 and 16 S., R. 22 W., and T. 15 S., R. 20, 21, and 22 W. lying in the county.

Desha County. That portion of the county lying south of the south line of T. 10 S.

Lafayette County. That portion of the county lying west of the east line of R. 25 W., except Secs. 2, 3, 10, and 11, T. 20 S., R. 28 W.

Miller County. The entire county, except T. 15 and 16 S., R. 28 W.

Ouachita County. The entire county.

Georgia

Burke County. That portion of the county lying south of Brier Creek.

Candler County. That portion of the county lying outside Georgia Militia District 1735.

Cherokee County. That portion of the county lying within Georgia Militia District 817.

Cobb County. That portion of the county lying within Georgia Militia Districts 851, 991, 911, 1318, 1540, 1017, 846, 1378, 1608, 895, and that portion of Georgia Militia District 898 lying outside the corporate city limits of the city of Marietta.

Columbia County. That portion of the county lying outside Georgia Militia Districts 129 and 125.

Emanuel County. That portion of the county lying within Georgia Militia Districts 49, 1333, 1429, and 1560.

Floyd County. That portion of the county lying within Georgia Militia Districts 829, 855, 1059, and 1453.

Glascock County. The entire county.

Haralson County. That portion of the county lying within Georgia Militia Districts 1077, 1251, 1745, 1585, and 813.

Jefferson County. That portion of the county lying within Georgia Militia Districts 81, 77, 84.

Jenkins County. That portion of the county lying outside Georgia Militia District 1640.

McDuffie County. That portion of the county lying outside Georgia Militia District 134.

Morgan County. That portion of the county lying within Georgia Militia Districts 281, 399, 277, 276, 285, 1463, and that portion of Georgia Militia District 280 lying north and northwest of State Road S. 1418.

Oconee County. The entire county.

Paulding County. That portion of the county lying within Georgia Militia Districts 942, 951, 839, and 1553.

Richmond County. That portion of the county lying within the Fort Gordon Military Reservation.

Rockdale County. That portion of the county lying with Georgia Militia District 475.

Walton County. That portion of the county lying within Georgia Militia Districts 1663, 250, 415, 454, and 419.

Warren County. The entire county.

Mississippi

Alcorn County. Those portions of T. 2, 3, and 4 S., R. 9 E. and T. 4 S., R. 8 E. lying in the county; and T. 2 and 3 S., R. 8 E.

Carroll County. T. 19 and 20 N., R. 3 E.; and those portions of T. 21 N., R. 2 and 3 E., and T. 19 and 20 N., R. 2 E. lying in the county.

Grenada County. N. $\frac{1}{2}$ T. 22 N., R. 4 E.; T. 22 N., R. 2 and 3 E.; T. 23 N., R. 4 E.; and those portions of T. 23 N., R. 3 E., T. 21 N., R. 2 and 3 E. lying in the county.

Leflore County. N. $\frac{1}{2}$ T. 17 N., R. 2 W.; T. 18 N., R. 1 and 2 W.; T. 19 N., R. 1 W. and R. 1 E.; S. $\frac{1}{2}$ T. 19 N., R. 2 W.; S. $\frac{1}{2}$ T. 20 N., R. 1 E.; and those portions of T. 19, 20 and 21 N., R. 2 E.; T. 18 N., R. 1 E.; T. 17 N., R. 1 E. and R. 1 W. lying in the county.

Prentiss County. Those portions of T. 4 S., R. 6, 7, and 8 E. lying in the county.

Sunflower County. T. 17 and 18 N., R. 5 W.; T. 18 N., R. 4 W.; and sections 31-36, T. 19 N., R. 4 W.

Yalobushu County. T. 24, 25 and 26 N., R. 4 E.; T. 11 S., R. 4, 5, and 6 W.; T. 12 S., R. 4, 5, and 6 W.; and those portions of T. 11 S., R. 3 and 7 W. lying in the county.

North Carolina

Beaufort County. That portion of the county bounded by a line beginning where State Secondary Road 1129 intersects the Beaufort-Craven County line, thence north along said road to its junction with State Secondary Road 1127, thence east along said road to its junction with Highway 33, thence southeast along said highway to its

intersection with State Secondary Road 1100, thence northeast along said road to its junction with Pamlico River, thence southeast along said river to its junction with the Beaufort-Pamlico County line, thence south, southwest and northwest along said county line to its junction with the Beaufort-Craven County line, thence northwest along said county line to the point of beginning.

Bladen County. That portion of the county bounded by a line beginning at a point where U.S. Highway 701 Business intersects the Bladen-Columbus County line, thence north along said highway to its junction with State Secondary Road 1700, thence north along said road to its junction with State Secondary Road 1712, thence east along said road to its junction with State Highway 87, thence southeast along said road to its intersection with Carver's Creek, thence east along said creek to its junction with the Cape Fear River, thence northwest along said river to its intersection with State Secondary Road 1730, thence northeast along said road to its junction with State Highway 53, thence southeast along said highway to its junction with State Highway 210, thence north along said highway to its junction with State Secondary Road 1550, thence east along said road to its intersection with the Bladen-Pender County line, thence southeast and southwest along said county line to its junction with the Bladen-Columbus County line, thence southwest, west, and northwest along said county line to the point of beginning.

Craven County. That portion of the county bounded by a line beginning where State Secondary Road 1001 intersects the Craven-Jones County line, thence north along said road to its junction with State Secondary Road 1232, thence east and northeast along said road to its intersection with U.S. Highway 70, thence easterly along said highway to its intersection with State Secondary Road 1224, thence northerly along said road to its junction with State Highway 55, thence southeast along said highway to its junction with State Secondary Road 1423, thence northeasterly along said road to its intersection with State Secondary Road 1401, thence easterly along said road to its junction with State Secondary Road 1400, thence northeasterly along said road to its junction with State Secondary Road 1482, thence northeast along said road to its junction with U.S. Highway 17, thence northwest along said highway to its junction with U.S. Highway 17 Bypass, thence northwest along said highway to its intersection with State Secondary Road 1638, thence northeasterly along said road to its intersection with the Craven-Beaufort County line, thence southeast along said county line to its intersection with the Craven-Pamlico County line, thence southwesterly along said county line to its intersection with State Secondary Road 1612, thence northwest along said road to its junction with State Secondary Road 1611, thence northwesterly along said road to its junction with State Secondary Road 1620, thence westerly along said road to its junction with State Secondary Road 1617, thence south along said road to its junction with State Secondary Road 1618, thence

westerly along said road to its junction with State Secondary Road 1433, thence southerly along said road to its junction with State Secondary Road 1431, thence southwest along said road to its junction with the Neuse River, thence southerly across said river to its junction with the Trent River, thence southwest and westerly along said river to its junction with the Craven-Jones County line, thence north and northwest along said county line to the point of beginning.

Pender County. That portion of the county bounded by a line beginning at a point where State Secondary Road 1209 intersects the Pender-Sampson County line, thence easterly along said road to its junction with State Secondary Road 1336, thence northeast along said road to its junction with State Secondary Road 1319, thence east along said road to its junction with State Secondary Road 1318, thence southeast along said road to its junction with State Highway 53, thence northeast along said highway to its intersection with the Pender-Onslow County line, thence southeast along said county line to its junction with the Atlantic Ocean, thence southwest along the coastline to its junction with the Pender-New Hanover County line, thence northwesterly along said county line to its junction with the Pender-Brunswick County line, thence west along said county line to its junction with the Pender-Columbus County line, thence northwest along said county line to its junction with the Pender-Bladen County line, thence northeast, northwest, and north along said county line to the point of beginning.

Robeson County. That portion of the county bounded by a line beginning at a point where State Secondary Road 1003 intersects the Lumber River, thence northeast along said river to its junction with State Highway 211, thence east and southeast along said highway to its junction with State Highway 41, thence easterly along said highway to its junction with the Robeson-Bladen County line, thence southerly along said county line to its junction with the Robeson-Columbus County line, thence southwest along said county line to its junction with the Lumber River, thence northerly and westerly along said river to the point of beginning.

South Carolina

Allendale County. That portion of the county bounded by a line beginning at a point where State Primary Highway 3 intersects the Allendale-Barnwell County line, thence northwesterly along said county line to its junction with the boundary line of the U.S. Department of Energy's Savannah River Plant, thence southwesterly along said boundary line to its junction with the Allendale-Barnwell County line, thence southwest along said county line to its junction with the Savannah River, thence southeasterly along said river to its junction with the Allendale-Hampton County line, thence northeasterly along said county line to its junction with the Southern Railway, thence northwesterly along said railway to its junction with State Secondary Highway 47, thence northwest along said highway to its intersection with State Primary Highway 3, thence north along said highway to the point of beginning.

Barnwell County. That portion of the county bounded by a line beginning at a point where State Primary Highway 39 intersects the South Fork Edisto River, thence westerly along said river to its intersection with the Barnwell-Aiken County line, thence southwest along said county line to its intersection with the east boundary of the U.S. Department of Energy's Savannah River Plant, thence southerly along said boundary line to its junction with the Barnwell-Allendale County line, thence southeasterly along said county line to its junction with State Primary Highway 3, thence northeast along said highway to its junction with U.S. Highway 278, thence north along said highway to its junction with State Primary Highway 37, thence north along said highway to its junction with State Primary Highway 39, thence northeast along said highway to the point of beginning. Also, that portion of the county bounded by a line beginning at the junction of Barnwell-Allendale County line and the Savannah River, thence northeast along said county line to its junction with the boundary line of the U.S. Department of Energy's Savannah River Plant, thence west and south along said boundary line to the point of beginning.

Dillon County. That portion of the county bounded by a line beginning at a point where State Primary Highway 9 intersects the Dillon-Marlboro County line, thence northeast along said county line to its junction with the South Carolina-North Carolina State line, thence southeast along said State line to its junction with the Dillon-Horry County line, thence southwest along said county line to its junction with the Dillon-Marion County line, thence northwest, southwest, and westerly along said county line to its junction with State Secondary Highway 92, thence northeast along said highway to its junction with State Secondary Highway 46, thence north along said highway to its junction with State Primary Highway 57, thence north along said highway to its junction with the Dillon City line, thence northerly and westerly along said city line to its junction with U.S. Highway 301, thence north along said highway to its junction with the Little Pee Dee River, thence northwest along said river to its junction with State Secondary Highway 23, thence southwest along said highway to its junction with State Primary Highway 9, thence west and northwest along said highway to the point of beginning.

Fairfield County. That portion of the county lying north of a line beginning at a point where State Primary Highway 34 intersects the Broad River, thence east along said highway to its junction with State Primary Highway 200, thence east along said highway to its junction with State Secondary Highway 41, thence east along said highway to its intersection with Little Wateree Creek, thence northeast along said creek to its junction with the Fairfield-Lancaster County line, where the line ends.

Florence County. That portion of the county west and south of a line beginning at the junction of the Great Pee Dee River and Jefferies Creek, thence northwest along said creek to its junction with Claussen Creek, thence northwesterly along said creek to its

junction with State Primary Highway 327, thence southerly and southwest along said highway to its junction with U.S. Highway 52, thence south along said highway to its junction with State Primary Highway 541, thence westerly along said highway to its junction with State Primary Highway 403, thence northwest along said highway to its junction with the Florence-Sumter County line, where the line ends.

Lee County. That portion of the county lying south of a line beginning at a point where U.S. Highway 401 intersects the Lee-Darlington County line, thence southwest along said highway to its intersection with State Primary Highway 341, thence northwest along said highway to its junction with State Secondary Highway 34, thence westerly along said highway to its junction with U.S. Highway 15, thence southwesterly along said highway to its junction with State Primary Highway 441, thence southwesterly along said highway to its junction with State Secondary Highway 25, thence northwesterly along said highway to its intersection with the Lee-Kershaw County line, where the line ends.

Lexington County. That portion of the county bounded by a line beginning at a point where U.S. Highway 378 intersects the Lexington-Saluda County line, thence northeasterly, southerly and easterly along the Lexington County line to its junction with State Primary Highway 6, thence south along said highway to its junction with U.S. Highway 1, thence west along said highway to its junction with State Secondary Highway 204, thence north along said highway to its junction with U.S. Highway 378, thence westerly along said highway to the point of beginning.

Marion County. That portion of the county bounded by a line beginning at a point where U.S. Highway 501 intersects the Marion-Dillon County line, thence easterly and southerly along the Marion County line to its junction with U.S. Highway 378, thence northwest and southwest along said highway to its junction with the Marion-Florence County line, thence northerly along said county line to its junction with U.S. Highway 76, thence southeasterly along said highway to its junction with U.S. Highway 76 Bypass, thence southeast along said highway to its junction with State Secondary Highway 25, thence southeast along said highway to its junction with State Secondary Highway 34, thence southerly along said highway to its junction with State Secondary Highway 9, thence northerly along said highway to its junction with State Primary Highway 41A, thence north along said highway to its junction with U.S. Highway 501, thence northerly along said highway to the point of beginning.

Marlboro County. That portion of the county bounded by a line beginning at a point where State Secondary Highway 23 intersects the Marlboro-Dillon County line, thence northeast along said county line to its junction with State Primary Highway 9, thence northwest along said highway to its junction with State Primary Highway 381, thence southwest along said highway to its junction with State Secondary Highway 29,

thence easterly along said highway to its junction with State Secondary Highway 23, thence southeasterly along said highway to the point of beginning.

McCormick County. That portion of the county bounded by a line beginning at a point where State Primary Highway 88 intersects the McCormick-Edgefield County line, thence northerly along said county line to its junction with State Primary Highway 283, thence westerly along said highway to its junction with State Secondary Highway 179, thence southwest along said highway to its junction with the South Carolina-Georgia State line, thence southeasterly along said State line to its junction with U.S. Highway 221, thence northeast along said highway to its junction with State Primary Highway 28, thence southeast along said highway to its junction with State Secondary Highway 88, thence northeast along said highway to the point of beginning.

Newberry County. That portion of the county bounded by a line beginning at a point where U.S. Highway 76 intersects the Newberry-Laurens County line, thence northerly, easterly, and southerly along the Newberry County line to its junction with Cannons Creek at the Broad River, thence west along said creek to its junction with U.S. Highway 176, thence southeast along said highway to its junction with the Newberry-Richland County line, thence southerly along the Newberry County line to its junction with U.S. Highway 76, thence west and northwest along said highway to the point of beginning.

Williamsburg County. That portion of the county bounded by a line beginning at a point where the Charleston Subdivision of the Florence Division of the Seaboard Coastline Railroad intersects the Williamsburg-Florence County line, thence southwest along said railroad to its intersection with U.S. Highway 521, thence southeasterly along said highway to its junction with State Secondary Highway 30, thence northeasterly along said highway to its junction with State Secondary Highway 254, thence northeasterly along said highway to its junction with State Primary Highway 527, thence southeasterly along said highway to its junction with State Secondary Highway 383, thence east along said highway to its intersection with the Andrews Subdivision of the Savannah Division of the Seaboard Coastline Railroad, thence northerly along said railroad to its junction with State Primary Highway 512, thence southeast along said highway to its intersection with the Williamsburg-Georgetown County line, thence northeasterly along the Williamsburg County line to the point of beginning.

Texas

Aransas County. The entire county.

Bell County. That portion of the county lying west of a line beginning at a point where State Highway 317 intersects the Bell-McLennan County line, thence southwesterly along said highway to its junction with Interstate 35, thence southwesterly along Interstate 35 to the Bell-Williamson County line, where the line ends.

Blanco County. That portion of the county lying north of a line beginning at a point where the Blanco-Gillespie County line is intersected by U.S. Highway 290, thence

easterly along said highway to its junction with U.S. Highway 281, thence southerly along said highway to its junction with Farm to Market Road 165, thence northeasterly along said road to the Blanco-Hays County line, and including the city of Johnson City.

Cass County. That portion of the county lying east of U.S. Highway 59 and north of State Highway 77, including the cities of Atlanta and Queen City.

De Witt County. That portion of the county lying west of a line beginning where U.S. Highway 87 intersects the De Witt-Gonzales County line, thence southeasterly along said highway to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to its intersection with the De Witt-Goliad County line, where the line ends, and including the town of Westhoff.

Falls County. The entire county, except for that area within a circle having a radius of 3 miles with the center at the junction of State Highway 7 and U.S. Highway 77.

Goliad County. That portion of the county west and south of a line beginning where U.S. Highway 183 intersects the Goliad-Refugio County line, thence northerly along said highway to its junction with U.S. Highway 59, thence westerly along said highway to its junction with State Highway 239, thence northwesterly along said highway to its intersection with the Goliad-Karnes County line, where the line ends.

Hays County. The entire county, except for the area within a semicircle having a radius of 4 miles with the focal point at the intersection of Farm to Market Road 32 and the Hays-Comal County line.

Henderson County. That portion of the county lying east of a line beginning at a point where Farm to Market Road 314 intersects the Van Zandt-Henderson County line, thence south along said road to its junction with Farm to Market Road 315, thence southwesterly along said road to its junction with the Henderson-Anderson County line where the line ends, but excluding the cities of Brownsboro, Moor Station and Poyner.

Hill County. That area within a circle having a radius of 4 miles with the center where State Highway 22 intersects U.S. Highway 77 at the most northern point.

Jim Wells County. That portion of the county lying north of a line beginning at a point where Farm to Market Road 2295 intersects the Jim Wells-Duval County line, thence southeast and east along said road to its junction with State Highway 141, thence east along said highway to its intersection with the Jim Wells-Kleberg County line, but excluding the city of San Diego and the area within a circle having a radius of 5 miles with the center at the intersection of State Highway 359 and U.S. Highway 281.

Kerr County. That portion of the county lying south and west of a line beginning at the intersection of State Highway 41 and the Kerr-Real County line, thence northeasterly along said highway to its junction with State Highway 27, thence southeasterly along said highway to its junction with State Highway 16, thence south and southwest along said highway to its intersection with the Kerr-Bandera County line, where the line ends.

Marion County. That portion of the county lying west of U.S. Highway 59.

McLennan County. That area within a semi-circle having a radius of 4 miles with the focal point at the intersection of State Highway 6 and the McLennan-Falls County line.

Rains County. That portion of the county bounded by a line beginning at a point where U.S. Highway 69 intersects the Rains-Hunt County line, thence southeasterly along said highway to its junction with Farm to Market Road 47, thence southerly and southwesterly along said road to its intersection with the Rains-Van Zandt County line, thence northwesterly along said county line to its junction with the Rains-Hunt County line, thence northerly and easterly along said county line to the point of beginning, but excluding the city of Point.

Refugio County. That portion of the county lying south and west of a line beginning where State Highway 35 intersects the Refugio-Aransas County line, thence northeast along said highway to its junction with Farm to Market Road 774, thence southwesterly along said road to its junction with U.S. Highway 77, thence northeasterly along said highway to its junction with U.S. Highway 183, thence northwesterly along said highway to its junction with the Refugio-Goliad County line, where the line ends.

Rockwall County. That portion of the county lying west of State Highway 205, including the city of Rockwall.

Upshur County. That portion of the county bounded by a line beginning at a point where State Highway 155 intersects the Upshur-Marion County line, thence south along said county line to its junction with the Upshur-Harrison County line, thence south along said county line to its intersection with Farm to Market Road 726, thence southwesterly along said road to its junction with State Highway 154, thence northwesterly along said highway to its intersection with State Highway 155, thence northeasterly along said highway to the point of beginning.

Wilson County. That portion of the county lying east of State Highway 123, including the city of Stockdale.

In addition, certain nonsubstantive changes have been made for purposes of clarity and uniformity.

Revised Text:

Accordingly, § 301.81-2a of the imported fire ant quarantine and regulations (7 CFR 301.81-2a) is revised to read as follows:

§ 301.82-2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as imported fire ant regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

Alabama

(1) *Generally infested areas.*

Autauga County. The entire county.

Baldwin County. The entire county.

Barbour County. The entire county.

Bibb County. The entire county.

Blount County. The entire county.

Bullock County. The entire county.
Butler County. The entire county.
Calhoun County. The entire county.
Chambers County. The entire county.
Cherokee County. That portion of the county lying south of the north line of T. 9 S.
Chilton County. The entire county.
Choctaw County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Cleburne County. The entire county.
Coffee County. The entire county.
Colbert County. That portion of the county lying south of the north line of T. 4 S.
Conecuh County. The entire county.
Coosa County. The entire county.
Covington County. The entire county.
Crenshaw County. The entire county.
Cullman County. The entire county.
Dale County. The entire county.
Dallas County. The entire county.
Elmore County. The entire county.
Escambia County. The entire county.
Etowah County. The entire county.
Fayette County. The entire county.
Franklin County. The entire county.
Geneva County. The entire county.
Greene County. The entire county.
Hale County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Jefferson County. The entire county.
Lamar County. The entire county.
Lawrence County. T. 4, 5, 6, 7, and 8 S., E. ½, R. 7 W.; T. 4, 5, 6, 7, and 8 S., R. 6 W.; S. ½, T. 7 S., R. 7, 8, and 9 W.; T. 8 S., R. 7, 8, and 9 W.
Lee County. The entire county.
Limestone County. S. ½, T. 3 S., R. 4, 5, and 6 W.; T. 4 S., R. 4, 5, and 6 W.; T. 5 S., R. 4 W.
Lowndes County. The entire county.
Macon County. The entire county.
Marengo County. The entire county.
Marion County. The entire county.
Marshall County. T. 7 S., R. 1 E.; T. 8 S., R. 1, 2, and 3 E.; T. 9 S., R. 2, 3, and 4 E.; T. 10 S., R. 2, 3, 4, and 5 E.; T. 11 S., R. 3 E.
Mobile County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Morgan County. T. 4 S., R. 5 W.; T. 5 S., R. 4 and 5 W.; T. 6 S., R. 4 and 5 W.; and that portion of the county lying south of the north line of T. 7 S.
Perry County. The entire county.
Pickens County. The entire county.
Pike County. The entire county.
Randolph County. The entire county.
Russell County. The entire county.
St. Clair County. The entire county.
Shelby County. The entire county.
Sumter County. The entire county.
Talladega County. The entire county.
Tallapoosa County. The entire county.
Tuscaloosa County. The entire county.
Walker County. The entire county.
Washington County. The entire county.
Wilcox County. The entire county.
Winston County. The entire county.
 (2) *Suppressive areas.*
Lauderdale County. Sec. 8, T. 1 S., R. 7 W.

Arkansas

(1) *Generally infested areas.*
Ashley County. The entire county.
Bradley County. The entire county.

Calhoun County. The entire county.
Chicot County. The entire county.
Cleveland County. That portion of the county lying south of the south line of T. 10 S.
Columbia County. The entire county.
Desha County. That portion of the county lying south of the south line of T. 10 S.
Drew County. The entire county.
Lafayette County. The entire county.
Miller County. The entire county.
Ouachita County. The entire county.
Union County. The entire county.
 (2) *Suppressive areas.* None.

Florida

(1) *Generally infested areas.* The entire state.
 (2) *Suppressive areas.* None.

Georgia

(1) *Generally infested areas.*
Appling County. The entire county.
Atkinson County. The entire county.
Bacon County. The entire county.
Baker County. The entire county.
Baldwin County. The entire county.
Barrow County. That portion of the county in Georgia Militia District 316 south of U.S. Highway 29, excluding the corporate city limits of Auburn and Carl.
Ben Hill County. The entire county.
Berrien County. The entire county.
Bibb County. The entire county.
Bleckley County. The entire county.
Brantley County. The entire county.
Brooks County. The entire county.
Bryan County. The entire county.
Bulloch County. The entire county.
Burke County. The entire county.
Butts County. The entire county.
Calhoun County. The entire county.
Camden County. The entire county.
Candler County. The entire county.
Carroll County. The entire county.
Charlton County. The entire county.
Chatham County. The entire county.
Chattahoochee County. The entire county.
Cherokee County. That portion of the county lying within Georgia Militia District 817.
Clarke County. That portion of the county in Georgia Militia District 1467 outside the corporate city limits of Athens.
Clay County. The entire county.
Clayton County. The entire county.
Clinch County. The entire county.
Cobb County. The entire county.
Coffee County. The entire county.
Colquitt County. The entire county.
Columbia County. The entire county.
Cook County. The entire county.
Coweta County. The entire county.
Crawford County. The entire county.
Crisp County. The entire county.
Decatur County. The entire county.
De Kalb County. The entire county.
Dodge County. The entire county.
Dooly County. The entire county.
Dougherty County. The entire county.
Douglas County. The entire county.
Early County. The entire county.
Echols County. The entire county.
Effingham County. The entire county.
Emanuel County. The entire county.
Evans County. The entire county.
Fayette County. The entire county.

Floyd County. That portion of the county lying within Georgia Militia Districts 829, 855, 1059, and 1453.
Forsyth County. That portion of the county lying within Georgia Militia Districts 879, 1276, and 795.
Fulton County. The entire county.
Glascocock County. The entire county.
Glynn County. The entire county.
Grady County. The entire county.
Greene County. That portion of the county lying within Georgia Militia Districts 142, 143, 145, 160, 161, 162, and 163.
Gwinnett County. The entire county.
Hancock County. The entire county.
Haralson County. The entire county.
Harris County. The entire county.
Heard County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Irwin County. The entire county.
Jasper County. The entire county.
Jeff Davis County. The entire county.
Jefferson County. The entire county.
Jenkins County. The entire county.
Johnson County. The entire county.
Jones County. The entire county.
Lamar County. The entire county.
Lanier County. The entire county.
Laurens County. The entire county.
Lee County. The entire county.
Liberty County. The entire county.
Long County. The entire county.
Lowndes County. The entire county.
Macon County. The entire county.
Marion County. The entire county.
McDuffie County. The entire county.
McIntosh County. The entire county.
Meriwether County. The entire county.
Miller County. The entire county.
Mitchell County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Morgan County. The entire county.
Muscogee County. The entire county.
Newton County. The entire county.
Oconee County. The entire county.
Paulding County. That portion of the county lying within Georgia Militia Districts 942, 951, 839, and 1553.
Peach County. The entire county.
Pierce County. The entire county.
Pike County. The entire county.
Polk County. That portion of the county lying within Georgia Militia Districts 1075, 1079, 1223, 1469, and 1570.
Pulaski County. The entire county.
Putnam County. The entire county.
Quitman County. The entire county.
Randolph County. The entire county.
Richmond County. The entire county.
Rockdale County. The entire county.
Schley County. The entire county.
Screven County. The entire county.
Seminole County. The entire county.
Spalding County. The entire county.
Stewart County. The entire county.
Sumter County. The entire county.
Talbot County. The entire county.
Tattnall County. The entire county.
Taylor County. The entire county.
Telfair County. The entire county.
Terrell County. The entire county.
Thomas County. The entire county.
Tift County. The entire county.

Toombs County. The entire county.
Treutlen County. The entire county.
Troup County. The entire county.
Turner County. The entire county.
Twiggs County. The entire county.
Upson County. The entire county.
Walton County. The entire county.
Ware County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Webster County. The entire county.
Wheeler County. The entire county.
Wilcox County. The entire county.
Wilkinson County. The entire county.
Worth County. The entire county.
 (2) *Suppressive areas.* None.

Louisiana

(1) *Generally infested areas.* The entire State.

(2) *Suppressive areas.* None.

Mississippi

(1) *Generally infested areas.*

Adams County. The entire county.
Alcorn County. That portion of T. 2, 3, and 4 S., R. 9 E. lying in the county; that portion of T. 4 S., R. 8 E. lying in the county; and T. 2 and 3 S., R. 8 E.

Amite County. The entire county.
Attala County. The entire county.
Bolivar County. T. 29 N., R. 6, 7, and 8 W.; T. 21 N., R. 5, 6, and 7 W., and S. ½ T. 22 N., R. 6 W.

Carroll County. The entire county.
Calhoun County. The entire county.
Chickasaw County. The entire county.
Choctaw County. The entire county.
Claiborne County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Copiah County. The entire county.
Covington County. The entire county.
Forrest County. The entire county.
Franklin County. The entire county.
George County. The entire county.
Greene County. The entire county.
Grenada County. The entire county.
Hancock County. The entire county.
Harrison County. The entire county.
Hinds County. The entire county.
Holmes County. The entire county.
Humphreys County. The entire county.
Issaquena County. The entire county.
Itawamba County. The entire county.
Jackson County. The entire county.
Jasper County. The entire county.
Jefferson County. The entire county.
Jefferson Davis County. The entire county.
Jones County. The entire county.
Kemper County. The entire county.
Lafayette County. That portion of the county lying south of the north line of T. 10 S.; T. 9 S., R. 1, 2, and E. ½ R. 3 W.; T. 8 S., R. 1 W.; T. 7 S., R. 1 W., and S.E. ¼, T. 6 S., R. 3 W.

Lamar County. The entire county.
Lauderdale County. The entire county.
Lawrence County. The entire county.
Leake County. The entire county.
Lee County. The entire county.
Leflore County. That portion of the county lying south of the north line of T. 19 N.; S. ½ of T. 20 N., R. 1 E.; and that portion of T. 20 and 21 N., R. 2 E. lying in the county.

Lincoln County. The entire county.
Lowndes County. The entire county.
Madison County. The entire county.
Marion County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Neshoba County. The entire county.
Newton County. The entire county.
Noxubee County. The entire county.
Oktibbeha County. The entire county.
Pearl River County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Pontotoc County. The entire county.
Prentiss County. The entire county.
Rankin County. The entire county.
Scott County. The entire county.
Sharkey County. The entire county.
Simpson County. The entire county.
Smith County. The entire county.
Stone County. The entire county.
Sunflower County. That portion of the county lying south of the north line of T. 18 N.; sections 31-36, T. 19 N., R. 4 W.; and T. 19 and 20 N., R. 5 W.

Tippah County. That portion of the county lying south of the north line of T. 4 S., and that portion of T. 3 S., R. 5 E. lying in the county.

Tishomingo County. That portion of the county lying south of the north line of T. 5 S.
Union County. The entire county.
Walthall County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Webster County. The entire county.
Wilkinson County. The entire county.
Winston County. The entire county.
Yalobusha County. The entire county.
Yazoo County. The entire county.
 (2) *Suppressive areas.* None.

North Carolina

(1) *Generally infested areas.*

Beaufort County. That portion of the county bounded by a line beginning where State Secondary Road 1129 intersects the Beaufort-Craven County line, thence north along said road to its junction with State Secondary Road 1127, thence east along said road to its junction with Highway 33, thence southeast along said highway to its intersection with State Secondary Road 1100, thence northeast along said road to its junction with the Pamlico River, thence southeast along said river to its junction with the Beaufort-Pamlico County line, thence south, southwest and northwest along said county line to its junction with the Beaufort-Craven County line, thence northwest along said county line to the point of beginning.

Bladen County. That portion of the county bounded by a line beginning at a point where U.S. Highway 701 Business intersects the Bladen-Columbus County line, thence north along said highway to its junction with State Secondary Road 1700, thence north along said road to its junction with State Secondary Road 1712, thence east along said road to its junction with State Highway 87, thence southeast along said highway to its intersection with Carver's Creek, thence east along said creek to its junction with the Cape Fear River, thence northwest along said river to its intersection with State Secondary Road

1730, thence northeast along said road to its junction with State Highway 53, thence southeast along said highway to its junction with State Highway 210, thence north along said highway to its junction with State Secondary Road 1550, thence east along said road to its intersection with the Bladen-Pender County line, thence southeast and southwest along said county line to its junction with the Bladen-Columbus County line, thence southwest, west, and northwest along said county line to the point of beginning.

Brunswick County. The entire county.
Carteret County. The entire county.
Columbus County. The entire county.
Craven County. That portion of the county south and east of a line beginning where State Secondary Road 1001 intersects the Craven-Jones County line, thence north along said road to its junction with State Secondary Road 1232, thence east and northeast along said road to its intersection with U.S. Highway 70, thence easterly along said highway to its intersection with State Secondary Road 1224, thence northerly along said road to its junction with State Highway 55, thence southeast along said highway to its junction with State Secondary Road 1423, thence northeasterly along said road to its intersection with State Secondary Road 1401, thence easterly along said road to its junction with State Secondary Road 1400, thence northeasterly along said road to its junction with State Secondary Road 1482, thence northeast along said road to its junction with U.S. Highway 17, thence northwest along said highway to its junction with U.S. Highway 17 Bypass, thence northwest along said highway to its intersection with State Secondary Road 1638, thence northeasterly along said road to its intersection with the Craven-Beaufort County line, where the line ends.

Duplin County. That portion of the county bounded by a line beginning at the intersection of State Secondary Road 1704 and State Secondary Road 1705, thence northeast along State Secondary Road 1705 to its junction with the Duplin-Lenoir County line, thence southeast along said county line to its junction with the Duplin-Jones County line, thence southeast along said county line to its intersection with the Duplin-Onslow County line, thence south along said county line to its intersection with North Carolina Highway 24, thence west along said highway to its intersection with Cabin Creek, thence westerly along said creek to its intersection with North Carolina Highway 111, thence northwest along said highway to its junction with State Secondary Road 1704, thence northeast along said road to the point of beginning.

Jones County. The entire county.
Lenoir County. That portion of the county bounded by a line beginning at a point where State Secondary Road 1165 intersects the Lenoir-Duplin County line, thence east along said road to its intersection with State Secondary Road 1111, thence south along said road to its junction with State Secondary Road 1112, thence east along said road to its junction with North Carolina Highway 11, thence north along said highway to its junction with State Secondary Road 1116.

thence east along said road to its junction with U.S. Highway 258, thence south along said highway to its intersection with State Secondary Road 1105, thence east along said road to its intersection with the Jones-Lenoir County line, thence southwest along said county line to its junction with the Lenoir-Duplin County line, thence northwest and north along said county line to the point of beginning.

New Hanover County. The entire county.

Onslow County. The entire county.

Pamlico County. That portion of the county lying west and southwest of the Intra-Coastal Waterway.

Pender County. That portion of the county bounded by a line beginning at a point where State Secondary Road 1209 intersects the Pender-Sampson County line, thence easterly along said road to its junction with State Secondary Road 1336, thence northeast along said road to its junction with State Secondary Road 1319, thence east along said road to its junction with State Secondary Road 1318, thence southeast along said road to its junction with State Highway 53, thence northeast along said highway to its intersection with the Pender-Onslow County line, thence southeast along said county line to its junction with the Atlantic Ocean, thence southwest along the coastline to its junction with the Pender-New Hanover County line, thence northwesterly along said county line to its junction with the Pender-Brunswick County line, thence west along said county line to its junction with the Pender-Columbus County line, thence northwest along said county line to its junction with the Pender-Bladen County line, thence northeast, northwest, and north along said county line to the point of beginning.

Robeson County. That portion of the county bounded by a line beginning at a point where the Seaboard Coastline Railroad intersects the North Carolina-South Carolina State Line, thence northeast along said railroad to its intersection with the Lumber River, thence southeast and east along said river to its intersection with State Secondary Road 1003, thence northeast along said road to its intersection with State Highway 211, thence east along said highway to its intersection with State Highway 41, thence east along said highway to its intersection with the Robeson-Bladen County line, thence southeast along the Robeson County line to its junction with the North Carolina-South Carolina State line, thence northwest along said State line to the point of beginning.

(2) *Suppressive areas.* None.

South Carolina

(1) *Generally infested areas.*

Aiken County. That portion of the county bounded by a line beginning at the junction of the Savannah River and the Aiken-Edgefield County line, thence northeast along said county line to its intersection with the South Fork Edisto River, thence southeast along said river to its junction with the Aiken-Barnwell County line, thence southwest along said county line to its intersection with U.S. Highway 278, thence west along said highway to its junction with State Primary Highway 28, thence west along said highway to its junction with the Savannah River,

thence northwest along said river to the point of beginning.

Allendale County. The entire county excluding the area of the U.S. Department of Energy's Savannah River Plant.

Bamberg County. The entire county.

Barnwell County. The entire county excluding the area of the U.S. Department of Energy's Savannah River Plant.

Beaufort County. The entire county.

Berkeley County. The entire county.

Calhoun County. The entire county.

Charleston County. The entire county.

Clarendon County. The entire county.

Colleton County. The entire county.

Darlington County. That portion of the county bounded by a line beginning at a point where U.S. Highway 401 intersects the Darlington-Lee County line at Lynch's River, thence northwest and northeast along said county line to its intersection with State Secondary Highway 131, thence east along said highway to its intersection with State Secondary Highway 290, thence easterly along said highway to its junction with U.S. Highway 401, thence northeast and north along said highway to its intersection with the Great Pee Dee River, thence southerly along said river to its junction with the Darlington-Florence County line, thence southwesterly along the Darlington County line to its junction with the Lynch's River, thence northwest along said river to the point of beginning.

Dillon County. The entire county.

Dorchester County. The entire county.

Edgefield County. That portion of the county bounded by a line beginning at a point where State Primary Highway 23 intersects the Edgefield-McCormick County line, thence east along said highway to its intersection with State Secondary Highway 10, thence southeast along said highway to its junction with U.S. Highway 25, thence southeast along said highway to its junction with State Primary Highway 19, thence southeast along said highway to its intersection with the Edgefield-Aiken County line, thence southwest along said county line to its junction with the Savannah River, thence northwest along said river to its junction with the Edgefield-McCormick County line, thence north along said county line to the point of beginning.

Fairfield County. The entire county.

Florence County. The entire county.

Georgetown County. The entire county.

Hampton County. The entire county.

Horry County. The entire county.

Jasper County. The entire county.

Kershaw County. That portion of the county lying west and south of a line beginning at the junction of the Kershaw-Lancaster County line and State Secondary Highway 58, thence southerly along said highway to its junction with U.S. Highway 521, thence southerly along said highway to its intersection with State Primary Highway 34, thence easterly along said highway to its intersection with the Kershaw-Lee County line, where the line ends.

Lee County. That portion of the county bounded by a line beginning at a point where State Primary Highway 34 intersects the Lee-Kershaw County line, thence easterly along said highway to its intersection with the Lee-

Darlington County line, thence southerly, westerly and northerly along the Lee County line to the point of beginning.

Lexington County. That portion of the county bounded by a line beginning at a point where U.S. Highway 378 intersects the Lexington-Saluda County line, thence northerly, southeasterly, southerly, and westerly along the Lexington County line to its intersection with State Primary Highway 302, thence north along said highway to its junction with State Primary Highway 6, thence north along said highway to its intersection with U.S. Highway 1, thence west along said highway to its intersection with State Secondary Highway 204, thence north along said highway to its intersection with U.S. Highway 378, thence west along said highway to the point of beginning.

Marion County. The entire county.

Marlboro County. That portion of the county bounded by a line beginning at the junction of State Secondary Highway 611 and the Great Pee Dee River, thence east along said highway to its junction with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 29, thence northeast and east along said highway to its intersection with State Primary Highway 381, thence northeast along said highway to its junction with State Primary Highway 9, thence southeast along said highway to its intersection with the Marlboro-Dillon County line, thence southwest along said county line to its junction with the Great Pee Dee River, thence northwesterly along said river to the point of beginning.

McCormick County. That portion of the county bounded by a line beginning at the junction of State Secondary Highway 179 and the Clark Hill Reservoir, thence northeast along said highway to its junction with State Primary Highway 283 at Plum Branch, thence east along said highway to its intersection with the McCormick-Edgefield County line, thence southerly along said county line to its junction with the Savannah River, thence northwesterly along said river and Clark Hill Reservoir to the point of beginning.

Newberry County. That portion of the county bounded by a line beginning at a point where U.S. Highway 76 intersects the Newberry-Laurens County line, thence northeasterly, easterly, and southerly along the Newberry County line to its intersection with U.S. Highway 76, thence northeast along said highway to the point of beginning.

Orangeburg County. The entire county.

Richland County. The entire county.

Sumter County. The entire county.

Williamsburg County. The entire county.

(2) *Suppressive areas.* None.

Texas

(1) *Generally infested areas.*

Anderson County. That portion of the county bounded by a line beginning at the point where U.S. Highway 287 intersects U.S. Highway 84, thence easterly along said highway to the Anderson-Cherokee County line, thence southeasterly along said county line to its junction with the Anderson-Houston County line, thence westerly along said county line to its intersection with U.S.

Highway 287, thence northwesterly along said highway to the point of beginning, including all of the city of Palestine and all of the town of Elkhart.

Angelina County. The entire county.
Aransas County. The entire county.
Atascosa County. The entire county.
Austin County. The entire county.
Bandera County. That portion of the county bounded by a line beginning at a point where Texas Highway 16 intersects the Bandera-Kerr County line, thence southeasterly along said county line to its junction with the Bandera-Kendall County line, thence southeasterly along said county line to its junction with the Bandera-Bexar County line, thence southwesterly along said county line to its junction with the Bandera-Medina County line, thence southwesterly, westerly, northerly, and westerly along said county line to its intersection with Farm to Market Road 689, thence northerly along said road to its intersection with Texas Highway 16, thence northwesterly along said highway to the point of beginning, including the towns of Bandera and Medina.

Bastrop County. The entire county.
Bee County. That portion of the county bounded by a line beginning at a point where U.S. Highway 59 intersects the Bee-Live Oak County line, thence easterly along said highway to its intersection with Farm to Market Road 351, thence southeasterly along said road to its junction with State Highway 202, thence easterly along said highway to its intersection with the Bee-Refugio County line, thence southwesterly along said county line to its junction with the Bee-San Patricio County line, thence southwesterly and northwesterly along said county line to its junction with the Bee-Live Oak County line, thence northeasterly and northwesterly along said county line to the point of beginning, but excluding the city of Beeville.

Bell County. The entire county.
Bexar County. The entire county.
Blanco County. The entire county.
Bowie County. That portion of the county bounded by a line beginning at a point where Farm to Market Road 2148 intersects Interstate Highway 30, thence easterly along said highway to its intersection with the Texas-Arkansas State line, thence southerly along said State line to its intersection with Sulphur River, thence northwesterly and westerly along said river to its intersection with U.S. Highway 59, thence northerly along said highway to its junction with Farm to Market Road 2148, thence northerly along said road to the point of beginning.

Brazoria County. The entire county.
Brazos County. The entire county.
Burleson County. The entire county.
Caldwell County. The entire county.
Calhoun County. The entire county.
Camp County. That area within a circle having a radius of 3 miles with the center at the intersection of loop 238 and State Highway 11.

Cass County. That portion of the county lying east of U.S. Highway 59 including the cities of Atlanta and Queen City, but excluding the city of Linden.
Chambers County. The entire county.
Cherokee County. The entire county.
Collin County. The entire county.

Colorado County. The entire county.
Comal County. The entire county.
Dallas County. The entire county.
Denton County. The entire county.
De Witt County. The entire county.
Ellis County. That portion of the county lying north of U.S. Highway 287 including the cities of Midlothian and Ennis, but excluding the city of Waxahachie.

Falls County. The entire county.
Fayette County. The entire county.
Fort Bend County. The entire county.
Freestone County. That area within a circle having a radius of 3 miles with the center at the intersection of Farm to Market Road 80 and Main Street in the city of Teague.

Frio County. That portion of the county bounded by a line beginning at a point where Farm to Market Road 462 intersects the Frio-Mediana County line, thence east along said county line to its junction with the Frio-Atascosa County line, thence south along said county line to its junction with the Frio-LaSalle County line, thence west along said county line to its intersection with Farm to Market Road 1582, thence northwest along said road to its junction with U.S. Highway 81, thence northeast along said highway to its intersection with Farm to Market Road 140, thence northwesterly along said road to its intersection with Interstate Highway 35, thence northerly along said highway to its intersection with Farm to Market Road 462, thence northwest along said road to the point of beginning, including the city of Pearsall and the town of Moore.

Galveston County. The entire county.
Gillespie County. The entire county.
Goliad County. The entire county.
Gonzales County. The entire county.
Grayson County. That portion of the county lying south of a line beginning at a point where State Highway 56 intersects the Cooke-Grayson County line, thence east along said highway to its junction with U.S. Highway 82, thence east along said highway to its intersection with the Grayson-Fannin County line, but excluding the city of Sherman and the towns of Whitesboro, Southmayd, and Bells.

Gregg County. The entire county.
Grimes County. The entire county.
Guadalupe County. The entire county.
Hardin County. The entire county.
Harris County. The entire county.
Harrison County. The entire county.
Hays County. The entire county.

Henderson County. That portion of the county lying east of a line beginning at a point where Farm to Market Road 314 intersects the Van Zandt-Henderson County line, thence south along said road to its junction with Farm to Market Road 315, thence southwesterly along said road to its junction with the Henderson-Anderson County line, but excluding the cities of Brownsboro, Moor Station and Poynor.

Hill County. That area within a circle having a radius of 4 miles with the center where State Highway 22 intersects U.S. Highway 77 at the most northern point.
Houston County. The entire county.
Jackson County. The entire county.
Jasper County. The entire county.
Jefferson County. The entire county.
Jim Wells County. That portion of the county lying north of a line beginning at a

point where Farm to Market Road 2295 intersects the Jim Wells-Duval County line, thence southeast and east along said road to its junction with State Highway 141, thence east along said highway to its intersection with the Jim Wells-Kleberg County line, but excluding the city of San Diego.

Kendall County. The entire county.
Kerr County. The entire county.
Lavaca County. The entire county.
Lee County. The entire county.
Leon County. The entire county.
Liberty County. The entire county.
Limestone County. The entire county.
Madison County. The entire county.
Marion County. The entire county.
Matagorda County. The entire county.
McLennan County. That area within a semi-circle having a radius of 4 miles with the focal point at the intersection of State Highway 6 and the McLennan-Falls County line.

Medina County. That portion of the county bounded by a line beginning at a point where Texas Farm to Market Road 689 intersects the Medina-Bandera County line, thence easterly, southerly, and northeasterly along said county line to its junction with the Medina-Bexar County line, thence south along said county line to its junction with the Medina-Frio County line, thence west along said county line to its intersection with Texas Farm to Market Road 462, thence northwest and north along said road to its intersection with U.S. Highway 90, thence east along said highway to its junction with Texas Farm to Market Road 689, thence northerly along said highway to the point of beginning, excluding the towns of Yancey and Hondo.

Milan County. The entire county.
Montgomery County. The entire county.
Nacogdoches County. The entire county.
Navarro County. That area within a circle having a radius of 3 miles with the focal point at the intersection of Texas Highway 31 and Farm to Market Road 1129.

Newton County. The entire county.
Nueces County. The entire county.
Orange County. The entire county.
Panola County. The entire county.
Polk County. The entire county.

Rains County. That portion of the county bounded by a line beginning at a point where U.S. Highway 69 intersects the Rains-Hunt County line, thence southeasterly along said highway to its junction with Farm to Market Road 47, thence southerly and southwesterly along said road to its intersection with the Rains-Van Zandt County line, thence northwesterly along said county line to its junction with the Rains-Hunt County line, thence northerly and easterly along said county line to the point of beginning, but excluding the city of Point.

Refugio County. The entire county.
Robertson County. The entire county.
Rockwall County. That portion of the county lying west of State Highway 205, including the city of Rockwall.
Rusk County. The entire county.
Sabine County. The entire county.
San Augustine County. The entire county.
San Jacinto County. The entire county.
San Patricio County. The entire county.
Shelby County. The entire county.

Smith County. The entire county.

Tarrant County. That portion of the county lying east of a line beginning at a point where Farm to Market Road 718 intersects the Tarrant-Wise County line, thence southeasterly along said road to its junction with State Highway 496, thence southerly along said highway to its intersection with Interstate Highway 35-W, thence southerly along said highway to its intersection with the Tarrant-Johnson County line, including that portion of the city of Ft. Worth lying east of the above described line.

Travis County. The entire county.

Trinity County. The entire county.

Tyler County. The entire county.

Upshur County. That portion of the county lying south of a line beginning where State Highway 154 intersects the Wood-Upshur County line, thence easterly along said highway to its intersection with State Highway 155, thence northeasterly along said highway to its intersection with the Upshur-Marion County line where the line ends, including the city of Gilmer.

Victoria County. The entire county.

Walker County. The entire county.

Waller County. The entire county.

Washington County. The entire county.

Wharton County. The entire county.

Williamson County. The entire county.

Wilson County. The entire county.

Wood County. That portion of the county lying south of the city limits of Alba, State Highway 182 and State Highway 154, but excluding the cities of Alba and Quitman.

(2) *Suppressive areas.* None.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477 as amended; 38 FR 19141; 7 CFR 301.81-2, 39 FR 21117)

Done at Washington, D.C., this 7th day of January 1982.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-721 Filed 1-11-82; 8:45 am]

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Agricultural Marketing Service

7 CFR Parts 906 and 944

[Texas Orange and Grapefruit Reg. 34; Orange Import Reg. 13]

Imported Oranges and Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes minimum grade and size requirements for Texas oranges and grapefruit, and for imported oranges. This action is necessary to assure shipment of ample supplies of fruit of acceptable grade and

size in the interest of producers and consumers.

EFFECTIVE DATE: On and after February 8, 1982.

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

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

An interim rule was published in the *Federal Register* on October 29, 1981 (46 FR 53391), which specified grade and size requirements applicable to shipments of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, and for imported oranges, during the period November 9, 1981, through February 7, 1982. That rule provided an opportunity to file comments through November 30, 1981. None were received. This final rule contains the same requirements as specified in the interim rule.

The Texas orange and grapefruit regulation is issued under the marketing agreement, as amended, and Order 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The grade and size requirements applicable to Texas oranges and grapefruit were recommended by the Texas Valley Citrus Committee which locally administers the marketing order program.

The minimum grade and size requirements for imported oranges would be consistent with section 8e (7 U.S.C. 608e-1) of the act. This section requires that whenever specified commodities, including oranges, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

The committee estimates the 1981-82 season Texas orange crop at 10,000 carlots (1,000 42.5-pound cartons per carlot), a 15.5 percent increase over last year's production and 24.1 percent above the 1979-80 production level.

Fresh shipments are estimated at 5,000 carlots. If realized, this would be 12.3 percent below last season's fresh shipments but 20.2 percent above 1979-80 fresh shipments.

The committee estimates the 1981-82 season Texas grapefruit crop at 17,700 carlots (1,000 40-pound cartons per carlot), 31.1 percent above last year's production and 12.0 percent above production in the 1979-80 season. Fresh shipments are estimated at 10,620 carlots. This would be 14.2 percent above last season's fresh shipments and 26.4 percent above fresh shipments during the 1979-80 season.

The committee estimates that about 50 percent of the Texas orange crop, and 60 percent of the Texas grapefruit crop will be marketed as fresh fruit. In addition to the regulated domestic market (United States, Canada, and Mexico), Texas oranges are sold in the fresh export market, the processed products market, and the local unregulated market within the production area. Fresh shipments of Texas oranges and grapefruit meet considerable competition in major markets from citrus produced in other areas of the country. This season, 3.0 percent of the nation's orange supply and 15.0 percent of the nation's grapefruit supply is expected to be produced in Texas.

Under the terms of the regulation the grade and size requirements would be effective on and after February 8, 1982. Although the regulation would be effective for an indefinite period, the committee would continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of regulation of shipments of Texas oranges and grapefruit would tend to effectuate the declared policy of the act.

Therefore, a new § 906.365 is added under a new subpart heading *Grade and Size Regulation* and a new § 944.312 is added under Part 944 *Fruits; Import Regulations* to read as follows:

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

1. Section 906.365 is added to read as follows:

§ 906.365 Texas Orange and Grapefruit Regulation 34.

(a) On and after February 8, 1982, no handler shall handle any variety of oranges or grapefruit grown in the production area unless:

(1) Such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2;

(2) Such oranges are at least pack size 288, as such size if specified in § 2851.691(c) of the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall be $2\frac{1}{8}$ inches;

(3) Such grapefruit grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2;

(4) Such grapefruit are at least pack size 96, as such size is specified in § 2851.630(c) of the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be $3\frac{1}{8}$ inches; *Provided*, That any handler may handle grapefruit smaller than pack size 96, provided such grapefruit grade are at least U.S. No. 1 and they are at least pack size 112, as such size is specified in the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be $3\frac{1}{8}$ inches;

(5) An appropriate inspection certificate has been issued for such fruit within 48 hours prior to the time of shipment; and

(6) The fruit meets all the applicable container and pack requirements effective under this marketing order.

(b) Terms relating to grade and diameter shall mean the same as in the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 2851.680-2851.714) or in the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, California and Arizona) (7 CFR 2851.620-2851.653).

PART 944—FRUITS; IMPORT REGULATIONS

2. Section 944.312 is added to read as follows:

§ 944.312 Orange Import Regulation 13.

(a) *Applicability to imports.* Pursuant to section 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any oranges is prohibited on and after February 8, 1982, unless such oranges meet the minimum grade and size requirements specified in paragraphs (a)(1) and (a)(2) of § 906.365 Texas Orange and Grapefruit Regulation 34.

(b) It is hereby determined that oranges imported into the United States are in most direct competition with oranges grown in the Lower Rio Grande Valley in Texas, and that the grade and size requirements specified in this section are the same as those being made effective for Texas oranges in § 906.365.

(c) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of oranges that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of oranges, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Designating the Agencies to Perform Required Inspection and Certification (7 CFR Part 944).

(d) The term "importation" means release from custody of the United States Customs Service.

(e) *Minimum quantity exemption.* Any person may import up to 10% bushel cartons, or equivalent quantity, of oranges exempt from the requirements specified in this section, except for oranges which have been inspected and found not to meet such requirements.

(f) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

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

Dated: December 28, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 82-709 Filed 1-11-82; 8:45 am]

BILLING CODE 9410-02-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB-43]

Staff Accounting Bulletin No. 43

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: The interpretation in this Staff Accounting Bulletin indicates the staff's views on early adoption of the new rules for parent company and other financial disclosures announced in Accounting Series Release No. 302.

DATE: January 5, 1982.

FOR FURTHER INFORMATION CONTACT: Marc D. Oken (202-272-2130) or John W. Albert (202-272-2133), Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

George A. Fitzsimmons,

Secretary.

January 5, 1982.

Staff Accounting Bulletin No. 43

The staff hereby adds new topic, 6-K, which provides the staff's views on early adoption of the new rules for parent company and other financial disclosures announced in Accounting Series Release No. 302.

Topic 6: Interpretations of Accounting Series Releases

K. Accounting Series Release No. 302—*Separate Financial Statements Required by Regulation S-X.*

1. Early Adoption.
Facts: Accounting Series Release No. 302, issued in November 1981, announced amendments to Regulation S-X which significantly modified requirements for providing financial information in three separate reporting areas: the parent company

only, unconsolidated subsidiaries and 50 percent or less owned persons accounted for by the equity method, and consolidated subsidiaries engaged in diverse financial-type businesses. The rules become effective for companies with fiscal years ended after March 15, 1982, with earlier implementation encouraged. ASR No. 302 stipulates that where early application is elected, full application of the new rules is required.

Question: Will the requirement for full application of the new rules be interpreted to require that the registrant adopt the amended rules for all three reporting areas when any early adoption of the ASR No. 302 rules is elected?

Interpretive Response: No. Because the new rules generally relate to three separate matters, the requirement for full application of the new rules will be interpreted to require full compliance with the amended rules for those reporting areas for which early adoption is elected. A registrant may elect to early adopt the new rules in one or more of the three reporting areas.

[FR Doc. 82-783 Filed 1-11-82; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM80-55; Order No. 200]

Final Rule To Revise FERC Form No. 1, Annual Report of Electric Utilities, Licensees and Others (Class A and Class B)

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) revises Form No. 1, "Annual Report of Electric Utilities, Licensees and Others (Class A and Class B)" and the corresponding regulations at 18 CFR § 141.1. The changes reduce the number of schedules and data elements in the form, establish or alter threshold reporting levels in certain schedules and change reporting instructions in several schedules. The modifications reduce the number of data elements in the form by approximately 28 percent.

The changes in the form reflect the results of an ongoing Commission program to review all of its reporting requirements, to eliminate those data elements that are not necessary to the Commission's regulatory responsibilities and to reduce the reporting burdens of jurisdictional companies that file the information with the Commission.

EFFECTIVE DATE: This final rule is effective February 5, 1982.

FOR FURTHER INFORMATION CONTACT:

Elaine Dawson, Office of Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 3405-N, Washington, D.C. 20426, (202) 357-9190.

Daniel G. Lewis, Office of Electric Power Regulations, 825 North Capitol Street NE., Room 302-RB, Washington, D.C. 20426, (202) 376-9227.

SUPPLEMENTARY INFORMATION:

Issued: January 6, 1982.

The Federal Energy Regulatory Commission (Commission) is revising Form No. 1,¹ "Annual Report of Electric Utilities, Licensees and Others (Class A and Class B)"² and the related regulations at 18 CFR 141.1. These revisions are part of the Commission's ongoing program to review and evaluate information it collects for regulatory purposes and to eliminate any unnecessary reporting requirements. This rulemaking reduces the data collected in Form No. 1 by about 28 percent.

I. Background

Form No. 1 is collected by the Commission under the authority of sections 304 and 309 of the Federal Power Act (16 U.S.C. 792-828c).³ The information in the form is prescribed in § 141.1 of Commission's regulations.⁴ The form requires information on an annual basis from electric utility companies and certain hydroelectric production sources under the

¹ Form No. 1 (Appendix C) is not being printed by the Federal Register. Appendix A is also not being printed by the Federal Register. Appendix A contains the list of commenters and the discussion of the particular schedules by state agencies and other interested persons or groups. Copies of the Form No. 1 final rule, including appendices, may be obtained at the Commission's Division of Public Information, 825 North Capitol Street NE., Room 1000, Washington, D.C. 20426, (202) 357-8055. Blank copies of the form may be obtained at the Energy Information Administration.

² A Class A electric utility is one having annual electric operating revenues of \$2,500,000 or more. A Class B electric utility is one having annual electric operating revenues of \$1,000,000 or more but less than \$2,500,000. See Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class A and Class B), 18 CFR Part 101.

³ The authority under section 309 of the Federal Power Act was transferred to the Commission from its predecessor, the Federal Power Commission, pursuant to section 402(a)(2)(A) of the Department of Energy Organization Act (DOE Act) (42 U.S.C. 7101-7352). The authority under section 304 was transferred to the Secretary of Energy under the DOE Act and the Secretary delegated this section 304 authority to the Commission in Delegation Order No. 0204-1 (October 1, 1977).

⁴ Form No. 1 was initially prescribed in 1937. The form has been revised 65 times prior to this final rule.

Commission's jurisdiction. The form primarily collects general corporate information; summary financial information; balance sheet and income statement supporting information; and electric plant, sales, operating and statistical data.

The Notice of Proposed Rulemaking to revise Form No. 1 was issued on July 10, 1980 (45 FR 47705, July 16, 1980). The notice provided for changes to 55 schedules in the Form No. 1. The proposed revisions included: (1) eliminating the requirement for Certified Public Accountant certification on fourteen of the eighteen schedules presently requiring such certification, (2) establishing specific reporting thresholds for eight schedules, (3) revising the instructions on nine schedules, (4) deleting reporting columns from four schedules, and (5) deleting thirty-five schedules in their entirety. The Commission stated that it proposed the deletions because it no longer needed the information to perform its regulatory functions. The changes to the form would also result in a reduction in reporting burdens. The notice also provided that this rulemaking would not affect Schedules 431-502 of Form No. 1; instead these schedules would be examined during the Commission's evaluation of related reporting requirements. In addition, the notice provided that modified versions of the form which are filed by certain Federal entities would be considered in a separate rulemaking.⁵

In response to requests by the public, the Commission published two notices to extend the comment period and to provide that the Commission staff would meet informally with interested persons who wished to discuss the rulemaking.⁶ Such informal meetings were held on October 9, 14, and 16, 1980.

II. Summary and Analysis of Comments

A. General

In response to the Notice of Proposed Rulemaking, the Commission received 121 comments: 65 from jurisdictional electric utility companies, 13 from state utility regulatory commissions, three from certified public accountant firms, one from a group of cooperatives, one from a group of municipalities and the

⁵ On May 25, 1981, the Commission issued a final rule to eliminate these modified versions of Form No. 1 that are filed by Federal entities under § 141.1 (Docket No. RM81-3, Order No. 146, 46 FR 29459, June 2, 1981).

⁶ These notices were issued on September 11, 1980 (45 FR 63296, September 24, 1980) and on October 17, 1980 (45 FR 70476, October 24, 1980).

remaining 38 from other individuals or groups.⁷

The utility companies expressed overwhelming support for the changes to Form No. 1 and repeatedly said that the revisions would result in considerable savings of time and cost. In addition, nineteen of the utilities submitted estimates of cost savings that would result from the proposed changes; these estimates varied from \$1,800 to \$30,000 per year. Many of the companies suggested further changes to the particular schedules, which are discussed in detail in Part E below.

In contrast, most of the other commenters, including the state regulatory commissions, opposed some or all of the proposed deletions to the form. These commenters said that the information in the form proposed for deletion is necessary to their particular functions or to the public. Their comments are discussed in greater detail in Part D, below.

B. Responses to Specific Questions

The Commission posed five questions in the notice to revise Form No. 1. Comments were submitted on each of these questions.

1.a. Do the proposed revisions or elimination of data affect any Commission or State regulatory functions?

Of the twenty-seven investor-owned utility companies that answered this question, seventeen said there would be no effect on Commission or state regulatory functions. Six companies responded that they were not aware of the effect the proposed revisions would have on Commission or state regulatory functions. Four companies said the revisions would affect the regulatory functions of their state commissions because these agencies also require the filing of the Form No. 1 or a form similar to the Form No. 1.

Three state commissions responded directly to this question. One said that the proposed changes in Form No. 1 would affect its regulatory responsibilities and offered specific comments on individual items that would be affected (see Appendix A); one said that the proposed revisions may affect state regulatory functions but did not say what the effect would be; and one said that the changes would not affect its functions. The power cooperatives said that the changes would affect the Commission's and the states' regulatory functions because many of the data are necessary for an ongoing enforcement of the Federal Power Act by intervenors acting as

"Private Attorneys General" and because many state commissions rely on information in the Form No. 1 or in their equivalent form patterned after the Form No. 1.

1.b. Will state agencies now using this report form in the exercise of their own regulatory responsibilities agree to reduce their reporting requirements concurrently?

The Commission received ten comments from utility companies in response to this question. Three of these stated that their respective state agencies would concurrently reduce the reporting requirements, one said that it would not, and the remaining six said that they did not know.

Eight state commissions responded specifically to this question. Of these, one said that it would reduce its reporting requirements concurrently and the others said that they would continue to collect some or all of the information proposed for deletion from Form No. 1, even though it would require additional expenditures of time and effort to do so.

In spite of the comments that the data should be retained, the Commission believes that it is in the public interest to delete part of the information from the Form No. 1, even though the data may, in some instances, continue to be collected by certain state agencies. Retaining data that are not used by the Commission would place an unnecessary burden on those companies that file Form No. 1 with the Commission as well as on those companies reporting to state agencies that will revise their reporting requirements to correspond with the commission's changes to Form No. 1. Furthermore, the Commission is required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520) to minimize both the burdens upon those who file information with the Federal Government and the associated costs of such paperwork for the Federal Government. Justifying the collection of data deleted by the Commission from the Form No. 1 will, therefore, be at the state level.

2. Is there any reason for continued collection of the data for the purposes of another Federal agency?

Sixteen utility companies, one accounting company, and one state commission responded to this question. Thirteen of the utility companies and the accounting firm said there was no reason for the continued collection of the data. Three of the utility companies stated that some of the information proposed for deletion was required by the Internal Revenue Service, the Securities and Exchange Commission and the Department of Energy. The state

commission that responded to this question said that there was no reason for continued collection of the data.

Although other agencies may require the collection of data that would be deleted from Form No. 1, the Commission does not believe that this alone is a sufficient reason for retaining the data. Each Federal agency must justify its own information-collection requirements and the Commission does not believe it should collect information only for the convenience of other Federal agencies if it is not otherwise required in its own regulatory processes.

3. What cost savings are likely to result from the proposed elimination of the 14 CPA certifications?

The Commission proposed to delete the certification requirement by Certified Public Accountants (CPA's) from fourteen schedules and retain it for the four basic financial statements required in the revised Form No. 1: the Balance Sheet, the Income Statement, the Statement of Retained Earnings, and the Statement of Change in Financial Position.

Twenty-eight utility companies, three CPA firms, one state commission and one power cooperative responded to this question. The utility companies said that there would be some savings as a result of the elimination of these CPA certifications. Of these companies, six characterized the savings as "significant" and eight said the savings were "insignificant." Actual estimates of savings varied, however, from \$750 annually to \$6,250. One company said there would be no cost savings at all. Four utility companies could not give estimates of the savings that would result from the elimination of the fourteen CPA certification.

The one state commission responding to this question claimed that there would be no cost savings in eliminating the CPA certification requirement. The power cooperatives said that the CPA certification requirement should be retained "to help ensure the integrity" of the information furnished in Form No. 1.

Two of the CPA firms that responded to this question said that the reduction in costs would be minimal because the basic financial statements in the Form No. 1 would still have to be certified, and these statements are summaries of most of the schedules presently required to be certified in the form. One other CPA firm said that any cost savings could only be measured in relation to individual examinations and not for the industry as a whole.

The Commission has deleted the certification requirement for the

⁷The list of commenters appears at Appendix A.

fourteen schedules because the deletions do not adversely affect the validity of the form. As was noted by two of the CPA firms, the four basic financial statements are essentially summaries of information reported elsewhere in the form, including the fourteen schedules. The continued certification of the fourteen schedules is redundant and, therefore, unnecessary because these schedules are reviewed as part of the certification of the four basic statements.

One of the CPA firms responding to the question also suggested that the Commission require that the CPA report be drafted according to the standards of the American Institute of Certified Public Accountants—Statement on Auditing Standards, No. 14, Special Reports. The commenter added that the CPA report should apply only to financial statements as a whole and not to individual account balances or segment information, or else the scope of the report would be burdensomely increased. Finally, the commenter stated that the CPA report should not cover additional notes to the financial statements that are not in the Report to the Shareholders.

The changes suggested by this company would affect other Commission reporting requirements and are, therefore, beyond the scope of this rulemaking. These suggestions will, however, be considered for any future revisions to the CPA certification requirements.

4. What are the merits of using a percentage of the year end account balance rather than the selected fixed dollar figure in establishing a threshold for "minor items"?

Thirty-two of the utility companies and one CPA firm responding to this question said that they preferred the percentage of the year-end account balance rather than a fixed dollar threshold because the percentage threshold would eliminate much burdensome detail and result in more reliable reports during times of inflation. They also claimed that the percentage threshold minimized reporting differences due to company size.

One utility company, however, preferred a dollar threshold because of the immateriality of some of the year-end account balances.

Six other utility companies preferred a combination dollar and percentage threshold because the combined threshold would provide pertinent data and still eliminate details that are of questionable value. One of these six preferred the continued use of both methods to properly account for the

various respondents' sizes and circumstances.

The four state commissions that responded to the question preferred the dollar amount method because they claimed that percentage reporting may eliminate too many significant data for the large utility companies and may include too much information for the small companies.

The Commission has carefully reviewed each of the comments on the threshold issue in light of its need for detail in the particular schedules. Unfortunately, no one method (dollar, percentage or a combination of both) is suitable to all of the schedules. Therefore, the Commission has used a schedule-by-schedule approach to setting thresholds so that its needs may be met for details unique to each schedule, while at the same time, the reporting burden can be kept to a minimum.

5. What is the effect of deleting the index from the back of the report form?

The Commission received comments from 55 participants, including comments by utility companies, state commissions and others. Twenty of these comments, all from utility companies, said that there would be no significant adverse effect as a result of deleting the index. These were joined by one state commission and one other commenter who said that the index could be eliminated without any adverse effects.

On the other hand, thirteen utilities, one CPA firm, five state commissions and four other commenters objected to the deletion of the index because it is a valuable tool for quickly locating information in the form.

Finally, seven utility companies and three other commenters urged the Commission to retain an index, but added that the current index should be updated and reprinted in larger type.

Given these comments, the Commission has retained the Index, as requested and has revised and reprinted it to be more useful and legible.

C. Other General Issues

1. *Differences in Format Between the Form No. 1 and Form No. 2.* Certain commenters to this rulemaking said that the proposed changes for schedules in the Form No. 1 did not always correspond to the changes proposed for similar schedules in the Form No. 2. Form No. 2 is the "Annual Report of Natural Gas Companies (Class A and Class B)" and is essentially the "gas" counterpart of Form No. 1.⁸ Some of the

⁸The Commission issued a Notice of Proposed Rulemaking to revise Form No. 2 on July 1, 1980 (45

companies that file both Form Nos. 1 and 2 with the Commission or with state agencies argued that schedules common to both forms should be treated similarly so as to reduce reporting burdens.

The Commission has, where possible, made conforming changes to both forms. In many instances, however, it is necessary to require information of electric utilities that is different from that required of the gas companies. This is because of the differences in the operations of electric and gas companies and in the types of statutes and regulations under which they operate. Moreover, the Commission regulates about 80 percent of the total natural gas revenues as compared to only about 15 percent of the total electric revenues, and this factor affects the amount of detailed required for effective regulation.

2. *Duplications in Reports Filed Under PURPA.* Two commenters urged the Commission to eliminate duplications between the requirements in the Form No. 1 and the biennial filings required under section 133 of the Public Utility Regulatory Policies Act (PURPA) (18 CFR Part 290).

Section 133 of PURPA specifically requires that certain information respecting costs of service be collected from utilities and provides that this information is collected for the benefit of the public. Some of the data collected for the public under section 133 is also required by the Commission in Form No. 1 for its regulatory purposes. In order to alleviate any burdens resulting from duplicate filings under section 133 and Form No. 1, the Commission will accept copies of the pages of Form No. 1 in response to the section 133 requirements that prescribe the same or similar data.⁹ The Commission notes that this involves the duplication of only a few pages of the Form No. 1 and presents only a minimal burden for responding companies.

D. Discussion of General Comments of State Agencies, and Other Interested Persons or Groups

The general comments of the state commissions and other interested persons or groups were concerned with three basic issues: (1) the Commission's

FR 46075, July 9, 1980), only 9 days before it issued the Form No. 1 notice. In some cases, commenters filed responses to both notices at the same time. Certain other commenters merely referred to the Form No. 1 changes in their Form No. 2 comments, and vice versa. The Form No. 2 revisions were finalized on January 9, 1981 (Docket No. RM80-56, Order No. 121, 45 FR 6885, January 22, 1981).

⁹The Commission specifically referenced Form No. 1 in portions of the regulations implementing section 133. (See, e.g., 18 CFR 290.201(j), 290.402(a).)

responsibilities to the public, (2) the continued need for Form No. 1 data in light of that responsibility, and (3) the procedures used in this rulemaking.

1. *The Commission's Responsibilities to the Public.* The Notice of Proposed Rulemaking provided a criterion for deleting information from the Form No. 1. That criterion was to review data elements in light of the Commission's regulatory responsibilities and to eliminate the elements unnecessary to those responsibilities. Many commenters, objecting to the criterion, stated that the Commission is responsible to a larger constituency than its own staff, that is, the public. These commenters claimed that the form contained the most complete data respecting fiscal utility activities and was the general public's only nationwide uniform and comprehensive source of utility financial records that is easily accessible and of proven use.

One commenter noted that the public does not have the authority that government agencies have to obtain the additional data from the large utilities and that the Commission could best perform its role as "Federal overseers [sic] of the interstate monopolistic system" by continuing to make available "information properly required for maintenance of the public trust." Other commenters noted that the continued collection of the data by the Commission would correspond to the statutory intent of the Federal Power Act and of the Public Utility Regulatory Policies Act by collecting information from utility companies.

One commenter criticized the Commission's statement in the notice that the Energy Information Administration (EIA) "may decide on behalf of itself or some other sponsors within the Department of Energy to continue the collection of some data proposed for deletion" in Form No. 1. Another commenter claimed that such a decision by EIA or another agency within the Department "is exceedingly remote". The commenter said that the Commission is the lead agency in this matter, and its decision in this rulemaking will establish a policy for both reporting companies and the users of Form No. 1 data.

The Commission believes that the reductions made in the Form No. 1 do not contradict its responsibilities under law or its responsibilities to the public at large. In fact, the Commission is continuing the collection of hundreds of data items in the Form No. 1, and in other reporting requirements, that are essential to its responsibilities under the Federal Power Act and other statutes. This Commission's proper role is not to

serve merely as a collector and disseminator of energy information where that information is not needed to perform its regulatory functions. Under the Department of Energy Organization Act (DOE Act) (42 U.S.C. 7101-7353), the general energy information collection role is assigned to the Energy Information Administration (EIA), which is specifically:

Responsible for carrying out a central, comprehensive and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs. (Section 205(a)(2) of the DOE Act)

Although EIA has not assumed the responsibility for gathering the information that is deleted from the Form No. 1, the Commission is not, thereby, authorized to resume the collection of data that the Commission no longer uses or requires.

The Commission's data gathering authority has also been affected by the Paperwork Reduction Act of 1980 (Act) (44 U.S.C. 3501-3520). The purpose of the Act, among other things, is to minimize the burden of Federal paperwork upon others and to minimize the cost to the Federal Government of collecting, maintaining, using and disseminating information. The collection of much of the information required by Federal agencies is subject to the approval of the Director of the Office of Management and Budget. Among the responsibilities of the Director is to determine "whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have a practical utility for the agency" (section 3504(c)(2)). Agencies are required to meet certain criteria before they can collect information, such as reducing "to the extent practicable and appropriate, the burden on persons who provide information to the agency", and formulating plans to tabulate information in order to enhance its usefulness to other agencies and to the public (section 3507(a)(1)). The Act also provides for the designation of a central collection agency, which, in the case of the Department of Energy and the Commission, is the Energy Information Administration. An agency may not collect for itself information which it is the duty of its central collection agency to obtain (section 3509). Therefore, in

addition to the Commission's discretion under the Federal Power Act to determine what information it must collect to meet its statutory responsibilities, the DOE Act and the Paperwork Reduction Act, read together, support the Commission's policy of collecting only information it needs to carry out its regulatory responsibilities.

Nevertheless, the Commission still requires the reporting of numerous items in the Form No. 1 and in other public utility filing requirements. In addition, discovery procedures remain available to participants in electric utility ratemaking and licensing proceedings before the Commission and can be used to obtain any necessary data that are not set out in the Form No. 1.

One commenter stressed that by proposing to delete several schedules from Form No. 1, the Commission has failed to perform "one of its primary functions which is to provide leadership and guidance to the State's regulatory bodies". Data that are allegedly found only in the Form No. 1 were said to be used by state agencies for investigations, in ratemaking proceedings, in formulating policy recommendations, and for performing other tasks. Similarly, the information was said to be used extensively by publicly-owned systems in the review of electric rate cases and for initiating certain proceedings before the Commission. One Senator commented that the Form No. 1 data are used by Congress as a "tool in making policies affecting the rates and structures of the electric utility industry". He added that any reductions or deletions of information in the form would constitute a "grave disservice to the principle of public accountability".

The Commission believes that it has not failed to provide leadership and guidance to the state regulatory bodies by revising Form No. 1. These state agencies may still exercise their own authority to require the deleted Form No. 1 data from electric utilities under their jurisdiction. The state and publicly-owned systems can also use discovery tools to require such information from companies during Commission rate proceedings. While the Commission understands the Senator's concern, it believes that reduction of information collected in Form No. 1 will not constitute a disservice to the principle of public accountability. Numerous data elements are still being collected in the revised Form No. 1 and there are other tools to collect information, as needed, such as the Commission's authority to collect "special reports" pursuant to section 304 of the Federal Power Act.

2. *The Continued Need for Form No. 1 Data.* Commenters who identified themselves as intervenors in Commission rate cases stated that all of the information in the report is extremely useful to rate case preparation and that, if the data requirements in the Form No. 1 were eliminated, the information would, nevertheless, be requested from utility companies through discovery. They noted, however, that the discovery process is only available while a proceeding is actually pending. Therefore, the Form No. 1 information that would be deleted by this rule would be inaccessible to intervenors at other times. They said that this would be unacceptable, especially since the current data are available in a comprehensive, regular annual submission. Commenters also said that the costs to obtain the deleted data or to enter proceedings without sufficient information would likely exceed, by a significant margin, any savings that utilities may achieve as a result of the proposed revisions.

Commenters also alleged that there was insufficient evidence given in the notice to show that utilities are burdened by the Form No. 1 requirements which are proposed for deletion. The utilities' workload would not be decreased in the long run, according to the commenters, because discovery proceedings to retrieve deleted data could result in greater expenditures of time, money and effort for utilities than when they were required to report this information in Form No. 1. The delays from these lengthy discovery proceedings would be especially evident if the sought-after data, which were previously reported in Form No. 1, were not available anywhere else. For instance, data deleted from Form No. 1 could be entirely lost because utility companies would stop keeping records of information which is no longer required by the Commission.

The Commission agrees that the information deleted from the Form No. 1 may be useful to persons outside of the Commission. However, there are many types of energy information that the Commission does not now collect, nor ever did collect, that would be beneficial or desirable to some individual or some group. This Commission is not, thereby, authorized to gather data for other persons that it does not actually use for its own regulatory purposes. This principle also applies to the collection of the deleted Form No. 1 data. The Commission does not agree that the costs for and efforts of interested

persons to acquire this information from utility companies will exceed the benefit to the utilities as a result of the reductions to the form. Many of the utility companies that responded to the notice stated that the savings in time and cost would be significant. The extent of savings, however, should not be the deciding factor in this rulemaking because, again, it is the Commission's policy that it should not require any data that are not essential to the Commission in discharging its regulatory duties.

According to the commenters, delays from an extended discovery process would also contradict the Commission's Order No. 91, "Revised Requirement for Filing Changes in Electric Rates Schedules and for the preparation and Submission of Supporting Data." (Docket No. RM79-64, issued June 27, 1980, 45 FR 46352, July 10, 1980). Order No. 91 was designed to provide the Commission and other parties with as much information as possible at the beginning of a rate proceeding and to streamline the rate case litigation process. The commenters added that many of the proposed changes to the filing requirements rulemaking were acceptable to publicly-owned systems because such changes meshed well with the requirements in Form No. 1.

The Commission does not believe that the Form No. 1 revisions conflict with Order No. 91. In Order No. 91, certain data were required to be filed with the Commission earlier in a rate proceeding than were formerly required. In the present rulemaking, certain data are eliminated from a Commission form. In both proceedings, however, the Commission is requiring only the filing of information that is essential to the performance of its regulatory functions. In both proceedings, the primary purpose for collecting data is to assist the Commission in its work, even though the data collection affects other entities as well.¹⁰

3. *Procedural Issues.* Several commenters raised concerns about how the Form No. 1 rulemaking proceeding was conducted. One frequently-mentioned problem of consumer representatives pertained to a meeting held on June 11, 1980, a month before the

¹⁰ Order No. 91 provided that data concerning customer advances for construction and miscellaneous reserves were no longer required as part of a rate case filing because the Commission required them in Form No. 1 (at pages 224 and 226, respectively). However, the Commission has eliminated the detailed reporting of this information from the Form No. 1 and only requires that the information be reported on the balance sheet. The Commission made these deletions because, upon reevaluation, it found that summaries of these data were sufficient for its needs.

Notice of Proposed Rulemaking was issued. According to some commenters, the Commission's purpose for the meeting was to obtain suggestions from members of industry about changes to Form No. 1 and Form No. 2. They noted that Commission staff members and representatives of natural gas and utility companies and their trade associations attended the meeting but that no users of Form Nos. 1 or 2 data were invited to the meeting nor was it mentioned in the Form No. 1 or 2 notices. According to the comments, the advance notice gave to the industry representatives an unfair advantage over consumers in the length of time to prepare their comments in response to the Form No. 1 proposal. The commenters argued that the comment period for Form No. 1 was extended as a means to remedy this inequity.¹¹ The commenters stated that the Commission should have notified consumers, or at least consumer groups in the District of Columbia area, about this June, 1980 meeting. This lack of notice was said to have contradicted the objectives of the Commission's efforts to provide consumers with better information and opportunities to participate in proceedings. The Commission was also criticized for failing to meet collectively with representatives of consumer groups or other organizations that rely on Form No. 1.

The Commission does not believe that the procedures in this rulemaking have invalidated the proceeding. As the commenters said, the Commission staff held a meeting on June 11, 1980, with members of the electric and gas industries and their trade associations. The purpose of this meeting, however, was to distribute copies of the proposed Form No. 1 and Form No. 2 prior to the actual Notice of Proposed Rulemaking.¹² The reason for this early distribution was to provide an opportunity to industry representatives to discuss the administrative aspects of each form and to permit industry sufficient time to determine what changes would be necessary to their own data gathering procedures in order to comply with the proposed revisions to the forms. The meeting and distribution of the forms was viewed by the Commission staff simply a courtesy for those who must comply with these sizeable requirements. Prior to the meeting, the representatives were advised that the

¹¹ See footnote 6, *supra*, and accompanying text.

¹² See footnote 8, *supra* and accompanying text for a discussion of Form No. 2. The Form Nos. 1 and 2 collect similar data from the electric and gas industries, respectively, and many of the same changes were proposed for both forms.

Commission staff would answer no questions about substantive changes to the form nor about the policy behind the proposed changes to the form. At the meeting, only questions about the administrative aspects of the proposed form were answered. Because neither the substantive changes nor the Commission's policy in proposing the changes were to be discussed in the meeting, the Commission staff was of the opinion that it was neither necessary nor beneficial for others who do not file the form to attend the meeting.

In response to requests, the Commission twice extended the comment period in this rulemaking to accommodate all interested persons. The Commission staff also held informal meetings to discuss the proposed substantive changes to Form No. 1 with each of the parties that requested such a meeting. (See footnote 6 and accompanying text.) The reason that the Commission staff did not meet collectively with representatives of consumer groups in these informal meetings was so that the staff could concentrate on the particular comments of each party instead of hearing and addressing a potentially wide variety of concerns.

For the foregoing reasons, the Commission believes that the rights and interests of both industry representatives and members of the public have been adequately protected in this proceeding, especially in view of the length of the comment period and the opportunities for meetings that staff has presented for interested parties to discuss changes to the form. The Commission has given equal consideration to the comments of those who file the information and those who use it.

A second procedural issue raised by some of the commenters in this rulemaking related to the lack of justification in the notice for deleting particular schedules from the form. The commenters objected because the Commission stated only that the revisions were to be made because certain data were no longer needed for Commission regulatory purposes. Commenters argued that, while the elimination of unnecessary paperwork is to be commended, the Commission has a responsibility, especially to those not concerned with preparing the form, to provide specific explanations for each of the proposed deletions. Some commenters stated that the procedural difficulties should be addressed through a new Notice of Proposed Rulemaking which discussed the evaluations of the Form No. 1 made by the Commission

and the rationale behind each of the proposed changes.

The Commission does not believe that a new notice with a schedule-by-schedule or item-by-item explanation for the deletions and revisions in the form would be better than the statement that certain items are deleted because the Commission no longer needs the data for its regulatory purposes. The Commission's policy and the proposed changes are the same in either case.

The Commission notes that Section 304 of the Federal Power Act provides that licensees and public utilities "shall file with the Commission such annual or other periodic or special reports as the Commission may by rules and regulations or order prescribe as necessary or appropriate to assist the Commission in the proper administration of this Act." Section 309 of the Federal Power Act provides that the Commission is authorized to "perform any and all acts, and to prescribe, issue, make, amend, and recind such orders, rules and regulations as it may find necessary or appropriate to carry out the provisions of this Act." Read together, these provisions authorize the Commission to determine what it needs, and what it does not need, to best perform its statutory responsibilities. Although persons outside of the agency have used the Form No. 1 for their own purposes, the Commission must still determine what information is useful to its own functions.

E. Discussion of Comments on Particular Schedules

Following is a schedule-by-schedule analysis of the comments that were submitted by the public utility companies in response to the notice to revise Form No. 1. Many of the state agencies and other interested persons and groups also submitted comments to the particular schedules. The Commission has reviewed all of these comments to each of the schedules and has attached a summary of them at Appendix A.¹³ The Commission has not, however, included a separate analysis for these comments because, for the most part, they requested that the Commission retain information that was proposed for deletion. The commenters stated that they had use for the information to be deleted even though the Commission did not require it. As the Commission has said repeatedly in this final rule, data should not be

retained by this Commission if they are no longer necessary to the performance of the Commission's regulatory responsibilities.

As mentioned above, the comments of the electric utility companies strongly supported the proposed changes to Form No. 1. Many of these commenters also offered suggestions for additional changes to particular schedules of the form.¹⁴

1. *All Schedules, and Pages i and ii, General Instructions (New Pages i-iv).* One commenter questioned the need to show the name of the respondent and the year of submission on both sides of each page in the form. The Commission will continue to require the name of the respondent and year of submission at the top of the page to identify corrected or changed information that is submitted by respondents at times during the year other than the normal filing date.

Another commenter suggested that the pages of the form be renumbered after final revisions have been adopted, that a larger type be used for page numbers and that the page numbers be moved from the bottom of the pages to the upper corners. The Commission has used a larger type for page numbers and has renumbered the pages in the revised form, as requested. The page numbers will remain centered on the bottom of the page because moving the page numbers would be of little benefit and could cause confusion for many respondents.

Several commenters suggested changing all references to "kW" and "kWh" to "MW" and "MWh" to conform to current usage and to save space and preparation time. The Commission agrees with this suggestion and has made the changes to MW and MWh on each of the pages where kW and kWh had been used.

Three of the commenters questioned the need for many of the schedules' columns that require only arithmetic calculations and do not provide any additional information. The Commission has eliminated most of the columns requiring only arithmetic calculations. Those that have been retained are necessary to a proper understanding of the data.

Commenters requested that the Commission allow companies to insert in Form No. 1 copies of pages from reports filed with other agencies that request the same information as the

¹³ Appendix A is not being printed by the Federal Register. Copies of this Appendix may be obtained at the Commission's Division of Public Information. See footnote 1.

¹⁴ The responses of electric utility companies to specific questions in the notice are reviewed at Part B, above, and certain other general issues in the form are discussed at Part C, above.

Form No. 1.¹⁵ The Commission will accept pages from other reports if those pages are in a substantially similar format as the corresponding Form No. 1 pages.

Several commenters suggested that respondents should report dollar amounts in Form No. 1 rounded to the nearest thousand. This suggestion has been rejected. Instead, the General Instructions now provide that amounts can be reported to the nearest cent or rounded to the nearest dollar. In addition, respondents having computerized accounting systems may report amounts by truncating the cents.

One comment suggested that respondents should be allowed to submit computer printed schedules if they are in substantially the same format as that of the form. The Commission will accept computer printed schedules in substantially the same format, which are reduced to an 8½ inch x 11 inch size.

Finally, one commenter suggested that the filing deadline be changed from March 31 to April 30. The Commission has made the requested change. As a result, the filing date of Form No. 1 is the same as that of Form No. 2.

2. Page 101-101A, General Information (New Page 101). Several commenters suggested that the Commission eliminate Instruction 5 from this page. Instruction 5 requires details about each class of security of a respondent that is now registered or will be registered on a national securities exchange. The comments alleged that these data could be obtained from other sources, such as the Securities and Exchange Commission (SEC) Form 10-K, "Annual Report Pursuant to Section 13 or 15(d) of the Securities and Exchange Act of 1934". Other comments favored the deletion of Instruction 5 from Page 101 and the addition of an instruction requiring the name of exchange for each listed security on Page 211, "Unamortized Debt Expense, Premium and Discount on Long-Term Debt"; Page 215, "Capital Stock"; and Page 219, "Long-Term Debt".

In response to these suggestions, the Commission has eliminated Instruction 5 from Page 101 and has added a requirement on Page 215 (new Page 250) to identify the stock exchange for each listed security. This requirement will not be added to Pages 211 and 219 (new Pages 256-257) because the long-term data on Pages 256-257 contain the necessary securities information.

¹⁵ In this particular case, one commenter asked to use the detail in the Annual Report to Shareholders in lieu of the information required on Page 215, "Capital Stock", and Page 219, "Long-Term Debt".

However, if the stock exchange identification information is reported by a respondent on the SEC Form No. 10-K, the respondent may make specific reference to SEC Form No. 10-K on Page 250, provided that the reporting period of the SEC form coincides with that of the Form No. 1. The instructions on Pages 250 and 256-257 have been modified accordingly.

The Commission has also modified Instruction 6 concerning the identification of independent accountants, because this instruction had required much of the same information as Item 14 of the General Instructions. The duplicative data have been eliminated and Instruction 6 (renumbered as Instruction 5) now requires only the reporting of a change in the respondent's principal accountant.

3. Pages 102 and 103, Control Over Respondent (new Page 102), and Corporations Controlled by Respondent (new Page 103). The Commission has added a new instruction to each of these pages to provide that the Commission will accept a reference to the SEC Form No. 10-K in response to the data required on these pages, as long as the information in the SEC form is in a substantially similar format as that of Pages 102 and 103 and covers the same reporting period as that required by the Form No. 1.

4. Page 104, Officers (new Page 104). Two commenters questioned the need to report salary information in column (c) of this page since these data are also reported in SEC filings. In response to these comments, the Commission notes that Instruction 3 on this page provides that respondents may file a copy of Item 4 of the Securities and Exchange Commission Regulation S-K in lieu of the information required on this page. The Commission will continue to accept the information from the SEC filing (including salary information), in lieu of reporting it on the page.

5. Page 105, Directors (new Page 105). Several commenters argued against collecting information in columns (c), "Term Began"; (d), "Term Expires"; (e), "Directors' Meetings Attended During Year"; and (f), "Fees During Year". The Commission has eliminated columns (c) through (f), as suggested, because, upon review, it is not essential for Commission review.

6. Pages 106-107, Security Holders and Voting Powers (new Pages 106-107). One commenter questioned the Commission's need for data in Instruction 1(B), pertaining to the voting powers of each officer and director of the reporting company. Another commenter suggested that the

instruction should at least be modified to show the intent of its writers and should be clarified as to its scope.

The Commission has deleted Instruction 1(B), as suggested, because it is not essential to the Commission's regulatory functions.

7. Pages 108-109, Important Changes During the Year (new Pages 108-109). One commenter said that Page 108 should be revised to include Instruction 6 from Page 108 of Form No. 2 (requiring the estimated increase or decrease in annual revenue due to important rate changes) and that instructions applicable to data reported in both Form Nos. 1 and 2 should be numbered the same in each of the forms.

The Commission has renumbered the instructions on Page 108 of Form Nos. 1 and 2 so they are consistent with each other. However, Instruction 6 (new Instruction 11 in Form No. 2) has not been added to the Form No. 1 because the increase/decrease data can be obtained by the Commission, as necessary, in individual electric rate cases. Because the instruction requiring this information is retained in Form No. 2, however, a corresponding space (for Instruction 11) is reserved in Form No. 1 to maintain the consistency between the forms.

One commenter requested the deletion of Instructions 3, 4, 6 and 11 on Page 108 of Form No. 1 because the information is duplicated elsewhere on the form. (Instruction 3 requires data on the purchase or sale of an operating unit or system; Instruction 4 requires data on obligations incurred or assumed by the respondent or guarantor and Instruction 11 collects information on generating units placed in service during the year.) Another commenter requested that Instruction 11 (list of electric generating units placed in service during the year) be transferred to Page 435, "Changes Made or Scheduled to be Made in Generating Plant Capacities" to consolidate all information about changes to generating units on a single page.

The Commission has retained Instructions 3, 4 and 6 on Page 108 because this is the only schedule that reports the details on the particular transactions. In addition, Instruction 6 has been revised to include information respecting short-term issues so that Page 220 can be deleted. (See *infra*, discussion about Pages 211, 219 and 220.) Instruction 11 has been deleted because information on Page 435 is sufficient for Commission regulatory purposes.

8. Pages 110-111, Comparative Balance Sheet (New Pages 110-113).

Two commenters suggested that Account 122, "Accumulated Provision for Depreciation and Amortization of Nonutility Property" (Page 201), and Account 222, "Reacquired Bonds" (Page 219) should be located on separate lines of the Comparative Balance Sheet rather than netted, respectively, with the related Accounts 121, "Nonutility Property" (Page 201), and 221, "Bonds". The separate lines have been provided for these accounts, as suggested.

One commenter recommended that the cost figure on Line 16, "Investment in Subsidiary Companies" should be transferred as a footnote to Page 203, "Investment in Subsidiary Companies". The change has been made, as suggested, and the instructions have been modified accordingly. The commenter also suggested that a separate line be included on the balance sheet to show the balance for Account 144, "Accumulated Provision for Uncollectible Accounts—CR" (Page 204), since the details of that account were proposed for deletion from Page 204. The Commission has also made this change.

Finally, the same commenter suggested that the amount shown in column (a) for Account 222, "Reacquired Bonds" (Page 219) should be deleted since this amount appears on Page 219 in column (g). The amount has not been deleted because it would prevent the balance sheet from being balanced. Instead, the Commission has moved the amount for Account 222 from column (a) to columns (c), "Balance Beginning of Year", and (d), "Balance End of Year" for clarity and for ease of reporting.

9. *Page 112, Notes to Balance Sheet (New Pages 122–123, entitled Notes to Financial Statements)*. Two commenters suggested that this schedule be deleted and replaced by a new schedule entitled, "Notes to Financial Statements", which would consolidate all financial notes on one schedule. The Commission agrees with this suggestion, and for ease of reporting, has consolidated these notes on Pages 122–123, under the suggested heading, "Notes to Financial Statements".

10. *Page 113, Summary of Utility Plant Accumulated Provisions for Depreciation, Amortization and Depletion (New Page 200)*. One commenter suggested that, to avoid confusion, line 14, "Net Utility Plant" should be revised to read, "Net Utility Plant, Less Nuclear Fuel" to correspond to column (a), line 6 of the "Comparative Balance Sheet" (Page 110) entitled "Net Utility Plant, Less Nuclear Fuel". The suggested change has been made so that both items now read, "Net Utility Plant, less Nuclear Fuel."

11. *Pages 114–116A, Statement of Income for the Year (New Pages 114–117)*. Several commenters suggested that the format used for the "Comparative Balance Sheet" (Page 110) should be used for this schedule, as well, including changing the references to "Increase or (decrease) from the preceding year" so that only the "previous year's" data are required. The Commission has made these changes, as suggested for ease of reporting.

12. *Pages 117–117A, Statement of Retained Earnings for the Year—Statement D (New Pages 118–119)*. One commenter stated that the reporting burden associated with the issuances of preferred stock would be lessened if the requirement to report dividends per share for each security was eliminated from this schedule. The Commission has made the suggested change because the deleted information can be obtained by reference to Page 215, "Capital Stock".

Another commenter suggested that Instruction 8 should be changed to correspond to Instruction 6 on Page 112, "Notes to Balance Sheet". Both instructions require the attachment of any applicable notes from the Report to Stockholders. The Commission has consolidated all notes to financial statements on Pages 122–123. The instructions on those pages have been revised to allow the attachment to Form No. 1 of the notes to the Financial Statement from the report to Stockholders, provided the information required in Form No. 1 is reported in those notes.

13. *Page 200, Nuclear Fuel Materials (New Page 201)*. Several commenters suggested that this page be deleted and the respective account balances be included in the proposed detailed balance sheet. One commenter stated that, as an alternative, the reporting of these items should be moved to Page 113, "Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion". This commenter also recommended the elimination of items 14–21, "Estimated net salvage value of nuclear fuel materials" and "Nuclear materials held for sale", because these items would always be equal to zero.

The suggested changes have not been adopted because the details reported on this page are necessary to the evaluation of the various aspects of nuclear fuel. Moving the information to Page 113 would not result in any material benefits; therefore, the data will continue to be reported on a separate page.

14. *Page 201, Nonutility Property (New Page 215)*. One commenter suggested that only the beginning and

ending balances be reported in this schedule instead of the detail currently required. This suggestion was not adopted. The Commission needs the details in this schedule for cost allocation purposes and will retain the requirement for this schedule.

Several commenters objected to the threshold in this schedule for the reporting of minor items (*i.e.*, "5% of the End of Year Balance for Account 121") and offered various alternative thresholds. The Commission has modified the proposed threshold for minor items to read, "5%—or \$100,000, whichever is less"). As a result of this modification, the Commission will obtain sufficient information without prescribing burdensome reporting about minor items.

One commenter questioned the need to list separately under Instruction 4 all property previously devoted to public service and stated that such property could be reported instead, as a group. The Commission has, accordingly, revised Instruction 4, as suggested.

15. *Page 203, Investment in Subsidiary Companies (New Page 217)*. One commenter suggested that a threshold be established for reporting amounts on this schedule. No threshold will be established because it would result in the elimination of details for smaller operations that may be important to the Commission's review of rate-of-return.

16. *Page 207, Materials and Supplies (New Page 218)*. Several commenters suggested that the detailed reporting in this schedule be deleted as unnecessary and that its balances be included in the balance sheet as was the case in the corresponding schedule in Form No. 2. The Commission has retained the detailed reporting on this page because all of the information is necessary for rate case determinations. Reporting of balances alone would not be sufficient for the Commission's purposes.

Certain commenters said that it would be difficult or impossible to comply with the requirement in Instruction 1 to classify materials and supplies according to "primary functions". One commenter stated that it would be very expensive for it to make determinations about such classifications. Three commenters argued that the detailed data reported in such classifications would be of little value. Finally, several commenters said that many items included in this schedule can be used both in construction and maintenance, and some items are common to both transmission and distribution. Thus, until the material is actually used, the commenters claim that exact

functionalization is not possible. The commenters added that this requirement duplicates similar data which must be reported for rate cases and increases respondent reporting burden.

The Commission has retained the requirement to classify materials and supplies by function because this allocation is necessary for Commission rate analyses. However, the Commission has revised the instructions on Page 207 to permit estimates of amounts by functions. In addition, the method used to functionalize this information is left to the respondent's discretion.

17. Page 211, *Unamortized Debt Expense, Premium and Discount on Long-Term Debt and Page 219, Long-Term Debt (New Pages 256-257, entitled, Long-Term Debt); and Page 220, Securities Issues or Assumed and Securities Refunded or Retired During the Year.* Several commenters suggested that Schedules 211 and 219 should be combined into a single schedule and offered various alternate formats for such a requirement. Three commenters suggested that part or all of each of these schedules could be deleted.

The Commission has combined Pages 211 and 219, as suggested for ease of reporting. Columns (f), "Balance beginning of year", (g), "Debts during year", (h), "Credits during year", and (i), "Balance end of year" have been eliminated from Page 211, and Columns (a), "Class and series of obligations", (e), "Interest rate", (g), "Reacquired bonds", (h), "Sinking and other funds", and (i), "Redemption Price per \$100 end of year" have been eliminated from page 219. The information in these columns provides more detail than is necessary for Commission review purposes.

One commenter said that Schedule 220 should be deleted because the details on securities issued and retired is of questionable value to the regulatory functions of the Commission. The Commission still requires, for its regulatory review, information on Page 220 about the coupon rate for the class/series of obligation and the order number and date on which Commission approval was received for issuances of securities made during the year. The Commission has added this requirement to Pages 256 and 257. The Commission has also revised Instruction 6 on Page 108 to include the necessary reports on short-term issuances that were previously reported on Page 220. As a result, the Commission was able to delete Page 220 in its entirety.

18. Page 214, *Miscellaneous Deferred Debits (New Page 223), and Page 225, Other Deferred Credits (New Page 266).* Commenters suggested that only

columns (a), for the description, (b), for the beginning balance, and (f), for the ending balance should be retained on these schedules. Thus, columns (c), "Debits", (d), "Credits" and (e), "Credits (Amount)" would be deleted from Page 214; and columns (c), "Debits (Contra Account)", (d), "Debit (Amount)" and (e), "Credits" would be deleted from Page 225.

The Commission will require the continued reporting on these pages in the current format because they are the only source of this type of detailed data which are used to determine the proper disposition of each charge claimed in the rate process. Beginning and ending balances do not provide this type of information.

Several commenters suggested higher dollar and percentage alternatives to the proposed threshold of "1% of the balance end of year for Account 186 or amounts less than \$50,000, whichever is less". Two commenters also questioned the need to report the total of all debit and credit items and to specify the number of items grouped. The Commission has retained the proposed threshold for reporting minor items because a raise in threshold would result in the loss of needed data from small companies. However, the Commission has deleted the requirement to report totals of debit and credit items because these data are simply arithmetic functions. The Commission has also deleted the requirement to specify the number of items grouped because these details are not necessary to Commission regulatory functions.

19. Page 215, *Capital Stock (New Page 250), and Page 216, Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock and Installments Received on Capital Stock (New Page 251).* One commenter stated that these two schedules are minor and only represent a few lines of information. Therefore, they could be deleted if the information was reported on the balance sheet. The Commission has not deleted the pages as suggested because the detail is used to analyze rate of return. Furthermore, the reporting burden is insignificant in comparison to the value of the data supplied.

20. Page 218, *Discount on Capital Stock, and Capital Stock Expense (New Page 253).* Several commenters suggested that the column (b), "Balance End of Year" should be reported by class of stock rather than by class and series. The Commission has retained both the class and series identification because they are necessary to the weighted cost of preferred stock, which is an essential component in calculating the overall cost of capital.

21. Page 222-222A, *Taxes Accrued, Prepared and Charged During Year (New Pages 258-259).* Comments suggested that Instruction 4 should be changed to require reporting only by "kind of tax" rather than by "Federal, State and local" tax. The Commission has made the change to Instruction 4, as suggested, because the additional detail is not needed.

Comments also urged the elimination of Instruction 5 because it requires all information to be reported separately for each tax year involved and this is a burdensome requirement. One commenter suggested that Instruction 5 should require that the current and past two tax years be reported separately and the remaining tax years be reported as a group. Another commenter noted that the corporation tax returns and supporting details are audited by the Internal Revenue Service and other governmental agencies on a regular basis and need not be additionally reported in Instruction 5. Finally, commenters noted that all adjustments are currently required to be reported in column (f) of this schedule and the additional data need not be reported in Instruction 5.

Because of these comments, the Commission has eliminated from Instruction 5 the requirement to report information covering more than one year of Federal and State income tax information because the Commission's rate analysis is not predicated upon actual income taxes.

Other comments suggested the elimination of Instruction 8 which requires the accounts to which taxes charged were distributed. The information was alleged to be too detailed and appeared unnecessary since most charges are already reflected in the Statement of Income for the Year (Page 114). Other commenters suggested that, if Instruction 8 is retained, a threshold be established for reporting under that instruction.

The Commission has retained Instruction 8 because the information reported under that instruction is necessary for determinations of the reasonableness of electric rates charged. The Commission has, however, deleted columns (j), "Gas (Account 408.1, 409.1)", (k), "Other Utility Departments (Account 408.1, 409.1)" (1) "Other Income and Deductions (Account 408.2, 409.2)", and (n), "Other Utility Opn. Income (Account 408.1, 409.1)", because these columns provide unnecessary detail for Commission review purposes. A threshold will not be established because information would be eliminated that is necessary to reconcile

total taxes paid with other information in the schedule.

22. *Page 223, Reconciliation of Reported Net Income With Taxable Income for Federal Income Taxes (New Page 261)*. One commenter suggested that the four categories entitled, "Reconciling items for the year" in the schedule ¹⁶ be included as part of Instruction 1 so that respondents may have "flexibility in the placement of the reconciling item categories". The commenter also suggested that the schedule be expanded to two pages.

The Commission has amended Instruction 1 to provide that it will accept a substitute schedule (expanded to two pages, if necessary) as long as the schedule contains the required data and is similar in format to Page 223 (new Page 261).

23. *Page 227-227E, Accumulated Deferred Income Taxes (New Pages 268-273)*. Several commenters suggested that the detail of this schedule be reported only in columns (a), "Account Subdivision", (b) "Balance Beginning of Year", and (k) "Balance End of Year". The commenters stated that this would be consistent with the Commission's proposed changes for pages 214C-214D of Form No. 1 (new Page 223).

The Commission, however, will continue to require the details for this schedule in each column. All of the information in this schedule is necessary because it provides historical data that are needed for initial evaluations of rate filings.

Comments also stated that Instruction 2 on pages 227B-227C prescribes information that is excessive and of questionable value. Instruction 2 requires information about the method used for liberalized depreciation and also requires a detailed table and supporting information concerning each year's tax deferral from 1954 to the present. The Commission agrees with this comment and has deleted Instruction 2.

24. *Page 229, Accumulated Deferred Investment Tax Credits (New Page 264)*. One commenter suggested that the entire schedule be eliminated since it does not appear to collect any useful information or serve any purpose and it is extremely burdensome. Another commenter suggested that columns (c) through (g) should be eliminated to be consistent with the requirements on Pages 214-214D. Columns (c) and (d) require information on accounts deferred for the year, columns (e) and (f)

require allocations to the current year's income, and column (g) requires information on adjustments.

The Commission has retained this page in Form No. 1 because it is essential to the Commission's review of any divergence between the rate of return that is just and reasonable and the return that is actually earned by jurisdictional utilities.

25. *Page 304, Particulars Concerning Certain Income Deduction and Interest Charges Accounts (New Page 337)*. Commenters suggested that this schedule should be deleted and summarized as line items on the Income Statement (Page 116A) because detailed reporting of this information on a separate schedule is of little value. This schedule has been retained because the Commission requires the detail of individual account items for rate analysis purposes. Moreover, cost-of-service determinations are based upon the Commission's review of the details of the respondent's expenses, such as those reported in this schedule.

Comments also suggested various dollar and percentage thresholds for the reporting of the data instead of the proposed "5% of each Account total for the year". One commenter suggested that the same threshold should be used as that established for the corresponding schedule in the Form No. 2 (*i.e.*, amounts less than \$1,000 could be grouped). The Commission has changed the threshold to read, "Amounts of less than 5% of the Account total for the year or \$1,000, whichever is greater, may be grouped by classes." The Commission will require a 5% level or a \$1,000 level so that necessary information is reported without undue detail.

26. *Page 351, Common Utility Plant and Expenses (New Page 356)*. Several commenters suggested that this schedule be deleted because the detail it requires is insignificant and because the corresponding schedule in Form No. 2 had been deleted. Other commenters added that an adequate summary of this detail is reported on Page 113, "Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion". The Commission has retained this page because details of plant functions and subfunctions are needed for rate filings to determine how plant and expense allocations are made.

27. *Page 353-353A, Regulatory Commission Expenses (New Pages 350-351)*. Commenters suggested deleting various columns from the schedule, including columns (d), "Total Expenses to Date", (e), "Deferred in Account 186, Beginning of Year"; (f), (g), (h), (i), "Expenses Incurred During Year"; (j),

(k), "Amortized During Year"; and (l), "Deferred in Account 186, End of Year". According to the commenters, these columns had little value for regulatory purposes and were considered useful only for auditing purposes.

Both state and Commission regulatory expenses must be evaluated to determine whether those expenses can be allowed in the cost-of-service. The detailed reporting in this schedule is not obtainable in a rate application. Therefore, the Commission has retained pages 353-353A in their current format.

Comments also suggested that percentage thresholds or higher dollar thresholds could be used for the reporting of minor items, instead of the proposed threshold of "less than \$25,000". The Commission has retained the \$25,000 threshold, as proposed, to be consistent with Form No. 2 and to obtain necessary information about regulatory commission expenses, without requiring undue detail.

28. *Page 354, Charges for Outside Professional and Other Consultative Services*. Two commenters said that, as an alternative to deleting this page from Form No. 1, the Commission could require the reporting of only the ten largest expenditures of this type by each company during the year. Because the information in this schedule can be obtained from rate filings, the Commission has determined that there is no need to require the reporting of even the ten largest expenditures.

Three commenters noted that the deletion of this schedule from Form No. 1 while it is retained in Form No. 2, would have a minimal affect on the reporting burden.

The Commission requires the reporting of these types of data in Form No. 2 and not in Form No. 1 because of its greater jurisdictional responsibilities over gas companies (80 percent) as compared to electric utilities (15 percent). The Commission can depend upon electric rate filings for this information from electric companies because of the frequency and detail of these filings. However, the Commission cannot readily derive this type of information from pipeline rate applications because of a less frequent filing cycle for those applications and lack of detail comparable to the electric filings.

29. *Pages 355-356, Distribution of Salaries and Wages (New Pages 354-355)*. One comment suggested that these pages be deleted because the information is unnecessary and the detail is not useful. Two other commenters suggested eliminating columns (c), "Allocation of Payroll

¹⁶ The four categories are: taxable income not reported on books, deductions recorded on books not deducted for return, income recorded on books not included in return, and deductions on return not charged against book income.

Charged Clearing Accounts" and (d), "Total" because the allocations were arbitrary. Commenters also suggested that "Clearing Accounts" could be reported in column (a) above the line entitled, "Other Accounts" by those companies which do not allocate payroll charges to clearing accounts.

The Commission has deleted both column (b), "Direct Payroll Distribution" and column (c), for "Other Accounts" for lines 74 through 104, because the details of these specific accounts are not necessary for the Commission's review. The summaries of this information, however, will be retained by the Commission because they are used to monitor costs for rate purposes. This information is also important because of its indirect effect on the cost of service.

30. *Pages 401-403, Electric Plant in Service (New Pages 202-204).* Several commenters suggested that the reporting in this schedule should be by functional group only, rather than by primary account because primary account balances are provided in rate filings. The Commission has retained in the present format the requirement for this information because it is an integral part of the rate analysis. Rate filings cannot be substituted for this information because rate change applications are not necessarily filed by every company each year, as is the Form No. 1.

31. *Page 403A, Fish and Wildlife and Recreation Plants.* One company suggested that this page should not be deleted as proposed because the information reported is "material, meaningful and relevant in the evaluation of efforts taken by the Company to ameliorate the effects of hydro-production facilities on fish population and surrounding topography". The Commission has not retained this schedule because adequate information is reported at the time of licensing or relicensing of a hydroelectric facility. The Commission also collects data about recreational facilities, including fishing facilities, in the FERC Form No. 80, "Licensed Hydropower Development Recreation Report".

32. *Page 404, Electric Plant Leased to Others.* One commenter suggested that this page be eliminated because the leasing of a plant rarely occurs and annual reporting of this information, therefore, is not necessary. The Commission has retained this schedule because it is important for cost-of-service analyses for those companies that do engage in leasing. Furthermore, if plant leasing does not occur, a company would not have to report on this schedule.

33. *Page 405, Electric Plant Held for Future Use (New Page 208).* Several commenters recommended the deletion of the Instruction 1 provision to report the number of items of property grouped that are each less than \$250,000. The commenters stated that the requirement in Instruction 1 to specify each of the items costing \$250,000 or more is sufficient for regulatory purposes. The Commission agrees with this suggestion and has made the appropriate deletion.

One commenter suggested that Column (b), "Date Originally Included in this Account" should be deleted to further reduce the reporting burden. The Commission has retained Column (b) because the length of time that the property has been reported in the account reflects whether a company is following its "definite plan" for use of the property as required by Account 105 of the Uniform System of Accounts.

Several commenters suggested that the dollar threshold (\$250,000) should be changed to a percentage threshold, such as 5 or 10 percent. One commenter suggested that a combination percentage and dollar threshold should be adopted throughout Form No. 1 for consistent reporting and to reduce the amount of detail presently required. The Commission has not changed the threshold because this schedule discusses specific items of plant property which can best be identified in terms of dollars.

34. *Page 406, Construction Work in Progress and Completed Construction Not Classified—Electric (New Page 210, entitled, Construction Work in Progress).* One commenter suggested that this schedule be eliminated because a summary of major projects is shown on Page 435, "Changes Made or Scheduled to be Made in Generating Plant Capacities", and the balances from construction work in progress are shown on Page 110, "Comparative Balance Sheet", and Page 113, "Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion". The Commission agrees that certain summary information about major projects is reported on Page 435, and that dollar totals for the projects are reported on Pages 110 and 113. However, detailed financial data respecting these projects are reported only on Page 406. Therefore, this page will be retained in the form.

Two commenters recommended that, in order to clarify the first sentence of Instruction 1, the words, "for projects actually in service" should be deleted from the sentence that reads: "Report below descriptions and balances at end

of year of projects in process of construction for projects actually in service". Other commenters suggested that all of Instruction 1 needed clarification, especially with regard to the reporting of completed construction not classified. The Commission agrees that clarification is necessary and has revised Instruction 1 to read, "Report below descriptions and balances at end of year of projects in process of construction [107]."

Three commenters stated that column (d), "Estimated Additional Cost of Project" could be deleted because the revisions to estimates result in a lack of continuity from year to year. Another commenter stated that column (d) should not require the reporting of minor items as a group since many of these items are small in amount or are new projects without definitive cost estimates. The number would, therefore, be of questionable value. The Commission has deleted column (d) because the information was not necessary for review purposes.

One commenter recommended that Instruction 3 be revised to read, "Report separately each generating unit under construction". The commenter also recommended that Instruction 4 be revised to read, "Minor (5% of the balance end of year for Account 107, after deducting from such balance any amount applicable to generating units under construction) projects may be grouped". The commenter stated that the threshold should be lowered to 3% for projects other than generating units under construction so as not to eliminate the reporting of many large construction projects. Another commenter stated that a combination dollar and percentage threshold should be adopted throughout the report. This type of threshold would allegedly eliminate from the report much detail of questionable value.

The Commission has not revised Instruction 3 (new Instruction 2) or lowered the percentage threshold in Instruction 4 (new Instruction 3) because more detail would be reported on smaller facilities than the Commission requires and this would create a burden on the respondent companies. However, the Commission did revise the Instruction 4 threshold to read "5% of the balance end of year for Account 101 or \$100,000, whichever is less," so as to collect sufficient detail on larger projects.

35. *Page 409, Electric Operating Revenues (New Page 301).* Numerous comments suggested deleting columns (c), (e), and (g), "Increase or decrease from preceding year". The Commission has replaced this language with

"previous year" as is provided on Pages 110-111 and 114-116A.

Commenters also suggested that the requirements to report a duplication in customer count (column (f), "Number [of customers for year]"), and the footnote disclosure requirement should be excluded from Instruction 3. The Commission has deleted the footnote disclosure requirement in Instruction 3; however, the Commission has retained the average customer reporting requirement (which may include the reporting of duplicate customers) because the information is necessary for rate analyses.

36. *Page 410, Sales of Electricity by Communities.* One commenter stated that the elimination of this schedule from the Form No. 1, as proposed, will not be beneficial because columns (a), (e), (f) and (g) are, nevertheless, reported annually to its state commission. Although this schedule may be required by state agencies, the Commission cannot justify the continued collection of these data since they are not needed for Commission regulatory purposes. Therefore, this schedule is eliminated.

37. *Page 412-413, Sales for Resale (New Pages 310-311), and Pages 422-423, Purchase Power (New Pages 327-328).* Several commenters suggested deleting the following columns from these schedules: Columns (b), "Statistical Classification"; (c), "Export across State lines" (on Pages 412-413), "Import across State lines" (on Pages 422-423); (e), "Point of Delivery" (on Pages 412-413), "Point of Receipt" (on Pages 422-423); (f), "Substation"; (g), (h) and (i), "kW or kVa of Demand"; (j), "Type of demand reading"; (k), "Voltage at which Delivered (on Pages 412-413), "Voltage at which Received" (on Pages 422-423); (m), "Revenue: Demand Charges" (on Pages 412-413), "Cost of Service: Demand Charges" (on Pages 422-423); (n), "Revenue: Energy" (on Pages 412-413), "Cost of Energy: Energy" (on Pages 422-423); (o), "Revenue: Other Charges" (on Pages 412-413), "Cost of Energy: Other Charges" (on Pages 422-423); (p), "Total"; (q), "Revenue per kWh" (on Pages 412-413), "Cost per kWh" (on Pages 422-423).

The Commission has not made most of the suggested deletions. Only column (g) has been deleted. Columns (b), (c), (e) and (f) are essential for rate design determinations. Columns (g) through (k) and (m) through (o) provide rate design data that are necessary to the review and analysis of actual usage/purchase of kW and kVa in computing the demand portion of a customer's bill. These columns are also necessary in that the amounts reported do not always equal the contract demand provided in

the tariffs of the individual customers. Column (p) is necessary because it is used to test the reasonableness of the rate design procedure used by the respondent company.

38. *Page 414, Sale of Electricity by Rate Schedules (New Page 304).* Comments recommended the deletion of this schedule because it duplicates amounts by revenue classification reported on Page 409, "Electric Operating Revenues" and also because its information relates to state regulated tariffs which are not subject to the Commission's jurisdiction. The Commission has retained the schedule because it provides a detailed record of non-jurisdictional sales according to rate schedules. This information is essential to establish sales and revenue collection trends for a utility's non-jurisdictional business and is also necessary for rate design analyses.

Other commenters suggested that since sales for resale information is already required on Pages 412-413, such information should not be reported again in this schedule. For this reason, the Commission has deleted sales for resale information.

39. *Page 415, Rent from Electric Property and Interdepartmental Rents, and Page 416, Miscellaneous Service Revenues and Other Electric Revenues.* One commenter stated that these schedules are still required by its state commission during rate proceedings. Thus, the deletion of the schedule from Form No. 1 will not benefit the company. As is the case with similar comments to other schedules, the Commission cannot justify the continued collection of the information because it is not necessary for Commission regulatory purposes. The continued collection of these data must be justified at the state level.

40. *Pages 417-420, Electric Operation and Maintenance Expenses (New Pages 320-323).* Several commenters questioned the need for the detailed reporting in this schedule and argued that the summary schedule on Page 420 would suffice for Commission needs. The Commission has retained the detailed reporting on these pages because they are used for historical trend analyses and for the classification and allocation of costs.

Several commenters recommended the deletion of column (c), "Increase or decrease from preceding year" from each of the pages in this schedule. The Commission has revised column (c) to require "Previous Year" amounts. This change will conform with revisions made on Pages 110-111, Pages 114-116A and Page 409.

One commenter suggested the deletion of the "Summary of Electric

Operation and Maintenance Expenses" on Page 420. The Commission has made the suggested deletion because the information is not required for Commission review.

41. *Page 420, Number of Electric Department Employees (New Page 323).* This page was proposed for deletion in the notice. The Commission has decided, however, to retain this schedule because the information is needed as part of the Commission's review required under section 208 of the Public Utility Regulatory Policy Act (16 U.S.C. § 824d). Furthermore, the reporting of these data is not burdensome to the utilities because they should keep employee totals, if for no other reasons, than for reports to state unemployment compensation boards and for the filing of tax information.

42. *Page 420a, Operation and Maintenance Expenses of Fish and Wildlife and Recreation Operations.* One commenter objected to the deletion of this schedule and said that its investment in, and annual costs incurred for, the items in this schedule were material. The commenter suggested, however, that, if this schedule is deleted, the Commission should either delete Pages 501, "Environmental Protection Facilities" and 502, "Environmental Protection Expenses" as well, or incorporate the data from Page 420a into these schedules.

The Commission has deleted this schedule because the information can be obtained in FERC Form No. 80, "Licensed Hydropower Development Recreation Report". The Commission will not delete the environmental schedules on Pages 501-502 because the information collected on those schedules does not duplicate the data in the Form No. 80. Because the Commission no longer needs the information on Page 420a, it would be senseless to include it on Pages 501-502. Furthermore, Pages 501-502 will be examined in connection with a rulemaking proceeding to revise FPC Form No. 12, "Power System Statement," which is expected to be initiated in the near future.

43. *Pages 421-421D, Lease Rentals Charged.* One respondent stated that this schedule, which is proposed for deletion, will still be prepared by the company for its cost of service studies. The Commission will not retain this schedule merely because it is used by a company. The schedule is deleted because it is no longer necessary to the Commission's regulatory purposes. In addition, the annual reporting of the data is a particularly burdensome requirement.

44. Page 424, *Interchange Power* (New Page 329). Various commenters complained about most of the requirements in this schedule, which collects a summary of interchange power according to companies and points of interchange. They stated that the columns are operational in nature and not necessary for financial reporting and regulatory purposes. The Commission has retained this schedule because it is necessary in the Commission's analysis for rate design determinations.

One commenter suggested a new format for this schedule which includes Pages 422-423 and 424. The commenter stated that the new format more clearly sets out the energy transfers and the revenues related to such transfers.

The Commission will retain pages 422-424 in their current format. These schedules will, however, be reexamined in connection with a rulemaking proceeding to revise FPC Form No. 12.

45. Page 425, *Transmission of Electricity for or by Others* (New Page 332). Several comments suggested deleting this schedule because it is operational and not necessary for financial regulatory reporting. Although Form No. 1 is a financial form, certain operational data that are reported in this schedule, are necessary to support the reported financial information.

Another commenter suggested that "borderline transactions" be included in this schedule so that Schedule No. 8 "Itemized Accounting of Energy Transfer with Other Electric Utility Systems and Industrial Companies During the Year" of Form No. 12, "Power System Statement" could be eliminated. The commenter also said that the information on this page could be combined with the data on Pages 422-423, "Purchased Power" and Page 424, "Interchange Power". Another commenter said that the information in this schedule should be eliminated from this report and included in the Form No. 12.

In response to these comments, the Commission notes that it is currently considering revisions to Form No. 12 for a rulemaking proceeding which is expected in the near future. Changes may also be made in Form No. 1 at that time, to correspond to any changes in Form No. 12.

Finally, one commenter questioned the need for the information required by Instruction 3(b) (points of origin and termination of service specifying also any transformation service involved) and Instruction 3(c) (kWh received and kWh delivered). The Commission will retain this information because it is used to monitor reliability of service.

46. Page 427, *Miscellaneous General Expenses (Electric)* (New Page 333). One commenter suggested that this schedule be moved to Page 420, in place of the schedule which is proposed for deletion entitled, "Number of Department Employees". According to the commenter, this action would increase the amount of space which could be used for the schedules that are currently on Pages 427-428. Under the new format, the Commission has moved this page to Page 333, near related accounts. The space for reporting on Pages 427-428 has also been increased.

Two commenters suggested that the following sentence be eliminated from this schedule: "Amounts of less than 5% of the amount for the year for Account 930.2 may be grouped by classes if the number of items so grouped is shown." The commenters said that the identification of the number of items is of no real value to the report and does not eliminate the burdensome effort of accumulating the data.

The Commission will continue requiring the number of items grouped by classes because this detail is needed for rate analyses for the cost-of-service. The list of items helps the Commission determine if further investigation about these expenses is necessary.

Several commenters suggested different threshold reporting requirements for this schedule than the proposed threshold, such as 5% of the account balance, 5% for grouping of minor items, 10%, \$5,000 (the threshold currently required in the comparable Form No. 2 schedule) or a combination percentage and dollar threshold.

In response to these suggestions, the Commission has changed the threshold to "\$5,000", so that sufficient detail of miscellaneous general expenses will be provided for cost of service purposes and so that this schedule will correspond with the comparable Form No. 2 schedule.

47. Page 427, *Construction Overhead* (New Page 221). One commenter suggested that the space for the total in column (c), "Total cost of construction for which overhead was charged (exclusive of overhead charges)" be eliminated because the totals are meaningless. Another commenter said that column (c) should be shaded or eliminated except for the total line. This commenter stated that it could not report a total which related to specific categories of overhead charges because most of its total overheads are either charged directly on an actual basis or incurred or allocated on the basis of related direct labor charges. Therefore, the total that this commenter would report is the total construction

expenditures for the year, excluding overhead. In response to these comments, the Commission has eliminated the entire column (c) because the totals are not essential for Commission review purposes.

48. Page 428, *General Description of Construction Overhead Procedures* (New Page 212). One commenter suggested that this schedule be expanded to two pages to allow more space for explanations. The Commission has not expanded the page to two pages because each respondent may add one or more of its own pages, as needed, for explanations.

Another commenter requested that this page be moved to be adjacent to Page 406, "Construction Work in Progress". The Commission agrees with this suggestion and has moved this schedule to be near the related Page 406 (new Page 210).

49. Pages 429-430, *Depreciation and Amortization of Electric Plant* (New Pages 334-336). Several commenters suggested that Part B, "Basis for Amortization Charges" and Part C, "Factors Used in Estimating Depreciation Charges" be deleted because these data seem useful only for audits and not for regulatory purposes. One commenter said that columns (c) through (g) in Part C should be deleted because they are not useful. Another commenter requested that companies be allowed the option of filing their depreciation studies in support of their depreciation rates currently in effect, in lieu of completing the detail required by Parts B and C.

Despite these comments, the Commission has retained the schedule in its proposed form because each item on the pages is necessary to the review and analysis of depreciation rates for utilities.

F. Summary of Changes

The Commission has adopted the changes to the Form No. 1 that were proposed in the notice, except as modified by the revisions in response to the comments that are discussed in this final rule. A summary of all of the changes to the Form No. 1 is attached at Appendix B.

The most significant deletions to Form No. 1 are the deletions of the following schedules:

OLD FORM NO. 1

Title	Page No.
Accumulated Provision for Depreciation and Amortization of Non-utility Property.....	201
Investments.....	202
Notes and Accounts Receivable.....	204

OLD FORM NO. 1—Continued

Title	Page No.
Accumulated Provision for Uncollectible Accounts—Cr	204
Receivables From Associated Companies	206
Production Fuel and Oil Stock	209
Miscellaneous Current and Accrued Assets	210
Preliminary Survey and Investigation Charges	212
Deferred Losses From Disposition of Utility Plant	214A
Unamortized Loss and Gain on Reacquired Debt	214B
Securities Issued or Assumed and Securities Refunded or Retired During the Year	220
Notes Payable	221
Payables to Associated Companies	221
Miscellaneous Current and Accrued Liabilities	224
Customer Advances for Construction	224
Deferred Gains From Disposition of Utility Plant	224A
Operating Reserves	226
Investment Tax Credits Generated and Utilized	228
Gain or Loss on Disposition of Property	300
Income From Utility Plant Leased to Others	301
Particulars Concerning Certain Other Income Accounts	303
Expenditures for Certain Civic, Political and Related Activities	305
Extraordinary Items	306
Charges for Outside Professional and Other Consultative Services	354
Fish and Wildlife and Recreational Plants	403a
Plant Acquisition Adjustments and Accumulated Provision for Amortization of Plant Acquisition Adjustments	407
Sales of Electricity—by Communities	410-411
Sales to Railroads and Railways and Interdepartmental Sales	415
Rent from Electric Property and Interdepartmental Rents	415
Sales of Water and Water Power	416
Miscellaneous Service Revenues and Other Electric Revenues	416
Operation and Maintenance Expenses of Fish and Wildlife and Recreation Operations	420a
Lease Rentals Charged	421A-421D
Franchise Requirements	426

The Commission has also adopted the changes to the regulations that were proposed in the notice and has also abbreviated the regulations by combining the separate references to Class A and Class B entities into a single reference. The separate list of schedules in the revised form is retained as an aid to those who must file it. In addition, the regulations reflect the language that was adopted in Order No. 146 respecting the elimination of the requirement for Federal entities to file modified versions of Form No. 1. (See footnote 5, *supra* and accompanying text.)

III. Effective Date

The changes in this final rule will be effective on February 5, 1982, for reports to be filed on or before April 30, 1982, and for reports filed thereafter.

(Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 42 FR 46267; Federal Power Act, 16 U.S.C. 792-828c)

In consideration of the foregoing, the Commission amends Form No. 1, as set forth in Appendix C of this final rule and Part 141 of Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 141—STATEMENT AND REPORTS (SCHEDULES)

1. Part 141—Statement and Reports (Schedules)—is amended in the Table of Contents and in the text of the regulations to read as follows:

§ 141.1 FERC Form No. 1, Annual Report of Electric Utilities, Licensees and Others (Class A and Class B).

(a) *Prescription.* The Form of Annual Report for Class A and Class B electric utilities, licensees and others, designated herein as FERC Form No. 1, is prescribed for the reporting year 1981 and each year thereafter.

(b) *Filing Requirements—(1) Who must file.* (i) *Generally.* Each Class A and Class B¹ electric utility, licensee, and other entity, *i.e.*, each corporation, person, or licensee as defined in section 3 of the Federal Power Act (16 U.S.C. 792 *et seq.*), including any agency, authority or other legal entity or instrumentality engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of \$1,000,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission an original and conformed copies of the FERC Form No. 1 pursuant to the General Instructions set out in that form.

(ii) *Exceptions.* This report is not prescribed for any agency, authority or instrumentality of the United States, nor is it prescribed for municipalities as defined in section 3 of the Federal Power Act; (*i.e.*, a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power).

(2) *When to file.* This report shall be filed on or before April 30 of each year for the previous calendar year, beginning April 30, 1982 for the 1981 calendar year.

(c) This annual report contains the following schedules:

Instructions for Filing the FERC Form No. 1
Identification
Attestation
List of Schedules
General Information
Control Over Respondent
Corporations Controlled by Respondent
Officers

Directors

Security Holders and Voting Powers
Important Changes During the Year
Comparative Balance Sheet
Statement of Income for the Year
Statement of Retained Earnings for the Year
Statement of Changes in Financial Position
Notes to Financial Statements
Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion
Nuclear Fuel Material
Electric Plant in Service
Electric Plant Leased to Others
Electric Plant Held for Future Use
Construction Work in Progress—Electric
Construction Overhead—Electric
General Description of Construction Overhead Procedure
Accumulated Provision for Depreciation of Electric Utility Plant
Nonutility Property
Investments in Subsidiary Companies
Extraordinary Property Losses
Materials and Supplies
Miscellaneous Deferred Debits
Accumulated Deferred Income Taxes (190)
Capital Stock
Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock and Installments Received on Capital Stock
Other Paid-in Capital
Discount on Capital Stock
Capital Stock Expense
Long-Term Debt
Taxes Accrued, Prepaid and Charged During Year
Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes
Accumulated Deferred Investment Tax Credits
Other Deferred Credits
Accumulated Deferred Income Taxes—Accelerated Amortization Property (Account 281)
Accumulated Deferred Income Taxes—Other Property (Account 282)
Accumulated Deferred Income Taxes—Other (Account 283)
Electric Operating Revenues
Sales of Electricity by Rate Schedules
Sales for Resale
Electric Operation and Maintenance Expenses
Number of Electric Department Employees
Purchased Power
Interchange Power
Transmission of Electricity for or by Others
Miscellaneous General Expenses—Electric
Depreciation and Amortization of Electric Plant
Particulars Concerning Certain Income Deductions and Interest Charges Accounts
Regulatory Commission Expenses
Research, Development and Demonstration Activities
Distribution of Salaries and Wages
Common Utility Plant and Expenses
Electric Energy Account
Monthly Peaks and Output
Steam-Electric Generating Plant Statistics (Large)
Steam-Electric Generating Plant Statistics (Large Plant) Average Annual Heat Rates

¹ See 18 CFR Part 101, revised as of April 1, 1981.

and Corresponding New MWh Output for
Most Efficient Generating Units/Total
System Steam Plants
Hydroelectric Generating Plant Statistics
(Large)
Pumped Storage Generating Plant Statistics
(Large)
Generating Plant Statistics (Small)
Changes Made or Scheduled to be Made in
Generating Plant Capacities
Steam-Electric Generating Plants
Hydroelectric Generating Plants
Pumped Storage Generating Plants
Internal-Combustion Engine and Gas-Turbine
Generating Plants
Transmission Line Statistics
Transmission Lines Added During Year
Substations
Electric Distribution Meters and Line
Transformers
Environmental Protection Facilities
Environmental Protection Expenses
Footnote Data
Stockholders Reports
Index

BILLING CODE 6717-01-M

FERC FORM NO. 1 REVISIONS

Title	Old Schedule Page No.	New Schedule Page No.	As Is *	Retained-		Deleted Complete Schedule	Explanation
				Changed Threshold	Revised Instructions		
General Instructions	1-11	1-1v			X		Instructions clarified and expanded. Reduced number of schedules requiring CPA certification to the four basic financial statements. Filing date now 4/30/--
General Information	101-101A	101			X		Instruction 5 deleted with reporting the name of stock exchange moved to new schedule 250. Instruction 6 revised and renumbered as 5.
Control Over Respondent Corporations Controlled by Respondent Officers	102	102			X		Option to allow reference to SEC 10-K filings.
Directors	103	103			X		Option to allow reference to SEC 10-K filings.
Security Holders and Voting Powers	104	104	X				
Important Changes During the Year	105	105				X	Deleted columns (c), (d), (e), and (f).
Comparative Balance Sheet	106-107	106-107			X		Deleted instruction 11(b).
	108-109	108-109			X		Revised instruction 6 to include short-term issues. Moved old page 220(deleted). Instruction 11 deleted. Instruction 12 added to allow notes from other reports.
Notes to Financial Statements (was titled as Notes to Balance Sheet)	110-111	110-113				X	Deleted column (e). Expanded to include reporting account balances previously grouped and detailed on schedule. pages now deleted. Common with Form No. 2. Cost data for Account 123.1 moved to footnote on new schedule page 217.
Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion	112	122-123			X		Revised title. Instructions 1 and 6 now include notes for the four basic financial statements.
Statement of Income for the Year	113	200	X				
Statement of Retained Earnings for the Year	114-116A	114-117			X		Deleted instruction 7. Accounts 415-418 amounts listed separately. Instructions revised to reflect the moving of the notes to the income statement to page 122-123. Increase/decrease column revised to read "Previous Year." Instruction 9 revised.
Statement of Changes in Financial Position	117-117A	118-119			X		Deleted reference to discontinued Form No. 9. Notes to be reported on new schedule page 122-123. Last sentence of instruction 5 deleted. Notes to be reported on new schedule 122-123.
Nuclear Fuel Material	118-119	120-121			X		
Nonutility Property	200	201	X				
Accumulated Provision for Depreciation and Amortization of Nonutility Property	201	215			X		Instructions 4 and 5 revised to allow previously devoted to public service property to be grouped similar to the other nonutility property. Limited the detailed reporting to 5% of the balance end of year for Account 121, or \$100,000, whichever is less.
Investments in Subsidiary Companies	202	-				X	
Notes and Accounts Receivable	203	217			X		Footnote for total cost of account 123.1 moved from schedule 110, Balance Sheet, description column. Moved beginning and end of year balances to page 110.
Accounts - Cr.	204	-				X	
Receivables from Associated Companies	204	-				X	
Material and Supplies	206	-				X	Moved beginning and end of year balances to page 110.
Production Fuel and Oil Stocks	207	218			X		Revised instruction 1 to indicate reporting by functional classification as preprinted in column (a) with estimating allowed.
	209	-				X	

APPENDIX B

FERC FORM NO. 1 REVISIONS

Title	Old Schedule Page No.	New Schedule Page No.	As is *	Retained-Changed Threshold	Revised Instructions	Deleted Columns	Deleted Complete Schedule	Explanation
Miscellaneous Current and Accrued Assets	210						X	
Extraordinary Property Losses	210	220	X					
Unamortized Debt Expense, Premium and Discount on Long-term Debt	211	256-257			X	X		Deleted columns (f) thru (i) and merged remainder with old page 219, now schedule 256-257.
Preliminary Survey and Investigation Charges	212						X	
Miscellaneous Deferred Debits	214	223		X				Instruction 3 - Added provision for grouping: (1% of the balance end of year for Account 186 or amounts less than \$50,000, whichever is less). Deleted number of items so grouped.
Deferred Losses from Disposition of Utility Plant	214A						X	
Unamortized Loss and Gain on Reacquired Debt	214B						X	
Accumulated Deferred Income Taxes (190)	214C-D	224				X		Deleted columns (c) through (j). Retained only (a), (b) and (k). Deleted lines 19-22, Classification of total taxes.
Capital Stock	215	250			X			Added to column (a) - Name of Exchange-transferred from old page 101. Reference to 10-K filings allowed.
Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock and Installments Received on Capital Stock	216	251	X					
Other Paid-in Capital	217	252	X					
Discount on Capital Stock	218	253	X					
Capital Stock Expense	218	253	X					
Long-Term Debt	219	256-257			X	X		Revised and merged with old page 211. Added from old page 220 (deleted) - Commission authorization. Deleted (g), (h), (i).
Securities Issued or Assumed and Securities Refunded or Retired During the Year	220						X	Deleted, with Commission authorization for new issues moved to new schedules 108 (short-term) and 256 (long-term debt).
Notes Payable	221						X	Moved beginning and end of year balances to new page 112.
Payables to Associated Companies	221						X	
Taxes Accrued, Prepaid and Charged During Year	222-222A	258-259			X	X		Instruction 4 - deleted headings by Federal, State and Local. Instruction 5 - now excludes Federal and state income taxes by year. Deleted columns (j), (k), (l), (n).
Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes	223	261	X		X			Instruction 3 added to allow for company-own design for format, so long as meets requirements.
Miscellaneous Current and Accrued Liabilities	224						X	
Customer Advances for Construction	224						X	
Deferred Gains from Disposition of Utility Plant	224A						X	
Other Deferred Credits	225	266		X				Instruction 3 - Added 75% of the balance end of the year for Account 253 or amounts less than \$10,000, whichever is greater). Deleted number of items grouped. Moved beginning and end of year balances to page 112. Deleted instruction 2 from old pages 227 and 227B.
Operating Reserves	226							
Accumulated Deferred Income Taxes	227-227E	268-273			X		X	
Investment Tax Credits Generated and Utilized	228						X	

* Data requirements retained with redesigned format.

APPENDIX B

FERC FORM NO. 1 REVISIONS

Title	Old Schedule Page No.	New Schedule Page No.	As is *	Retained-Changed		Deleted Columns	Deleted Complete Schedule	Explanation
				Threshold	Instruc-tions			
Accumulated Deferred Investment Tax Credits	229	264	X					
Gain or Loss on Disposition of Property Income from Utility Plant Leased to Others	300 301						X X	
Particulars Concerning Certain Other Income Accounts	303						X	Moved account amounts for the year to new schedule page 117, Statement of Income for the Year.
Particulars Concerning Certain Income Deductions and Interest Charges Accounts	304	337		X	X			Instruction 3 revised to allow grouping of items less than 5% of each account total for the year or \$1,000 whichever is greater. Moved Account 426.4 to be included in first sentence of instruction 3.
Expenditures for Certain Civic, Political and Related Activities	305						X	Account 426.4 reporting moved to schedule page (new) 337 with some details required by instruction 3.
Extraordinary Items	306						X	
Common Utility Plant and Expenses	351	356	X					Instruction 6 - Added: (less than \$25,000).
Regulatory Commission Expenses	353-353A	350-351		X				
Charges for Outside Professional and Other Consultative Services	354						X	
Distribution of Salaries and Wages	355-356	354-355			X			Columns (b) and (c) shaded for lines 74-94
Electric Plant in Service	401-403	202-204	X				X	
Fish and Wildlife and Recreation Plants	403a	207	X					Revised instructions to raise threshold to \$250,000. Deleted number of so grouped.
Electric Plant Leased to Others	404	208		X				Instruction 4 - Added: (5% of the balance end of year for Account 107 or \$100,000, whichever is less).
Electric Plant Held for Future Use	405							Deleted column (c) and all reporting for Account 106. on this schedule. Deleted old column (d).
Construction Work in Progress (and Completed Construction not Classified) - Electric (Title Revised)	406	210		X		X		
Plant Acquisition Adjustments and Accumulated Provision for Amortization of Plant Acquisition Adjustments	407						X	
Accumulated Provision for Depreciation of Electric Utility Plant	408	213	X					
Electric Operating Revenues	409	301						Increase/decrease columns (c), (e) and (g) revised to read "Previous Year." Instruction 3 revised. Kwh and kilowatts changed to MWh and Megawatts. Deleted at bottom of page. "Total All Electric" customers.
Sales of Electricity -By Communities	410-411						X	
Sales for Resale	412-413	310-311			X	X		Kwh and Kilowatts (Kw) and Kva changed to MWh Mega-watts, MW, and MVA.
Sales of Electricity by Rate Schedules	414	304						Exclude data for sales on new page 304 if data is reported on new schedule pages 310-311. Deleted column (q) from schedule page 311.
Sales to Railroads and Railways and Interdepartmental Sales	415						X	
Rent from Electric Property and Interdepartmental Rents	415						X	
Sales of Water and Water Power	416						X	
Miscellaneous Service Revenues and Other Electric Revenues	416						X	
Electric Operation and Maintenance Expenses	417-420	320-323						Increase/decrease column (c) revised to read "Pre-vious Year." Summary deleted.
Number of Electric Department Employees	420	323	X					

* Data requirements retained with redesigned format.

APPENDIX B

FERC FORM NO. 1 REVISIONS

Title	Old Schedule Page No.	New Schedule Page No.	As Is *	Retained-Changed Threshold	Revised Instructions	Deleted Columns	Deleted Complete Schedule	Explanation
Operation and Maintenance Expenses of Fish and Wildlife and Recreation Operations	420a	-					X	
Lease Rentals Charged	421A-421D	-					X	
Purchased Power	422-423	326-327			X			
Interchange Power	424	328			X			
Transmission of Electricity for or by Others	425	332			X			Column (g) deleted, Kilowatts changed to Megawatts (Mw), Kilowatts (kw) and Kva changed to MWh, Megawatts (MW) and MVA.
Franchise Requirements	426	-						
Miscellaneous General Expenses -Electric	427	333		X				
Construction Overhead - Electric	427	211						
General Description of Construction	428	212	X			X		
Overhead Procedure								
Depreciation and Amortization of Electric Plant	429-430A	334-336	X					
Electric Energy Account	431	401			X			
Monthly Peaks and Output	431	401	X		X			
Steam-Electric Generating Plant	432-432a	402-403	X		X			
Statistics(Large)								
Steam-Electric Generating Plant Statistics (Large Plant) Average Annual Heat Rates and Corresponding New Kwh Output for Most Efficient Generating Units/ Total System Steam Plants	432b	404	X		X			
Hydroelectric Generating Plant	433a-433b	406-407	X		X			
Statistics (Large)								
Pumped Storage Generating Plant	433c-433d	408-409	X		X			
Statistics (Large)								
Generating Plant Statistics (Small) Changes Made or Scheduled to be Made in Generating Plant Capacities	434	410	X		X			
Steam-Electric Generating Plants	435	411	X		X			
Hydroelectric Generating Plants	436-437	412-413	X		X			
Pumped Storage Generating Plants	438-439	414-415	X		X			
Internal-Combustion Engine and Gas-Turbine Generating Plants	439a-439c	416-418	X		X			
Transmission Line Statistics	440-441	420-421	X		X			
Substations	442-443	422-423	X					
Electric Distribution Meters and Line Transformers	444	424	X		X			
Research, Development and Demonstration Activities	445	425	X		X			
Environmental Protection Facilities	447	427	X		X			
Environmental Protection Expenses	448-448A	352-353	X					
Attestation	501	428	X					
Identification	502	429	X					
Sheet	503		X					
Index	Title		X					
List of Schedules	Ind. 1-5		X					
	111-iv	2-4	X					

* Data Requirements retained with redesigned format.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 82-9]

General Provisions; Change in the Field Organization of the Customs Service

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This notice amends the Customs Regulations by changing the field organization of the Customs Service to:

—Extend the limits of the Saginaw-Bay City-Flint, Michigan, Customs port of entry (Region IX), to include the Tri-City Airport;

—Extend the limits of the San Francisco-Oakland, California, Customs port of entry (Region VIII), to include Travis Air Force Base;

—Extend the limits of the Durham, North Carolina, Customs port of entry (Region IV), to include the Raleigh-Durham Airport complex; and,

—Clarify the limits of the Columbus, Ohio, Customs port of entry (Region IX).

The changes are part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

EFFECTIVE DATE: February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Richard C. Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:**Background**

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, Customs published a notice of proposed rulemaking in the *Federal Register* on July 10, 1981 (46 FR 35682), proposing to:

—Extend the limits of the Saginaw-Bay City-Flint, Michigan, Customs port of entry (Region IX), to include the Tri-City Airport;

—Extend the limits of the San Francisco-Oakland, California, Customs port of entry (Region VIII), to include Travis Air Force Base;

—Extend the limits of the Durham, North Carolina, Customs port of entry

(Region IV), to include the Raleigh-Durham Airport complex; and,

Clarify the limits of the Columbus, Ohio, Customs port of entry (Region IX).

The changes were proposed for the following reasons:

(a) *Saginaw-Bay City-Flint, Michigan.* The limits of the consolidated Customs port of entry of Saginaw-Bay City-Flint, Michigan, which were extended by T.D. 79-74 (44 FR 12029), do not encompass the Tri-City Airport. Because virtually all of the international aircraft arriving in the area, particularly general aviation from Canada, is processed at the recently improved Tri-City Airport, Customs determined that the port limits should be extended to include that facility

(b) *San Francisco-Oakland, California.* T.D. 79-74 also clarified, but did not change, the geographical description of the port limits of the Customs port of entry of San Francisco-Oakland, California. The Regional Commissioner of Customs, San Francisco (Region VIII), requested that the port limits be extended to include Travis Air Force Base.

Travis Air Force Base, located near San Francisco, California, is outside both city and Customs port of entry limits. However, Customs was providing manpower for service at this location on a regular basis. To ensure continued service for this workload, which was subject to the uncertainty and additional costs associated with out-of-port service, Customs proposed to extend the San Francisco-Oakland port limits to include Travis Air Force Base.

(c) *Durham, North Carolina.* Operations at the Durham, North Carolina, Customs port of entry reflected an increase in the volume of aircraft and over-the-road shipments, accompanied by a decrease in the importation of tobacco for warehousing. Planning was underway to expand the Raleigh-Durham Airport complex to accommodate the increased traffic and larger aircraft. The Raleigh-Durham Airport, which is outside the current port limits, was expected to encompass the major portion of Durham's workload.

Also, Customs was advised that it would have to vacate its present Durham office. Because adequate office space was available at the Raleigh-Durham Airport, Customs determined that moving its offices to the airport and extending the existing port limits to include the airport would locate manpower closer to major work locations and improve Customs service in the area.

(d) *Columbus, Ohio.* The port limits of the Columbus, Ohio, Customs port of entry coincided with the city's corporate

limits. However, because the city annexed surrounding areas on a piecemeal basis over the years, there were areas within the city which were not included in the Customs port of entry. As a result, it often was difficult to determine whether service at various locations was being provided inside or outside port limits.

In order to improve service to the public, Customs proposed to clarify the port boundaries.

Interested parties were given until September 8, 1981, to comment on the proposed changes. No comments were received in response to the notice. Accordingly, Customs has determined to adopt the proposal as set forth in the notice of proposed rulemaking published in the *Federal Register* on July 10, 1981.

Changes in the Customs Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (46 FR 9336), the following changes in the Customs field organization are adopted:

(a) The geographical boundaries of the Saginaw-Bay City-Flint, Michigan, Customs port of entry are extended to include:

All the territory within the corporate limits of Saginaw and Bay City; from Bay City due west along the right-of-way of U.S. Highway No. 10, to the intersection of Garfield Road and U.S. Highway No. 10, south on Garfield Road to and including the Tri-City Airport, bounded on the west by Garfield Road, on the east by Hackett Road, on the south by Freeland Road and on the north by Sarle Road, the territory embracing the Townships of Zilwaukee, Carrolton and Buena Vista, in Saginaw County; the Townships of Portsmouth and Frankenlust, in Bay County; the right-of-way of Interstate Highway 75, south to and including Flint Township; the city of Flint; and that portion of Genesee Township bounded by Saginaw Street on the west, Stanley Road on the north, Lewis Road on the east, and the city of Flint on the south; all in the State of Michigan.

(b) The geographical boundaries of the San Francisco Oakland, California, Customs port of entry are extended to include:

All the territory within the corporate limits of San Francisco and Oakland; all

points on the San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay; all points on the San Joaquin River in Contra Costa and San Joaquin Counties, to and including Stockton; north along U.S. Interstate 80 to Airbase Parkway, east along Airbase Parkway to and including the territory comprising the Travis Air Force Base; all points on the Sacramento River in Solano, Yolo, and Sacramento Counties, from the junction of the Sacramento River within the San Joaquin River in Sacramento County, to and including Sacramento, California; and all points on the Sacramento River Deep Water Ship Channel in Solano, Yolo, and Sacramento Counties, from and including the junction of Cache Slough with the Sacramento River, to and including Sacramento; all in the State of California.

(c) The geographical boundaries of the Durham, North Carolina, Customs port of entry are extended to include:

All the territory within the corporate limits of Durham; and from the southeast intersection of the corporate limits of Durham and U.S. Highway No. 70, southeast along U.S. Highway No. 70 to State Road 1002 (also named Airport Road), southwest along State Road 1002 to and including the territory comprising the Raleigh-Durham Airport; and beginning at the intersection of the southeastern corporate limits of Durham and Ellis Road, southerly along the west side of Ellis Road a distance of 1.1 miles to Cook Road, then westerly along the north side of Cook Road a distance of .6 mile to Alston Avenue, then northwesterly along the east side of Alston Avenue a distance of 1.2 miles to the corporate limits of Durham; all in the State of North Carolina.

(d) The geographical boundaries of the Columbus, Ohio, Customs port of entry include all of the territory within the corporate limits of Columbus, Ohio; all of the territory completely surrounded by the city of Columbus; and, all of the territory enclosed by Interstate Highway 270 (outer belt), which completely surrounds the city.

Executive Order 12291

Because this will not result in a "major rule" as defined in section 1(b) of Executive Order 12291, the regulatory impact analysis and review prescribed by section 3 of the Executive Order is not required.

Inapplicability of Regulatory Flexibility Act

Customs routinely establishes, expands, and eliminates Customs ports of entry throughout the United States to accommodate the volume of Customs-

related activity in various parts of the country. Although this change may have a limited effect upon some small entities, it is not expected to be significant because extending the port limits at Customs ports of entry in other areas has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act.

Accordingly, pursuant to the provisions of section 3 of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), the Secretary of the Treasury has determined that the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendments to the Regulations

PART 101—GENERAL PROVISIONS

To reflect these changes, the column headed "Ports of Entry" in the list of Customs regions, districts, and ports of entry in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended by:

§ 101.3 Amended.

(a) Substituting "(T.D. 82-9)." for "(T.D. 79-74)." in the listing for "Saginaw-Bay City-Flint" in the Detroit, Michigan, Customs district (Region IX);

(b) Substituting "(T.D. 82-9)." for "(T.D. 79-74)," all points on San Francisco Bay, and the territory described in E.O. 10042, March 10, 1949 (14 FR 1155), T.D. 53738 and T.D. 56020." in the listing for "SAN FRANCISCO-OAKLAND, CALIF.," in the San Francisco, California, Customs district (Region VIII);

(c) Inserting "and T.D. 82-9." following "9 FR 3761" in the listing for "Durham" in the Wilmington, North Carolina, Customs district (Region IV); and,

(d) Inserting "(T.D. 82-9)." following "Columbus, Ohio." in the listing for the Cleveland, Ohio, Customs district (Region IX).

Dated: December 23, 1981.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-767 Filed 1-11-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 135

[Docket No. 78P-0374]

Frozen Desserts; Ice Cream, Frozen Custard, Ice Milk, and Sherbet; Amendment to the Standards of Identity; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of the revision of the standards of identity for ice cream and frozen custard, ice milk, and sherbet. These revised standards permit, in addition to sweet whey which was already allowed, the use of acid whey and modified wheys made from sweet and acid wheys as a source of whey solids.

DATES: Effective July 1, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun on November 3, 1981.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 17, 1979 (44 FR 48265), FDA published a proposal to amend the standards of identity for ice cream and frozen custard, and sherbet (21 CFR 135.110 and 135.140, respectively) and, by cross-reference, the standard of identity for ice milk (21 CFR 135.120). FDA published the proposal in response to a citizen petition filed by the International Association of Ice Cream Manufacturers, the Whey Products Institute, and Foremost Foods Co. The proposed amendment would permit the use of sweet whey, acid whey and modified whey products made from sweet and acid wheys as a source of whey solids as long as the total amount of whey solids used does not exceed

current limits in the frozen dessert standards.

After receiving and analyzing comments on the proposed revision, FDA published a final rule in the *Federal Register* of September 4, 1981 (46 FR 44432). No objections or requests for a hearing were received. However, one letter was received which expressed concern whether FDA has the capability to enforce the provision of the final rule regarding the maximum limits set for the amounts of whey solids that may be used in frozen desserts when modified wheys are used.

FDA advises that establishment inspections serve as one means of enforcing this provision of the standard. In addition, U.S. Department of Agriculture's Eastern Regional Research Center has developed a relatively simple analytical method to determine the proportion of protein in ice cream contributed by non-fat milk solids versus whey solids by computing the nitrogen-to-phosphorus ratio. FDA believes, therefore, that it has adequate means of enforcement.

PART 135—FROZEN DESSERTS

§§ 135.110, 135.120 and 135.140 Effective date confirmed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), notice is given that the effective date for compliance with the amendments of §§ 135.110, 135.120, and 135.140 published in the *Federal Register* of September 4, 1981 (46 FR 44432) is July 1, 1983. Voluntary compliance may have begun on November 3, 1981.

Dated: January 4, 1982.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 82-564 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 175, 176, and 178

[Docket No. 81F-0233]

Indirect Food Additives: Synthetic Wax Polymer

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of synthetic wax polymer prepared by the polymerization of high

molecular weight alpha olefins for use as a component of adhesives, as a component of petroleum wax and/or synthetic petroleum wax in paper and paperboard, and as a component of reinforced wax.

DATES: Effective January 12, 1982, objections by February 11, 1982.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of August 21, 1981 (46 FR 42530), FDA announced that a petition (FAP 7B3318) had been filed by the Petrolite Corp., 6910 E. 14th St., P.O. Drawer K, Tulsa, OK 74112, proposing that the food additive regulations be amended in §§ 175.105, 176.170, and 178.3850 (21 CFR 175.105, 176.170, and 178.3850).

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive uses are safe and that §§ 175.105, 176.170, and 178.3850 should be amended as set forth below.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore need not be prepared. The agency's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)), may be seen in the Dockets Management Branch, Food and Drug Administration (address above), between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Parts 175, 176, and 178 are amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

1. Part 175 is amended in § 175.105(c)(5) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 175.105 Adhesives.

* * * * *
(c) * * *
(5) * * *

Substances	Limitations
Synthetic wax polymer as described in § 176.170(a)(5) of this chapter.	

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

2. Part 176 is amended in § 176.170(a)(5) by alphabetically inserting a new item in the list of substances to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *
(a) * * *
(5) * * *

List of substances	Limitations
Synthetic wax polymer prepared by the catalytic polymerization of alpha olefins such that the polymer has a maximum iodine number of 18 and a minimum number average molecular weight of 2,400.	For use only as a component of petroleum wax and/or synthetic petroleum wax complying with § 178.3710 or § 178.3720 of this chapter at levels not to exceed 5 percent by weight of the wax: 1. Under conditions of use F and G described in Table 2 of paragraph (c) of this section for all foods. 2. Under conditions of use E described in Table 2 of paragraph (c) of this section for food types I, II, IV-B, VI, VII-B and VIII as described in Table 1 of paragraph (c) of this section.

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

3. Part 178 is amended in § 178.3850(d)(3) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 178.3850 Reinforced wax.

* * * * *
(d) * * *
(3) * * *

List of substances	Limitations
Synthetic wax polymer as described in § 176.170(a)(5) of this chapter.	Not to exceed 5 percent by weight of the petroleum wax.

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 11, 1982 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis of any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective January 12, 1982.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: January 5, 1982.

William F. Randolph,

Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 82-700 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Cadco, Inc., providing labeling revisions for a 10-gram-per-pound tylosin premix that expand its use to manufacture of cattle and poultry feeds in addition to manufacturing swine feeds.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT:

Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Cadco, Inc., P.O. Box 3599, 10100 Douglas Ave., Des Moines, IA 50322, is sponsor of an NADA (91-783) to provide for safe and effective use of a 10-gram-per-pound tylosin premix in manufacturing complete swine feeds. The feeds are used for increased rate of weight gain and improved feed efficiency. On behalf of Cadco, Elanco Products Co. filed a supplement to the NADA that expands use of the premix to manufacture of complete cattle and poultry feeds. The cattle feeds are indicated for reduction of incidence of liver abscesses in beef cattle. The poultry feeds are indicated for increased rate of weight gain and improved feed efficiency in chickens, improved feed efficiency in laying chickens, and to aid in the control of chronic respiratory disease in broiler and replacement chickens. The supplement also provides for certain additional uses of swine feeds derived from the 10-gram-per-pound premix.

Cadco has existing approvals for use of premixes containing 4 and 8 grams of tylosin per pound for manufacture of swine feeds used solely for increased rate of weight gain and improved feed efficiency. The supplemental NADA, adding the additional claims and species for the 10-gram-per-pound premix, is approved and 21 CFR 558.625 is amended to reflect the approval.

Approval of this application is based on safety and effectiveness data contained in Elanco's approved NADA 12-491. Use of the data in NADA 12-491 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977) this is a Category II change. The approval of this supplemental NADA does not require reevaluation of the safety and effectiveness data in NADA 12-491.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support

approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(4) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(4) To 011490: 4 and 8 grams per pound, paragraph (f)(1)(vi)(a) of this section; 10 grams per pound, paragraph (f)(1)(i) through (vi) of this section.

* * * * *

Effective date. This amendment is effective January 12, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: January 4, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-553 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Amendment to the Wyoming State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; amendment.

SUMMARY: This notice amends § 1952.344 of Title 29 Code of Federal Regulations relating to completed developmental steps in the Wyoming State Plan involving legislation revising the enabling law providing for civil enforcement of safety and health violations, an approved merit system for hiring enforcement staff, and the conformity of the State's personnel operations with Federal standards.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Charles Y. Boyd, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N-3613, Washington, D.C. 20210, (202) 523-8081.

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Section 1952.344 of 29 CFR Part 1952 is hereby amended to reflect approval of three developmental steps by adding paragraphs (g), (h) and (i) as follows:

§ 1952.344 Completed developmental steps.

(g) Legislation revising the enabling law to provide for civil enforcement of safety and health violations and revised regulations establishing procedures for review of enforcement actions was approved by the Assistant Secretary on December 19, 1980. (45 FR 83483)

(h) The State has met its plan commitment for hiring enforcement staff under an approved merit system for administration of its health and safety program pursuant to a July 3, 1980 memo from Don Owsley, Administrator of the Wyoming Occupational Health and Safety Department.

(i) As required by 29 CFR 1902.34(b)(3), the personnel operations of the Wyoming Occupational Health and Safety Department have been found to be in substantial conformity with the "Standards for a Merit System of Personnel Administration" by the Office of Personnel Management in a letter dated October 17, 1980.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Washington, D.C. this 30th day of December 1981.

Thorne G. Auchter,
Assistant Secretary.

[FR Doc. 82-769 Filed 1-11-82; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 2011-6]

Approval and Promulgation of Revision to Arkansas State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The State of Arkansas has submitted to EPA a revision to its Plan for Implementation for Air Pollution Control (SIP) concerning the control of total suspended particulate (TSP) emissions. The SIP revision submitted by Arkansas provides for an emission rate limit for TSP emissions from the Energy Systems Company of El Dorado, Arkansas so that the National Ambient Air Quality Standard (NAAQS) for TSP will continue to be maintained in Arkansas. This notice approves the Arkansas SIP revision and amends the Code of Federal Regulations at § 52.170. This action will be effective on March 15, 1982 unless notice is received within 30 days (on or before February 11, 1982) that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: March 15, 1982.

ADDRESSES: Written comments should be addressed to Estela Wackerbarth of the EPA Region VI Air Programs Branch (address below). Copies of the materials submitted by Arkansas may be examined during normal business hours at the following locations:

Arkansas Dept. of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209

EPA, Region VI Library, 1201 Elm Street, Dallas, Texas 75270

EPA, Public Information Reference Unit, Library Systems Branch, 401 M Street, S.W., Washington, D.C. 20460

The Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, EPA, Region VI, 1201 Elm Street, Dallas, Texas, 75270, (214) 767-1518, FTS 729-2742.

SUPPLEMENTARY INFORMATION:

I. Background

The SIP revision was submitted by the Governor of Arkansas on September 11, 1981. The submittal revised the Arkansas SIP for the control of TSP emissions, to include a maximum

allowable emission limit for particulate emissions from Energy Systems Company (ENSCO) of El Dorado, Arkansas. Particulate emissions occur at ENSCO during the operation of an incinerator which the company uses to dispose of hazardous waste, with a scrubber being utilized by ENSCO to control the incinerator's emissions.

The Arkansas SIP was previously fully approved by EPA on October 5, 1976 (41 FR 43903). At that time, the SIP provided for the attainment and maintenance of the National Ambient Air Quality Standard (NAAQS) for TSP throughout Arkansas by providing regulations for limiting TSP emissions from individual sources that would have an impact on the NAAQS. Since that time, the State has discovered that ENSCO was not included in the SIP as a major source of TSP. Therefore, the State has revised its regulations, specifically Section 8 of the Regulations of the Arkansas SIP, to include the omitted source and to set a maximum allowable particulate emission limit for ENSCO. The State has submitted the revision to Section 8 of its Regulations to EPA as a SIP revision and has requested EPA's approval of the action.

II. Approval of SIP Revision

EPA has reviewed the Arkansas SIP revision and finds that the submission is fully approvable as explained below and in the Evaluation Report which is available for public review at the locations listed in the Addresses Section of this notice. The submission includes validation that a public hearing was held and adequate time was allowed for public comment. Also, the submission validates that the emission limit for ENSCO of 34 pounds of particulate per hour is fully enforceable by the State, and validates that Section 8 of the Regulations of the Arkansas SIP has been amended to include the particulate emission rate for ENSCO. In addition, the State's submission includes an ambient air analysis using modeling which shows that the NAAQS for TSP will continue to be maintained around the ENSCO plant with the emission rate in effect, since the concentrations of TSP in the ambient air surrounding the plant were predicted to be between .7%-3.1% of the NAAQS for TSP.

Therefore the State submittal includes the necessary information for approval of a SIP revision and shows that the NAAQS for TSP will be maintained around the ENSCO plant in El Dorado, Arkansas.

EPA's Actions

EPA approves the SIP revision as submitted by Arkansas which amends Section 8 of the Regulations of the Arkansas Plan of Implementation for Air Pollution Control to include a particulate emission rate of 34 pounds per hour for ENSCo at El Dorado, Arkansas.

The public should be advised that this action will be effective 60 days from the date of notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice published before the effective date. The subsequent notice will withdraw the final action and will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

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

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that this notice will not have a significant economic impact on a substantial number of small entities since it imposes no new regulatory requirements. This action only approves a State action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely approves a State action concerning one source in the State.

Note.—Incorporation by reference of the SIP for the State of Arkansas was approved by the Director of the Office of the Federal Register on July 1, 1981.

(Sec. 110(a), Clean Air Act, as amended (42 U.S.C. 7410(a)))

Dated: December 31, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52, Subpart E—Arkansas, of the Code of Federal Regulations is amended to include the following:

Section 52.170 is amended by adding:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(16) On September 11, 1981, the Governor submitted a revision to Section 8 of the Regulations of the Arkansas Plan of Implementation for Air Pollution Control which implements an emission limit for Energy Systems Company of El Dorado, Arkansas.

[FR Doc. 82-724 Filed 1-11-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-4-FRL-1992-1]

Approval and Promulgation of Implementation Plans; Kentucky: Bubble Action for General Electric Plant in Louisville

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves a State Implementation Plan (SIP) revision submitted by the Kentucky Department for Natural Resources and Environmental Protection. The SIP revision presents an alternative emission reduction (bubble) plan for the General Electric (G.E.) plant in Louisville, Kentucky. The revision allows G.E. to achieve compliance with Kentucky and Jefferson County volatile organic compound (VOC) regulations for existing large appliance surface coating operations. The state and local regulations require final compliance by January 1, 1982.

G.E. is leasing banked VOC emission credits from the International Harvester Company (I.H.) in Louisville, Kentucky. The leased emission credits will provide G.E. with sufficient emission reductions to achieve final compliance by January 1, 1982, and contribute a 10 percent net air quality benefit.

This approval action will be effective March 15, 1982, unless notice is received within 30 days (on or before February 11, 1981) that someone wishes to submit adverse or critical comments.

DATE: These actions are effective March 15, 1982.

ADDRESSES: Copies of the materials submitted may be examined during normal business hours at the following locations:

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

Office of the Federal Register, 1100 L
Street, N.W., Room 8401, Washington,
D.C. 20460

Library, Environmental Protection
Agency, EPA Region IV, 345 Courtland
Street, N.E., Atlanta, Georgia 30365
Division of Air Pollution Control,
Kentucky Department for Natural
Resources and Environmental
Protection, 18 Reilly Road, Building
#2, Ft. Boone Plaza, Frankfort,
Kentucky 40601

Comments should be addressed to the
Air Programs Branch of EPA Region IV
at the address above.

FOR FURTHER INFORMATION CONTACT:
Melvin Russell of the Air Programs
Branch at the EPA Region IV address
above or call 404/881-3286 or FTS 257-
3286.

SUPPLEMENTARY INFORMATION: The
Kentucky SIP revision that EPA is
approving today was subjected to public
hearing on July 15, 1981 at the offices of
the Air Pollution Control District of
Jefferson County in Louisville, Kentucky.
The Jefferson Air Pollution Control
Board subsequently approved it on July
15, 1981. The plan revision was
submitted to EPA Region IV as a SIP
revision by the Kentucky Department for
Natural Resources and Environmental
Protection on August 7, 1981. Following
a thorough review by EPA, the plan
revision was found to be adequate, and
EPA is today approving it.

The sources affected by the revision
are the Koch Plastics Prime System and
the Koch Wire Rack Prime System at the
G.E. plant located in Appliance Park,
Louisville, Kentucky. These sources are
on a compliance schedule in accordance
with Jefferson County Regulation 6.16
and Kentucky Regulation 401 KAR
61:110. G.E. has experienced difficulty in
meeting the interim goals in the
schedule. After studying all available
alternatives for achieving final
compliance, it was determined that use
of the bubble policy was the most
economically feasible and expeditious
means.

The state and local regulatory
requirements are in accordance with
EPA reasonable available control
technology (RACT) guidelines for
control of volatile organic emissions
from existing stationary sources,
Volume V—Surface Coating of Large
Appliances, and other related guidance.

The state and local regulations require
an 85 percent reduction in VOC
emissions from any existing large
appliance surface coating operations by
January 1, 1982. The estimated
compliance date without the use of a
bubble plan is December 31, 1983. By

using the bubble plan, G.E. can meet the final compliance date of January 1, 1982.

G.E. entered a binding (signed) lease agreement with I.H. on July 8, 1981. G.E. will lease 445 tons per year (TPY) in VOC emission credits from I.H. for the period January 1, 1982 to December 31, 1982, and 280 TPY for the period January 1, 1983 to December 31, 1983. In a letter dated June 5, 1981, from G.E. to the Air Pollution Control District of Jefferson County, G.E. certified that production of the plastisol dish washer will be discontinued December 31, 1983.

Prior to the termination of the lease agreement with I.H., the company will complete product changes that will reduce VOC emissions to the required level under the Jefferson County Air Pollution Control Board's regulation 6.16 (no more than 15 percent by weight of the VOC net input into the facility). The actual emission reductions necessary for

compliance in 1982 are 400 TPY. The bubble includes an additional 45 TPY and this will result in an additional 10 percent reduction in potential VOC emissions. Excess reductions beyond the 10 percent benefit level will ensure compliance in the event of any fluctuations in operations. The 280 TPY leased for 1983 will be applied as necessary to ensure continued compliance. The VOC emission credits necessary for 1983 are dependent upon the degree of phase-out of the VOC emitting processes in 1982. It is expected that the 280 TPY will be in excess of the emission credits necessary for compliance. Compliance for 1983 will be addressed later in 1982, when a better estimate can be made regarding the 1982 phase-out of VOC emitting processes.

Emissions from G.E. and I.H. are being controlled by permit conditions. The I.H. permit numbers and banked emissions for VOC are:

Permit No.	New allowable	Banked emissions
374-80	0 lbs/hr	122 TPY.
20-80	0 lbs/hr	45 TPY.
169-79	0 lbs/hr	303 TPY.
Total		470 TPY.

The G.E. Permit limitations effective January 1, 1982 are:

Permit No.	**Allowable emissions	**Actual emissions	Leased emission credit
*Draft	36.5 lbs/hr (63 TPY)	243.5 lbs/hr (420 TPY)	445 TPY.
*Draft	4.6 lbs/hr (8 TPY)	29.6 lbs/hr (51 TPY)	1/1/82 thru 12/31/82.
Total	71 TPY	471 TPY	445 TPY.

* NOTE.—Permit numbers will be assigned after EPA approval.

** Actual emissions are estimated, based upon present (uncontrolled) emissions and operating rates. Allowable emission rates are based upon compliance with VOC formulation requirements of applicable regulations and operating rates. The final permits, when issued, should include a mechanism for determining compliance of G.E. with the interim emission limits.

Action

EPA is today approving the SIP revision submitted by Kentucky. This is being done without prior proposal because the bubble procedure used in this case is straightforward, noncontroversial, affects only the two companies involved, and no comments are anticipated.

The public should be advised that this revision will be effective 60 days from the date of this notice. However, if notice is received within 30 days from the date of this notice that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and subsequent notices will be published before the effective date. The subsequent notices will withdraw the final action and begin a new rulemaking by announcing a proposal of the action, and establishing a new comment period.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies state actions and imposes no new burden on sources.

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

proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plans for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: January 5, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40, Code of Federal Regulations, is amended as follows:

In § 52.920, paragraph (c) is amended by adding subparagraph (26) as follows:

§ 52.920 Identification of plan.

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

(26) Revision to the State Implementation Plan for a bubble action at General Electric, Louisville, Kentucky, submitted on August 7, 1981, by the Kentucky Department for Natural Resources and Environmental Protection.

[FR Doc. 82-725 Filed 1-11-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL 1981-2]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: Environmental protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: In the August 31, 1981, Federal Register (46 FR 43704), EPA proposed to approve as a revision to the Michigan State Implementation Plan (SIP) an amendment to Michigan Air Pollution Control Commission Rule 221 which regulates the State's new source review program. The amendment, which was submitted to EPA by the State of Michigan on July 28, 1980, revises the offset requirements placed on proposed new minor sources of total suspended particulates and sulfur dioxide. No public comments were received on EPA's proposed rulemaking. The purpose of today's notice is to announce final approval of this revision to the Michigan SIP.

EFFECTIVE DATE: This final rulemaking is effective on February 11, 1982.

ADDRESSES: Copies of the SIP revisions are available for review at the following addresses:

U.S. Environmental Protection Agency,
Air Programs Branch, Region V, 230
South Dearborn Street, Chicago,
Illinois 60604

Michigan Department of Natural
Resources, Air Quality Division, State
Secondary Government Complex,
General Office Building, 7150 Harris
Drive, Lansing, Michigan 48917
Office of the Federal Register, 1100 L
Street NW., Room 8401, Washington,
D.C. 20460

FOR FURTHER INFORMATION CONTACT:
Ms. Toni Lesser, Regulatory Analysis
Section, U.S. Environmental Protection
Agency, Air Programs Branch, Region V,
230 South Dearborn Street, Chicago,
Illinois 60604, (312) 886-6037.

SUPPLEMENTARY INFORMATION: Section 173 of the Clean Air Act (Act) requires each State to develop a program which will accommodate new source growth and ensure that reasonable further progress is made toward attainment of the National Ambient Air Quality Standards for the areas within the State that have been designated as nonattainment. Such a program is commonly referred to as a new source review (NSR) program.

In the May 6, 1980 Federal Register (45 FR 29790), EPA approved Michigan's NSR program which is embodied in Rule 221. The Michigan NSR program is designed to accommodate new source growth through an emissions offset program. Rule 221 requires that emissions from a proposed new major source be offset by a greater than one-to-one decrease in emissions from another source located in the area. For proposed new minor sources which emit either particulate matter or sulfur dioxide, an offset must also be procured.

On July 28, 1980, Michigan submitted to EPA, as a SIP revision, an Amended Rule 221. Amended Rule 221 proposes to exempt proposed new minor sources of particulate matter and sulfur dioxide from the offset requirements.

On August 31, 1981 (46 FR 43704), EPA proposed approval of Amended Rule 221. No public comments were received. EPA, therefore, approves Amended Rule 221.

Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator, on January 27, 1981 (46 FR 8709), certified that approvals or conditional approvals promulgated pursuant to sections 110 and 172 of the Act would not have a significant economic impact on a substantial number of small entities. Because this final action approves a State action taken pursuant to Section

110 of the Act, it falls within this certification. Further, Amended Rule 221 imposes no new regulatory requirements.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's final rulemaking action does not constitute a major regulation because it merely approves a regulation which was developed by the State.

Incorporation by reference of the State Implementation Plans for the State of Michigan was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: December 8, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40, Code of Federal Regulations is amended as follows:

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph 42 as follows:

§ 52.1170 Identification of plan.

* * * * *
(c) * * *
* * * * *

(42) On July 28, 1980, the State submitted an amendment to Michigan Air Pollution Control Commission Rule 221 which exempts minor sources of particulate matter and sulfur dioxide from the offset requirements.

[FR Doc. 82-722 Filed 1-11-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 65

[EN-9-FRL 2030-2]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Delayed Compliance Orders for Phelps Dodge Corporation, Ajo and Morenci, Arizona Copper Smelters

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues Delayed Compliance Orders (DCO) to Phelps Dodge

Corporation copper smelters in Ajo and Morenci, Arizona. The Ajo order requires Phelps Dodge to bring air emissions from its Ajo smelter into compliance with the particulate and sulfur dioxide emission limitations in the State Implementation Plan (SIP) by December 31, 1985. The Morenci order requires Phelps Dodge to bring air emissions from its Morenci smelter into compliance with the particulate and sulfur dioxide emission limitations in the SIP by January 1, 1985. Compliance with the orders will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by the order during the period the order is in effect.

EFFECTIVE DATE: January 12, 1982.

ADDRESS: The DCO is available for public inspection and copying during normal business hours at the address below.

FOR FURTHER INFORMATION CONTACT:
William D. Wick, Attorney-Advisor,
Enforcement Division, EPA, Region 9,
215 Fremont Street, San Francisco, CA
94105 (415) 974-8038.

SUPPLEMENTARY INFORMATION: On October 7, 1981, the Acting Regional Administrator of EPA's Region 9 office published in the Federal Register (46 FR 49604) a notice setting forth the provisions of proposed Delayed Compliance Orders for Phelps Dodge Corporation copper smelters at Ajo and Morenci, Arizona. The notice solicited public comments and offered the opportunity to request a public hearing on the proposed DCOs. No public comments were received. No requests for a public hearing were received.

(Secs. 113 and 301 of the Clean Air Act, as amended (42 U.S.C. 7413, 7601))

Dated: January 7, 1982.

Anne M. Gorsuch,
*Administrator, Environmental Protection
Agency.*

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDER

§ 65.70 [Amended]

1. By amending the table in § 65.70, Federal Delayed Compliance Orders issued under sections 113(d) (1), (3), and (4) of the Act, by adding the following entries:

Source	Location	Order No.	Date of FEDERAL REGISTER proposal	SIP regulation involved	Final compliance date
Phelps Dodge	Ajo	9-81-27	Oct. 7, 1981	40 CFR 51.125(d), 40 CFR 52.126(b)	Dec. 31, 1985
Phelps Dodge	Morenci	9-81-28	Oct. 7, 1981	40 CFR 51.125(d), Reg. 7-1-3.6 (Arizona State Dept. of Health).	Jan. 1, 1985.

2. The text of each DCO can be found at 46 FR 49605 (October 7, 1981).

[FR Doc. 82-856 Filed 1-11-82; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 81-519]

Reflect a Reorganization of the Office of Opinions and Review and the Office of General Counsel; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error made in the Final Rule (Order) in this proceeding concerning the reorganization of the Office of Opinions and Review and the Office of the General Counsel. This action serves the purpose of clarifying the Adopted date of the Order, which is where the error was made.

FOR FURTHER INFORMATION CONTACT: Charles Marietta, Office of Managing Director, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 0 of the Commission's rules to reflect a reorganization of the Office of Opinions and Review and the Office of General Counsel; Correction.

Released: November 30, 1981.

The order released on November 9, 1981 (FCC 81-519) and published in the Federal Register on November 20, 1981 on page (46 FR 57049) in the above captioned proceeding is hereby corrected by changing the Adopted date to read: September 28, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 82-713 Filed 1-11-82; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Export of Bobcat Taken in the 1981-1982 Season

AGENCY: Fish and Wildlife Service, Interior Department.

ACTION: Notice of suspension of a certain rule.

SUMMARY: The Fish and Wildlife Service is suspending for 6 months the final rule published on October 14, 1981 (46 FR 50774) authorizing export, pursuant to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), of bobcat taken during the 1981-82 season. This action is being taken to conform with a court injunction prohibiting the Service from authorizing the export of bobcat.

DATE: The suspension of the rule authorizing export of bobcat taken during the 1981-82 season is effective immediately upon publication. The rule will be suspended for a period of 6 months.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Jachowski, Office of Scientific Authority, U.S. Fish and Wildlife Service.

SUPPLEMENTARY INFORMATION: On October 14, 1981, the Fish and Wildlife Service published a final rule (46 FR 50774) authorizing the export of bobcat and other species taken during the 1981-82 season. The effective date of the rule for the species other than bobcat was October 14, 1981. The effective date of the rule for bobcat was postponed for 60 days to allow the Service to seek vacation of an injunction issued by the United States District Court for the District of Columbia prohibiting the Service from authorizing export of bobcat until it promulgated new guidelines and made findings on the basis of those guidelines. On December 11, 1981 (46 FR 60589) the rule was postponed for an additional 30 days since the court had yet to rule on the Service's motion.

On December 15, 1981 the United States District Court for the District of Columbia issued a decision denying the

motion of the Service to vacate the injunction. Accordingly, the Service remains under court injunction prohibiting the Service from authorizing the export of bobcat.

The Service is therefore suspending the rule authorizing the export of bobcat taken during the 1981-82 season for a period of 6 months. This will afford the Service an opportunity to analyze the Court's decision and to take appropriate steps in regard to any future authorization to export bobcat. Additional notice concerning the export of bobcat will then be provided. This action does not affect the export of species other than bobcat.

Notice of Suspended Regulation

PART 23—ENDANGERED SPECIES CONVENTION

§ 23.52 [Amended]

The regulation at 50 CFR § 23.52(e), Bobcat (*Lynx rufus*), 1981-82 Harvest, is suspended for 6 months.

G. Ray Arnett,
Assistant Secretary of the Interior.

[FR Doc. 82-766 Filed 1-11-82; 8:45 am]
BILLING CODE 4310-55-M

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Atlantic mackerel allocation.

SUMMARY: The National Marine Fisheries Service (NMFS) allocates 6,000 metric tons (mt) of Atlantic mackerel from "reserve" to the total allowable level of foreign fishing (TALFF). This action is required by the procedures established in the regulations implementing the fishery management plan for Atlantic mackerel. The allocation will aid in achieving full utilization of optimum yields.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT:
Salvatore A. Testaverde, 617-281-3600.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Mackerel Fishery (FMP), as amended, established a reserve of 6,000 mt of Atlantic mackerel (45 FR 45291); implementing regulations provided a mechanism to allocate all or part of the reserve to TALFF (45 FR 77445).

The implementing regulations at 50 CFR 611.52 and 656.22 direct the Regional Director of the Northeast Region, NMFS, to allocate the reserve to TALFF if criteria are met. Following the procedures of § 656.22(a), the domestic catch of mackerel from April through September 30, 1981, was determined, taking into consideration the ability and intent of domestic harvesters and processors to harvest and process mackerel. The Regional Director estimated that the domestic harvest would be between 7,000 mt and 8,000 mt, less than the 20,000 mt domestic annual harvest.

As directed by § 656.22(c), the Regional Director proposed to allocate the entire 6,000 mt reserve to TALFF and invited public comment on this proposal for a 15-day period, ending December 2, 1981. One comment was received.

The comment centered on opposition to granting the mackerel allocation to TALFF. The commenter believed this would hinder exports from domestic processors to foreign nations. However, NMFS' investigation to determine the ability and intent of domestic harvesters and processors revealed no large amounts of mackerel being stored for sale overseas. Nor was it found that future orders of Atlantic mackerel were being placed prior to the end of the fishing year. The Regional Director concluded that the current quota of 20,000 mt is adequate for the domestic fishery and that the release of the reserve to TALFF would not hinder present export opportunities. Therefore, the 6,000 mt reserve is allocated to TALFF.

Classification

This notice is a prescribed management action taken under 50 CFR 611.52 and 652.22 and is exempt from Sections 3, 7 and 9 of Executive Order 12291. Determinations were made at the time these rules were implemented for significance under E.O. 12044 and to meet classification requirements of other applicable law (implemented at 45 FR 77445). The environmental impact

statement for this action was evaluated in the final environmental impact statement and supplements prepared for the FMP and its amendments which are on file with the Environmental Protection Agency.

A regulatory flexibility analysis is not required under the Regulatory Flexibility Act because notices are exempt from the notice and comment requirements of the Administrative Procedure Act. This notice does not call for additional collection of information from the public under the Paperwork Reduction Act of 1980.

Dated: January 7, 1982.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Part 611 is revised as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Appendix 1 to § 611.20, entry 1-B is revised to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

APPENDIX 1. OPTIMUM YIELD (OY), ESTIMATED DOMESTIC ANNUAL HARVEST (DAH), ESTIMATED DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NON-PROCESSED FISH (DNP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS. OY = RESERVE + TALFF, DAH = DAP + JVP + DNP.

Species	Species code	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
1. Northwest Atlantic Ocean Fisheries:								
B. Mackerel Fishery: Mackerel, Atlantic.....	204	30,000	20,000			0	0	10,000

12. Sec. 611.52

[FR Doc. 82-785 Filed 1-11-82; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Parts 611 and 675

Foreign Fishing, Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The NOAA issues a final rule implementing two amendments to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). These amendments: (1) increase the domestic annual harvest and decrease total allowable level of foreign fishing for yellowfin sole and "other flatfish," (2)

recalculate the maximum sustainable yield for that portion of Pacific cod under U.S. management, and (3) institute procedures to close, during the fall and winter, certain areas in the eastern Bering Sea to groundfish trawling by vessels of a foreign nation which have caught incidentally a specified number of chinook salmon, a prohibited species for foreign trawling. This action is intended to: (1) meet the growing needs of the U.S. fishing industry, (2) reduce the incidental catch and unnecessary mortality of chinook salmon, a prohibited species in the foreign fishery, and (3) facilitate the enforcement of existing regulations designed to protect prohibited species.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey (Director, Alaska Region, National Marine Fisheries Service), 907-586-7221.

SUPPLEMENTARY INFORMATION: The Bering Sea and Aleutian Islands Area groundfish fishery is managed under the FMP, which was implemented on January 1, 1982 (46 FR 63295, December 31, 1981). On October 2, 1981, the NOAA Administrator approved Amendments 1a and 2 to the FMP.

Background information, descriptions, and rationale were offered to the public in the preamble of the proposed rule and notice of approval and availability for Amendments 1a and 2, at 46 FR 53475. Comments on these amendments to the FMP and the proposed rule were invited

until December 14, 1981. Briefly, Amendment 2 increases the estimated domestic annual harvest (DAH) for yellowfin sole for the 1982 fishing year from 2,050 metric tons (mt) to 26,200 mt, and DAH for "other flatfishes" is increased from 1,300 mt to 4,200 mt. The optimum yield (OY) for Pacific cod is increased from 58,700 mt to 78,700 mt; DAH is increased by 19,000 mt and the reserve by 1,000 mt, thereby accounting for the full 20,000 mt increase in OY. This action increases the DAH for Pacific cod from 24,265 mt to 43,265 mt, of which 26,000 mt is specified as domestic annual processing (DAP). Those portions of DAH specified as joint venture processing (JVP) (17,075 mt), domestic nonprocessed fish (DNP) (200 mt), and total allowable level of foreign fishing (TALFF) (31,500 mt) are not changed at this time; but 3,935 mt will now be held in reserve, or 1,000 mt more than the 2,935 mt formerly reserved. Amendment 1a limits the prohibited species catch (PSC) of chinook salmon in the eastern Bering Sea foreign trawl fishery to 55,250 fish during all of 1982. This amount is a 15 percent reduction from the 1981 chinook salmon PSC of 65,000 fish implemented under the preliminary management plan.

The estimate of equilibrium yield (EY) for Pacific cod, the harvest rate at which the biomass will remain stable, has been reduced from 160,600 mt to 160,000 mt. This change affects the acceptable biological catch (ABC) for this species, since the ABC will equal the EY of 160,000 mt.

Public Comment

One comment was received on the proposed rule. The statements relevant to Amendments 1a and 2 were:

1. The values of ABC and OY should be revised, using the most current scientific information available.

2. The level of domestic annual harvest should be based on the most current actual U.S. catch.

3. The prohibited species catch scheme for chinook salmon should not be changed from that proposed.

Response to comment (keyed to the statements above)

1. Amendment 2 only addresses the OY and ABC for Pacific cod. The NOAA notes that because of lags between Council development and final Secretarial approval of an amendment, a final rule may not always contain the most recent information. However, the Council is again amending the OY and ABC for Pacific cod, based on more recent information as part of a new amendment to the FMP that is expected to be submitted for Secretarial review soon.

2. Amendment 2 addresses only the DAH of Pacific cod, yellowfin sole, and "other flatfishes." An included suggestion that "DAH should be set at the actual U.S. catch of the previous year and that any expected increase in DAH should be put in reserve" might have merit. The NOAA notes, however, that this suggestion would require a separate determination of reserve for each species or species group, rather than a 5% of OY reserve as specified in the FMP. This suggestion cannot be followed without a plan amendment.

3. The comment is noted. The substance of the proposed regulations is not changed.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that these amendments to the FMP are necessary and appropriate for the conservation and management of fishery resources in the Bering Sea and Aleutian Islands area, and that the action is consistent with the national standards of the Magnuson Fishery Conservation and Management Act (Magnuson Act), other provisions of the Magnuson Act, and other applicable law. Therefore, under sections 304 and 305 of the Magnuson Act, he has approved these FMP amendments and their implementing regulations. A notice of availability of a final environmental impact statement on the original FMP and these two amendments was published in the *Federal Register* November 20, 1981 (46 FR 57126).

The Assistant Administrator has also determined that approval and implementation of these amendments will be carried out in a manner that is consistent, to the maximum extent practicable, with the Alaska Coastal Management Program, as required by section 307(c) of the Coastal Zone Management Act of 1972 and its implementing regulations, 15 CFR Part 930, Subpart C.

The Administrator of NOAA has determined that this proposed rulemaking is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, and that the sector of the U.S. fishing industry dealing in groundfish from the Bering Sea and Aleutian Islands is too small for the proposed actions to have a significant effect on the economy. Amendment 2 will not effectively change the amount of Pacific cod available to the U.S. fishing industry, because the Pacific cod were already available to domestic fishermen under the PMP. Amendment 1a will beneficially affect Alaskan users of chinook salmon while avoiding

disruption of foreign groundfish fisheries. The Administrator also certifies that approval and implementation of Amendments 1a and 2 will not have a significant economic impact on a substantial number of small entities, and thus do not require the preparation of a regulatory flexibility analysis under 5 U.S.C. 603 and 604. The Administrator has also determined that this proposed rulemaking does not contain a collection of information requirement or involve any agency in collecting or sponsoring the collection of information within the meaning of the Paperwork Reduction Act of 1980.

The Assistant Administrator finds good cause not to delay for 30 days the effective date of these final regulations under 5 U.S.C. 553(d), for the following reasons: (1) catches of chinook salmon in the foreign trawl fishery tend to be high during winter months and foreign nations are likely to take added measures to avoid chinook salmon under the amended FMP rather than risk premature closure of their fisheries; (2) increases in DAH amounts for yellowfin sole, "other flatfish," and Pacific cod are necessary in view of the 1981 harvest level and the expected 1982 harvest level by U.S. fishing vessels; and (3) ample opportunity for involvement was accorded the public during public hearings and the 45-day public comment period.

On December 1, 1981, at 46 FR 58336, NOAA published a table of optimum yield and its distribution for various species in the fishery conservation zone off Alaska. The headings for "joint venture processing" and "domestic non-processed fish" were reversed. Therefore, NOAA is correcting and repromulgating the entire revised table for this geographic area.

Dated: January 7, 1982.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

For the reasons set out in the preamble, the regulations for 50 CFR Parts 611 and 675 are amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. In Part 611, § 611.20 Appendix I, is amended by revising the appendix heading and entry 4 to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

APPENDIX—1. OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED FISH (DNP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS. OY = DAH + RESERVE + TALFF. DAH = DAP + JVP + DNP

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
4. Alaska Fisheries:									
A. Bering Sea and Aleutian Islands Groundfish Fishery:									
Pollock	701	Bering Sea ¹	1,000,000	19,550	10,000	9,050	500	50,000	930,450
		Aleutians ²	100,000	0	0	0	0	0	100,000
Yellowfin sole	720		117,000	26,200	1,000	25,000	200	5,850	84,950
Turbots	721,118		90,000	1,075	1,000	75		4,500	84,425
Other flatfish	129		61,000	4,200	1,000	3,000	200	3,050	53,750
Pacific ocean perch ³	780	Bering Sea ¹	3,250	1,380	550	830		162	1,708
		Aleutians ²	7,500	1,380	550	830		375	5,745
Other rockfish	849		7,727	1,550	1,100	450		500	5,677
Sablefish	703	Bering Sea ¹	3,500	700	500	200		350	2,450
		Aleutians ²	1,500	700	500	200		150	650
Pacific cod	702		78,700	43,265	26,000	17,065	200	3,935	31,500
Atka mackerel	207		24,800	100	0	100		1,240	23,460
Squid	509		10,000	50	0	50		500	9,450
Other species ³	499		74,249	2,000	1,400	200	400	3,712	68,537
B. Bering Sea and Aleutian Islands Herring Fishery:									
Herring	209		(*)	(*)	(*)	(*)	(*)	(*)	(*)
C. Tanner Crab Fishery:									
<i>C. opilio</i>	610		(*)	(*)	(*)	(*)	(*)	(*)	(*)
Hybrids	684		(*)	(*)	(*)	(*)	(*)	(*)	(*)
<i>C. Bairdi</i>	501		(*)	(*)	(*)	(*)	(*)	(*)	(*)
D. Snail Fishery: Snails (meats):									
	673		3,000	0	0	0		0	3,000
E. Gulf of Alaska Groundfish Fishery:									
Pollock	701	Western ⁵	57,000	5,775	25	5,750		11,400	39,825
		Central ⁵	95,200	13,320	5,380	7,940		19,040	62,840
		Eastern ⁵	16,600	2,215	695	1,520		3,320	11,065
		Total	168,800	21,310				33,760	113,730
Pacific cod	702	Western	16,560	1,880	240	1,040	600	3,312	11,368
		Central	33,540	6,050	3,480	1,370	1,200	6,708	20,782
		Eastern	9,900	2,070	280	590	1,200	1,880	5,850
		Total	60,000	10,000				12,000	38,000
Flounders	129	Western	10,400	700	100	600		2,080	7,620
		Central	14,700	1,120	300	820		2,940	10,640
		Eastern	8,400	1,360	900	460		1,680	5,360
		Total	33,500	3,180				6,700	23,620
Pacific ocean perch ⁶	780	Western	2,700	345	25	320		540	1,815
		Central	7,900	1,255	295	960		1,580	5,065
		Eastern	14,400	1,315	80	1,235		2,880	10,205
		Total	25,000	2,915				5,000	17,085
Other rockfish ⁸		Total	7,600	900	700	200		1,520	5,180
Sablefish ⁷	703	Western	2,100	270	100	170		420	1,410
		Central	3,800	1,220	1,000	220		760	1,820
		Yakutat District ⁹	3,400	1,380	1,180	200		1,420	600
		Southeast Outside District ⁹	3,000	2,910	2,820	90		0	90
		Total	12,300	5,780				2,600	3,920
Atka mackerel	207	Western	4,678	290	0	290		936	3,452
		Central	20,836	1,080	0	1,080		4,167	15,589
		Eastern	3,186	700	0	700		637	1,849
		Total	28,700	2,070				5,740	20,890
Squid	509	Total	5,000	150	0	150		1,000	3,850
Other species ³		Total	16,200	1,720	300	620	800	3,240	11,240
Thornyhead rockfish	749	Total	3,750	6	6	0		450	3,294

*Reserved.
¹ Bering Sea means fishing areas I, II, and III in Figure 2, Appendix II of 50 CFR 611.9.
² Aleutian means fishing area IV in Figure 2, Appendix II of 50 CFR 611.9.
³ The category "other species" inches sculpins, sharks, skates, *euclichon* smelts, capelin, and octopus.
⁴ The category "Pacific ocean perch" includes *Sebastes* species *S. alutus*, (Pacific ocean perch), *S. polyspinus* (northern rockfish), *S. aleutianus*, (rougeye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).
⁵ See Figure 1 of § 611.92(a) for description of regulatory areas and districts.
⁶ The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific ocean perch" as defined in footnote 4 above and *Sebastes* (thornyhead rockfish).
⁷ Excludes values for the Southeast Inside District, which is not governed by these regulations.

3. In Part 611, § 611.93 is amended by revising paragraph (c)(2)(ii)(F) to read as follows:
 § 611.93 Bering Sea and Aleutian Islands groundfish fishery.

- (c) ***
- (2) ***
- (ii) ***

(F) *Chinook salmon prohibited species catch*: During any fishing year, that portion of fishing area I lying between 55°N. and 57°N. latitude and 165°W. and 170°W. longitude and all of fishing area II may be closed for the remainder of the periods January 1 through March 31, and October 1 through December 31, to trawl vessels of any nation. This closure will occur when

vessels of a nation have intercepted that nation's portion of the prohibited species catch (PSC) of chinook salmon. A nation's initial portion of the chinook salmon PSC for a fishing year is determined by multiplying 55,250 (the total PSC for chinook salmon) by the ratio of that nation's initial groundfish allocation to the total initial TALFF plus reserves for groundfish:

Nation's chinook salmon PSC equals 55,250 multiplied by nation's initial groundfish allocation divided by total initial groundfish TALFF and reserve.

The chinook salmon PSC reserve established by this equation will be distributed subsequently among nations in proportion to increases in their TALFFs which result from the apportionment of groundfish reserves.

Fishing areas I and II are shown in § 611.9, Appendix II, figure 2.

PART 675—GROUND FISH OF THE BERING SEA

4. The authority citation for Part 675 reads as follows:

Authority: 16 U.S.C. 1855.

5. In Part 675, Table 1 of § 675.20 is revised to read as follows:

§ 675.20 General limitations.

* * * * *

TABLE 1.—BERING SEA AND ALEUTIAN ISLANDS FISHERY OPTIMUM YIELDS, TALFF'S, AND RESERVES

[In metric tons]

Reference: Species group	Subarea ¹	ABC=OY ²	Reserve	Initial DAH	Initial TALFF
Pollock.....	Bering Sea.....	1,000,000	50,000	19,550	930,450
Pollock.....	Aleutian.....	100,000			100,000
Yellowfin sole.....		117,000	5,850	26,200	84,950
Turbots.....		90,000	4,500	1,075	84,425
Other flatfishes ²		61,000	3,050	4,200	53,750
Pacific cod.....		78,700	3,935	43,265	31,500
Pacific ocean perch.....	Bering Sea.....	3,250	162	1,380	1,708
Pacific ocean perch.....	Aleutian.....	7,500	375	1,380	5,745
Other rockfish.....		7,727	500	1,550	5,677
Sablefish.....	Bering Sea.....	3,500	350	700	2,450
Sablefish.....	Aleutian.....	1,500	150	700	650
Atka mackerel.....		24,800	1,240	100	23,460
Squid.....		10,000	500	50	9,450
Others.....		74,249	3,712	2,000	68,537
Total.....		1,579,226	74,324	102,150	1,402,752

¹ BS = Bering Sea (Statistical Areas I, II, and III combined). AL = Aleutian Island Areas (Statistical Area IV). Includes territorial waters.

² Excluding Pacific halibut.

³ Except for Pacific cod where ABC = 160,000 mt.

[FR Doc. 82-784 Filed 1-11-82; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 47, No. 7

Tuesday, January 12, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR 440

[Docket Number CAS-RM-80-514]

Weatherization Assistance for Low-Income Persons

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Department of Energy proposes to amend the interim rule for the program for Weatherization Assistance for Low-Income Persons in order to implement a change to the program mandated by the Energy Security Act. Section 573 of the Energy Security Act makes changes in the criteria which must be used to select a local agency to receive the weatherization sub-grant from the State grantee. In this notice of proposed rulemaking the Department of Energy proposes to amend § 440.14 of the program's interim rule to conform to the Energy Security Act.

This proposed amendment is required by the law. Were it not for this legal requirement, DOE would not propose this rule. In proposing this statutorily-mandated amendment to the program, DOE has attempted to provide States with as much flexibility as is legally permissible in the selection of sub-grantees under the program.

DATES: Written comments must be received on or before February 11, 1982. A public hearing will be held in Washington, D.C. on January 28, 1982. See supplementary information, Section III for further information.

ADDRESSES: Public hearing location—Auditorium, Room GE-086, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585.

All written comments and requests to speak at the hearing should be addressed to the Office of Hearings and Dockets, Conservation and Renewable Energy, Department of Energy, Mail Stop 6B-025, Room 1F-085, Docket Number

CAS-RM-80-514, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585

FOR FURTHER INFORMATION CONTACT:

Sandra S. Monje, Division of Weatherization Assistance Programs, Department of Energy, Mail Stop 6A-045, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252-2476.
Catherine Edgerton, Office of General Counsel, Department of Energy, Mail Stop 6E-067, Room 6B-144, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252-9513.

SUPPLEMENTARY INFORMATION:

- I. Introduction.
- II. Discussion of Proposed Changes.
- III. Opportunity for Public Comment.
- IV. Other Matters.

I. Introduction

The Department of Energy (DOE) proposes to amend the interim rule for the program for Weatherization Assistance for Low-Income Persons, 10 CFR Part 440, (45 13028, February 27, 1980), under the Energy Conservation in Existing Buildings Act of 1976 as amended ("Act") 42 U.S.C. 6851 *et seq.*, in order to implement a change to the program mandated by Section 573 of Subtitle E of Title V of the Energy Security Act (ESA), Pub. L. 96-294, 94 Stat. 759, 42 U.S.C. 6865 (1980). Section 573 of ESA makes changes in the procedures and criteria which must be used to select the local agencies to receive subgrants from the States to conduct weatherization activities. Section 573 amends the Act to modify the priority given to community action agencies under the weatherization assistance program. In addition, this section establishes requirements to be followed by each State in selecting the local agencies to conduct the program. These agencies, which may be community action agencies or other public or nonprofit entities, are to be selected on the basis of information received during public hearings regarding each agency's experience and performance in weatherization or housing renovation activities, in assisting low-income persons, and the agency's capacity to undertake a weatherization program. Preference in such selection is to be given any community action agency (CAA) or other public or nonprofit entity which is

carrying out, or has conducted, an effective weatherization program under DOE or Community Services Administration programs.

To comply with changes mandated by Section 573 of ESA, DOE proposes to amend paragraphs (b), (c), (d), (e) and (f) of § 440.14 of the program's interim rule by revising the wording in paragraph (b) and by deleting the present paragraphs (c), (d), (e), and (f), and in their place inserting new paragraphs (c), (d), (e) and (f). New paragraphs (c) and (d) will contain the new statutory criteria for selection of sub-grantees mandated by ESA. New paragraph (e) will set out the procedure for addition or replacement of sub-grantees.

II. Discussion of Proposed Changes

DOE proposes to amend subparagraph (b)(2)(i) of § 440.14 by deleting the reference to "CAA", and inserting in its place "sub-grantee." This change reflects the fact that ESA modifies the original Act's priority to CAA's and requires similar consideration of applications for sub-grants from organizations other than CAA's.

In addition, DOE proposes to delete paragraphs (c), (d), (e) and (f) of § 440.14 and in their place, insert new paragraphs (c), (d), (e) and (f). The deleted sections specified a selection procedure where CAA's were given priority. The proposed amendments set forth a modified selection procedure, as mandated by ESA, in which sub-grantees (both CAA's and other public or nonprofit entities) are chosen on the basis of past performance and experience in weatherization or housing renovation, experience in assisting low-income persons in the area to be served, and on their capacity to undertake a timely and effective weatherization program. Under this proposal, CAA's and other public or nonprofit entities that have administered effective weatherization programs under DOE or Community Services Administration programs are to be given preference in the selection of sub-grantees. Additionally, paragraphs (e) and (f) propose to modify, in order to conform to the ESA amendment, the procedures for addition or replacement of sub-grantees by DOE. Also clarified is the intent to require a hearing in accordance with paragraph (a) in such cases.

DOE is interested in receiving comments from the public on this

proposal, as well as any other suggestions for modifying the selection procedure to meet the new requirements of Section 573 of ESA.

III. Opportunity for Public Comment

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposal set forth in this notice to: Office of Hearings and Dockets, Conservation and Renewable Energy, Department of Energy, Room 1F-085, Mail Stop 6B-085, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Comments should be identified on the outside of the envelope, and on the documents themselves, with the designation "Weatherization Assistance for Low-Income Persons, Proposed Amendment to Interim Rule, Docket Number CAS-RM-80-514." Fifteen (15) copies should be submitted.

All comments received on or before February 11, 1982 and all other relevant information will be considered by DOE before taking final action on this rule.

Any person submitting information which that person believes to be confidential and which may be exempt by law from public disclosure should submit one complete copy, as well as fifteen copies from which the information claimed to be confidential has been deleted. DOE shall make a determination of any such claim. This procedure is set forth in 10 CFR 1004.11 (44 FR 1980, January 8, 1979).

DOE will hold a public hearing on this proposed rule. The hearing will be held in Washington, D.C. at 9:30 a.m. local time, January 28, 1982.

Any person who has an interest in the proposed regulation or who is a representative of a group or class of persons which has an interest in it may make a written request for an opportunity to make an oral presentation. Such a request to speak at the hearing should be addressed to the Office of Hearings and Dockets, Conservation and Renewable Energy, Department of Energy, Room 1F-085, Mail Stop 6B-025, 1000 Independence Avenue, SW., Washington, D.C. 20585, ATTN: CAS-RM-80-514, (202) 252-9319 and must be received by 4:30 p.m. local time, on January 22, 1982. A request may also be hand delivered between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Requests should be marked the same as for written comments with the additional notation "With Request to Speak."

The person making the request should describe briefly his or her interest in the proceeding and, if appropriate, state

whether that person is a proper representative of a group. The person should also give a concise summary of the proposed oral presentation and should provide a phone number where the person may be reached. Each person selected to be heard at the public hearing will be notified by January 25, 1982. Those persons selected to be heard should bring 15 copies of their statement to the hearing. If a person cannot provide 15 copies, alternate arrangements can be made in advance of the hearing. This should be done in the letter requesting to speak.

DOE reserves the right to select persons to speak at the hearing, to schedule their presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation will be limited, based on the number of persons requesting to speak.

A DOE official will preside at the hearing. This will not be a judicial or evidentiary type hearing. Questions may be asked of speakers only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all the information available to DOE.

Any participant who wishes to ask a question at the hearing may submit the question in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and material, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

If DOE must cancel a hearing, DOE will make every effort to publish an advance notice of such cancellation in the *Federal Register*. Notice of cancellation will also be given to all persons scheduled to speak at the hearing.

IV. Other Matters

A. Environmental Review

Pursuant to the requirements of the National Environmental Policy Act of 1969 ("NEPA"), 42 U.S.C. 4321 *et seq.*, DOE published a Notice of Availability of an Environmental Assessment (EA) (DOE/EA-0085) of the Grants Program for Weatherization Assistance for Low-Income Persons on April 10, 1979, in the *Federal Register* (44 FR 21323). At the same time, DOE published notice of its negative determination, based on the EA, that the proposed action would not constitute a major Federal action significantly affecting the quality of the human environment, and that therefore no environmental impact statement (EIS) was required.

DOE has reviewed the environmental impacts of the program change proposed today. It is DOE's judgment that no new or additional environmental impacts are associated with DOE's proposed amendments. The proposed program change required by ESA does not require the addition of any new measures beyond those already contained in the program. It is, accordingly, DOE's determination that the environmental impacts of the proposed change have been adequately analyzed in the April, 1979 EA, and that these impacts are not significant. Hence, the previous negative determination is still applicable, and no additional EA or EIS is required.

B. EPA Review

As required by Section 7(a)(1), 15 U.S.C. 766(a)(1), of the Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*), a copy of this proposed rule was submitted to the Administrator of the Environmental Protection Agency for comments on the impact of the proposed rule on the quality of the environment. The Administrator had no comments.

C. Executive Order 12291

Today's issuance was reviewed under Executive Order 12291 (February 17, 1981). DOE has concluded that the rule is not a "major rule" because it will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-

based enterprises in domestic or export markets.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96-354) requires, in part, that agencies prepare an initial regulatory flexibility analysis for any proposed rule unless it determines that the rule will not have a "significant economic impact on a substantial number of small entities." In the event that such an analysis is not required for a particular rule, the agency must publish a certification and explanation of that determination in the Federal Register.

The major revision in this rule is to change the current "priority" given to community action agencies in the selection of sub-grantees to a "preference" for such organizations under the weatherization assistance program. Because the modified selection procedure proposed today takes into consideration the past performance and experience of community action agencies, DOE does not feel that the proposed changes in the selection procedure will have a significant economic impact on a substantial number of small entities, as defined under the Regulatory Flexibility Act. Therefore, pursuant to § 605(b) of that Act, DOE certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

(Energy Conservation in Existing Buildings Act of 1976, as amended, 42 U.S.C. 6851 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*)

In consideration of the foregoing, DOE proposes to amend Part 440 of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., January 7, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

PART 440—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

10 CFR Part 440 is amended as follows:

Section 440.14 is amended by deleting "CAA" in subparagraph (b)(2)(i) and inserting in its place, "sub-grantee", by deleting paragraphs (c), (d), (e) and (f), and by inserting in their place new paragraphs (c), (d), (e) and (f) as follows:

§ 440.14 Administrative requirements.

(c) The plan shall ensure that each sub-grantee is a CAA or a public or

nonprofit entity which has been selected—

(1) On the basis of public comment received during a public hearing conducted pursuant to paragraph (a) of this section; and

(2) On the basis of the following findings:

(i) That the sub-grantee has experience in weatherization or housing renovation activities and his level of performance in these areas;

(ii) That the sub-grantee has experience in assisting low-income persons in the area to be served;

(iii) That the sub-grantee has the capacity to undertake a timely and effective weatherization program; and

(iv) Whether the sub-grantee has or currently is administering an effective program under this part or under Title II of the Economic Opportunity Act of 1964, including consideration of—

(1) The extent to which the past or current weatherization program achieves the goals of the program in a timely fashion;

(2) The quality of work performed by the sub-grantee;

(3) The number, qualifications and experience of the staff members of the sub-grantee; and

(4) The ability of the sub-grantee to secure volunteers, training participants, and public service employment workers, pursuant to CETA.

(d) The plan shall ensure that the funds received under this part will be allocated to the entities selected in accordance with paragraph (c) of this section such that funds will be allocated to areas on the basis of the relative need for a weatherization project by low-income persons, taking into account the factors referred to in subparagraph (b)(1) of this section.

(e) If DOE finds that the sub-grantee selected in accordance with the criteria in paragraph (c) of this section has failed to comply substantially with the provisions of the Act or this part and should be replaced, such finding shall be treated as a finding under § 440.30(d) for purposes of § 440.30.

(f) Any new or additional sub-grantee shall be selected at a hearing in accordance with paragraph (a) of this section, upon the basis of the criteria in paragraph (c) of this section.

[FR Doc. 82-836 Filed 1-11-82; 8:45 am]

BILLING CODE 6450-01-M

10 CFR Part 457

[Docket No. CAS-RM-80-120]

Energy Auditor Training and Certification Grants

AGENCY: Department of Energy.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The Department of Energy is withdrawing the Notice of Proposed Rulemaking published in the Federal Register on October 8, 1980 (45 FR 66970) to implement the first funding cycle of the Energy Auditor Training and Certification Grant Program. The purpose of the program was to provide grants to States to encourage the training and certification of individuals to conduct energy audits of residential and commercial buildings.

DATE: The effective date of this withdrawal is January 12, 1982.

FOR FURTHER INFORMATION CONTACT:

John Millhone, Director, Buildings Energy Research and Development, Department of Energy, M.S. CE-11, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252-9444

Daniel Ruge, Office of General Counsel, Room 6B-128, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252-9519

SUPPLEMENTARY INFORMATION: On October 8, 1980 the Department of Energy (DOE) proposed regulations (45 FR 66970) implementing Subtitle F of Title V of the Energy Security Act (ESA) (Pub. L. 96-294; 94 Stat 611 *et seq.*). Subtitle F of the ESA was enacted to provide financial assistance to the States to meet the demands of the Residential Conservation Service program (42 U.S.C. 8211 *et seq.* and 10 CFR Part 456) and other audit programs. DOE was authorized by Subtitle F of Title V of the ESA to issue grants to States for the training and certification of energy auditors. Before grants could be issued DOE was required to establish minimum standards for auditor training and certification. The proposed rule, published in the Federal Register on October 8, 1980 (45 FR 66970) delineated those standards.

In March of this year, DOE proposed that Congress rescind the funds previously appropriated for this activity in fiscal year 1981. This proposed rescission reflected the Administration's commitment to reduce Federal expenditures and the conviction that State and local governments, electric and natural gas utilities and private firms which offer energy audit services

should take full responsibility for the training and certification of energy auditors. Recently, the Congress approved this request for rescission. In addition, DOE has requested that no funds be appropriated for this activity in fiscal year 1982.

For the reasons discussed above, DOE hereby withdraws the notice published in the *Federal Register* on October 8, 1980 (45 FR 66970) which proposed to amend Chapter II of Title 10 of the Code of Federal Regulations by establishing a new Part 457.

Issued in Washington, D.C., December 11, 1981.

Howard S. Coleman,

Acting Deputy Assistant Secretary,
Conservation and Renewable Energy.

[FR Doc. 82-702 Filed 1-11-82; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 790

[Docket No. CE-RN-82-701]

Federal Loan Guaranties for Geothermal Energy Utilization

AGENCY: Office of Conservation and Renewable Energy (CRE), Energy.

ACTION: Proposed rulemaking.

SUMMARY: The Department of Energy hereby gives notice of its proposed implementation of amendments to Title II of the Geothermal Research, Development, and Demonstration Act of 1974, Pub. L. 93-410, which are set forth in Title VI of the Energy Security Act, Pub. L. 96-294. These amendments, in revising the Geothermal Loan Guaranty Program, provide generally that: (1) The amount eligible for loan guaranties be increased to 90 percent of project costs for municipalities and cooperatives; (2) in determining project costs, the cost of constructing electric transmission lines be excluded to the extent that such costs exceed 25 percent of project cost; (3) the program be extended to the end of FY 1990; (4) final decisions on loan guaranty applications be reached within four months of the date of filing; and (5) duplication of actions taken pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 be minimized.

In order to implement these changes, DOE proposes to amend the regulations governing the Geothermal Loan Guaranty Program, 10 CFR Part 790 (44 FR 75078, December 18, 1979). This notice describes the proposed

amendments and requests written comments on the proposed rule from interested parties.

These amendments are being proposed in order to comply with the statutory directive of section 644 of the Energy Security Act. The Geothermal Loan Guaranty Program is currently under review to determine if DOE will continue to make loan guaranties.

DATE: Written comments in response to this notice must be received no later than March 15, 1982.

ADDRESS: Written comments should be sent to Department of Energy, Hearings and Dockets, Mail Stop 6B-025, 1000 Independence Avenue, Rm. 1F-085, Washington, D.C. 20585, Attention: (Docket No. CE-RN-82-701)

FOR FURTHER INFORMATION CONTACT: As to geothermal loan guaranty matters: Lachlan W. Seward, Geothermal and Hydropower Technology Division, Department of Energy, Room 7112, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633-8760.

As to legal matters: Mary Ann Masterson, Office of General Counsel, Department of Energy, Room 6F-067, Forrestal Building, 1000 Independence Avenues SW., Washington, D.C. 20585, (202) 252-1900.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Comment Procedures
- III. Other Matters

I. Background

The Geothermal Loan Guaranty Program was established by Title II of the Geothermal Energy Research, Development, and Demonstration Act of 1974, Pub. L. 93-410. The program was later amended by Title V of the Department of Energy Act—Civilian Applications, Pub. L. 95-238 (44 FR 75078, December 18, 1979).

Today's proposed rule implements amendments to the Geothermal Energy Research, Development, and Demonstration Act of 1974 required by Title VI of the Energy Security Act, Pub. L. 96-294. A summary description of these amendments as set forth in the proposal follows:

1. Section 790.6(e) has been revised to provide that the loan and guaranty limit is raised to a maximum of 90 percent of project costs if the guaranty is made on a loan to an electric, housing or other cooperative, or to a municipality.

2. Section 790.9 has been revised to provide that the period of time allowed to enter into loan guaranty agreements and interest or principal assistance contracts is extended until the end of fiscal year 1990.

3. Section 790.20(b)(1) has been revised to provide that: (a) A prospective applicant should be advised of all supporting information required for DOE's consideration of a loan guaranty application; (b) the date when all required information has been submitted to DOE by the applicant shall be considered the date of filing; and (c) applications shall be subject to final decision within not more than four months after the date of filing.

4. A new subsection 790.22(g) has been added which provides that the aggregate project cost excludes the costs of constructing electrical transmission lines to the extent that such costs exceed 25 percent of the aggregate cost of the project.

5. New subsection 790.22(h) provides an exception to the above 25 percent limitation for projects in the State of Hawaii upon finding that the project is remote from the area of primary consumption, that a transmission line is required before the geothermal reservoir can be developed, and that the transmission line will be used by more than the plant which is the subject of the loan guaranty.

6. Section 790.23(a) has been amended to provide that the Secretary shall ensure that any action undertaken pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 take the maximum cognizance allowable of any other action previously undertaken pursuant to such section.

The above amendment and revisions to 10 CFR Part 790 are not effective at this time. The provisions in 10 CFR Part 790 published earlier by DOE (44 FR 75078) will remain in effect until amended by a final rule.

II. Comment Procedures

Interested persons are invited to participate in this rulemaking by submitting written data, views or arguments with respect to the amendments set forth in this notice. Comments should be mailed in time to reach DOE by March 15, 1982, and should be submitted to the address indicated in the "Address" section of this preamble. The outside of the envelope containing written comments and documents submitted to DOE should be marked with the designation "Geothermal Guaranties." Fifteen copies should be submitted. All comments received will be available for public inspection in the DOE Freedom of Information Reading Room, Room 1E-190, 1000 Independence Avenue, S.W., Washington, D.C., between 8:30 am and 4:00 pm, Monday through Friday. If any information is considered proprietary or

confidential, it should be so identified and submitted in writing, one copy only.

III. Other Matters

A. Review under Executive Order 12291, and OMB Circular A-116.

Today's proposed rule was reviewed under Executive Order 12291 (February 17, 1981) and OMB Circular A-116. DOE has concluded that the rule is not a "major rule" because, if implemented, it would not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. For the same reasons, DOE has determined that an urban and community impact analysis under OMB Circular A-116 is not necessary.

B. Review Under the National Environmental Policy Act.

DOE has determined that issuance of the proposed amendments clearly is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (42 U.S.C. 4321 et seq.). Therefore, neither an environmental assessment nor an environmental impact statement is required. Projects submitted under the proposed amendments will individually be subject to the requirements of the National Environmental Policy Act.

C. Determination Regarding Public Hearing.

The Secretary has determined, with respect to the amendments proposed today, that no substantial issue of fact or law exists and that the proposed amendments are unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Accordingly, a public hearing will not be held with respect to the proposed amendments.

(Title II of the Geothermal Energy Research, Development, and Demonstration Act of 1974, Pub. L. 93-410, 88 Stat. 1086 (30 U.S.C. 1141 et seq.), as amended; Title VI of the Energy Security Act, Pub. L. 96-294, 94 Stat. 763 (30 U.S.C. 1501 et seq.); Department of Energy Organization Act, Pub. L. 96-91, 91 Stat. 565 (42 U.S.C. 7101 et seq.))

In consideration of the foregoing, 10 CFR Part 790 is proposed to be amended as shown below.

Issued in Washington, D.C., December 15, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

PART 790—THE GEOTHERMAL LOAN GUARANTY PROGRAM

For the reasons set out in the preamble, Part 790 of Chapter III, Title 10 of the Code of Federal Regulation is amended as shown.

1. In § 790.6, paragraph (e) is revised to read as follows:

§ 790.6 Loan guaranty criteria.

(e) The maximum guaranty shall apply only to that amount of a loan that does not exceed 75 percent of the estimated aggregate cost of the project. However, any guaranty made for a loan to an electric, housing, or other cooperative, or to a municipality (as defined in section 3(7), Part I, of the Federal Power Act), may apply to that amount of the loan that does not exceed 90 percent of the estimated aggregate cost of the project.

§ 790.9 [Amended]

2. Section 790.9 is amended by removing the words "September 3, 1984" wherever they appear and inserting, in their place, the words "September 30, 1990."

3. In § 790.20, paragraph (b)(1) is revised to read as follows:

§ 790.20 Filing.

(b)(1) Prior to receipt of an application, the Manager is authorized to conduct preliminary discussions with prospective lenders, borrowers or other interested parties wishing to obtain information or advice regarding eligibility for a loan guaranty and compliance with this regulation, and whether a lender should be obtained by the borrower prior to the submission of an application. To the maximum extent practical, an applicant should be advised (prior to the submission of an application) of all information which will be required by the Manager in processing the application. The date of filing shall be the date, as determined by the Manager, when all such required information has been submitted by the applicant. A final decision on the application shall be made by the Secretary within no more than four

months of the date of filing established by the Manager.

4. Section 790.22 is amended by adding paragraphs (g) and (h) to read as follows:

§ 790.22 Project costs.

(g) The estimated total aggregate cost of a project shall exclude the cost of constructing electric transmission lines to the extent that such cost exceeds 25 percent of the estimated total aggregate cost of the project. In determining this 25 percent limitation, the amount used in the denominator shall be the estimated total aggregate cost of the project including the total cost of constructing the electric transmission line.

(h) The Secretary may waive or limit the 25 percent limitation imposed by paragraph (g) above for projects located in the State of Hawaii upon finding that the project is remote from the area of primary consumption, that a transmission line is required before the geothermal reservoir can be developed, and that the transmission line will be used for more than the plant which is the subject of the loan guaranty.

5. In § 790.23, paragraph (a) is revised to read as follows:

§ 790.23 Environmental considerations.

(a) The issuance of a Federal guarantee for a loan under these regulations is subject to the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq. Pub. L. 91-190) and applicable regulations, rules and guidelines implementing NEPA. The Secretary shall ensure, to the maximum extent possible, that any action undertaken pursuant to section 102(2)(C) of NEPA which is associated with the granting of a loan guaranty under this regulation takes maximum cognizance allowable under law of any other action previously undertaken pursuant to NEPA section 102(2)(C) with respect to the project which is the subject of such loan guaranty. No action associated with the loan guaranty shall duplicate any action previously undertaken under NEPA section 102(2)(C) in connection with the project, so long as all requirements which are applicable to the project under NEPA section 102(2)(C) have been or will be satisfied.

[FR Doc. 82-707 Filed 1-11-82; 8:45 am]

BILLING CODE 6450-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2672

Mergers and Transfers Between Multiemployer Plans

Correction

In FR Doc. 81-36439, appearing at page 62087, in the issue of Tuesday, December 22, 1981, make the following change:

On page 62082, in the first column, in § 2672.5(a)(4)(iii) the first word in the fifth line now reading "charge" should read "credit".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AD-FRL-2026-6]

Interstate Pollution Abatement; Extension of Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: This notice announces that EPA is extending the comment period on the petitions submitted by the States of New York, Pennsylvania, and Maine under Section 126 of the Clean Air Act. This extension is necessary since EPA has yet to receive certain relevant information from New York supporting their original petition. An extension had been requested by representatives of the sources named in the original petitions and has the concurrence of the three petitioning States.

DATES: The public comment period will extend until February 18, 1982 for comments submitted by those parties other than the three petitioning States of New York, Pennsylvania, and Maine. New York, Pennsylvania, and Maine will have until March 18, 1982, to submit comments on the material submitted by the public through February 18, 1982.

ADDRESSES: Comments should be submitted to the docket for the New York, Pennsylvania, and Maine petitions. This docket is numbered A-81-09 and is available at the EPA Central Docket Section (A-130), U.S. Environmental Protection Agency, Room 2902, 401 M Street, SW, Washington, D.C. 20460, Telephone number 202-755-0245. Comments should be submitted to this address:

FOR FURTHER INFORMATION CONTACT:

William F. Hamilton, Control Programs

Development Division (MD-15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, Telephone number 919-541-5551 or FTS 629-5551.

SUPPLEMENTARY INFORMATION: Section 126(b) of the Clean Air Act authorizes any State or political subdivision to "petition the Administrator [of the EPA] for a finding that any major source emits or would emit any air pollutant in violation of the prohibition of Section 110(a)(2)(E)(i) of the Clean Air Act. That section prohibits "any stationary source within a State from emitting any air pollutant in amounts which will (I) prevent attainment or maintenance by any other State of any national primary or secondary ambient air quality standard, or (II) interfere with measures required to be included in the applicable implementation plan for any other State under Part C [of the Act] to prevent significant deterioration of air quality or to protect visibility."

On December 22, 1980 and January 16, 1981, the State of New York, and on December 19, 1980, the State of Pennsylvania petitioned EPA, pursuant to Section 126 (b) and (c) of the Clean Air Act as amended in 1977 (42 U.S.C. 7401 et seq.) to make a finding that emissions from certain sources were causing or contributing to high concentrations of total suspended particulates and sulfur dioxide in these States and were otherwise in violation of Section 110(a)(2)(E)(i).

As announced in the *Federal Register* of May 1, 1981 (46 FR 24602), a public hearing on the New York and Pennsylvania petitions was held June 18-19, 1981 in Washington, D.C. Subsequent to this hearing, the public comment period on the New York and Pennsylvania petitions was extended to January 4, 1982 in order to allow sufficient time for public review and comment on the proceedings (see 46 FR 45383, Sept. 11, 1981).

On October 7, 1981, the State of Maine submitted to EPA a petition under Section 126 of the Clean Air Act. The Maine petition was filed against the same sources named in the New York and Pennsylvania petitions. These sources were described in 46 FR 24602 and 46 FR 45383 and include sources in the States of Ohio, West Virginia, Illinois, Indiana, Kentucky, Michigan, and Tennessee. The Maine petition was consolidated with those of New York and Pennsylvania and the material submitted by Maine was included in the docket previously established for these proceedings. At the time of its submission, Maine waived its right to a

public hearing and agreed that the public comment period on their submission should end on January 4, 1982, the same time as the end of the public comment period on the New York and Pennsylvania petitions (see 46 FR 55551, November 10, 1982).

The date for the close of the comment period of January 4, 1982 was determined by EPA based upon the expectation that all submittals from New York and Pennsylvania relevant to demonstrating adverse impact under Section 126 would be received by October 4, 1981. EPA was informed by representatives of some of the sources named in the petitions that New York has not yet submitted all of the information that it intends to submit relevant to its demonstration of adverse impact. This fact has been verified by New York.

EPA is granting an extension of the comment period in these proceedings in order to allow for public comment on the additional New York material. The three petitioning States have been contacted by EPA and have agreed to an extension. In agreeing to an extension of the comment period, New York requested that the petitioning States have an opportunity to comment on the material submitted by the public in response to the submittals of the petitioning States. EPA intends to grant this request. Comments from the public pertaining to the material submitted by New York, Pennsylvania, and Maine must be received by EPA by February 18, 1982. Any further comments by New York, Pennsylvania, and Maine must be received by EPA no later than March 18, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

January 6, 1982.

[FR Doc. 82-723 Filed 1-11-82; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 52

[A-5-FRL 1998-7]

Approval and Promulgation of State Implementation Plans; Wisconsin Volatile Organic Compound Regulations

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

ACTION: Proposed rulemaking.

SUMMARY: Part D of the Clean Air Act (CAA), as amended in 1977, requires that each State revise its State Implementation Plan (SIP) for all areas that have not attained the National

Ambient Air Quality Standards (NAAQS). As part of Wisconsin's control strategy for attainment of the NAAQS for ozone (O₃), the State has revised its SIP to require controls representing the application of reasonably available control technology (RACT) for stationary sources of volatile organic compounds (VOCs). These source categories are addressed in EPA's control technique guidelines (CTGs) which were issued between January 1978 and January 1979. The EPA proposes approval of the SIP revisions with the understanding that the inconsistencies outlined in this register are corrected by the State. The notice discusses the EPA review of this revision and solicits public comment on EPA's proposed action.

DATE: Submit comments on or before February 11, 1982.

ADDRESSES: Comments should be addressed to Gary Gulezian of EPA Region V's Air Programs Branch (see EPA Region V address below). Please submit an original and three copies, if possible.

Copies of the SIP revision submitted by the State and EPA's review are available for public inspection during normal business hours at: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the State submitted revisions are also available during normal business hours at: Wisconsin Department of Natural Resources, Bureau of Air Management, 101 S. Webster Street, Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT: Sharon Kraft, Air Programs Branch, Region V (312) 886-6034.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the CAA as amended in 1977, the EPA designated certain areas in each State as not attaining the NAAQS for photochemical oxidants. This standard was subsequently changed on February 8, 1979 (44 FR 8202), to O₃. Part D of the CAA, as added by the 1977 amendments, requires each State to revise its SIP for areas that have not attained the NAAQS. For States with nonattainment areas, these SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. Under certain circumstances, dates for attainment of the NAAQS for O₃ and/or carbon monoxide may be extended through 1987. The Part D requirements for an approvable SIP are

described in the April 4, 1979 Federal Register (44 FR 20370) as supplemented at 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979) and 44 FR 67182 (November 23, 1979).

An adequate SIP for O₃ is one which provides for sufficient control of VOC from stationary and mobile sources to provide for attainment of the standard. For mobile sources, the plan must provide for expeditious implementation of reasonably available transportation related control measures. For stationary sources, the plan must include legally enforceable requirements reflecting the application of RACT requirements for sources of VOC emissions for which the EPA has published a CTG by January 1978 and additional RACT requirements on an annual basis for VOC sources covered by CTGs published by January of the preceding year. Adoption and submittal of additional RACT regulations for sources covered by CTGs published between January 1978 and January 1979 (Group II) were due July 1, 1980 (44 FR 50371, August 28, 1979). State regulatory processes have taken longer than anticipated, but in most cases good faith efforts are being made to adopt the necessary regulations. As a result, EPA revised the July 1, 1980 deadline to January 1, 1981 (45 FR 78121, November 25, 1980).

On January 15, 1981, the State of Wisconsin submitted to EPA revisions to the O₃ SIP that consist of revised Wisconsin Administrative Code section NR 154.01, Definitions, and section NR 154.13, Control of Organic Compound Emissions, as amended to require control of VOC emissions from the source categories covered by Group II CTGs and other direct sources of VOCs. The amendments to NR 154.01 add the definitions for nine additional Group II VOC source categories regulated in NR 154.13 and clarify existing definitions. The amendments to NR 154.13 relate to the regulation of the nine Group II VOC source categories and clarify existing regulations. The EPA publishes CTGs in order to assist the States in determining RACT. The CTGs provide information on available air pollution control techniques and provide recommendations on what the EPA calls the "presumptive norm" for RACT. Group II CTGs cover the following source categories:

- Factory Surface Coating of Flatwood Paneling.
- Petroleum Refinery Fugitive Emissions (Leaks).
- Pharmaceutical Manufacture.
- Rubber Tire Manufacture.
- Surface Coating of Miscellaneous Metal Parts and Products

- Graphic Arts (Printing)
- Dry Cleaning (Perchloroethylene)
- Gasoline Tank Trucks, Leak Prevention
- Petroleum Liquid Storage, Floating Roof Tanks

The EPA has reviewed the revisions to the Wisconsin SIP and prepared a detailed analysis which is contained in a technical memorandum entitled Wisconsin VOC RACT II Review—Rationale Document. This memorandum is available for public inspection during normal business hours at the EPA Regional Office listed above. The EPA finds that the SIP revision is consistent with RACT except as noted below and is proposing to approved all portions of the regulations except as noted below.

Clarification

NR 154.13 (13)(a) contains exemptions for certain organic compounds used in specific operations. One of the listed operations to which this subsection applies is the transfer of VOCs at pharmaceutical manufacturing facilities (3)(e). The State has confirmed that this reference to subsection 3(e) is a typographical error. The correct operation should be the transfer of any organic compound, subsection (3)(f).

Inconsistencies

1. NR 154.13(13)(d), Limitations of Restrictions to the Ozone Season, allows that the use of incinerators and other energy intensive control devices shall be required only during the O₃ season, provided that operation of the device is not required for health, safety or for the control of toxic or hazardous substances. The EPA allows that only gas-fired afterburners installed to control emissions of VOC for the purposes of reducing ambient O₃ concentrations can be shut down during the non-ozone season. ("Revised Seasonal Afterburner Policy," December 1, 1980). The EPA policy does not speak to "other energy intensive control devices", nor has Wisconsin submitted a definition of "energy intensive" or a justification for the State proposal. Clarification of how the State will implement this policy is necessary.

2. Wisconsin has not included test methods for the Group II source category regulations or for the other regulations in NR 154.13 because of its preference to include test methods in operating manuals. Recent EPA memoranda on VOC test methods allow the States to reference 40 CFR Part 60 Appendix A test methods provided that the Federal Register notices cite that EPA approved test procedures are to be used in conducting compliance tests.

("Test Methods for the Set I and Set II CTG Source Categories", March 24, 1981; "Clarification of VOC Test Method Requirements", April 1, 1981; and "VOC Test Methods", April 6, 1981). The policy requires that test methods for CTG categories not in Part 60 (bulk terminals, cutback asphalt, degreasers, petroleum refinery fugitive leaks, perchloroethylene dry cleaning and tank trucks) must be included in the SIP. The State should submit, as part of the SIP, either enforceable Appendix A test methods and CTG test methods to be used in conducting compliance tests or its operating manuals which specifically contain such test methods.

Other Issues

The EPA is soliciting comments on the following compliance timetable for the air dried and extreme performance emissions limitations contained in rules NR 154.13(4)(m) and (12)(c)4.d. Rule (4)(m) specifies a final compliance date of December 31, 1985 and increments of progress for VOC emissions from air dried coatings. Rule (12)(c)4.d. specifies a final compliance date of up to December 31, 1985 and increments of progress for VOC emissions from extreme performance coatings if the facility employs low solvent coating as a means of compliance and if prolonged product quality evaluation periods are necessary.

While the EPA believes that air dried and extreme performance coatings are available, the State has submitted justification supporting its case-by-case RACT compliance extensions for these two categories. In conjunction with the Wisconsin Manufacturers and Commerce Association, the State has undertaken a survey of the miscellaneous metal coaters to determine the necessity of the extension. The results of the survey indicate that the industry is large (over 250 sources) and consists of small, unique jobbers who have low priority with coating suppliers to convert to high solids or waterbased coatings. The industry coats mostly untreated metal parts. This increases the difficulty of switching to low solids or waterbased coatings because the solvent in the coatings is used as a cutting agent to promote adhesion to the substrate. Finally, the Wisconsin regulations have no exempt solvents and only exempt those facilities with total VOC emissions from all surface coating process lines of less than or equal to 10 tons per year. For these reasons, Wisconsin believes the extended compliance dates are as expeditious as practicable.

Proposed Action

The EPA proposes to approve the entire revision with the understanding that Wisconsin correct the deficiencies. Wisconsin has agreed with EPA to make the corrections. The EPA solicits comments from all interested parties on the regulatory actions and on the compliance extension dates proposed above.

Under Executive Order 12291, EPA must judge whether a regulation is a "major rule" and, therefore, subject to the requirement of a regulatory impact analysis. This rule, if promulgated, will not be major as defined by Executive Order 12291 because this action only either approves a State action or continues present requirements.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified that SIP revisions under Section 110 of the Clean Air Act will not have a significant economic effect on substantial number of entities (46 FR 8709). The attached rules, if promulgated, constitute a SIP revision within the terms of the certification.

This Notice of Proposed Rulemaking is issued under the authority of sections 110, 172, and 201(a) of the Clean Air Act, as amended.

Dated: September 30, 1981.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 82-482 Filed 1-11-82; 8:45 am]
BILLING CODE 6560-36-M

40 CFR Part 86

[AEN-FRL-2026-3]

Waiver of NO_x Standard; Public Hearing

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice of public hearing.

SUMMARY: This notice announces that EPA has received an application from Nissan Motors Co., Ltd. (Nissan) for waiver of the 1981 to 1984 model year oxides of nitrogen (NO_x) emission standard applicable to light-duty diesel-powered vehicles. EPA is scheduling a public hearing to consider this, and any other timely requests for waivers of the NO_x standard.

DATES: EPA has scheduled a public hearing on January 27, 1982, beginning at 9:00 a.m., to consider Nissan's and any other applications for waiver of the NO_x standard received by January 25, 1982. Parties desiring to testify should notify the Manufacturers Operations Division, as noted below, not later than January 25, 1982. Interested parties should submit any relevant written comments

by January 29, 1982, to ensure that the Administrator can consider these comments in deciding on the applications. If no party testifies at the hearing, EPA will consider the waiver requests based on written submissions to the record.

ADDRESSES: The hearing will be held at the Manufacturers Operations Division Conference Room, 499 South Capitol Street, S.W., 3rd floor, Washington, D.C. Parties planning to testify at the hearing should notify Mr. Michael Chernekoff, as noted below. Manufacturers submitting applications, or parties submitting written comments, should direct their submissions to the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. All public portions of applications and other relevant information will be available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at U.S. Environmental Protection Agency, Central Docket Section (A-130), Gallery I, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 (Docket No. EN-81-19).

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-2521.

SUPPLEMENTARY INFORMATION:

Section 202(b)(6)(B) of the Act, 42 U.S.C. 7521(b)(6)(B)(1977), allows any manufacturer to petition the Administrator of EPA for waiver of the 1981-1984 model year NO_x standard of 1.0 gram per vehicle mile (g/mi). The Administrator, after notice and opportunity for public hearing, may waive the standard for any class or category of light-duty vehicles manufactured during the four model year period, beginning in model year 1981, up to a maximum level of 1.5 g/mi, if the manufacturer can show that the waiver is necessary to permit diesel engine technology to be used on the subject vehicles. The waiver may be granted if the Administrator determines:

- (i) That the waiver will not endanger public health;
- (ii) That the waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act; and
- (iii) That the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under the Energy

Policy and Conservation Act at the expiration of the waiver.

EPA published guidelines for diesel NO_x waiver applications in the *Federal Register* at 43 FR 30341 (July 14, 1978), in order to apprise manufacturers of the information then deemed necessary to demonstrate that a waiver should be granted. EPA subsequently published a notice in the *Federal Register* at 46 FR 20705 (April 7, 1981), also announcing procedures for submitting NO_x waiver applications covering model years 1981-1984.

EPA has received an application from Nissan for waiver of the 1983 and 1984 model year NO_x standard for its new 4-cylinder XM1 diesel engine family. This engine family will be used in Nissan's new Sunny models.

Hearing Procedures

The hearing will provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the waiver request at issue. Any party desiring to make an oral statement at the hearing should notify Michael Chernekoff of EPA's Manufacturers Operations Division as listed above no later than January 25, 1982. The procedures for the hearing will be the same as those EPA has employed in previous diesel NO_x waiver hearings.¹

Presentations by the participants at the hearing and interested parties who make written submissions or file applications should address the considerations listed in previous NO_x waiver hearing notices² and in the *Federal Register* notice that announced consolidated proceedings to consider NO_x waiver applications for the 1981-1984 model years.³

Interested parties should submit written information to the record by January 29, 1982, to ensure its consideration by the Administrator in formulating waiver decisions. At the hearing, the Agency will make a verbatim record of any testimony. The Administrator will base determinations with regard to manufacturers' waiver requests on the record of the public hearing and on any other relevant written materials. This information will be available for public inspection at the EPA Central Docket Section in docket EN-81-19. Interested parties may obtain copies of documents in the public docket as provided in 40 CFR Part 2.

Dated: January 5, 1982.

Kathleen M. Bennett,
Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 82-876 Filed 1-11-82; 8:45 am]
BILLING CODE 6560-26-M

40 CFR Parts 244, 245, 246

[SW-FRL-1944-1]

Solid Waste Management; Guidelines for Beverage Containers; Resource Recovery Facilities Guidelines; Source Separation for Materials Recovery Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Office of Solid Waste proposes to cancel the reporting requirements for Federal agencies under the Beverage Container Guidelines (40 CFR Part 244), Resource Recovery Facilities Guidelines (40 CFR Part 245), and Materials Recovery Guidelines for Source Separation (40 CFR Part 246). Cancellation of the reporting requirements is being proposed because the requirements are of limited utility and EPA has shifted staff capable of reviewing the reports to higher priority projects. Elimination of the reporting requirements will not prejudice the guidelines' objectives.

DATE: Comments must be received on or before February 11, 1982.

ADDRESS: Office of Solid Waste (WH-563), Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jane Stieber, (202) 755-9140.

SUPPLEMENTARY INFORMATION: The Beverage Container, Resource Recovery Facilities and Materials Recovery Guidelines were promulgated to fulfill EPA responsibilities under Section 209 of the Solid Waste Disposal Act of 1965 (Pub. L. 89-272), as amended by the Resource Recovery Act of 1970 (Pub. L. 91-512), requiring the Administrator of the U.S. Environmental Protection Agency (EPA) to "recommend to appropriate agencies and publish in the *Federal Register* guidelines for solid waste recovery, collection, separation, and disposal systems. * * *

These three guidelines require federal agencies to file two kinds of reports: an *Initial Report* which reflects the Agency's determination whether or not to implement the guidelines and *Status Reports* which update the initial report. The initial reports were due by the end of 1978. The status reports are the subject of our proposal.

The above reporting requirements were not specifically required by statute and were imposed by the Agency in the belief that they could substantially aid in monitoring compliance with the guidelines. In June, 1979, an EPA Office of Solid Waste Working Group reviewed these reporting requirements and concluded that the objectives of the guidelines would not be compromised by eliminating the requirements. Among the reasons cited in support of this conclusion were the availability of the information from other sources, and the small number of federal agencies covered.

Because the reports have been judged to be of limited utility the Agency proposes to eliminate these requirements. Comments are solicited.

Regulatory Analysis: Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981) requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare regulatory impact analysis for all major rules.

EPA has determined that the amendment being proposed today is not a major rule. As discussed above, this amendment will withdraw the reporting requirements on the guidelines for Beverage Containers (promulgated September 21, 1976), Resource Recovery Facilities (promulgated September 21, 1976) and the Source Separation for Materials Recovery (promulgated April 23, 1976). As such, it lessens the burden on complying federal agencies. Accordingly, a Regulatory Impact Analysis is not being prepared for this amendment.

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

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA is required to determine whether a regulation will have a significant impact on a substantial number of small entities so as to require a regulatory analysis. The reporting requirements addressed by this proposed amendment do not affect private enterprises. Furthermore, the effect of the proposal is to eliminate these requirements. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant adverse economic impact on a substantial number of small entities.

Dated: December 11, 1981.

Anne M. Gorsuch,
Administrator, U.S. Environmental Protection Agency.

For the reasons set out in the preamble, Parts 244, 245 and 246 of Title

¹ See 45 FR 27788 (April 24, 1980).

² See, e.g., 45 FR 73790 (November 6, 1980).

³ 46 FR 20705 (April 7, 1981).

40 of the Code of Federal Regulations are proposed to be amended as follows:

PART 244—SOLID WASTE MANAGEMENT GUIDELINES FOR BEVERAGE CONTAINERS

1. The authority citations for Part 244 is revised to read as follows:

Authority: Secs. 1008 and 6004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6907, 6964).

2. Section 244.100 is amended by removing § 244.100(f)(2).

§ 244.100 [Amended]

* * * * *

(f) * * *

(2) [Removed]

3. Section 244.203 is revised to read as follows:

§ 244.203 Implementation decisions and reporting.

Federal agencies are to determine whether or not to implement these guidelines by October 20, 1977. Reporting of that determination shall be in accordance with the following requirements:

(a) Federal agencies that plan to implement these guidelines shall report that decision to the Administrator in accordance with the procedures described in § 244.100(f)(1).

(b) Agencies that determine not to implement these guidelines shall provide to the Administrator a nonimplementation report in accordance with § 244.100(f)(3). This report shall include the reasons for nonimplementation, based on concepts presented in § 244.100(d).

PART 245—RESOURCE RECOVERY FACILITIES GUIDELINES

1. The authority citation for Part 245 is revised to read as follows:

Authority: Secs. 1008 and 6004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6907, 6964).

2. Section 245.200-1 is amended by removing § 245.200-1(g) and (h).

§ 245.200-1 [Amended]

* * * * *

(g) [Removed]

(h) [Removed]

PART 246—SOURCE SEPARATION FOR MATERIALS RECOVERY GUIDELINES

1. The authority citation for Part 246 is revised to read as follows:

Authority: Secs. 1008 and 6004 of the Solid Waste Disposal Act, as amended by the

Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6907, 6964).

2. Section 246.100 is amended by removing § 246.100(g) and by relettering and revising § 246.100(h) to read as follows:

§ 246.100 [Amended]

* * * * *

(g) The report required under § 246.100(e) and (f) shall be made on forms to be prescribed by the Administrator by notice in the **Federal Register**.

§ 246.203-1 [Removed]

3. Section 246.203-1 is amended by removing that section.

[FR Doc. 82-708 Filed 1-11-82; 8:45 am]

BILLING CODE 6560-30-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 73

[BC Docket No. 81-896; RM-3955; FCC 81-585]

Amendment of the Commission's Rules With Reference to the Use of the AM Carrier for Utility Load Management Purposes

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend its AM broadcasting rules to authorize utility load management signals to be transmitted through the AM carrier so long as they do not degrade the regular carrier broadcasts of AM stations. As with FM Subsidiary Communication Authorization (SCA) load management considered in BC Docket No. 81-352, concerning SCA use, the AM carrier use would allow expansion of load management communication alternatives for utilities. This would appear to offer valuable energy conservation and cost saving possibilities.

DATES: Comments must be filed on or before February 16, 1982, and reply comments on or before March 3, 1982.

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

FOR FURTHER INFORMATION CONTACT: Norman Plotkin, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: December 17, 1981.

By the Commission.

In the matter of amendment of Parts 2 and 73 of the Commission's AM broadcast rules with reference to the use

of the AM carrier for utility load management purposes, BC Docket No. 81-896; RM-3955.

1. On May 21, 1981, the Commission adopted a *Notice of Proposed Rule Making* [Docket No. 81-352] proposing that commercial FM subcarriers be allowed to carry signals for controlling utilities' energy demands. In response to that *Notice*, a number of commenters requested that load management uses also be permitted on the AM broadcast carrier.¹ Upon initial consideration, this request appeared to have merit. The Commission, therefore, accepted those comments as a petition and sought public views on its desirability.² The ensuing comments further supported such authorization. Therefore, the Commission is proposing that load management signals be authorized including public broadcasting AM stations. Such use must not degrade the regular broadcasts of AM stations.³

2. As with FM SCA load management techniques, AM load management authorization would permit such carrier signals to be used to: (1) turn off certain user's equipment which consumes a particular fuel; (2) transfer users from one type of equipment to another in order to redistribute fuel demand from one fuel to another; and (3) implement time-of-day metering; that is, switch the metering of a particular fuel during periods of higher fuel demand to allow the charging of higher rates reflecting increased operating cost conditions.

3. The Commission reiterates its view expressed in the FM load management proceeding that "energy conservation is of critical importance to our nation. . . . Managing utility loads has been given strong Congressional endorsement in the *Public Utilities Regulatory Policies Act of 1978* . . . [because it] aids materially in conserving energy by causing it to be used more efficiently. . . . [and] helps to damp rising energy prices."

¹ The present *Notice* is being considered in conjunction with the *Report and Order*, Docket No. 81-352, as a closely related energy conserving proposal.

² Comments and reply comments in favor of AM carrier use in Docket No. 81-352 were received from CBS, Inc., General Electric Company, National Association of Broadcasters, Edison Electric Institute, American Broadcasting Companies, Altran Electronics, Inc., Utilities Telecommunication Council, and McKenna, Wilkinson and Kitner. These comments are available to the public in the FCC Public Reference Room.

³ This petition was published for public comment per the Commission's Public Notice of August 7, 1981, Report No. 1303. Two comments were received, both in support of the petition. These were from Sigma Instruments, Inc. and Utilities Telecommunications Council. These comments are available to the public in the FCC Public Reference Room under RM 3955.

4. A clear case was also developed in that proceeding that the public interest would be furthered by expanding utility load management communication alternatives to include both FM SCA and AM (a) they offer valuable energy conservation and cost-saving possibilities by helping fulfill a critical need for load management communication alternatives suitable to the diverse situations and cost capabilities of utilities; (b) they offer this possibility at a time when utilities are in a search, demonstration and implementation process for load management techniques that are best suited to their individual situations; and (c) with respect to using the AM carrier, one such method has been demonstrated in an on-air test. Test results reported in a research report state that it has no detrimental effect on the AM main channel operation, and offers a number of possible advantages.⁴

5. The Commission, therefore, proposes to authorize AM carrier use, including public broadcasting AM stations, for utility load management subject to the requirement that any method so used does not disrupt or degrade regular programs of the station or the signals of any other radio service. This proposal does not confine AM carrier use for utility load management to a particular technique but allows the use of any method that meets these safeguards. These constraints assure the protection of main channel broadcasting services and will speed the use of new processes. They will also require that the initial determination be made by the licensee of any technical or other conflicts that may arise in its use. The proposed amendment is set forth in the attached appendix.⁵

6. Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

I. Reason for action

It appears that the use of AM carrier signals as a utility load management technique could improve the nation's utilization of energy and thus be in the public interest, but is presently not permitted by Commission rules.

⁴From Altran Electronics, Inc. comment in Docket 81-352. This test was made by Altran using its own proprietary system under the auspices of the Electric Power Research Institute (EPRI), with the Southern California Edison as the host utility and CBS clear-channel station KNX in Los Angeles as the AM station. For its report see Broadcast Radio System Distribution Communications, Electric Power Research Institute, EPRI EL-1888, Project 1535-1, Final Report, June 1981. A copy of this report has been placed in this docket.

⁵The Commission will entertain special temporary authority requests during the period this proceeding is outstanding.

II. The objective

The Commission proposes to permit utility load management use of the AM carrier signal to make this technique available to allow a more efficient utilization of the nation's scarce energy resources.

III. Legal basis

The action, as proposed, is in furtherance of Section 303 of the Communications Act of 1934, as amended, which charges the Commission to explore new and improved uses of radio.

IV. Description, potential impact and number of small entities affected

The permission for utility load management to be effected via AM carriers is expected to have a beneficial effect on all parties wishing to use, or receiving use from the technique. The proposed change is permissive, authorizing a use but not requiring it. The rule change would have its direct effect on AM broadcasters (4620 stations as of August 1981) by enabling them, if they wish, to receive pay from utilities for the use of these techniques. The next effect would be on utilities who elect to use the techniques. Most utilities are small entities (1900 municipal systems, 900 rural electric cooperatives). These techniques would enlarge their choice of load management communication techniques. Ultimately, the effect would be on the customers of these utilities.

The number of utilities that may be affected, while unknown, is conceivably substantial. However, it is doubtful that this effect will be of any significance to the great majority. This is particularly true since use of the AM carrier is only one of a number of methods available to carry out utility load management. Its actual use and the degree of impact in the marketplace and on small entities must await empirical evidence. Nevertheless, the Commission felt its potential impact warranted conducting this analysis. A listing by description and potential impact this rule change may have on small entities follows.

1. Small businesses, small not-for-profit organizations and small government jurisdictions, in general, may have lower energy costs where they agree to have certain appliances shut off during peak demand periods or at times of severe fuel shortages, and where they redistribute their energy use to newly available low price periods.

2. Small businesses, small not-for-profit organizations and small government jurisdictions, in general, may have higher energy costs if their

energy use remains unchanged during higher cost peak periods where multi-rate metering is put into operation.

3. Any small government jurisdiction which receives revenue by taxing local energy may lose revenue as energy use decreases.

4. AM stations that rent out their subcarrier spectrum to utilities for this use would gain additional revenue.

5. Small businesses in the electronics field who participate in the expected increased demand for radio and related equipment required by this utility load management technique should be benefited by the additional business.

In summary, the proposed action would be expected to improve efficiency and to have positive effects on almost all parties affected by it, and to have no known significant deleterious effect on small entities.

V. Recording, recording keeping and other compliance requirements

None.

VI. Federal rules which overlap, duplicate or conflict with this rule

None.

VII. Any significant alternatives minimizing impact on small entities and consistent with stated objectives

The Commission's alternative is to maintain the status quo and not authorize AM carrier use for utility load management. This alternative would not accomplish the beneficial objective sought in this rule making.

8. For the purpose of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a *Notice of Proposed Rule Making* until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comment/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed

written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it related. See generally, Section 1.1231 of the Commission's Rules, 47 CFR § 1.1231.

9. This *Notice of Proposed Rule Making* is issued pursuant to authority contained in sections 4(i) and 303 of the Communication Act of 1934, as amended. Interested parties may file comments on or before February 16, 1982, and reply comments on or before March 3, 1982. All relevant and timely comments filed in response to this *Notice* will be considered by the Commission. In accordance with the provisions of § 1.419 of the Commission's Rules, and original and five copies of all comments, replies, briefs and other documents filed in this proceeding shall be furnished the Commission. Further, members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number in the heading. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided the fact of the Commission's reliance on such information is noted in the Report and Order.

10. 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, Northwest, Washington, D.C.

11. For further information concerning this proceeding, contact Norman Plotkin, Broadcast Bureau, (202) 632-6302.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.
William J. Tricarico,
Secretary.

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Appendix

It is proposed to amend Parts 2 and 73, Title 47, of the Federal

Communications Commission's Rules and Regulations as follows:

1. Section 2.106, the National Table of Frequency Allocations, would be revised by adding footnote designator

§ 2.106 Table of Frequency Allocations

FEDERAL COMMUNICATIONS COMMISSION				
7	8	9	10	11
Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of services of stations
535-1605 (US 15) (NG 16) (NG 128).	BROADCASTING			Standard broadcasting

NG 128 In the band 535-1605 kHz, AM broadcast licensees or permittees may use their AM carrier to transmit signals intended for utility load management. In the band 88-108 MHz, FM broadcast licensees or permittees may be granted a Subsidiary Communications Authorization (SCA) to transmit signals intended for utility load management.

PART 73—RADIO BROADCAST SERVICES

2. Subpart A of Part 73 would be amended by adding new Section 73.127 to read as follows:

§ 73.127 Use of multiplex transmission

The licensee of an AM broadcast station may use its AM carrier to transmit signals not audible on ordinary consumer receivers, for utility load management purposes subject to the following requirements:

(a) Such use does not disrupt or degrade the station's main channel programs or the signals of any other radio service.

(b) In all arrangements entered into with outside parties with reference to such use, the licensee or permittee must retain control over all material transmitted over the station's facilities, with the right to reject any material which it claims inappropriate or undesirable.

[FR Doc. 82-703 Filed 1-11-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 81-787]

Substitution of 20 Miles in Place of 40 dBu as the Measure of Service Area

AGENCY: Federal Communications Commission.

ACTION: Proposed rule: extension of comment/reply comment period.

SUMMARY: This order extends by 30 days the time for filing comments and reply comment to the Notice of Proposed Rule Making in PR Docket No. 81-787 which would substitute 20 miles in place of 40 dBu as the measure of service area

NG128 in column 7 in the band 535-1605 kHz, and by revising footnote NG128 in the list of footnotes which follow the Table.

specified in §§ 90.367(c) and 90.371(b) of the Commission's rules relating to Private Land Mobile Radio Services. This action is taken in response to a request for extension of time filed by Electronic Industries Association who indicated that this additional time would be needed for the submission of responsive comments.

DATES: Comments are now due by January 29, 1982, and reply comments by February 15, 1982.

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

FOR FURTHER INFORMATION CONTACT: Lewis H. Goldman, Private Radio Bureau (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Order to Extend Time to File Comments

Adopted: December 30, 1981.

Released: January 4, 1982.

By the Chief, Private Radio Bureau:
In the Matter of amendment of Part 90 of the Commission's rules and regulations to substitute 20 miles in place of 40 dBu as the measure of Service area specified in §§ 90.367(c) and 90.371(b), PR Docket No. 81-787.

1. A Notice of Proposed Rule Making in the above-captioned matter was released November 27, 1981. The deadline for filing comments is December 30, 1981, and for filing reply comments is January 14, 1982. On December 22, 1981, Electronic Industries Association (EIA) requested that the dates for filing comments and reply comments in this proceeding be extended by 30 days.

2. EIA states that the potential impact of the issues raised in this proceeding can only be evaluated in conjunction with a complete analysis of PR Docket

Nos. 79-191 and 79-334, RM-3691, Further Notice of Proposed Rule Making (FCC 81-285, 46 FR 37927, July 23, 1981). EIA points out that reply comments in the latter proceeding are due on January 15, 1982, and asks that the deadlines in the above-captioned proceeding be postponed until after the January 15, 1982, filing date so that the information submitted in connection with PR Dockets 79-191 *et al.* will be available to

parties wishing to file comments in the instant rule making.

3. Because of the Commission's desire to have the most comprehensive responses possible, an additional thirty (30) days for filing comments and reply comments will be allowed.

4. Accordingly, it is ordered, pursuant to §§ 0.331 and 1.46 of the Commission's rules and regulations, that the time for filing comments in the above-captioned

proceeding is hereby extended from December 30, 1981, to January 29, 1982, and for filing reply comments from January 14, 1982, to February 15, 1982.

Federal Communications Commission,
Robert S. Foosaner,

Acting Chief, Private Radio Bureau.

[FR Doc. 82-786 Filed 1-11-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 47, No. 7

Tuesday, January 12, 1982

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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Agreement Regarding the In-Lieu Selection of Federal Lands by the State of Montana

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Intent.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the Bureau of Land Management (BLM), U.S. Department of Interior and the Montana State Historic Preservation Officer (SHPO), providing for the protection of historic and cultural properties in connection with "in-lieu" selection by the State of Montana of lands administered by BLM. In accordance with sections 2275 and 2276 of revised statutes, as amended (43 U.S.C. 851, 852) BLM proposes to transfer some 26,740.66 acres of land to the State in lieu of certain lands granted to it which could not be transferred because of prior encumbrances. The proposed Programmatic Memorandum of Agreement will establish mechanisms by which historic and cultural properties will be protected both during the selection process and thereafter in order to meet the requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

DATE: Comments must be submitted on or before February 11, 1982.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas F. King, Director, Office of

Cultural Resource Preservation, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005, (202-254-3974).

Dated: January 6, 1982.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 82-884 Filed 1-11-82; 8:45 am]
BILLING CODE 4310-01-M

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on February 3, 1982, at 7:30 p.m., a public information meeting will be held at the City Council Chamber, City Hall, 125 North Main Street, Memphis, Tennessee.

This meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed demolition of the Memphis Street Railway Company Office and Street Car Complex, an undertaking of the city of Memphis, Tennessee that will adversely affect these properties eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on the eligible National Register properties, and alternate courses of action that could avoid, mitigate, or minimize adverse effects on these properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the properties by the city of Memphis.

III. A statement by the Tennessee State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the properties.

V. A general question period.

Speakers should limit their statement

to 5 minutes. Written statement in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, DC 20005, telephone No. 202-254-3495, Attention: Don L. Klima.

Dated: January 6, 1982.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 82-685 Filed 1-11-82; 8:45 am]
BILLING CODE 4310-01-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Availability of Impact Assessment for Seward Energy Group, Ltd., Project Proposed for Financing by the Commodity Credit Corporation

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration (FmHA) proposes to present the Seward Energy Group, Ltd., project to the Board of Directors of the Commodity Credit Corporation (CCC), U.S. Department of Agriculture (USDA), for decision with respect to the awarding of a loan guarantee pursuant to the provisions of section 1420 of the 1977 Food and Agriculture Act. Formerly known as Farmers Grain and Fuel, Inc., this project involves production of approximately 6 million gallons annually of fuel grade alcohol from milo and will be located near Liberal, Kansas. The purpose of the environmental and economic impact assessment to which this notice refers is to assure the CCC Board of Directors that said project involves no significant environmental or economic impacts and to meet Council of Environmental Quality assessment requirements in these respects. Publication of this notice affords the public with opportunity, on demand, to examine this impact assessment.

ADDRESSES: Submit all written comments in duplicate to the Office of the Chief, Directives Management

Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given here.

Copies of the Finding of No Significant Impact and the Environmental Assessment may be reviewed in the Farmers Home Administration, Room 506, Presidential Building, Hyattsville, Md. Limited copies are also available and can be obtained from Boddington & Brown, Suite 100, Security National Bank Building, Minnesota Avenue at 7th Street, Kansas City, KS 66101.

FOR FURTHER INFORMATION CONTACT:

Donald A. Fink, Economist, Office of Renewable Resources, Farmers Home Administration, Room 506, Hyattsville, Md. 20782. Telephone (301) 436-5942.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the U.S. Department of Agriculture, acting through the Commodity Credit Corporation, has prepared a Finding of No Significant Impact (FONSI) in connection with proposed financing assistance in the form of a loan guarantee to Seward Energy Group, Ltd., a Kansas limited partnership doing business near Liberal, Kansas. Farmers Grain & Fuel Products, Inc., the applicant of record, is the general partner in Seward. Seward proposes to construct and operate an alcohol distillation plant capable of processing grain sorghum (milo) into ethanol at a potential capacity of 6 million gallons of ethanol per year. In addition, Seward will operate a cattle feedlot on the plant site located in Seward County, Kansas.

Seward prepared and submitted environmental information concerning the proposed project. USDA supplemented the information and prepared an Environmental Assessment.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands, floodplains, water and air quality impacts and all other potential impacts of the proposed project have been adequately investigated.

USDA's independent evaluation of the proposed project concludes that the proposed financing assistance to Seward does not represent a major Federal action that will significantly affect the quality of the human environment. Based on this independent evaluation and the Environmental Assessment a FONSI has been reached by USDA. This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of

USDA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969 (Pub. L. 91-190), an Environmental Impact Statement is not required.

This program is listed in the Catalog of Federal Domestic Assistance as 10.432, Biomass Energy and Alcohol Fuels Loans and Loan Guarantees.

Financing of the Seward project by the CCC (USDA) does not directly affect any USDA programs or projects that are subject to A-95 Clearinghouse review.

Dated: December 11, 1981.

Charles W. Shuman,
Administrator, Farmers Home
Administration.

[FR Doc. 82-730 Filed 1-11-82; 8:45 am]

BILLING CODE 3410-07-M

Federal Grain Inspection Service

**Federal Grain Inspection Service
Advisory Committee; Meeting**

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the following committee meeting:

Name: Federal Grain Inspection Service
Advisory Committee.

Date: January 27, 1982.

Place: U.S. Department of Agriculture, 1400
Independence Avenue, SW., Room 2096
South Building, Washington, D.C. 20250.

Time: 8:30 a.m.

Purpose: To enable the members to discuss and provide advice to the Administrator of the Federal Grain Inspection Service with respect to the efficient and economical implementation of the U.S. Grain Standards Act of 1976, in order to assure the normal movement of grain in an orderly and timely manner.

The meeting is open to the public, but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting, should contact Dr. Kenneth A. Gilles, Administrator, FGIS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382-0219.

Dated: January 6, 1982.

K. A. Gilles,
Administrator.

[FR Doc. 82-705 Filed 1-11-82; 8:45 am]

BILLING CODE 3410-EN-M

Forest Service

**California Nickel Corporation's
Gasquet Mountain Mining Project; Six
Rivers National Forest, Del Norte
County, Calif.; Intent To Prepare
Environmental Impact Statement**

The Department of Agriculture, Forest Service, will be responsible for the preparation of an environmental impact statement for the development of California's Nickel's proposed Gasquet Mountain Mining Project on the Gasquet Ranger District.

A range of alternatives for this project will be considered. One of these will be non-development of the site. Other alternatives will consider different sizes of the proposed processing facilities ranging from 2,500 tons/day capacity to 10,000 tons/day capacity; other locations for the processing facilities; and different types of ore processing.

The California Environmental Quality Act and the regulations for the Council on Environmental Quality (40 CFR Part 1500) for implementation of the National Environmental Policy Act provides for the preparation of a joint EIR/EIS document where both State and Federal agencies are responsible for the analysis of a proposed action. The joint venture provides for a single planning process, environmental research and review, joint public hearings and the preparation of a single comprehensive document, resulting in savings to the County of Del Norte (lead agency for the State) and the Six Rivers National Forest (lead agency for the Federal Government).

Although a significant amount of input has been received since the draft EIR was distributed in April of 1981, which was withdrawn at a later date, 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.

The Forest Supervisor and Del Norte County will conduct a public scoping meeting on January 27, 1982, at the Cultural Center, Front Street, Crescent City, CA. The meeting will begin at 1:00 p.m., recess at 5:00 p.m., resume at 6:30 p.m., and end at 9:30 p.m.

The scoping 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, and
4. Determination of potential cooperating agencies and assignment of responsibilities.

The Fish & Wildlife Service of the Department of the Interior will be invited to participate as a consulting agency on the potential impacts to threatened and endangered species habitat if any such species are found to exist in the proposed mining development area.

Joseph H. Harn, Forest Supervisor, Six Rivers National Forest in Eureka, California is the responsible official.

The analysis is expected to take about 8 months. The draft environmental impact statement should be available for public review by April 1982. The final environmental impact statement is scheduled to be completed in August 1982.

Written comments and suggestions concerning this project should be sent to Joseph H. Harn, Forest Supervisor, Six Rivers National Forest, 507 F Street, Eureka, California 95501. Final date for written comments will be February 10, 1982.

Questions about the proposed action and environmental impact statement should be directed to Dick Ferneau, Environmental Coordinator, Six Rivers National Forest, 507 F Street, Eureka, California 95501 (707-442-1721).

Joseph H. Harn,
Forest Supervisor.

January 6, 1982.

[FR Doc. 82-716 Filed 1-11-82; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Minnkota Power Cooperative, Inc.; Franklin P. Wood Station; Finding of No Significant Impact

The Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) in connection with the proposed financing assistance to Minnkota Power Cooperative, Inc., (MPC) for a fabric filter particulate collection system at the Franklin P. Wood Station (Station) in Grand Forks, North Dakota. The collection system is required to bring the Station into

compliance with North Dakota air quality regulations.

MPC prepared a Borrower's Environmental Report (BER) concerning the collection system. Based on this BER and other support documents, REA prepared an Environmental Assessment which incorporates the BER. REA's independent evaluation of the project leads to the conclusion that approval of the project does not represent a major Federal action that will significantly affect the quality of the human environment, and in accordance with REA Bulletin 20-21:320-21, REA has made a FONSI.

Alternatives discussed in the BER are no action, operating the fabric filter particulate collection system, obtaining a waiver from state regulations and converting the station to other fuels.

Copies of the FONSI, REA's Environmental Assessment and MPC's Borrower's Environmental Report may be obtained from Frank W. Bennett, Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone: (202) 382-1400 or at Minnkota Power Cooperative, Inc., Box 1318, Grand Forks, North Dakota 58201, telephone: (701) 795-4000.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 5th day of January 1981.

Harold V. Hunter,
Administrator.

[FR Doc. 82-728 Filed 1-11-82; 8:45 am]

BILLING CODE 3410-15-M

Minnkota Power Cooperative, Inc.; Milton R. Young Station; Finding of No Significant Impact

The Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) in connection with the proposed financing assistance to Minnkota Power Cooperative, Inc., (MPC) of Grand Forks, North Dakota, for

two previously completed projects. The projects are a coal pile runoff system and the purchase of additional land for a buffer zone for the Milton R. Young Station (Station) of Center, North Dakota. The coal pile runoff system was required for the Station to be in compliance with State water quality regulations. The buffer zone has provided noise protection for adjacent landowners and space for incidental projects such as the coal pile expansion, access roads and sludge ponds.

MPC prepared a Borrower's Environmental Report (BER) concerning the project. Based on this BER and other support documents, REA prepared an Environmental Assessment which incorporates the BER. REA's independent evaluation of the project leads to the conclusion that approval of the projects does not represent a major Federal action that will significantly affect the quality of the human environment and, in accordance with REA Bulletin 20-21:320-21, REA has made a FONSI.

Alternatives discussed for the coal pile runoff system in the BER are no action and converting the Station to another fuel. Alternatives to the buffer zone are no action and purchasing additional land.

Copies of the FONSI, REA's Environmental Assessment and MPC's Borrower's Environmental Report may be obtained from Frank W. Bennett, Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone: (202) 382-1400 or the Minnkota Power Cooperative, Inc., Box 1318, Grand Forks, North Dakota 58201, telephone: (701) 795-4000.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 5th day of January 1982.

Harold V. Hunter,
Administrator.

[FR Doc. 82-729 Filed 1-11-82; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; See, 14 CFR 302.1701 et seq.; Week Ended December 24, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Dated filed	Docket No.	Description
Dec. 22, 1981	40326	Southcentral Air, Inc., c/o Richard P. Taylor, Steptoe & Johnson, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Application of Southcentral Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail between the terminal point Anchorage, Alaska; the intermediate points: Cordova, Alaska, Fairbanks, Alaska, Gulikana, Alaska, Homer, Alaska, Iliamna, Alaska, King Salmon, Alaska, Kenai, Alaska, Kodiak, Alaska, Prudhoe Bay/Sag River/Deadhorse, Alaska, Seattle, Washington, Valdez, Alaska, and the terminal point: Yakutat, Alaska. Conforming Applications, motions to modify scope, and Answers may be filed by January 19, 1981.
Dec. 23, 1981	40335	Capitol International Airways, Inc., P.O. Box 325, Smyrna, Tennessee 37167. Conforming Application of Capitol International Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authorization to provide scheduled air transportation of persons, property and mail: Between the coterminal points New York, N.Y. and Washington, D.C. the intermediate points Brussels, Belgium and/or Frankfurt, Germany, and the coterminal points Moscow and Leningrad, U.S.S.R., subject to such terms, conditions and limitations as the Board may find to be required by the public convenience and necessity. Answers may be filed by January 6, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-731 Filed 1-11-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38748]

**Capitol International Airways Inc.;
Violations of Part 250; Enforcement
Proceeding; Cancellation of Hearing**

Notice is hereby given that the hearing in the above-entitled proceeding, which was assigned to be held on January 11, 1982 (46 FR 49282) is hereby cancelled.

Dated at Washington, D.C., January 5, 1982.

John M. Vittone,
Administrative Law Judge.

[FR Doc. 82-734 Filed 1-11-82; 8:45 am]

BILLING CODE 6320-01-M

Commuter Fitness Determination

The Board is proposing to find the following carriers fit willing and able to provide commuter air carrier service under Section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
82-1-3	Westair Commuter Airlines, Inc.	Jan. 22, 1982.
82-1-19	Princeton Airways, Inc.	Jan. 27, 1982.
82-1-20	Lawrence Aviation, Inc.	Jan. 27, 1982.
82-1-21	Aero Coach Aviation International, Inc., d.b.a. Aero Coach.	Jan. 27, 1982.
82-1-22	California Air Express.	Jan. 27, 1982.
82-1-23	Jeffery D. Haddock & Ronald A. Watson, d.b.a. Valdez Airlines.	Jan. 27, 1982.
82-1-30	Emerald Air, Inc., d.b.a. Emerald Airlines.	Jan. 27, 1982.

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in

Attachment A of the respective orders and file response or additional data for Orders 82-1-19-20, -21, -22, -23, and -30 with the Special Authorities Division, Room 915, for Order 82-1-3 with the Essential Air Services Division, Room 921, 1825 Connecticut Avenue, N.W. Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

FOR FURTHER INFORMATION CONTACT: Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428 for Order 82-1-3; Mr. Dennis DeVaney, (202) 673-5405; for Orders 82-1-19, -20, -22, and -30 Mr. J. Kevin Kennedy, (202) 673-5918; for Order 82-1-21, Mr. John McCamant, (202) 673-5082; for Order 82-1-23; Mr. Curtis B. Maloy, (202) 673-5088.

By the Civil Aeronautics Board: January 7, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-733 Filed 1-11-82; 8:45 am]

BILLING CODE 6320-01-M

**Investigation Into the Competitive
Marketing of Air Transportation—
Retail Pricing Phase**

AGENCY: Civil Aeronautics Board.

ACTION: Partial Decision Continuing Tariff Filing Obligations in International Air Transportation, Order 81-12-112, December 18, 1981, and Order Extending Exemptions, Order 81-12-113, December 18, 1981.

SUMMARY: The Board has decided to continue to require carriers to file tariffs for international air transportation that state specific prices to be charged. While it believes that there would be

substantial public benefits from relaxing tariff filing obligations in international air transportation, as it has decided to do domestically, it is not prepared at this time to broadly relinquish its authority over fares for foreign air transportation. It concluded that a relaxation of the current requirements, which could significantly affect the marketing of international air transportation, may not be the best way of pursuing a more competitive international regime. It found that, over the near term, the costs of adopting a maximum tariff system, as proposed in EDR-408, 45 FR 64864, September 30, 1980, in terms of international good will and diplomatic opportunities, may well exceed the potential benefits. Consequently, the Board is terminating the maximum tariff rulemaking, EDR-408, and withdrawing international tariff filing issues from the *Competitive Marketing Investigation*.

In addition, the Board has decided to extend exemptions for carriers to engage in practices it had elsewhere permitted pending final action in EDR-408. Specifically, it is extending, for a two year period, the exemption granted all U.S. and foreign air carriers from section 403 of the Federal Aviation Act for them to accept tickets of other carriers at published fares lower than their own published fares in transpacific markets. It is also extending the exemption granted all U.S. and foreign air carriers and air freight forwarders from section 403 of the Act and 14 CFR § 296.7 and § 297.32, for carriers to pay and forwarders to receive, directly or indirectly, commissions for U.S.-origin cargo shipments in foreign air transportation, pending final Board action on these issues in a forthcoming rulemaking.

The complete texts of the orders are available as noted below.

DATE: Adopted December 18, 1981.

FOR FURTHER INFORMATION CONTACT:

George S. Baranko or Barry L. Molar,
Office of the General Counsel, 1825
Connecticut Avenue, N.W., Washington,
D.C. 20428; (202) 673-6011 or (202) 674-
5205, respectively.

SUPPLEMENTARY INFORMATION: The
complete texts of Orders 81-12-112 and
81-12-113, are available from the
Distribution Section, Room 100, 1825
Connecticut Avenue, N.W., Washington,
D.C. Persons outside the metropolitan
area may send a postcard request for
the orders to the Distribution Section,
Civil Aeronautics Board, Washington,
D.C. 20428.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-732 Filed 1-11-82; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS**Tennessee Advisory Committee;
Agenda and Open Meeting**

Notice is hereby given, pursuant to the
provisions of the Rules and Regulations
of the U. S. Commission on Civil Rights,
that a meeting of the Tennessee
Advisory Committee to the Commission
will convene at 2:30 pm and will end at
6:30 pm, on January 29, 1982, at the
Hyatt Regency Knoxville, 500 Hill
Avenue, James Polk Room, Knoxville,
Tennessee 37915. The purpose of this
meeting is to release a report, *Promises
and Perceptions: Federal Efforts to
Eliminate Employment Discrimination
Through Affirmative Action*; and a
discussion on program planning for FY
82.

Persons desiring additional
information or planning a presentation
to the Committee, should contact the
Chairperson, Mrs. Mattie R. Crossley,
351 Fay Avenue, Memphis, Tennessee
38109, (901) 276-4461; or the Southern
Regional Office, Citizens Trust Bank
Building, 75 Piedmont Avenue, NE,
Atlanta, Georgia 30303, (404) 242-4391.

The meeting will be conducted
pursuant to the provisions of the Rules
and Regulations of the Commission.

Dated at Washington D.C., January 7, 1982.
John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 82-743 Filed 1-11-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE**International Trade Administration****Antidumping, Fireplace Mesh Panels
From Taiwan; Corrected Notice of
Initiation of Antidumping Investigation**

AGENCY: International Trade
Administration, Commerce.

ACTION: Notice of initiation of
antidumping investigation; correction.

On September 8, 1981, the
International Trade Administration
published on page 44805 of the *Federal
Register* (46 FR 44805) a Notice of
Initiation of an Antidumping
Investigation. In column 3, under the
paragraph headed, "Scope of
Investigation," the words "wood-
burning stoves" in the first sentence are
corrected to read, "zero-clearance
fireplaces."

Gary N. Horlick,

*Deputy Assistant Secretary for Import
Administration.*

January 6, 1982.

[FR Doc. 82-771 Filed 1-11-82; 8:45 am]

BILLING CODE 3510-25-M

**Lamb Meat From New Zealand;
Termination of Countervailing Duty
Investigation**

AGENCY: International Trade
Administration, Department of
Commerce.

ACTION: Termination of Countervailing
Duty Investigation.

SUMMARY: The petitioners have
withdrawn their petition concerning
lamb meat from New Zealand.
Therefore we are terminating our
countervailing duty investigation and
we will not reach a final determination.

EFFECTIVE DATE: January 12, 1982.

FOR FURTHER INFORMATION CONTACT:
Miguel Pardo de Zela, Import
Administration Specialist, U.S.
Department of Commerce, Washington,
D.C. 20230, telephone (202) 377-1279.

SUPPLEMENTARY INFORMATION:
Termination of Countervailing Duty
Determination.

On April 23, 1981, we received a
petition from the National Wool
Growers Association, Inc. (NWGA),
alleging that lamb meat from New
Zealand benefited from subsidies within
the meaning of section 701 of the Tariff
Act of 1930, as amended. On May 12,
1981, the National Lamb Feeders
Association (NLFA) joined in this
petition. On the basis of information
contained in the NWGA's petition, we
announced our initiation of a
countervailing duty investigation on
May 18, 1981 (46 FR 27151). The result of

the investigation was a preliminary
determination on November 30, 1981 (46
FR 58128). We anticipated reviewing the
findings contained in the preliminary
determination before reaching a final
determination.

Before we reached any final
conclusions, counsel for the NWGA and
NLFA submitted a letter on December
22, 1981, withdrawing the petition and
requesting that we terminate the case.
This letter is reproduced as an appendix
to this notice. Under section 704(a) of
the Act, upon the withdrawal of the
petition by the petitioner, the
administering authority may terminate
an investigation after giving notice to all
parties to the investigation.

We have notified all parties to the
investigation of the petitioner's
withdrawal and we have decided to
terminate this case in the public interest
(19 CFR 355.30). Customs officers have
been instructed to refund any estimated
countervailing duties collected and
release any bonds or other securities
posted with respect to lamb meat from
New Zealand.

By virtue of the withdrawal of the
petition and termination of the
investigation, the preliminary
determination and all preliminary
conclusions reached therein, as to
whether the programs investigated do or
do not constitute subsidies are without
legal force or effect.

Gary N. Horlick,

*Deputy Assistant Secretary for Import
Administration.*

[FR Doc. 82-698 Filed 1-11-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE**Office of the Secretary****Defense Science Board Task Force on
Autodin II: Notice of Advisory
Committee Meeting**

The Defense Science Board Task
Force on AUTODIN II will meet in
closed session on 18-19 February 1982 in
Washington, D.C.

The mission of the Defense Science
Board is to advise the Secretary of
Defense and the Under Secretary of
Defense for Research and Engineering
on overall research and engineering
policy and to provide long-range
guidance to the Department of Defense
in these areas.

At the meeting on 18-19 February 1982
the Task Force will be briefed by
members of the Defense
Communications Agency AUTODIN II
Evaluation Group and concerned
members of the Defense Department.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

January 6, 1982.

[FR Doc. 82-896 Filed 1-11-82; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Rapid Deployment Forces (RDF): Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Rapid Deployment Forces will meet in closed session on 3-4 February 1982 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 3-4 February 1982, the Task Force will continue discussions on the application of technology to rapidly deploying forces.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

January 5, 1982.

[FR Doc. 82-697 Filed 1-11-82; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session 19 January 1982, at the Naval Ocean Systems Center, 271 Catalina Blvd, San Diego, CA 92142.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

January 7, 1982.

[FR Doc. 82-735 Filed 1-11-82; 8:45 am]

BILLING CODE 3810-10-M

DEPARTMENT OF ENERGY

Federal Energy Regulation Commission

[Docket Nos. DER80'715 and ER81-84-001]

Alabama Power Co.; Compliance Filing

January 7, 1982.

The filing Company submits the following:

Take notice that on December 30, 1981, Alabama Power Company filed a compliance report pursuant to the Commission's letter order dated November 16, 1981.

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 January 29, 1982. 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. 82-750 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-20-002]

Algonquin Gas Transmission Co.; Rate Filing Under Rate Schedule STB

January 5, 1982.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas) on December 17, 1981, tendered for filing Fifth Revised Sheet No. 10-C to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that it is filing the above-mentioned tariff sheet to

reflect in Algonquin Gas' Rate Schedule STB, an increase in Texas Eastern Transmission Corporation's Rate Schedule SS-II.

Algonquin Gas requests that the proposed effective date of the filing be January 1, 1982.

Algonquin notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10) on or before January 13, 1982. All such petitions or 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 preceeding. 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. 82-746 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER81-132-000 and ER81-305-000]

Cincinnati Gas & Electric Company and Union Light, Heat and Power Co.; Compliance Filing

January 7, 1982.

The filing Companies submit the following:

Take notice that on December 23, 1981, Cincinnati Gas & Electric Company and Union Light, Heat and Power Company submitted jointly a compliance report pursuant to the Commission's order issued November 16, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 29, 1982. 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. 82-751 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-124-000]

Cities Service Gas Co.; Application

January 8, 1982.

Take notice that on December 7, 1981, Cities Service Gas Company (Applicant), P.O. 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-124-000 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 certain replacement facilities and for permission and approval to abandon certain existing natural gas facilities on its transmission system, 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 by reclaim approximately 1.18 miles of 30-inch natural gas pipeline and appurtenant facilities on its Oklahoma City 30-inch pipeline in Oklahoma County, Oklahoma. Applicant also proposes to construct approximately 1.39 miles of 30-inch pipeline, 0.01 mile of 20-inch pipeline and appurtenant facilities and install river weights on approximately 0.19 mile of said Oklahoma City 30-inch pipeline. Applicant explains that this rearrangement of facilities is necessary due to the construction of Arcadia Lake in the vicinity of Edmond, Oklahoma. It is stated that Applicant's Oklahoma City 30-inch pipeline lies in the area to be flooded by the construction of this lake.

Applicant asserts that the total cost of the proposed project is estimated to be \$1,568,430 which would be paid from treasury cash and to be totally reimbursed by the U.S. Army Corps of Engineers and the City of Edmond, Oklahoma.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1982, 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 and 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the National 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 82-752 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1991-000]

Thomas W. Coppock; Application

January 7, 1982.

The filing individual submits the following:

Take notice that on December 28, 1981, Thomas W. Coppock filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Philadelphia Electric Company.
President, Conowingo Power Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 1, 1982. 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. 82-753 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-33-000]

El Paso Natural Gas Co.; Change

January 7, 1982.

Take notice that on December 31, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing a notice of a change in rates (and certain identified tariff provisions) for natural gas service rendered to jurisdictional customers served under all rate schedules contained in Original Volume No. 1 and certain rate schedules contained in Third Revised Volume No. 2 and Original Volume No. 2A. Accordingly, El Paso submitted the following revised tariff sheets:¹

Original Volume No. 1

Thirty-first Revised Sheet No. 3-B
Ninth Revised Sheet No. 67
Sixth Revised Sheet No. 67-A
Sixth Revised Sheet No. 67-B
Fifth Revised Sheet No. 67-C
Eighth Revised Sheet No. 67-D
Second Revised Sheet No. 67-D.1

Third Revised Volume No. 2

Twenty-second Revised Sheet No. 1-D
Twelfth Revised Sheet No. 1-D.2

Original Volume No. 2A

Twenty-third Revised Sheet No. 1-C

The proposed effective date for the revised tariff sheets and for the increase in rates the subject hereof, is February 1, 1982, except in the case of Ninth Revised Sheet No. 67, Sixth Revised Sheet Nos. 67-A and 67-B, Fifth Revised Sheet No. 67-C, Eighth Revised Sheet No. 67-D and Second Revised Sheet No. 67-D.1, where the proposed effective date is June 1, 1982.

El Paso states that its jurisdictional rates which are firm and which were approved by Federal Energy Regulatory Commission ("Commission") orders issued July 20, 1979, May 30, 1980 and August 28, 1981 at Docket Nos. RP79-12, RP79-12 (Extension) and RP79-12 (Further Extension), respectively, are deficient based upon the test period cost of service and projected sales volumes in an amount of \$198,044,046 annually. The current base tariff rates were established at Docket No. RP79-12 which utilized cost data experienced

¹ El Paso also tendered, in addition to the above revised tariff sheets, certain alternative revised tariff sheets and *prof forma* tariff sheets as discussed below.

primarily during the calendar year 1978. Over the approximately three-year period since then, all items of cost have increased significantly, including the cost of capital. The impact of higher natural gas prices resulting from the pricing provisions of the Natural Gas Policy Act of 1978 has had a significant effect on El Paso's gas well royalty and production tax expenses associated with production that is treated on a cost of service basis for rate purposes. In addition to the Washington Ranch Storage Project, El Paso has added over \$300,000,000 to its rate base over that reflected at Docket No. RP79-12. Additionally, all items of operation and maintenance expense have increased significantly over levels included in the existing base rates. Further, the increased rates proposed includes an increase in the overall claimed rate of return to reflect significantly higher cost of capital El Paso is experiencing and also includes higher depreciation rates. These cost increases have partially been offset by an increase in sales volumes and increases in natural gas liquid revenues.

The increase in rates for which the notice is given and which is necessary to recover the deficiency is reflected in the "Revised Tariff Sheets." The production and local area sales rate schedules, Rate Schedule X-1 and the special rate schedules keyed thereto, reflect an increase of 20.26¢ per Mcf. The proposed increase in rates under east-of-California sales rate schedules (ABD Rate Schedules), the special rate schedules "keyed" thereto and Rate Schedule A-1-X is 31.49¢ per Mcf and the proposed increase applicable to the California sales rate schedules (G and G-X Rate Schedules) is 17.60¢ per Mcf. The proposed increase in rates for transportation services is 4.50¢ per Mcf as to Mainline Transmission Charges, 9.33¢ per Mcf as to Field Transmission and Field Gathering Charges, 0.37¢ per Mcf as to Processing and 0.40¢ per Mcf applicable to Dehydration only. The increase in the San Juan Triangle Facilities Charges is 119.17¢ per Mcf for the Demand Charge and 3.92¢ per Mcf as to the Commodity Charge. Further, El Paso proposes to include on Sheet No. 1-D.2 of its Volume No. 2 Tariff, a rate Equivalent to one-half of the applicable forward haul rate for back haul transportation service (Back Haul Charge) and a 3.26¢ per Mcf rate or short haul transportation service (Short Haul Charge).

El Paso has specifically requested waiver of the requirements of § 154.63(e)(2)(i) of the Commission's Regulations in order to permit El Paso to

include in its rates the effect of an increase in special overriding royalty costs which will be incurred by El Paso on June 1, 1982, only one (1) day beyond the end of the test period selected for the instant filing.

El Paso has also requested waiver of the requirements of § 154.63(e)(2)(ii) of the Commission's Regulations, to permit the inclusion in rate base of the Washington Ranch Storage Project not yet placed in service. El Paso requested such waiver to permit the facilities to be included in rate base and their associated costs in rates even though the facilities are not projected to be placed in service until approximately one (1) month beyond the close of the test period used; i.e., the period ending May 31, 1982. At the time the test period data for the instant notice was assembled, El Paso intended to file such notice no later than November 30, 1981, and was compelled to employ a test period ending on May 31, 1982. El Paso then also believed that the Washington Ranch Storage Project would be available for service within or quite close to the end of such test period. It subsequently became apparent, however, that the in-service date of these facilities would not occur until approximately July 1, 1982. Such delay was due to unforeseen problems with equipment procurement occurring after Commission authorization of such facilities.

The total impact on El Paso's costs of this single project is substantial and alone would require El Paso to adjust its rates to avoid such a large cost exposure. Specifically, the annual effect on the cost of service reflected in the instant notice is approximately \$34.1 million. Because of this large cost of service impact, and because of El Paso's concern to assure rate coverage of these costs, the unforeseen delay in the in-service date of the Washington Ranch Storage Project caused El Paso to delay filing the instant notice of change by one (1) month in order that collection of such costs might be insured through inclusion in rates.

Retention of the completed test period presentation applicable to the period ending May 31, 1982, coupled with a one-month delay in filing, would permit the Commission, by imposing a five-month suspension period, to assure that El Paso would not collect such increased rates earlier than the date in which the facilities giving rise to a significant item of increased cost was actually placed in service; i.e., following such five-month suspension, the increased rates would not become effective at least until July 1, 1982. This procedure, accordingly, fairly

balances the interests of El Paso's ratepayers and El Paso's interest in avoiding a substantial cost underrecovery. For this reason, El Paso states that a waiver of the Commission's Regulations to permit Washington Ranch Storage Project costs to be included in rates concurrently with the in-service date of the facilities, even though such facilities will not be placed in service until approximately one (1) month beyond the close of the test period, is fully warranted. In consideration for receiving the waiver of § 154.63(e)(2)(ii) requested and as an express condition thereof, El Paso obligated itself to withhold the filing of a motion placing the instant proposed rates and other changes (except those tariff sheets containing PGAC provisions with a proposed effective date of June 1, 1982) into effect until the later of July 1, 1982, or the date on which the Washington Ranch Storage Project facilities are placed into service; provided, however, if El Paso anticipates an unforeseen extended delay for the in-service date of the Washington Ranch Storage Project beyond July 1, 1982, El Paso reserves the right to eliminate the Washington Ranch Storage Project facilities and related costs from its rates and to place such lower rates and other changes (except those tariff sheets containing PGAC provisions with a proposed effective date of June 1, 1982) into effect July 1, 1982.

Article XII of El Paso's Stipulation and Agreement, approved by Commission letter order dated July 20, 1979 at Docket No. RP79-12, modified El Paso's then effective Purchased Gas Cost Adjustment Provision ("PGAC") during the effectiveness of the Docket No. RP79-12 rates by (i) establishing the use of one (1) month actual purchased gas volumes in determining the annualized change in purchased gas cost and (ii) providing that the amount of purchased gas costs deferred to Account 191 each month will be based upon the difference between the actual purchased gas costs for the month, exclusive of refunds received from El Paso's gas suppliers, and the product of the portion of the gas sales rate applicable to purchased gas costs, times the gas sales volume for the month. The letter order of July 20, 1979, directed El Paso to file, as a part of its next general system-wide change in rates, tariff sheets which supersede the tariff sheets containing §§ 19.6 and 19.7 of its PGAC and which reflect the elimination of said PGAC modifications permitted by Article XII, and the reinstatement of the methodology for determining PGAC rate adjustments

which was reflected in El Paso's then currently effective PGAC; namely, (i) a revised § 19.6(a) which provides that the determination of the gas cost adjustment will be based on twelve (12) months of actual purchased gas volumes, in lieu of the currently effective one (1) month of actual purchased gas volumes, and (ii) a revised § 19.7(a) which provides that the amount of purchased gas costs deferred to Account 191 each month will be based upon the difference between actual purchased gas costs for the month, excluding any costs subject to incremental pricing, and an amount for the same volume purchased, excluding any costs subject to incremental pricing, computed at the average purchased gas costs applicable to the currently effective tariff rates.

El Paso has made modifications to Section 19, Purchased Gas Cost Adjustment Provision, of the General Terms and Conditions of El Paso's Original Volume No. 1 Tariff which would permit the use of estimated gas purchase volumes and comparable estimated sales volumes and continue the procedure set forth above establishing the method of deferring purchased gas costs to Account 191 based upon the difference between the actual purchased gas costs for the month, exclusive of refunds received from El Paso's gas suppliers, and the product of the portion of the gas sales rate applicable to purchased gas costs, times the gas sales volume for the month. El Paso now has operable a computer model capable of forecasting volumes to be utilized in determining the gas cost adjustment. The use of estimated purchased volumes generated by the model and comparable estimated sales volumes which result from the estimated purchased volumes would more accurately track the actual activity in the Adjustment Period therefore providing El Paso with a reduction in the amounts debited to Account 191 and a more current recovery of actual purchased gas costs incurred. Such methodology comports to § 154.38(d)(4)(iv)(a) of the Commission's regulations.

In the event said revised tariff sheets are rejected by the Commission, El Paso tendered alternative revised tariff sheets, which reinstate the methodology for determining PGAC rate adjustments as directed by the Commission's order dated July 20, 1979 at Docket No. RP79-12. The proposed effective date, after suspension, for the revised or alternative revised tariff sheets respecting El Paso's PGAC is June 1, 1982 since the settlement base rates approved in El Paso's Stipulation

and Agreements at Docket No. RP79-12 will terminate on May 31, 1982 as a result of the "36-month rule" of § 154.38(d)(4)(vi) of the Commission's Regulations. In order to secure the June 1 effective date, El Paso has requested waiver of the thirty-day notice period, or a shortened, four-month suspension period.

In addition, El Paso is proposing to incorporate into the General Terms and Conditions of its Original Volume No. 1 Tariff a new Section 23 entitled "Gas Well Royalty and Production Tax Adjustment Provision." Such permanent provision would permit the periodic adjustment of El Paso's rates to reflect changes in the level of gas well royalty and production tax expense resulting from variations in the volume of produced gas and, as well, changes in the price of natural gas. El Paso states that the proposed Gas Well Royalty and Production Tax Adjustment Provision is to operate in tandem with El Paso's PGAC.

To implement the proposed new section 23, El Paso has included in its notice of change certain *pro forma* tariff sheets. El Paso has requested that the Commission institute an investigation into the justness and reasonableness of the new Gas Well Royalty and Production Tax Adjustment Provision, and that such investigation be conducted with and as a part of the section 4 proceeding precipitated by the filing of the instant Notice of Rate Change. El Paso further requested that the Commission approve the proposed section 23 at its earliest convenience and that the tendered *pro forma* tariff sheets implementing the new provision be made effective for prospective application following the issuance of a final Commission order approving such tariff sheets.

El Paso, on December 1, 1981, filed a notice of rate change which will increase the currently effective Gas Research Institute funding unit to a level of 0.72 cent per Mcf, effective January 1, 1982. In the near future El Paso will file (i) a PGAC rate adjustment in accordance with the terms of El Paso's PGAC and (ii) if necessary, rate adjustments and surcharges applicable to particular items of cost which are not included in its general section 4 rate increase filing. If the effectiveness of the rates proposed by the instant notice is suspended beyond the date that any other rate adjustment or surcharge which El Paso may be authorized to collect becomes effective, El Paso will make the appropriate filings with the Commission to reflect in its rates the effect of any such adjustments or

surcharges. To facilitate making such filings, El Paso specifically requested that the Commission expressly state in its suspension order, applicable to the instant notice, that the rates ultimately placed into effect in the instant proceeding shall reflect any rate adjustments or surcharges which become effective during the suspension period pursuant to El Paso's FERC Gas Tariff or any other Commission authorization.

El Paso states that the valuation of its company-owned natural gas production on a cost of service basis, as reflected in the notice, is without prejudice to the ultimate effect of, or to such rights as El Paso may have as a result of, the recent holding of the United States Court of Appeals for the *Mid-Louisiana Gas Company, et al. v. Federal Energy Regulatory Commission*, Nos. 80-3804, *et al.* (slip opinion dated December 23, 1981) respecting the valuation of El Paso's company-owned production on a first sale basis under the Natural Gas Policy Act of 1978.

El Paso has requested that waiver be granted of all applicable rules and regulations of the Commission as may be necessary so as to implement the notice of change in the manner described herein.

El Paso states that a copy of the notice of change, together with a copy of the documents filed concurrently, has been served upon all customers served from El Paso's interstate system and upon all interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said notice should, on or before January 25, 1982, 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). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding 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. 82-754 Filed 1-11-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA82-1-14-001 (PGA 82-1)]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

January 6, 1982.

Take notice that on December 28, 1981 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing three (3) revised gas tariff sheets to its FERC GAS Tariff, First Revised Volume No. 1, all of which are dated as issued on December 23, 1981 proposed to become effective February 1, 1982, and identified as follows: Twenty-Sixth Revised Sheet No. 4 Twenty-Fourth Revised Sheet No. 18 Fifth Revised Sheet No. 4-B

Lawrenceburg states that its revised tariff sheets were filed under its Purchased Gas Adjustment Provision and Incremental Pricing Surcharge Provision.

Copies of this filing were served upon Lawrenceburg'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 Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 20, 1982. 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. 82-747 Filed 1-11-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP80-107-004; TA80-2-26-001 (AP80-2)]

Natural Gas Pipeline Company of America; Post Audit Report

January 6, 1982.

Take notice that on December 17, 1981, Natural Gas Pipeline Company of America (Natural) submitted to this Commission its Post Audit Report in compliance with Article II, Paragraph 3 of the Stipulation and Agreement (Agreement) approved by the Commission Order issued December 7, 1981 in the above-referenced dockets. As required by the Agreement, the report sets forth the settlement cost of

service for the period December 1, 1980 through September 30, 1981 (Locked-in Period), the settlement base tariff rates for the locked-in period, and the unit rate differentials determined in accordance with Article II, Paragraph 1 of the Agreement.

Natural states that a copy of the Report was mailed to its jurisdictional customers, interested state commissions, and all parties to these proceedings.

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 and 1.10). All such petitions or protests should be filed on or before January 21, 1982. 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. 82-746 Filed 1-11-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP78-123]

Northern Border Pipeline Co.; Petition of Clarification of Order

January 8, 1982.

Take notice that on November 20, 1981, Northern Border Pipeline Company (Northern Border), P.O. Box 3330, Omaha, Nebraska 68103, filed in Docket No. CP78-124 a petition pursuant to § 1.7 of the Commission's Rules of Practice and Procedure for clarification of the Commission's order issued in the subject docket on June 20, 1980, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Northern Border states that the Commission in its order issued April 28, 1980, approved the use of the unit of throughput (UOT) method of depreciation until such time as Alaskan gas commenced to flow but required that Alaskan volumes be reflected for depreciation purposes coincident with the start of Alaskan construction. It is further stated that in its order on rehearing issued June 20, 1980, the Commission approved an alternative to its preferred method approved in the April 28, 1980, order for use by Northern Border. The alternative, it is stated,

authorized the collection of UOT depreciation for 4 years from the completion and commissioning date of the prebuilt facilities or until Alaskan construction begins, whichever occurs later. The authorization was conditioned on a provision which would require refund of the difference in depreciation between the two methods, it is submitted.

Northern Border explains that its rates would be determined pursuant to a cost of service tariff and as a result the higher depreciation amounts collected under the UOT method would increase monthly the reserve for accumulated depreciation at a faster than normal rate and concurrently diminish the rate base more rapidly. This would, it is asserted, result in a lower total cost of service during subsequent periods as no return or related taxes would be charged on the lower rate base caused by the accumulated depreciation amounts subject to refund. Northern Border states that if it is required to refund the depreciation difference with interest while at the same time charging a lower cost of service because of the lower rate base created by the UOT method there would be an inadvertent double counting for the time value of money.

To correct this, Northern Border proposes that the Commission clarify the June 20, 1980, order to recognize that Northern Border's tariff provides for a monthly cost of service based on current operating costs and return and taxes on a current net rate base. Any depreciation amounts accruing would, it is asserted, result in lower current charges for return and taxes thereby compensating the consumer on a current basis for carrying charges. It is submitted that then only the amount of depreciation expense and the related taxes would be subject to refund by Northern Border.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 29, 1982, 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). 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. 82-755 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-189-000]

Ohio Edison Co.; Filing

January 7, 1982.

The filing Company submits the following:

Take notice that Ohio Edison Company on December 29, 1981, tendered for filing a proposed change in its FERC electric service tariff FERC No. 66, an amendment No. 5 to the Interconnection Agreement between The Dayton Power and Light Company and Ohio Edison Company. The amendment provides for participation by the parties in economy transactions involving systems which are not parties to the Agreement and provides that transactions with systems not a party to the Agreement between the parties would be priced as are those under the existing Agreement between the parties, on the basis of the cost incurred plus a sharing by all of the participants of the savings realized by the ultimate receiving system.

Dayton Power and Light Company has concurred with the filing. Ohio Edison Company requests waiver of the Commission's notice requirements to allow an effective date of January 1, 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 and 1.10). All such petitions or protests should be filed on or before January 25, 1982. 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. 82-756 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-463-000]

Ohio Power Co.; Compliance Filing

January 7, 1982.

The filing Company submits the following:

Take notice that on December 28, 1981, Ohio Power Company filed a refund compliance report pursuant to the Commission's letter order issued on November 16, 1981.

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 January 29, 1982. 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. 82-757 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-191-000]

Pacific Gas and Electric Co.; Filing

January 7, 1982.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PG&E) on December 30, 1981, tendered for filing a signed letter agreement dated December 21, 1981 stipulating to an amendment to the United States Power Contract No. 14-06-200-2948A (Contract) between the Western Area Power Administration (Western) and PG&E dated July 31, 1967.

The letter agreement further defers review of certain rates and charges pursuant to Article 32 of the Contract from December 31, 1981, to July 1, 1982. Review of these rates and first deferred from April 1, 1981, to July 1, 1981, pursuant to a letter agreement dated January 27, 1981, and from July 1, 1981 to December 31, 1981, pursuant to a letter agreement dated June 25, 1981.

The January 27, 1981, letter agreement was filed with and accepted by FERC in Docket No. ER81-245-000. The June 25, 1981, letter agreement was filed with and accepted by FERC in FERC Docket No. ER81-584-000. The rates and charges, review of which is deferred by the December 21, 1981, letter agreement, are provided under the following articles:

Article 22(c)(1)(i)—Sales from Capacity Account, Article 22(c)(2)(ii)—Sales from Energy Account No. 2, Article 28(b)(1), 28(b)(2), 28(b)(3)—Meter Rental.

The parties have agreed to further deferment of the April 1, 1981, rate review date to allow the parties sufficient time to complete their joint review of the rates in a more thorough manner.

The proposed effective date for the December 21, 1981, letter agreement is the date of filing hereof. Pacific requests a waiver of the notice requirements in order to avoid a possible hiatus in the effective rate review period agreed upon by the parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 25, 1982. 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. 82-758 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-32-000]

Sea Robin Pipeline Co.; Proposed Changes in FERC Gas Tariff

January 6, 1982.

Take notice that Sea Robin Pipeline Company (Sea Robin), on December 31, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2. The proposed changes are based on the twelve-month period ending September 30, 1981, as adjusted, and would increase jurisdictional revenues by \$13,663,952.

Sea Robin states that the revenue increase results from increases in costs for several areas of Sea Robin's operations including cost of debt and depreciation.

Copies of the filing have been served upon Sea Robin's jurisdictional customers and the Public Service Commission of the State of Louisiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of

Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 25, 1982. 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. 82-759 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-112-000]

Southern Natural Gas Co. and Northern Natural Gas Co., Division of InterNorth, Inc.; Application

January 8, 1982.

Take notice that on December 10, 1981, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-112-000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to transport natural gas produced from Mustang Island Block 755, offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to construct and operate approximately 9.4 miles of 10 $\frac{3}{4}$ -inch O.D. pipeline extending from the producer's platform in Mustang Island Block 755 to a point of interconnection at a subsea tap in Mustang Island Block 738 and a receiving station consisting of measuring facilities and certain related and appurtenant facilities to be installed on the producers' platform in Mustang Island Block 755. It is asserted that Southern would own 80 percent of such facilities and that Northern would own 20 percent based on each Applicant's proportional interest in the gas reserves to be transported by the proposed facilities.

The estimated cost of the facilities proposed herein is \$7,703,403 which cost would be financed initially from internally generated funds.

It is stated that Applicants have acquired the right to purchase the natural gas reserves to be produced from certain reservoirs beneath Mustang

Island Block 755. Total proven and probable reserves in Mustang Island Block 755 are estimated to be approximately 25,000,000 Mcf. To transport onshore the natural gas reserves they have acquired the right to purchase. Applicants state they have agreed to join in the construction, installation and operation of the facilities proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1982, 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-760 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF82-3011]

Southeastern Power Administration; Filing

January 7, 1982.

Take notice that on December 18,

1981, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy, by Rate Order No. SEPA-12, confirmed and approved on an interim basis, effective concurrent with the effective date of the Duke Power Company (Duke Power) wheeling charge to Southeastern Power Administration (SEPA), Rate Schedule CAR-1-C for power produced at SEPA's Georgia-Alabama System of Projects and sold to customers located on the Duke Power service area. The Assistant Secretary states that the interim approval extends for a one-year period. The Assistant Secretary states that Rate Schedule CAR-1-C replaces Rate Schedule CAR-1-B and Rate Schedule CAR-2-B is eliminated.

By order issued April 13, 1981, in Docket No. EF79-3011, the Commission confirmed and approved the present rates for the Georgia-Alabama System through September 30, 1983.

According to the Assistant Secretary, implementation of a new written power marketing policy for the Georgia-Alabama System of Projects in the Duke Power area has resulted in a new contract between SEPA and Duke Power which necessitates the replacement rate schedule.

The rate schedule is submitted for confirmation and approval on a final basis pursuant to authority vested in the Commission by delegation Order No. 0204-33. The Assistant Secretary requests approval for a period ending September 30, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 25, 1982. 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. 82-761 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-107-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Application

January 8, 1982.

Take notice that on December 8, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-107-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing adjustments in the annual volumetric limitations of certain of its small volume customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that a number of Applicant's small customers (those with a maximum daily quantity of 5,100 Mcf or less) have requested adjustments of their respective annual volumetric limitations. Applicant states that its gas supply situation has substantially improved since 1974 when the Commission imposed annual volumetric limitations but not to the extent to justify a wholesale adjustment of annual volumetric limitations on the system generally. However, Applicant asserts that its system gas supply is sufficient to serve the minor volumes of gas requested by these small customers without any significant adverse effect on its obligations to its other customers. Moreover, the volumes requested are small enough to be accommodated within Applicant's existing capacity.

Applicant states that the total of the requested annual volumetric adjustments is approximately 6,200,000 Mcf and that the increases requested by each of the customers represent volumes which would be used solely to serve high-priority requirements falling in Priorities 1 through 4 of Applicant's curtailment plan.

The customers requesting increases in their annual volumetric limitations (AVL) are as follows:

Customers	Additional increase over current AVL (Mcf)
1 Town of Adamsville.....	20,380
2 Arkansas-Louisiana.....	49,001
3 Town of Baldwin.....	53,832
4 City of Batesville.....	85,398
5 Blackstone Gas.....	84,205
6 City of Boliver.....	293,885
7 City of Booneville.....	229,854
8 Town of Centerville.....	32,069
9 Central Gas Company.....	136,471
10 Concord Natural:	
11 Concord.....	335,039
12 Suncook.....	49,536
13 Delta Natural Gas:	
14 Berea.....	311,808
15 Nicholasville.....	118,441
16 Jeffersonville.....	2,948

Customers	Additional increase over current AVL (Mcf)
17 Salt Lick.....	31,790
18 Town of Dickson.....	638,390
19 Village of Forest Hill.....	5,662
20 Vernon Parish No. 1.....	800
21 Town of Grand Isle.....	17,164
22 Town of Green Brier.....	6,504
23 Hardeman-Fayette.....	138,690
24 City of Hemphill.....	20,647
25 City of Henderson.....	43,200
26 City of Hohenwald.....	143,539
27 City of Holly Springs.....	131,703
28 Honesdale Gas:	
29 Honesdale.....	440,712
30 Millford.....	88,968
31 City of Lexington.....	54,708
32 City of Linden.....	23,543
33 City of Lobelville.....	7,970
34 Louisiana Gas Service.....	3,300
35 Ellis T. Myers.....	14,000
36 City of New Albany.....	90,000
37 City of Parsons.....	18,701
38 Pike Natural Gas.....	141,826
39 City of Portolac.....	183,545
40 City of Portland.....	162,493
41 Village of Provencal.....	6,707
42 City of Ridgeway.....	3,611
43 City of Ripley.....	672,656
44 City of Senatobia.....	184,089
45 Town of Shugulok.....	89,266
46 Southwest Gas.....	24,000
47 City of Springfield.....	101,422
48 Town of Walnut.....	133,025
49 City of Waynesboro.....	6,363
50 City of Woodville.....	17,000
51 Westfield Gas.....	745,841

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1982, 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. 82-762 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP76-311-002]

Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Petition To Amend

January 8, 1982.

Take notice that on December 8, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76-311-002 a petition to amend the order issued October 5, 1976,¹ as amended, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to delete the authorization to construct and operate the Oak Grove compression facilities at Oak Grove, Louisiana, 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 October 5, 1976, it was authorized to construct and operate a compressor station to be located on an existing 12-inch line at Oak Grove, Louisiana, to enable Petitioner to attach and move onshore gas reserves committed to Petitioner by Atlantic Richfield Company, Getty Oil Company and Continental Oil Company (Conoco) from West Cameron Blocks 34, 35, 66 and 67, offshore Louisiana. It is stated that Petitioner was to provide the compression necessary to compress the low pressure casinghead gas into its system at Oak Grove and that at Gibbstown, the secondary separation point, such residue gas was to be compressed by the producers into Petitioner's system. Subsequently, Petitioner received authorization to provide compression at Gibbstown to compress gas it would have otherwise been obligated to compress at Oak Grove and to defer installation of compression at Oak Grove.

Petitioner and Conoco have determined that they would not require the Oak Grove compression facilities. Petitioner is requesting, therefore, that authorization to construct the Oak

¹This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Grove compression facilities be deleted from the certificate. Petitioner further requests that it be authorized to continue to assume the rental charges for the Gibbstown compression facilities effective October 5, 1980, forward. It is stated that the rental charges for the Gibbstown facilities before September 1, 1981, were \$15,320 per month. From September 1, 1981, until September 1, 1982, the rental charges would be \$17,320 per month and after that the charges are again subject to negotiation.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 29, 1982, 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. 82-763 Filed 1-11-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-117-000]

**Texas Eastern Transmission Corp.;
Application**

January 8, 1982.

Take notice that on December 16, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82-117-000 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 pipeline and appurtenant facilities in the West Cameron Block 464 area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 4.6 miles of 10-inch pipeline and appurtenant facilities extending from West Cameron Block 478, A Platform, South Addition, offshore Louisiana, to a sub-sea tap on Tennessee Gas Pipeline Company, a Division of Tenneco Inc's.

30-inch pipeline in West Cameron Block 478, South Addition, offshore Louisiana.

Applicant states that the proposed facilities would permit the attachment of volumes of natural gas produced from West Cameron Block 464 and that the proposed pipeline has been sized to accommodate up to 35,000,000 Mcf of natural gas per day. It is explained that this size pipeline has been proposed to accommodate the available reserves in West Cameron Block 464 and to provide for additional reserves from development areas adjacent to the proposed pipeline route.

The facilities are estimated to cost \$6,217,000 to be financed by Applicant's revolving credit agreement or from funds on hand.

Applicant further requests authorization to recover in its rates the transportation charges to be paid to Tennessee for the transportation of the West Cameron Block 464 gas supplies.

Applicant explains that it has entered into a gas purchase contract dated August 17, 1981, with McMoran Exploration Company covering 100 percent of the oil and gas leases in the Block 464 field. The subject facilities, it is asserted, would enable Applicant to receive the subject gas into its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1982, 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. 82-764 Filed 1-11-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP82-25-000]

**Valero Interstate Transmission Co.;
Proposed Rate Changes**

January 5, 1982.

Take notice that on December 17, 1981, Valero Interstate Transmission Company ("Vitco") tendered for filing a notice of change in rate for the sale of gas under Vitco's FERC Gas Rate Schedule No. 1, Supplement No. 35; FERC Gas Rate Schedule No. 2, Supplement No. 112; FERC Gas Rate Schedule No. 14, Supplement No. 5. Vitco states that the proposed changes would not increase revenues from jurisdictional sales and service and involves only a change in the methodology used in its PGA clause.

Vitco states that the PGA clause has been changed to include the cost of lost and unaccounted for and company used gas. Vitco further states that this change is identical to that which it filed on April 30, 1981 in this proceeding and which was rejected by Commission order of May 29, 1981. According to the filing, the change in PGA is refiled because the Commission subsequently accepted a similar provision for filing by order of September 30, 1981 in *Northwest Pipeline Corporation*, Docket No. RP81-47-001. The filing also states that Vitco can be made whole only if it includes the cost of lost and unaccounted for and company used gas in its PGA.

Vitco states that because the cost of lost and unaccounted for and company used gas is taken out of the gathering component of the rate in Rate Schedules 1, 2 and 14 is reduced.

The proposed effective date is January 17, 1982. Vitco requests that the Commission place the change in effect without suspension or, at a minimum, after a one-day suspension.

Vitco states that copies of the filing have been served on its jurisdictional customers.

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 January 11, 1982. 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. 82-749 Filed 1-11-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Special Counsel

Atlantic Richfield Co.; Remedial Order

AGENCY: Department of Energy.

ACTION: Proposed Remedial Order to Atlantic Richfield Company and Opportunity for Objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel (OSC), of the Economic Regulatory Administration (ERA), Department of Energy, (DOE) hereby gives notice that a Proposed Remedial Order (PRO) was issued on November 27, 1981 to Atlantic Richfield Company (ARCO), 515 South Flower Street, Los Angeles, California 90017, and that any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR 205.193 on or before January 27, 1982.

II. The Proposed Remedial Order

ARCO is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products subject to the DOE regulations. By this PRO, OSC sets forth proposed findings of fact and conclusions of law concerning ARCO's calculation and reporting of non-product cost increases under the refiner price rules in 10 CFR Part 212, Subpart E, between December 1, 1974 and December 31, 1979. ARCO is charged with overstating its non-product costs available for recovery in an amount totalling approximately \$105,300,000.

During the audit period, § 212.87 and § 212.83 of the refiner price regulations permitted a refiner to pass through certain non-product costs in sales prices for covered products. These increased non-product costs were required to be calculated pursuant to formulae included in §§ 212.82 and 212.83.

During the period December 1, 1974 through December 29, 1981, ARCO improperly determined its non-product costs associated with five non-product cost categories. (Interest, Marketing, Pollution Control, Refinery Fuel, and Depreciation)

Specifically, in determining interest and pollution control costs increases, ARCO included costs which by definition did not belong in the respective categories. With respect to marketing costs and depreciation costs, ARCO failed to employ its historical accounting practices to determine its non-product cost increases. And, in determining refinery fuel cost increases, ARCO included costs that did not represent costs which it had actually incurred. As a result, ARCO overstated its non-product cost increases by approximately \$105,300,000.

As a remedy, ARCO is directed to recalculate its Refinery Fuel, Pollution Control, Depreciation Interest and Marketing Costs increases in accordance with the requirements of § 212.87 and § 212.83. Refunds shall be ordered if these recalculations show over-recoveries of available costs.

Requests for copies of the Proposed Remedial Order, with confidential information deleted, should be directed to: Freedom of Information Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW, Washington, D.C. 20585.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearing and Appeals on or before January 27, 1982. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW, Washington, D.C., 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Issued in Washington, D.C. January 5, 1982.

Milton Lorenz,
Acting Special Counsel.

[FR Doc. 82-890 Filed 1-11-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL-2026-8]

Science Advisory Board Executive Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given of a meeting of the Executive Committee of the Science Advisory Board (SAB). The meeting will be held January 28-29, 1982, starting at 9:15 a.m. on January 28 in Room 1101 West Tower, EPA, 401 M Street, SW., Washington, D.C. The agenda for the meeting includes the following issues: status of SAB review of Research Outlook, Announcement of ORD Science and Technology Achievement Awards, Report of the SAB Marine Monitoring Task Group, Status of SAB Review of EPA High-Level Radioactive Waste Disposal Standards, and other issues of member interest.

The meeting is open to the public. Any member of the public wishing to obtain information should contact Terry F. Yosie or Cheryl B. Bentley on (202) 755-0263 by close of business January 22, 1982.

Terry F. Yosie,

Acting Director, Science Advisory Board.

January 6, 1982.

[FR Doc. 82-706 Filed 1-11-82; 8:45 am]

BILLING CODE 6550-34-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Doc. No. 81-912, files No. BPCT-5225, et al.]

Redwood Television Ministries, Inc., et al.; Applications for Consolidated Hearing on Stated Issues

Adopted: December 24, 1981.

Released: January 6, 1982.

By the Chief, Broadcast Bureau:
In re Applications of Redwood Television Ministries, Inc., Vallejo, California, BC Docket No. 81-912, File No. BPCT-5225. Golden State Television, Inc., Vallejo, California, BC Docket No. 81-913, File No. BPCT-790130LR. Bay Area Community Television, Inc., Vallejo, California, BC Docket No. 81-914, File No. BPCT-790130LS. Family Stations, Inc., Stockton, California, BC Docket No. 81-915, File No. BPCT-790104LD. Sterling Recreation Organization Co., Stockton, California, BC Docket No. 81-916, File No. BPCT-790507KI. For Construction Permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to

delegated authority, has under consideration: (a) the above-captioned mutually exclusive applications of Redwood Television Ministries, Inc. (Redwood), Golden State Television, Inc. (Golden) and Bay Area Community Television, Inc. (Community) for authority to construct a new commercial television station to operate on Channel 66, Vallejo, California; (b) the above-captioned mutually exclusive applications of Family Stations, Inc. (Family) and Sterling Recreation Organization Co. (Sterling) for authority to construct a new commercial television station to operate on Channel 64, Stockton, California; (c) statements filed May 7, 1979, and May 23, 1979, by the Association of Maximum Service Telecasters (AMST) against Golden, Community and Family; (d) a petition to dismiss Golden's application filed July 25, 1979, by Redwood; (e) an informal objection to Golden's application filed June 3, 1981, by Community; (f) a motion to hold separate hearings for the two allocations captioned above filed May 15, 1981, by Family; and (g) related pleadings.¹

Procedural Matters

2. *Motion of Hold Separate Hearings.* Section 73.610(d) of the Commission's rules requires a minimum separation of 20 miles between Channels 66 and 64; however, Family's proposed site in Stockton is only 17.5 miles from the proposed sites of Golden and Community in Vallejo. Consequently, the proposed sites are 2.5 miles short-spaced. Family seeks to hold one hearing for the Stockton applicants and another hearing for the Vallejo applicants.

3. In support of its motion to hold separate hearings, Family asserts that: (a) the Commission has not expressly waived § 1.227 of the Rules in order to permit the consolidation of the applications in a single hearing; (b) facts developed previously support separate hearings; (c) proceeding separately would be more efficient and more equitable; and (d) because Family proposes to directionalize much of its power away from Vallejo, it will be providing, in electrical terms, separations between transmitter sites greater than the required minimum.

4. Community, in support of Family's motion, asserts that Family's proposal would cause no actual interference and that a consolidated hearing would be

time-consuming and unwieldy. In addition, Community states that the 2.5 mile short-spacing is *de minimis* and that the Commission has opted for separated hearings under similar circumstances. *R & S Broadcasting Company, Inc.*, Mimeo No. 00322 (released October 20, 1980); *Broadcast Enterprises*, Mimeo No. 06205 (released January 26, 1981).

5. Family and Community read § 1.227(b)(1), the consolidation rule, as excluding Sterling from a consolidated hearing with the Vallejo applicants, since its application was filed after the Vallejo cut-off date. Section 73.3572(d) requires applicants for the same channel in a community to be considered in consolidated hearings. Thus, Redwood's, Golden's, and Community's applications for Channel 66 in Vallejo must be considered together, and Family's and Sterling's for Channel 64 in Stockton must be considered together. Section 73.3572(e) further mandates that applications that are mutually exclusive because of short-spacing (Family, Community, and Golden) be designated for hearing together. Consequently, all five applications must be consolidated in one proceeding, and § 1.227 (b)(1) will be waived. In addition, the Commission's decisions to hold separate hearings in *R & S Broadcasting Company, Inc.*, *supra*; and *Broadcast Enterprises, supra*; can be distinguished from the situation here, since there the short-spacings were only one mile out of the required 65 (1.5%) and two miles out of the required 105 (1.9%), respectively. Here we are presented with a 2.5 mile short-spacing out of a required 20 (12.5)—clearly not *de minimis*. Further, Family's reliance on "equivalent protection" is misplaced, since such rationale is limited to the VHF service. *New Jersey Public Broadcasting Authority*, 50 R.R. 2d 251 (1981). As Sterling states in its opposition, Family gives no basis for holding separate hearings, and the mere inconvenience of Family is not enough to justify grant of the relief requested. Consequently, Family's motion will be denied.

6. *Late-filed amendments.* In accordance with the procedures established by the Commission in *Revised Procedures for the Processing of Contested Broadcast Applications (Report and Order)*, 72 F.C.C. 2d 202 (1979), the above-captioned Vallejo applicants were notified on August 7, 1980, that they could amend their applications as of right not later than September 22, 1980.² On January 8, 1981,

¹ This procedure has been generally followed concerning applications on file as of June 1, 1979. *Report and Order*, 72 F.C.C. 2d 202, 223 (paragraph

Redwood filed a petition for leave to amend and an accompanying amendment to its application.³ Similarly, Family has filed several petitions for leave to amend and accompanying amendments to its application pursuant to § 1.65.⁴ In addition, on January 21, 1981, Sterling amended its application pursuant to § 1.65, although no accompanying petition for leave to amend was filed. No oppositions to any of these amendments were filed. We have reviewed the above-referenced petitions and the amendments submitted by these parties and conclude that, in each case, good cause exists for accepting these amendments; however, it is not our intention to allow any comparative advantage to these parties as a result of our action herein. Accordingly, the petitions for leave to amend filed by Redwood and Family will be granted and the amendments filed after September 22, 1980, by Redwood, Family and Sterling will be accepted for filing.⁵

7. *Statements filed by AMST.* On May 7 and May 23, 1979, AMST filed "statements" against the applications of Golden, Community and Family. We shall treat the pleadings filed by AMST as informal objections pursuant to § 73.3587. Although AMST takes no position as to the merits of any application, it urges the Commission to take no action that would result in short-spacing. As we stated in paragraph 5, *supra*, we are not presented with *de minimis* short-spacing. Consequently, we are unable to resolve the spacing question at this time, and an issue will be specified to determine whether circumstances exist which would warrant waiver of § 73.610(d) of the rules with regard to Family's, Community's, and Golden's applications. In addition, AMST's objections will be granted and AMST will be made a party to the proceeding.

8. Sterling meets all spacing requirements with respect to the Vallejo applications and, therefore, is not mutually exclusive with them. In addition, Redwood meets all spacing requirements with respect to the Stockton applications and, therefore, is not mutually exclusive with them. Consequently, it is possible to grant

263 (1979); however, the Stockton applicants were allowed the same opportunity through a "B" cut-off list. See, *Sterling Recreation Organization Co.*, 80 F.C.C. 2d 319 (1980).

³ This amendment was filed incorrectly pursuant to § 73.3522(a); the applicable rule is § 73.3514.

⁴ Family submitted these amendments on: Dec. 2, 1980; Jan. 5, and 23, April 6, May 8 and 11, 1981, Sept. 3, 1981.

⁵ Amendments filed before September 22, 1980 have been accepted as a matter of right.

both a Vallejo and a Stockton application, and there is no need to choose between Stockton and Vallejo under section 307(b) of the Communications Act. Accordingly, no section 307(b) issue will be specified. It is possible, however, that a choice between Stockton and Vallejo might be required. This could come about if both Sterling and Redwood were, for some reason, found to be unqualified. In that event, a motion to enlarge issues to add a 307(b) issue and a contingent comparative issue would need to be entertained.

Golden State Television, Inc.

9. Golden filed its competing application on January 30, 1979, the cut-off date for the Vallejo applicants.⁶ In its original application, at Section II, Table I, Golden listed the following stock subscribers:

Subscriber	Shares subscribed	Ownership (percent)
Helena H. Chen.....	16,150	9.5
Leo H. Chen.....	16,150	9.5
Ting Chai Liang.....	18,700	11.0
Nelson K. Chen.....		
Recortec, Inc.....		

The columns indicating the number of shares to which Nelson K. Chen and Recortec, Inc. (Recortec) had subscribed and the ownership percent which those shares represented, were not completed. At Section II, page 2, Golden stated that 170,000 shares had been issued. However, Golden also indicated that no shares were subscribed at the time. On June 18, 1979, after the cut-off date, Golden amended its application to reflect a different corporate ownership structure as follows:

Subscriber	Shares (to be subscribed)	Ownership (percent)
Helena H. Chen.....	17,000	20
Leo H. Chen.....	17,000	20
Ting Chai Liang.....	17,000	20
James G. Freeman.....	17,000	20
Nelson K. Chen.....	5,666	6.66
Carson Chen.....	5,666	6.66
Han Y. Lee.....	5,666	6.66

On Section II, page 2, applicant now stated that there were no shares issued or subscribed.

10. On July 6, 1979, Redwood filed a petition to dismiss Golden's application, alleging that the above-described amendment constituted a major change under §§ 73.3572(b) and 73.3540 and that therefore, it should be assigned a new file number and dismissed from this

comparative proceeding. Redwood's petition is based on § 73.3572(b) which requires the assignment of a new file number if an application is amended so as to result in a change which, if applicant were an authorized station, would require the filing of a "long form" transfer application. On the other hand, if the amendment can be reported in a "short form," a new file number is not necessary. The Commission has determined that a "short form" is permissible when both of these factors are present: (1) less than a controlling interest (50% of the voting stock) is being transferred and (2) as a result of the transaction, 50% or more of the voting stock will not be held by a person or persons whose qualifications have not been "passed upon" by the Commission. See, *Gaffney Broadcasting, Inc.*, 35 RR 2d 1607, 1609 (1976). In its petition, Redwood argued that, since Recortec was listed as a stockholder in applicant's original proposal, it is reasonable to assume that Recortec had subscribed to 70% of applicant's stock. Therefore, Redwood concluded that the June 18, 1979 amendment constituted a transfer of a controlling interest requiring Golden's dismissal from this comparative proceeding.

11. On October 12, 1979, Golden further amended its application to substitute two new stockholders for a former one, as follows:

Subscriber	Shares (to be subscribed)	Ownership (percent)
Helena H. Chen.....	17,000	20
Leo H. Chen.....	17,000	20
Nelson K. Chen.....	5,666	6.66
Carson Chen.....	5,666	6.66
Han Y. Lee.....	5,666	6.66
James G. Freeman.....	17,000	20
Christopher Hirose.....	8,500	10
Charlotte Hirose.....	8,500	10

12. On June 3, 1981, Community filed a "supplement to the petition to dismiss" initially filed by Redwood.⁷ Besides restating Redwood's prior objections, Community states that with the October 12, 1979, amendment, a new group of individuals owns 53.32% of Golden's stock, and that the Commission's decision in *Grace Missionary Baptist Church (Grace)*, 80 F.C.C. 2d 330 (1980), compels the dismissal of Golden's application. The central question in that case was whether a pre-designation, post-cut-off amendment of the corporate structure of one of three competing applicants for a new FM station

⁷Our procedural rules do not afford a party the opportunity to "supplement" another party's pleadings; however, we shall treat Community's pleading as an informal objection pursuant to § 73.3587.

constituted a transfer of control requiring assignment of a new file number and consequent dismissal of the amended application. The amendment apparently had been misplaced and the Bureau staff could not determine the effect of the amendment prior to designation for hearing. The Commission analyzed the facts before it in light of several decisions concerning transfer of control situations: *Gaffney Broadcasting, Inc.*, supra; *Barnes Enterprises, Inc.*, 55 F.C.C. 2d 721 (1975); *Fees, Notice of Proposed Rulemaking*, 38 F.C.C. 2d 587 (1972); *Clay Broadcasters, Inc.* 21 RR 2d 442 (1971). Although the Commission concluded that more than 50% of the applicant's stock had been transferred, it declined to require assignment of a new file number. The Commission reasoned that three different approaches to transfers of control (*Gaffney*, *Barnes* and *Clay*) leading to different results, appeared to govern the challenged amendment and that the potential for confusion was sufficient basis for sparing applicant's dismissal. However, the Commission recognized it would have been unfair to the other applicants in that proceeding to grant comparative advantage to the challenged applicant. Therefore, noting that the amendment had been misplaced, the Commission protected the other competing applicants from that "intervening contingency," and gave the challenged applicant the opportunity to withdraw the amendment.

13. We believe, however, that the facts before us do not parallel the situation presented in *Grace*. As filed in January, 1979, that application listed four persons (Helena H. Chen, Leo H. Chen, Nelson K. Chen and Ting Chai Liang) and Recortec as holding ownership interests in the applicant. However, the ownership interests held by Nelson Chen and Recortec were not specified. In light of this, we cannot agree with Community and Redwood's assumption that Recortec was the only subscriber to the 70% of the stock which seemed to be unaccounted for. Further, Recortec's commitment letter indicates only that it would make an investment in the amount of \$500,000. Therefore, we cannot conclude that Recortec was, in fact, a subscriber. It is also unclear how many shares, if any, were subscribed initially. Although applicant stated that 170,000 shares had been issued, it also indicated that no shares had been subscribed at the time the application was filed.

14. Applicant's June 1979 amendment clarified the situation. That amendment explained that no shares had been

⁶See, *Sterling Recreation Organization Co.*, FCC 81-203, released May 4, 1981, paragraphs 1, 7.

issued or subscribed and that the individuals listed in FCC Form 301, Section II, Table I, were only proposed subscribers. Recortec was never a stockholder or subscriber, but only proposed to lend funds to the applicant. Therefore, the only reasonable assumption that can be made is that the corporate structure, as originally set forth in the application never, in fact, existed, and that the June 1979 amendment was submitted as a correction to the ownership section of the application. Since the true corporate structure was, and had always been, that shown in the June 1979 amendment, it is clear that the October 1979 amendment effected only a 20% change in stock ownership and it was, therefore, only a minor change.

15. Finally, Community also argues that Golden's failure to complete the ownership section of its application warrants dismissal, on the basis that it was incomplete when filed.⁸ In support, Community cites a recent Order issued by Administrative Law Judge Walter Miller, *Anax Broadcasting Incorporated et al.* (Anax) FCC 81M-1409, Mimeo No. 001011 released May 6, 1981. In that comparative proceeding, one of the applicants failed to submit the names of all its general and limited partners as well as the information required by FCC Form 301 concerning the partners' addresses, dates and places of birth, occupations, and the nature and percent of each ownership interest. The hearing designation Order specified an issue inquiring into these matters. Judge Miller noted that the application should have been rejected as incomplete; however, he allowed the applicant to amend its application to meet the specified issue. Subsequently, the application was dismissed because the applicant attempted to meet the legal issue by filing an amendment which, according to the ALJ, would have resulted in a transfer of control and would have improved applicant's comparative position after the cut-off date.⁹ In the instant case, applicant completed its ownership section long before its application was processed and designated for hearing. This is different from the *Anax* case where it was necessary to include an issue inquiring into the missing information in the hearing designation Order.

16. Applicant indicates that it will require \$678,469 to construct and operate the proposed station for three months, itemized as follows:

Equipment, down payment.....	\$289,654
Equipment payments with interest, 3 months.....	71,689
Land, lease included in operation costs.....	
Buildings.....	80,000
Legal fees.....	5,000
Engineering fees.....	5,000
Installation costs.....	30,000
Miscellaneous.....	80,000
Operation costs, 3 months.....	117,126

To meet these expenses, applicant relies upon \$1,125,980, itemized as follows:

New capital, shares to be subscribed.....	\$849,980
Loans from Recortec, Inc.; Leo, Nelson and Carson Chen; Han Y. Lee; James Freeman; Christopher and Charlotte Hirose.....	540,000
Advertising revenues.....	236,000

Neither the proposed stock subscribers, nor the lenders have submitted balance sheets evidencing their ability to meet their commitments. See FCC Form 301, Section III, page 3, Item 4(b). Therefore, we cannot determine whether these funds are available. In relation to the advertising revenues, we cannot conclude that these are immediate sources of funds because their full realization cannot be expected within the first three months of operation. See FCC Public Notice 79-299, 45 RR 2d 925 (1979). Accordingly, an appropriate financial issue will be specified to determine whether applicant has \$678,469 available to finance its construction and operation costs for three months.

Sterling Recreation Organization Co.

17. Sterling estimates that \$1,759,272 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment.....	\$1,099,447
Land.....	Lease
Building.....	300,000
Legal, engineering, installation and other miscellaneous costs.....	115,000
Operation costs (3 months).....	244,825

In its proposed operating budget, Sterling does not allow for the cost of leasing the land. Accordingly, an appropriate issue will be specified to determine the cost of leasing the land for five months (two months for construction and three months while in operation).

18. To meet its expenses, Sterling intends to rely on existing capital and a \$1,500,000 loan from the Rainier National Bank of Seattle, Washington. The bank merely states that it is "prepared to discuss a loan," and does

not, therefore, provide reasonable assurance of the availability of funds. In addition, although the applicant's most recent balance sheet demonstrates approximately \$460,000 in cash, it also indicates nearly \$13,700,000 in liabilities. Because Sterling has not differentiated between current and long-term liabilities, the entire \$13,700,000 will be considered current and payable within a year. Consequently, we are unable to determine the availability of any funds to Sterling and an appropriate financial issue will be specified.

Conclusion and Order

19. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

20. Accordingly, It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine the extent of the short-spacing between Family's and Golden's (or Community's) proposed sites and whether circumstances exist which would warrant waiver of § 73.610 of the rules and grant of any Stockton application with any Vallejo application.

2. To determine with respect to Golden State Television, Inc.

(a) Whether the applicant has \$678,469 available to meet the estimated construction and three-month operation costs;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, the applicant is financially qualified.

3. To determine with respect to Sterling Recreation Organization Co.:

(a) The cost of leasing the land for five months;

(b) In light of the evidence adduced pursuant to the foregoing issue, the total cost for construction and three-month operation expenses;

(c) The availability of financial resources to meet the estimated construction and three-month operation costs;

⁸ Pursuant to § 73.3564(a) of the Commission's rules, applications which are not substantially complete are returned to the applicant, rather than dismissed.

⁹ The Commission later reversed the ALJ's ruling. *Anax Broadcasting, Inc.*, 87 F.C.C. 2d 483 (1981).

(d) Whether, in light of the evidence adduced pursuant to the foregoing issues, the applicant is financially qualified.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

21. It is further ordered, That the Motion to Hold Separate Hearings filed by Family Stations, Inc. is denied.

22. It is further ordered, That § 1.227(b)(1) of the Commission's rules is waived *sua sponte*.

23. It is further ordered, That the amendments filed after September 22, 1980, by Redwood Television Ministries, Family Stations, Inc. and Sterling Recreation Organization Co. are accepted for filing.

24. It is further ordered, That the Informal Objections filed by the Association of Maximum Service Telecasters are granted, and the Association of Maximum Service Telecasters is made a party respondent with respect to Issue 1.

25. It is further ordered, That the Petition to Dismiss filed by Redwood Television Ministries, Inc. and the Informal Objection filed by Bay Area Community Television, Inc. are denied.

26. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this order.

27. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division,
Broadcast Bureau.

[FR Doc. 82-678 Filed 1-11-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-147]

First Federal Savings and Loan Association of the Florida Keys, Key West, Florida; Final Action Approval of Conversion Applications

Dated: January 7, 1982.

Notice is hereby given that on November 16, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-689 approved the application of First Federal Savings and Loan Association of the Florida Keys, Key West, Florida for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW, Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal State Building, 260 Peachtree Center Station, NW, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-741 Filed 1-11-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-148]

First Federal Savings and Loan Association of Morrilton, Morrilton, Arkansas; Final Action Approval of Conversion Applications

Dated: January 7, 1982.

Notice is hereby given that on December 2, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-721 approved the application of First Federal Savings and Loan Association of Morrilton, Morrilton, Arkansas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-742 Filed 1-11-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-146]

Investors Federal Savings and Loan Association, El Reno, Oklahoma; Final Action Approval of Conversion Applications

Dated: January 7, 1982.

Notice is hereby given that on November 24, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-714 approved the application of Investors Federal Savings and Loan Association El Reno, Oklahoma, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-740 Filed 1-11-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW, Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 22, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United

States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreements Nos.: T-4008 and T-4009.

Filing Party: John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, Oakland, California 94604.

Summary: Agreement No. T-4008, between the Port of Oakland (Port) and Marine Terminals Corporation (MTC) provides that MTC will perform marine terminal management services and terminal operating and cargo solicitation services for certain berths and container cranes at the Port's Seventh Street Terminal. Principally, MTC will attempt to obtain user agreements between the Port and ocean carriers, committing such users to the sole use of the premises as their regularly scheduled Northern California port of call. Users will be subject to the Port's tariff. MTC guarantees an annual minimum of 900,000 revenue tons at the facility and an annual sum equivalent to 3,000 hours of crane usage for the cranes located at the facility. As compensation, MTC shall retain 2½ percent of the gross wharfage and dockage terminal tariff revenues which accrue for users of the terminal. The term of the agreement is 5 years, with an option to renew for one additional 5-year period.

Agreement No. T-4009, between the Port, Hapag-Lloyd AG (User), and MTC is designated as the "7th Street Terminal Use Agreement" and provides that the User shall have the nonexclusive right to certain assigned premises at the Port's 7th Street Terminal for the berthing, loading, discharging of its owned or operated vessels in its Transpacific services. User agrees that the assigned premises shall be its sole regularly scheduled port of call in Northern California. MTC is vested with the authority to manage these assigned premises as separately provided for under the terms of proposed Agreement No. T-4008. User agrees to negotiate a contract for stevedoring and terminal services with MTC for a sum equal to the term of this Use Agreement. The provisions of the Port of Oakland Tariff No. 2 shall apply to User's use of the assigned premises. User shall pay to the Port for use of the premises 90 percent of all revenue from dockage and wharfage earned on the assigned premises pursuant to Port of Oakland Tariff No. 2, in lieu of 100 percent of said tariff charges. This modification of tariff rate

granted to User is conditioned upon User's use of the assigned premises as its only regularly scheduled Northern California port of call. The term of the agreement is 5 years.

Agreement No.: 57-118.

Filing Party: Edward D. Ransom, Esquire, Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreement No. 57-118 modifies the basic agreement of the Pacific Westbound Conference to comply with the self-policing requirements of General Order 7, Revised.

Agreement No.: 10205-3.

Filing Party: F. Conger Fawcett, Esquire, Graham & James, One Maritime Plaza, Suite 300, San Francisco, California 94111.

Summary: Agreement No. 10205-3 amends the basic agreement of the South Sea Islands Rate Agreement to provide for self-policing by arbitration when there are only two parties to the agreement.

Dated: January 7, 1982.

By Order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 82-727 Filed 1-1-82; 8:45 am]
BILLING CODE 5730-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Dresser Industries, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Dresser Industries, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Reliance Standard Life Insurance Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification, Office, Bureau of Competition, Room 301, Federal Trade

Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 82-681 Filed 1-11-82; 8:45 am]
BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Hilton Hotels Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Hilton Hotels Corporation is granted early termination of the waiting period provided by the law and the premerger notification rules with respect to the proposed acquisition of certain assets of Del E. Webb Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this

waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 82-662 Filed 1-11-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Rollins Leasing Corporation

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Rollins Leasing Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of ABC Truck Rental and Leasing Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 28, 1981.

FOR FURTHER INFORMATION CONTACT:

Robert Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 82-660 Filed 1-11-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Council on Alcohol Abuse and Alcoholism; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of February 1982.

National Advisory Council on Alcohol Abuse and Alcoholism, February 1; 9:30 a.m., Conference Room 10, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. Open: February 1, 9:30 a.m. to 3:00 p.m. Closed: February 1, 3:00 p.m. to 5:00 p.m. Contact: Mr. James Vaughan, Room 16C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3887.

Purpose: The Council advises the Secretary of Health and Human Services regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. The Council reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: From 9:30 a.m. to 3:00 p.m., February 1, the Council will discuss general business, current program and budget developments, and other subjects related to Institute programs. From 3:00 to 5:00 p.m., February 1, the Council will conduct final review of grant applications for Federal assistance. This session will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. The NIAAA Committee Management Office will furnish, upon request, summaries of the meeting and a roster of Council members. Contact MS. Diana Widner, Room 16C-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2860.

Dated: January 6, 1982.

Elizabeth A. Connolly,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 82-694 Filed 1-11-82; 8:45 am]

BILLING CODE 4150-20-M

Food and Drug Administration

Consumer Participation; Change in Date and Location of Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a date and location change for the forthcoming National Consumer Exchange Meeting to be chaired by the Commissioner of Food and Drugs. Notice of the meeting was published in the **Federal Register** of January 5, 1982 (47 FR 348).

DATE: The meeting will be held at 1:30 p.m., Friday, January 22, 1982.

ADDRESS: The meeting will be held at the Hubert H. Humphrey Bldg., Rm. 800, 200 Independence Ave. SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT:

Alexander Grant, Associate Commissioner for Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5006.

Dated: January 7, 1982.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-823 Filed 1-8-82; 11:27 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0394]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 2,2'-(2,5-thiophenediyl) bis(5-tert-butylbenzoxazole) as an optical brightener for polypropylene intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334),

Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3550) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that Part 178 (21 CFR Part 178) of the food additive regulations be amended to provide for the safe use of 2,2'-(2,5-thiophenediyl) bis(5-tert-butylbenzoxazole) as an optical brightener for polypropylene intended to contact food.

The potential environmental impact statement of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: 29, 1981.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 82-587 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81M-0384]

Horizon Pharmacal, Inc.; Premarket Approval of the Horizon System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of The Horizon System for all soft (hydrophilic) contact lenses, sponsored by Horizon Pharmacal, Inc., Kansas City, MO. The Horizon System is intended for use in the preparation of normal saline solution to be used in heat disinfection of all soft (hydrophilic) contact lenses. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 11, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative

review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On March 17, 1981, Horizon Pharmacal, Inc., Kansas City, MO, submitted to FDA an application for premarket approval of The Horizon System for all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 20, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), salt tablets for preparing solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the Federal Register of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the use above comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this

document.

The labeling of The Horizon System states that the solution prepared from the salt tablets is intended to make normal saline solution for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the Federal Register of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 11, 1982, file with the Dockets Management Branch (address

above) four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 3, 1981.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 82-558 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket Nos. 75F-0284, 76F-0013, 76F-0341, 77F-0368, 78F-0060]

Reynolds Metal Co., Ludlow Corp., DRG Flexible Packaging, Ltd., Toyo Seikan Kaisha, Ltd., DeSoto, Inc.; Withdrawal of Five Petitions for Food Additives

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the withdrawal without prejudice of five petitions (FAP Nos. 6B3131, 6B3152, 6B3195, 6B3223, and 7B3297) that proposed use of containers composed of layers consisting of polyolefin and polyethylene phthalate polymers and aluminum foil bonded together by certain polyurethane laminating adhesives.

FOR FURTHER INFORMATION CONTACT: James H. Maryanski, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 15, 1980 (45 FR 2842), FDA published a regulation to establish new § 177.1390 *High-temperature laminates* (21 CFR 177.1390) in response to food additive petitions, proposing use of certain laminated containers for packaging food where the temperature does not exceed 250° F. This regulation was a partial response to those petitions because there was no assurance of "no reasonable expectation" of migration of 2,4-diaminotoluene from the polyurethane adhesives to food. The petitioners have requested withdrawal of the still pending portion of their petitions concerning polyurethane adhesives without prejudice to a future filing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued.

In accordance with § 171.7
Withdrawal of petition without

prejudice of the procedural food additive regulations (21 CFR 171.7), five petitioners have withdrawn their petitions. Notices of which were published in the Federal Register as follows:

1. Reynolds Metal Co., 6601 Broad St., Richmond, VA 23261; FAP 6B3131, November 7, 1975 (40 FR 52076).

2. Ludlow Corp., Flexible Packaging Division, Mount Vernon, OH 43050 (formerly a division of Continental Diversified industries); FAP 6B3152, February 10, 1976 (41 FR 5861).

3. DRG Flexible Packaging, Ltd., Filwood Rd., Fishponds, Bristol BS16 3RY England; FAP 6B3195, April 7, 1978 (43 FR 14737).

4. Toyo Seikan Kaisha, Ltd., 3-1 Uchisaiwaicho 1-Chome, Chiyoda-Ku, Tokyo 100, Japan; FAP 6B3223, September 13, 1976 (41 FR 38802).

5. DeSoto, Inc., 1700 S. Mount Prospect Rd., Des Plaines, IL 60018; FAP 7B3297, February 10, 1978 (43 FR 5891).

Dated: December 29, 1981.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 82-558 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81M-0373]

Robbins Associates, Inc.; Premarket Approval of the Normaline™ Kit

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Normaline™ Kit for all soft (hydrophilic) contact lenses, sponsored by Robbins Associates, Inc., Burnsville, MN. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 11, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical

Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On September 8, 1980, Robbins Associates, Inc., Burnsville, MN, submitted to FDA an application for premarket approval of the Normaline™ Kit. The kit includes 135-milligram sodium chloride tablets, U.S.P., for preparing normal saline solution for use in the heat disinfection of all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 13, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), salt tablets for preparing solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the Federal Register of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the above use comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310), until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Normaline™ Kit states that the solution prepared from the salt tablets is intended for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the *Federal Register* of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 11, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information,

identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 5, 1982.
William F. Randolph,
*Acting Associate Commissioner for
Regulatory Affairs.*

[FR Doc. 82-695 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0398]

American Cyanamid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of hexadecyl 3,5-bis(1,1-dimethylethyl)-4-hydroxybenzoate as a stabilizer for polypropylene and polyethylene.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3589) has been filed by American Cyanamid Co., Bound Brook, NJ 08805, proposing that the food additive regulations be amended in § 178.2010 (21 CFR 178.2010) to provide for the safe use of hexadecyl 3,5-bis(1,1-dimethylethyl)-4-hydroxybenzoate as a stabilizer for polypropylene and polyethylene.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, a notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: January 4, 1982.
Sanford A. Miller,
Director, Bureau of Foods.
[FR Doc. 82-693 Filed 1-11-82; 8:45 am]
BILLING CODE 4160-01-M

Consumer Participation; Meeting Cancellation

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Minneapolis District Office consumer exchange meeting scheduled for January 21, 1982, and announced by notice in the *Federal Register* of December 22, 1981 (46 FR 62184) has been cancelled.

FOR FURTHER INFORMATION CONTACT: Blanche L. Erkel, Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612-752-2121.

Dated: January 7, 1982.
William F. Randolph,
*Acting Associate Commissioner for
Regulatory Affairs.*

[FR Doc. 82-692 Filed 1-11-82; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

The Role of Fiber Optic Instrumentation in Digestive Diseases Research; Meeting

Notice is hereby given of a state of the art meeting sponsored by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases titled "The Role of Fiber Optic Instrumentation in Digestive Diseases Research," January 21, 22, and 23, 1982, National Institutes of Health, Building 31C, Conference Room 9, Bethesda, Maryland 20205. The meeting, which will be open to the public, begins at 7:00 p.m. on January 21, and at 8:30 a.m. on January 22 and 23. Attendance by the public will be limited to space available.

The meeting is being held to discuss the role of fiber optic instrumentation in digestive disease research. Dr. Kirk Vener, the Program Director for Esophageal, Gastric and Colonic Diseases, Westwood Building, Room 604, Bethesda, Maryland 20204, (301) 496-7821, will provide an agenda.

Dated: December 31, 1981.
Thomas E. Malone,
Deputy Director, NIH.
[FR Doc. 82-676 Filed 1-11-82; 8:45 am]
BILLING CODE 4140-01-M

Blood Diseases and Resources Advisory Committee; Amended Meeting

Notice is hereby given of a change in the meeting of the Blood Diseases and Resources Advisory Committee sponsored by the National Heart, Lung, and Blood Institute, National Institutes of Health, Conference Room 9, Building

31, C Wing, Bethesda, Maryland 20205, which was published in the *Federal Register* on December 2, 1981, 46 FR 58600.

The time of the first day of the meeting, 9:00 a.m.-5:00 p.m., January 18, 1982, has been changed to 9:00 a.m.-10:30 p.m.

The entire meeting will be open to the public from 9:00 a.m.-10:30 p.m., January 18, 1982, and from 8:30 a.m.-4:30 p.m. January 19, 1982, to discuss the status of the Blood Diseases and Resources program, needs, and opportunities. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21A, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-1817, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

NIH Programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 82-677 Filed 1-8-82; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-82-1105]

Certification of State Land Sales Program; Minnesota

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of certification of the land sales program of the State of Minnesota, Department of Commerce, Securities and Real Estate Division.

SUMMARY: The Secretary gives public notice that a determination has been made to accept the application and certify the land sales program of the State of Minnesota, Department of Commerce, Securities and Real Estate Division. A formal agreement was entered into on October 2, 1981, commencing the effect of the certification. The State of Minnesota

applied for certification of its land sales program under 24 CFR 1710.502, and notice of its application was published in the *Federal Register* on July 8, 1981. The purpose of this public notice of Minnesota's certification is to advise the public, and particularly Minnesota land developers and other state agencies with land sales regulatory responsibilities, of the terms of the agreement and the agreement's effect upon land sales businesses.

EFFECTIVE DATE: October 2, 1981.

ADDRESSES:

HUD, Office of Interstate Land Sales Registration, Room 4130, 451 7th Street, SW, Washington, D.C. 20410
Department of Commerce, Securities and Real Estate Division, 500 Metro Square Building, St. Paul, Minnesota 55101

FOR FURTHER INFORMATION CONTACT: Joyce Sherwood, U.S. Department of Housing and Urban Development, (202) 755-6314 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The agreement between the Minnesota Department of Commerce, Securities and Real Estate Division (SRED) and the HUD Office of Interstate Land Sales Registration (OILSR) affects those land subdivisions located in Minnesota for which both a Minnesota Final Public Offering Statement and Federal Statement of Record and Property Report (a Federal registration) are required. The Federal requirements will be satisfied and a registration for the particular subdivision automatically effective upon receipt of a certified copy of the Minnesota Final Public Offering Statement in proper form, a Minnesota Fact Sheet and a Federal registration fee in the amount set out in existing regulations governing administration and enforcement of the Interstate Land Sales Full Disclosure Act. The Public Offering Statement, prepared pursuant to the Subdivided Land Sales Practices Act, Minnesota Statute Chapter 83 (1980) and certified by the State of Minnesota, and the Minnesota Fact Sheet may be submitted by either the SRED or the subdivision developer. No other documentation will be required.

Developers with a currently effective Federal filing wishing to come under the Minnesota Certification Agreement should submit the following information to OILSR: a copy of the Public Offering Statement certified by the State of Minnesota, a Minnesota Fact Sheet, and a request for the voluntary suspension of their HUD filing. The suspension of the HUD filing will take effect upon OILSR's issuing an effective date.

Federal rescission language will be incorporated into the body of the Public

Offering Statement, as appropriate, and in sales contracts. No separate Federal disclaimer page, no agent certification or separate information relative to costs or special risks, activity reports or conversions to 1979 Federal regulatory requirements will be required of Minnesota developers using the certification process. The Federal effective date will not appear on the Public Offering Statement.

Background

Congress, in order to eliminate duplicative reporting requirements, amended the Interstate Land Sales Full Disclosure Act in 1979 to give HUD expanded authority in the certification of states with equivalent land sales protection. Rules were adopted in June 1980 setting out the procedures and criteria for certifying a state land sales program. States can be certified by the Federal government if their land sales program gives purchasers protection either through disclosure requirements or substantive regulation or a combination of the two that is substantially equivalent to that provided by administration of the Federal law. Once a state is certified, HUD may accept a state's disclosure materials, and any documentation required, and declare these effective as a Federal registration.

The State of California was certified on January 6, 1981. Other applications received thus far are from the States of Oregon, Arizona and Florida. An affirmative decision has been made regarding the Minnesota application, and a formal agreement was signed on October 2, 1981, following the close of a 60-day public comment period announced in the *Federal Register* on July 8, 1981. No comments were received.

The formal agreement is as follows:

Be it Known That the State of Minnesota, Department of Commerce, Securities and Real Estate Division (SRED), and the United States Department of Housing and Urban Development, Office of Interstate Land Sales Registration (OILSR) Agree as Follows

1. That the State of Minnesota has adopted and is effectively administering a Subdivided Land Sales Practices Act, Minnesota Statute Chapter 83 (1980) which in part gives lot purchasers and lessees protection that is substantially equivalent to that given them by the Interstate Land Sales Full Disclosure Act (ILSFDA).

2. That the State of Minnesota's program relating to the Subdivided Land Sales Practices Act is certified by the U.S. Department of Housing and Urban Development. A developer or subdivider who has properly registered with SRED a subdivision located in Minnesota may satisfy

the registration requirements of the ILSFDA by filing or having filed with the Secretary of HUD, the final Public Offering Statement (which was previously filed with SRED) with fee, in lieu of the Federal Statement of Record and Property Report. Accordingly, a subdivision located in Minnesota will be considered registered with HUD upon HUD's receipt of a certified current Public Offering Statement as provided in SDiv 1608, the Minnesota Fact Sheet, and a fee in the amount specified in OILSR Regulations. HUD will also accept a Public Offering Statement prepared in accordance with 24 CFR 1710.100-1710.118.

3. That each agency agrees to notify the other within 30 days of any modification or amendment to its law, regulations or administrative procedures, or of any substantial changes in its administrative capabilities, and to send copies of the pertinent documents, if any, affecting the modifications or amendments, including legal opinions relative to regulation under this agreement.

4. That each agency agrees to notify the other of any action taken to suspend sales in a subdivision covered by this agreement subsequent to the issuance of SRED of an Order of Registration and to send to the other copies of any administrative orders including Cease and Desist Orders, Suspension Orders and copies of injunctions obtained.

5. The SRED will certify as true and currently in effect and send to OILSR copies of all Public Offering Statements relating to this agreement including amended and renewed statements as required from subdividers to comply with the ILSFDA and will also send a Minnesota Fact Sheet.

6. That while additional documents will not be required to be certified and sent as a matter of course, SRED will cooperate with OILSR by sending copies of any additional documents that are specifically requested.

7. That the SRED will cooperate with any other states obtaining HUD certification of its land sales programs by providing copies of documents that are specifically requested.

8. That SRED will accept a Public Offering Statement covering land located in another state but offered for sale in Minnesota if the disclosure document has been approved by the other state, provided the other state's land sales program has been certified by OILSR and that such disclosure document will be the only Public Offering Statement required by the SRED with respect to the offer, sale or lease of the subdivided lands. However, the SRED is not required to accept disclosure documents covering offerings located in another certified state if that offering is not subject to the registration requirements of the Interstate Land Sales Full Disclosure Act.

9. That this agreement is limited to disclosure documents required by both agencies and is not intended as a substitute for substantive requirements of the State of Minnesota or of the enforcement authority of either agency. Thus, SRED is not required to accept a disclosure document from another certified state when the subdivision in question and its operation do not meet the substantive requirements of Minnesota law. In addition, neither OILSR nor SRED are

precluded from entering administrative, civil or criminal proceedings.

10. That OILSR will not certify another state unless that state's Land Sales program offers to purchasers and lessees protection which is substantially equivalent (either in terms of required disclosure or substantive protection or some combination of the two) to that offered through administration of the Interstate Land Sales Full Disclosure Act.

11. That SRED will exert its best efforts to maintain the level of administration upon which certification is based.

12. That for all subdivisions certified to HUD, SRED will assure that purchasers are advised in both Public Offering Statements and contracts of sale or lease of rescission rights accruing to them under section 1404 of the ILSFDA, and that no representations will be made by subdividers that they will install or complete roads, sewers, water, gas, or electric service, or recreational amenities unless the subdividers stipulate in their contract of sale or lease that they will provide or complete such services or amenities—the purpose of which is to assure that purchasers have a private right of action as vested in them by Federal law.

13. That complaints received by OILSR concerning subdivisions in Minnesota will be sent to SRED for investigation; however, they may also be investigated by OILSR. If authorized by the Minnesota Data Practices Act, Minnesota Statute 15.1611 to 15.1699 (1980) as amended, SRED will advise OILSR of any action taken or resolution of each complaint and send OILSR a copy of SRED's reply to the complainant. Where such complaints clearly address only Federal requirements, OILSR will handle the complaint directly. SRED and OILSR will cooperate where both have a direct interest in the subdivision.

14. That each agency agrees to cooperate to the maximum extent possible and legally feasible in enforcement matters. OILSR will send to the SRED, copies of inspections of subdivisions located in Minnesota performed by its field representatives. SRED will exert its best efforts to make inspections of subdivisions prior to issuing an Order of Registration when the subdivision will also be registered with OILSR.

15. That OILSR will apprise the SRED of any investigations it engages in affecting subdivisions located in Minnesota or developers, subdividers or their agents involved with these subdivisions.

16. That this agreement does not affect the authority of either agency to assess or collect fees, particularly for filing and registration purposes.

17. That the Secretary of HUD is required periodically to review the laws and regulations and administration thereof of any state whose land sales program is certified, that the Secretary may withdraw certification upon a determination that the state's program no longer offers purchasers protection equivalent to that offered by the ILSFDA. Prior to withdrawal of certification, the Secretary must issue to the state a notice of intent to withdraw certification, which notice shall afford the state an opportunity for hearing prior to withdrawal.

18. That the SRED may withdraw from certification by notice to the Secretary.

19. That this agreement may be amended or supplemented at a later date by written agreement of both parties.

This agreement is entered into on the 2d day of October 1981.

Marry Alice Brophy,

for the State of Minnesota, Department of Commerce, Securities and Real Estate Division.

Alan J. Kappeler,

for the United States of Department of Housing and Urban Development, Office of Interstate Land Sales Registration.

Issued at Washington, D.C., on January 6, 1982.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc 82-714 Filed 1-11-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 19379]

Oregon; Order Providing for Opening of Public Land

1. In an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following land has been reconveyed to the United States:

Williamette Meridian

T. 6 S., R. 19 E.,

Sec. 19, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 20, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ S $\frac{1}{2}$.

The area described contains 320 acres in Wasco and Wheeler Counties, Oregon.

2. The land in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 20 is included in Powersite Reserve No. 145 and remains withdrawn from operation of the public land laws generally.

3. At 10 a.m., on February 10, 1982, the land described in paragraph 1, except as provided in paragraph 2, 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 a.m., on February 10, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. All minerals in the S $\frac{1}{2}$ S $\frac{1}{2}$ of Sections 20 were and continue to be in the United States ownership. The land has been and continues to be open to operation of the United States mining laws and the mineral leasing laws.

5. At 10 a.m., on February 10, 1982, the land described in paragraph 1, except as

provided in paragraph 4, will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 31, 1981.

Harold A. Berends,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 82-679 Filed 1-11-82; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

[General Mining Order No. 1]

Reporting Recoverable Coal Reserves From Federal Leaseholds

AGENCY: Geological Survey, Interior.

ACTION: Notice of intent to revise General Mining Order Number 1.

SUMMARY: On September 17, 1979, General Mining Order Number 1 was published as final in the Federal Register (44 FR 53808). This Order established a mandatory format for reporting recoverable coal reserves from each Federal coal leasehold. The reserves reported under the Order are needed by the U.S. Geological Survey (USGS) to carry out its lease management responsibilities under provisions of the applicable Mineral Leasing Acts, including the Federal Coal Leasing Amendments Act of 1976. Specifically, this information is essential to assure the ability of the USGS to enforce the statutory requirements relating to diligent development, continued operations, maximum economic recovery, and advance minimum production royalty. This Notice requests comments as to (1) how the Order might be revised to make compliance less burdensome yet to provide sufficient information for the USGS to carry out its lease management responsibilities and/or (2) whether the Order should be rescinded in its entirety and replaced by another mechanism for collection of the needed data.

DATE: Comments and recommendations must be received by February 26, 1982.

ADDRESS: Comments and recommendations should be submitted to: Mr. Eddie R. Wyatt, Acting Deputy Division Chief, Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, 650 National Center, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. Robert O. Schrott, Acting Chief, Branch of Coal Management,

Conservation Division, USGS, MS653, National Center, Reston, Virginia 22092, (703) 860-7136, FTS 928-7136.

SUPPLEMENTARY INFORMATION:

Subsequent to the publication of the present Order in its final form, the USGS prepared instructions and definitions to aid Federal coal lessees in the preparation of the required information in compliance with the requirements of the Order. Copies of the instructions and definitions are available at the above listed address should that information be needed to facilitate the review and preparation of comments.

The Order, as published, required annual update of the recoverable coal reserves of each Federal lease. In November of 1980, the annual update requirement was revised to require a biennial update commencing in 1982. In September of 1981, the commencement date for these biennial updates was moved forward to 1983. Thus, the first update of the original submittals are now due by March 1, 1983. These modifications to the Order were made to lessen the reporting burden imposed on industry. In order to further lessen the reporting burden, the periodic updates may now consist of only those data items that should be revised as a result of exploration and mining activities or changes in leasehold conditions which have occurred since the last report. If nothing has occurred to alter the data since the last report, a "no change" statement will suffice as the update.

Comments are solicited (1) on the present reporting requirements for both the initial and update submittals under the Order, as subsequently modified (2) how the modified Order might be further revised to reduce the reporting requirements and yet provide USGS with the data needed to meet its statutory requirements, and (3) whether the Order should be superseded by another mechanism for the collection of the necessary data. In addition, comments and suggestions are solicited as to the appropriate date for the initial submittal for Federal coal leases issued after the effective date of the Order.

All comments and suggestions received will be considered in reaching a decision on this matter. Once a decision has been reached, a proposed revision to the Order or a proposal to institute a new reporting mechanism will be published in the Federal Register for further comments.

Published below for convenient reference is the present Order, as published final in the Federal Register on September 17, 1979.

General Mining Order No. 1

A. Applicability

All Federal coal lessees shall comply with the requirements of this Order. It is an Order requesting reserve information based on available data. This is not an Order to conduct exploration.

B. Authority

This Order is issued under authority prescribed in 30 CFR 211.3(c)(12) and in accordance with 30 CFR 211.20.

Section 211.20 requires the lessee to submit to the Mining Supervisor, upon request, information "including Recoverable Reserve calculations along with vertical cross sections through the land and a map showing the location of coal outcrops, all drill holes, trenches, and other exploration activities. The records (submitted for all drill holes, trenches, and other exploration activities) shall include a log of all strata penetrated and conditions encountered such as water, quicksand, gas, or any unusual conditions; copies of all other in-hole surveys, such as electric logs, gamma ray-neutron logs, sonic logs, or any other logs produced; and copies of (all) coal analyses and results of other tests conducted on the land."

C. Criteria To Be Used

For the purpose of this order, the criteria given below shall be used.

1. Weight of Coal

Where other more precise data are not available, the following values shall be assigned as the weight of coal:

Type	Short tons per acre-foot
Lignite	1,750
Subbituminous	1,770
Bituminous	1,800
Anthracite	2,000
Semianthracite	2,000

2. Reserve Classification

a. *Coal Reserve Base* means the tons of coal in place contained in beds of (1) metallurgical or metallurgical blend coal 12 inches or more thick; anthracite, semianthracite, bituminous, and subbituminous coal 28 inches or more thick; and lignite 60 inches or more thick to a depth of 500 feet below the lowest surface elevation; (2) metallurgical and metallurgical blend coal 24 inches or more thick, anthracite, semianthracite, bituminous and subbituminous coal 48 inches or more thick; and lignite 84 or more inches thick occurring from 500 to 3,000 feet; and (3) any thinner bed of metallurgical, anthracite,

semianthracite, bituminous, and subbituminous coal and lignite at any horizon above 3,000 feet which is presently being mined or for which there is evidence that it could be commercially mined at this time.

b. *Mineable Reserve Base* means the tons of coal in place contained only in the area and thickness which is commercially mineable with no deductions for coal to be left in pillars, fenders, property barriers, and other areas where mining is not permissible such as (1) coal under land determined to be prime farmland, (2) coal under certain alluvial valley floors, (3) land classified as unsuitable for coal mining under OSM regulations, (4) land designated as containing historic, cultural, or archaeological sites protected under provisions of 36 CFR 800, (5) lands in the proximity of or containing the habitat of certain endangered species, and (6) lands with zoning restrictions.

c. *Recoverable Reserves* means the tons of coal that can be commercially mined. It does not include coal that will be left in pillars, fenders, property barriers, or other areas where mining is not permissible such as (1) coal under land determined to be prime farmland, (2) coal under certain alluvial valley floors, (3) land classified as unsuitable for coal mining under OSM regulations, (4) land designated as containing historic, cultural, or archaeological sites protected under provisions of 36 CFR 800, (5) lands in the proximity of or containing the habitat of certain endangered species, and (6) lands with zoning restrictions.

3. Categories of Reserve Classifications

The above classifications of reserves are subdivided into three categories as follows:

a. *Measured* means estimated tonnage based on sample analysis and measurements obtained from outcrops, trenches, mine workings, and drill holes. The points of observation and measurement are so closely spaced and the thickness and extent of coals are so well defined that the tonnage is judged to be accurate within 20 percent of true tonnage. Although the spacing of the points of observation necessary to demonstrate continuity of the coal differs from region to region according to the character of the coal beds, the points of observation are no greater than 1/2 mile apart. Measured coal is projected to extend as a 1/4-mile-wide belt from the outcrop or points of observation or measurement.

b. *Indicated* means estimated tonnage computed partly from measurements and partly from reasonable geologic

projections. The points of observation are 1/2 mile to 1 1/2 miles apart. Indicated coal is projected to extend as a 1/2 mile-wide belt that lies more than 1/4 mile from the outcrop or points of observation or measurement.

c. *Inferred* means estimated tonnage based largely on broad knowledge of the geologic character of the bed or region and where few measurements of bed thickness are available. The estimates are based primarily on an assumed continuation from measured and indicated coal for which there is geologic evidence. The points of observation are 1 1/2 to 6 miles apart. Inferred coal is projected to extend as a 2 1/4-mile-wide belt that lies more than 3/4 mile from the outcrop or points of observation or measurement.

D. Required Information

1. *Reports.* On or before March 1, 1980, the lessee shall furnish to the Mining Supervisor reports based on all data which is available as of December 31, 1979.

A separate report shall be submitted for each individual lease showing:

a. Calculations of Coal Reserve Base (measured, indicated, and inferred) for each separate bed using criteria given regardless of whether or not the coal bed is commercially mineable at the time of the report.

b. Calculations for Mineable Reserve Base (measured, indicated, and inferred) for each separate bed using criteria given if, in the opinion of the lessee, a coal bed is commercially mineable.

c. Calculations for Recoverable Reserves for each separate coal bed using criteria given.

d. Quality of coal in each individual bed by average BTU/pound value and average coal analysis (as received) percent by weight for ash, moisture, fixed carbon, and sulphur.

2. *Maps.* a. Each coal bed report shall contain a Coal Reserve Base map. To assure correlation and uniform audit of all reports by the Mining Supervisor, the Coal Reserve Base maps submitted by the lessees must be uniform. Therefore, the contents of the maps are limited to the following items and standards:

(1) Scale of 1:24,000 (1 inch=2,000 feet) must be used.

(2) A title block labeled "Coal Reserve Base Map" showing Federal lease identification number; acres contained in lease; county and State; name of lessee; local and official coal bed name; map scale indicated by scale bar; date, signature, and title of person attesting to accuracy of information contained in the map.

(3) A legend indicating the meaning of symbols, stippling, hatching, and crosshatching.

(4) Tabulation as follows:

Reserve base	Acres	Avg. thick.	Tons
Measured.....			
Indicated.....			
Inferred.....			

(5) Tabulation explaining map key numbers as follows:

Key No.; Drill Hole No.; Other.

(6) The lease boundary is to be plotted in a manner clearly showing location by legal subdivision, section, township, range, and meridian. If the lands are not included in the public land rectangular survey system (Texas and original 13 States), the metes and bounds shall be shown giving courses and distances between successive angle points on the lease boundary, and connected by courses and distances to a legal survey corner.

(7) Coal outcrop must be indicated by a solid line where the outcrop is exposed, and by a dotted line where the outcrop is inferred.

(8) Burned coal areas must be indicated by dot stippling.

(9) Mined-out areas must be indicated by darkened area, with notation giving mine name and whether surface or underground.

(10) Areas of measured Coal Reserve Base shall be indicated by parallel horizontal lines.

(11) Areas of indicated Coal Reserve Base shall be indicated by parallel vertical lines.

(12) Areas of inferred Coal Reserve Base shall be indicated by parallel lines slanted 45° to the right.

(13) Data points showing locations of drill holes and other exploration sites should be marked by a reference key number. When data points are sparse and can be legibly shown on the Coal Reserve Base map, they should be shown, if spacing of data points is too close to be legible, show only enough for representative data.

b. Each Coal Reserve map shall be accompanied by a narrative report.

(1) If, in the opinion of the lessee, a coal bed which is included in the Coal Reserve Base cannot be commercially mined, the narrative report shall include a detailed explanation of why all or part of the bed cannot be commercially mined or cannot be mined for safety reasons; the available data concerning average BTU/pound value and average coal analyses (as received) percent by weight for ash, moisture, fixed carbon, and sulphur, an explanation of the

calculation method used to determine measured, indicated, and inferred Coal Reserve Base; and the resulting tonnages.

(2) If, in opinion of the lessee, all or any portion of a coal bed which is included in the Coal Reserve Base can be commercially mined, the narrative report shall include tonnage calculations determining measured, indicated, and inferred Minable Reserve Base and Recoverable Reserves; maps and cross sections on a scale to legibly show data points (sites of analyses and measurements) on which the calculations are based; the average BTU/pound value and average coal analysis (as received) percent by weight for ash, discussion of contemplated mining methods and explanation of why full thickness of the bed cannot be mined; and summary tabulations showing:

MINABLE RESERVE BASE

Category	Acres	Ave. thick	Tones	Ave. BTU/pound
Measured.....				
Indicated.....				
Inferred.....				

RECOVERABLE RESERVES

Category	Acres	Ave. thick	Tons
Measured.....			
Indicated.....			
Inferred.....			

In addition to the above individual Coal Reserve Base reports, the lessee shall submit a typical cross section showing all coal beds. Where topographic and geologic conditions vary greatly over the lease area and a single cross section is inadequate to accurately identify conditions, additional cross sections may be submitted. The location of the cross section(s) shall be marked on the Coal Reserve Base map which shows the uppermost coal bed. The cross section(s) which contains the coal beds listed shall show lease boundaries, coal thicknesses, overburden and interburden thicknesses, general lithology, and the local or official geologic formation names, as recognized by the Geological Survey.

3. *Annual reports.* After initial compliance with this Order, the lessee shall submit annual reports on or before March 1, showing changes in the previous year's report or a statement of "no change."

E. Confidential Information.

Confidential information in the report of Recoverable Coal Reserves from

Federal leaseholds and identified as such by the lessee shall be considered in accordance with provisions of 43 CFR 2. Departmental policy regarding inspection of records is in keeping with the requirements of the Freedom of Information Act 5 U.S.C. 552. The Act exempts certain categories of records from disclosure. Under sections 552(b) (4) and (9), disclosure is not required of data that are geological and geophysical in nature and interpretations of such data, maps, trade secrets, and financial information. Related files for which the lessee requests proprietary status because of privileged or confidential information may be exempt from public disclosure provided that such status is determined by the Mining Supervisor to be warranted. Proprietary information to be kept confidential shall be clearly identified by the lessee by marking the top of each page of the document with the words of "CONFIDENTIAL INFORMATION."

Date: _____
Mining Supervisor: _____
Area: _____
Approved: _____

Dated: December 31, 1981.

Eddie R. Wyatt,

Acting Deputy Division Chief for Onshore Minerals Regulation, Conservation Division.

[FR Doc. 82-765 Filed 1-11-82; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 31, 1981. Pursuant to 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by January 27, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

ARIZONA

Maricopa County

Phoenix, First Baptist Church, 302 W. Monroe St.

CALIFORNIA

Butte County

Chico, Chapman, A. H., House, 256 E. 12th St.

Riverside County

Riverside, Old Y.W.C.A. Building, 3425 7th St.

San Benito County

San Juan Bautista, Rozas House, 31 Polk St.

San Joaquin County

Tracy vicinity, Ohm, John, House, 31524 S. Kasson Rd.

San Mateo County

Burlingame, Kohl Mansion (The Oaks) 2750 Adeline Dr.

Santa Clara County

Gilroy, Holloway, Edgar, House, 7539

Eagleberry St. County

San Jose, Troy Laundry, 722 Almaden Ave.

KENTUCKY

Christian County

Hopkinsville, Grace Episcopal Church, 220 E. 6th St.

Jefferson County

Louisville, Adath Jeshurun Temple and School, 749-757 S. Brook St.

MASSACHUSETTS

Berkshire County

Adams, Park Street Firehouse, 47 Park St.

Bristol County

North Attleborough, Fire Barn, Commonwealth Ave.

Norfolk County

Quincy, Hancock Cemetery, Hancock St.

MINNESOTA

Lac qui Parle County

Dawson, Commercial Bank Building, Off U.S. 212

Ramsey County

St. Paul, Finch, Van Slyck and McConville Dry Goods Company Building, 366 Wacouta St.

NEW MEXICO

Taos County

Taos, Taos Inn, Pueblo del Norte OLMSTED PARK AND PARKWAY SYSTEM THEMATIC RESOURCES. Reference—see individual listings under Erie County.

Erie County

Buffalo, Bidwell Parkway (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Cazenovia Park (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Chapin Parkway (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Colonial Circle (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Columbus Park (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Delaware Park (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Ferry Circle (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Front, The (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Gates Circle (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Heacock Place (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Heacock Place (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Heacock Place (Olmsted Park and Parkway System Thematic Resources)

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Buffalo, Heacock Place (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Heacock Place (Olmsted Park and Parkway System Thematic Resources)

Buffalo, King, Martin Luther, Jr., Park (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Lincoln Parkway (Olmsted Park and Parkway System Thematic Resources)

Buffalo, McClellan Circle (Olmsted Park and Parkway System Thematic Resources)

Buffalo, McKinley Circle (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Porter Avenue (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Red Jacket Parkway (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Richmond Avenue (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Riverside Park, (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Soldier's Place (Olmsted Park and Parkway System Thematic Resources)

Buffalo, South Park (Olmsted Park and Parkway System Thematic Resources)

Buffalo, Symphony Circle (Olmsted Park and Parkway System Thematic Resources)

Lackawanna, McKinley Parkway (Olmsted Park and Parkway System Thematic Resources)

Gillespie County

Fredericksburg vicinity, Enchanted Rock Archeological District, TX 965

Box Elder County

Grouse Creek, Tanner, A. N., House

Cache County

Hyde Park, Lee, John E., House, 123 W. Center St.

Hyrum, Hanson, Soren, House, 166 W. Main St.

Logan, Smith, William McNeil, House, 116 S. 100 East St.

Mendon, Gardner, James, House, 173 N. Maine St.

Providence, Providence LDS Chapel and Meetinghouse, 20 S. Main St.

Wellsville, Riggs, Zial, House, 95 S. 100 East St.

Davis County

Kaysville, Barnes, John George Moroni, House, 42 W. Center St.

Tooele County

Grantsville, Grantsville First Ward Meetinghouse, 297 Clark St.

Utah County

Provo, Booth, John E., House, 59 W. 500 North St.

Provo, Davies, Charles E., House, 388 W. 300 North St.

Door County

Baileys Harbor, Globe Hotel, 8090 Main St.

Sheboygan County

Elkhart Lake, Villa Laun, 402 Lake Side Park Dr.

[FR Doc. 82-466 Filed 1-11-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if application later become unopposed), appropriate documents will be issued to application 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. OP1-333

Decided: December 29, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 154700 (Sub-1), filed December 18, 1981. Applicant: ALVIN L. COURTNEY, d.b.a. COURTNEY TRUCKING, P.O. Box 2653, Renton, WA 98056. Representative: Alvin L. Courtney (same address as applicant), (206) 226-5114. 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 159841, filed December 23, 1981. Applicant: HAROLD STEWART, d.b.a. HAROLD STEWART TRUCKING, 31566 S. Meridian Rd., Hubbard, OR 97032. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111. 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 owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-2-001

Decided: January 4, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier. Member Fortier not participating.

MC 151332 (Sub-2), filed December 2, 1981. Applicant: GARRY E. THREADGILL, d.b.a. GARRY E. THREADGILL TRUCKING CO., 16216 S.E. 135th, Renton, WA 98055.

Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, 206-235-1111. 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 owners of the motor vehicle in such vehicle, between points in the U.S.

MC 159553, filed December 1, 1981. Applicant: HAROLD W. ANDERSON, 1122 Fourth St., Dawson, MN 56232. Representative: Harold W. Anderson (same address as applicant), 612-769-2491. 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 owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159562, filed December 4, 1981. Applicant: ORIN RUTHERFORD, 2173 S.E. 54th Ave., Hillsboro, OR 97123. Representative: Orin Rutherford (same address as applicant), 503-649-0706. 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 owner of the motor vehicle in such vehicle, between points in the U.S.

MC 159572, filed December 4, 1981. Applicant: S & W MANAGEMENT, Inc., 977 West Cermak Rd., Chicago, IL 60608. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312-782-8880. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY-2-004

Decided: January 5, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 148443 (Sub-12), filed December 21, 1981. Applicant: SOUTH SHORE EQUIPMENT CORP., 1284 Miller Rd., Avon, OH 44011. Representative: Alan N. Johnson (same address as applicant), 216-934-6538. (1) 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., (2) Transporting *shipment weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. and (3) Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate

service on behalf of the Department of Defense, between points in the U.S.

MC 157802 (Sub-2), filed December 23, 1981. Applicant: CONTRACT TRANSPORT, INC., P.O. Box 4120, Dalton, GA 30721. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338 (404) 451-0401. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Ralston, Dresden, Martin, Gibbs, Rose Hill, Beech Bluff, Luray, Lexington, Riverside, Jordania, Scottsboro, Steel City, Ashland City, Chapsmansboro, Fox Bluff, Doddsville, Hickory Point, New Providence, Kenwood and Edgoten, TN; Thompsonville and Masonville, KY; Alcorn, Barland, Bonus, Burnella, Busy Corner, Clark, Coles, Cosbry, Church Hill, Doloroso, Dorrington, Elmo, Eunice, Fayette, Flat Rock, Franklin, Garden City, Gordon, Hamburg, Harriston, Homochitto, Ireland, Kingston, Knoxville, Lorman, McBride, McNair, Melton, Oldenburg, O'Neil, Pattison, Peyton, Possum Corner, Red Lick, Rodney, Rosette, Russum, Stonington, Tillman, Union Church, Violet, Westside and White Apple, MS, on the one hand, and, on the other, points in the U.S., (except AK and HI). Applicant indicates intention to tack and join with existing authority.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service

MC 159693, filed December 14, 1981. Applicant: ROHDE & LIESENFELD, INC., One World Trade Center, New York, NY 10048. Representative: Klaus Stankowitz (same as applicant), (212) 432-1200. As a *broker of general commodities* (except household goods) between points in the U.S.

MC 159803, filed December 21, 1981. Applicant: K & L ASSOCIATES, 417 Washington Ave., North Haven, CT 06473. Representative: Jack L. Schiller, 123-60 83rd Ave., Kew Gardens, NY 11415, 212-263-2078. 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.

Volume No. OPY-3-001

Decided: January 5, 1982.

By the Commission, Review Board Number 2, Members Carleton, Werner, and Williams.

MC 146985 (Sub-17), filed December 22, 1981. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731

South Main St., P.O. Box 1614, Elkhart, IN 46515. Representative: Phillip A. Renz, Suite 200, Metro Bldg., Fort Wayne, IN 46802, (219) 423-3595. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159045, filed December 21, 1981. Applicant: FRANCIS D. ANDERSON, d.b.a. F. D. ANDERSON TRUCKING COMPANY, R.R. 1, Box 107, Chancellor, SD 57015. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101-1103, (605) 335-1777. 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 159814, filed December 22, 1981. Applicant: LARSON'S BIG SKY HONEY, 2800 Washington St., P.O. Box 1295, Fort Benton, MT 59442. Representative: Charles K. Larson, (same address as applicant), (406) 622-5219. 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 159824, filed December 22, 1981. Applicant: OAK MOUNTAIN INDUSTRIES, INC., 211 Eastgate, Fremont, NE 68025. Representative: Probart N. Medlicott, (same address as applicant), (402) 727-7451. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *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.

Volume No. OPY-4-2

Decided: January 5, 1982.

By the Commission, Review Board Number 2, Members Carleton, Werner and Williams.

MC 159817, filed December 22, 1981. Applicant: NORTH AMERICAN TRANSPORT & TRANSFER CO., P.O. Box 396, Staten Island, NY 10308.

Representative: Albert J. Sala, 121 Cortelyou Ave., Staten Island, NY 10312, (212) 967-3093. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159807, filed December 21, 1981. Applicant: L. BRENT CHECKETTS, d.b.a. CEDAR VALLEY TRANSPORT, P.O. Box 315, Hyde Park, UT 84318. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111. Transporting *food and other edible products and by products 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.

Volume No. OPY-5-02

Decided: January 4, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 159159 (Sub-1), filed December 22, 1981. Applicant: LAURENCE G. WATERS, d.b.a. WATERTOWN IMP. EXP. TRANSP. CO., 308 So. Meadow St., Watertown, NY 13601. Representative: Conboy, McKay, Bachman and Kendall, 407 Sherman St., Watertown, NY 13601, (315) 788-5100. To operate as a *broker of general commodities* (except household goods), between points in the U.S.

MC 159759, filed December 17, 1981. Applicant: ROYALTY DISTRIBUTION SERVICES, INC., Jeanne Dr., Newburgh, NY 12550. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201-435-5230. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,
Secretary

[FR Doc. 82-720 Filed 1-11-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request

and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving 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-2-002

Decided: January 4, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. Member Fortier not participating.

MC 52793 (Sub-89), filed December 8, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same as applicant), (312) 547-2184. Transporting *used automobiles*, between points in the U.S., (except AK and HI) under continuing contract(s) with Northern Telecom, Inc., of Richardson, TX.

MC 115603 (Sub-24), filed December 9, 1981. Applicant: TURNER BROS. TRUCKING COMPANY, INC., P.O. Box 94626, Oklahoma City, OK 73109. Representative: J. Michael Alexander, First Continental Bank Building, Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237-2385, (214) 339-4108. Transporting (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, and distribution of natural gas and petroleum and their products and by-products; (2) *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines; and (3) *earth drilling machinery and equipment, and machinery, equipment, materials and supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (3) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in the U.S.

MC 117972 (Sub-10), filed December 4, 1981. Applicant: GROWERS COLD STORAGE CO., INC., Route 279, Watport, NY 14571. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, 716-853-0200. Transporting *food and related products*, between points in NY, on the one hand, and, on the other, points in OH, PA and VA.

MC 123133 (Sub-12), filed December 21, 1981. Applicant: DENNY TRANSPORT, INC., 3405 Industrial Parkway, Jeffersonville, IN 47130.

Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, 502-589-5400. Transporting *such commodities* as are dealt in by manufacturers, distributors, and retailers of agricultural machinery, materials and supplies, between points in Montgomery, AL, Oldham County, KY and Shelby County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 124032 (Sub-17), filed December 7, 1981. Applicant: REED'S FUEL COMPANY, 4080 Commercial Ave., Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210, 503-226-3755. Transporting (1) *lumber and wood products*, and (2) *pulp, paper and related products*, between points in OR, WA, CA, NV, ID, UT and AZ.

MC 129712 (Sub-65), filed December 7, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.W., Atlanta, GA 30326. Transporting *iron and steel articles*, between points in Franklin County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 129712 (Sub-67), filed December 21, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, 404-237-6472. Transporting *general commodities* (except household goods and commodities in bulk) between points in the U.S., except AK & HI, under continuing contract(s) with Pittsburgh Corning Corp., of Sedalia, MO.

MC 138732 (Sub-35), filed December 21, 1981. Applicant: OSTERKAMP TRUCKING, INC., P.O. Box 5546, Orange, CA 92667. Representative: Steven K. Kuhlmann, 2600 Petro-Lewis Tower, 717-17th St., Denver, CO 80202. Transporting *metal products*, between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 147933 (Sub-3), filed December 3, 1981. Applicant: JOHN H. BRYANT d.b.a. J. B. TRANSPORTATION, 211 Lea Court, San Pablo, CA 94806. Representative: Richard E. Macey, 2111 W. March Ln, Suite A-3, Stockton, CA 95207, 209-951-8227. Transporting *paraffin wax*, between points in the U.S., under continuing contract(s) with Accurate Packaging, Inc., of Tacoma, WA and Commencement Bay Corrugated, Inc., of Tacoma, WA.

MC 148472 (Sub-5), filed December 11, 1981. Applicant: CLOVER CLUB FOODS COMPANY, P.O. Box 228, Kaysville, UT 84037. Representative: Bruce W. Shand Suite 280, 311 S. State St., Salt Lake City, UT 84111 (801) 531-1300. Transporting *tallow and animal fats*, between points in the U.S., under a continuing contract(s) with Baker Commodities, Inc., of Vernon, CA.

MC 150772 (Sub-2), filed December 7, 1981. Applicant: NCV TRANSPORT, INC., 807 Ramblingwood Court, Nashville, TN 37219. Representative: Roland M. Lowell, 5th Floor, 501 Union St., Nashville, TN 37219, 615-255-0540. Transporting *food and related products*, between points in NC, NY, OH, PA, TN, and TX, on the one hand, and, on the other, points in the U.S.

MC 151382 (Sub-5), filed December 10, 1981. Applicant: LAND TRUCKING COMPANY, 1560 Jessie St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202 (904) 353-9707. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 153402 (Sub-2), filed December 21, 1981. Applicant: SAGINAW VALLEY MARINE TERMINAL AND WAREHOUSE, INC., 700 Harrison St., Bay City, MI 48706. Representative: Paul Buda, 700 Harrison St., Bay City, MI 48706. Transporting *general commodities* (except classes A and B explosives and household goods), between points in IL, IN, MI, MN, MO, OH, PA, and WI, on the one hand, and, on the other points in the U.S.

MC 153483 (Sub-3), filed December 9, 1981. Applicant: ANTWEILER TRUCKING COMPANY, INC., Star Route, Montgomery City, MO 63361. Representative: James C. Swearingen, P.O. Box 456, Jefferson City, MO 65102, 314-635-7166. Transporting *bananas*, between Galveston, TX, on the one hand, and, on the other points in TX, OK, KS, NE, SD, ND, CO, MN, IA, MO, AR, TN, KY, IL, IN, WI, OH, LA, MI, and MS.

MC 154343 (Sub-2), filed December 10, 1981. Applicant: HERITAGE TRAILS, INC., 16020 Forest Ave., Oak Forest, IL 60452. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602 (312) 726-6525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in Lake, Cook, DuPage, Will, McHenry, Kane, Kendall, Kankakee, Grundy, Livingston, Iroquois, DeKalb, LaSalle and Fort

Counties, IL, and Lake, Porter and LaPorte Counties, IN, on the one hand, and, on the other, points in the U.S.

MC 158002 (Sub-4), filed December 4, 1981. Applicant: SAHARA EXPRESS, a division of SAHARA PACKING COMPANY, 741 1/2 Parkridge, P.O. Box 1932, Corona, CA 91720. Representative: Frederick J. Coffman, 1834 N. Kelly Ave., P.O. Box 1455, Upland, CA 91786, 714-981-9981. Transporting *general commodities* (except classes A and B explosives), between the facilities of 7/24 Freight Sales, Inc. on the one hand, and, on the other, points in the U.S., and between the facilities of United Freight, Inc., on the one hand, and, on the other, points in the U.S.

MC 158613, filed December 8, 1981. Applicant: TRICOR BUSINESS GROUP, INC., 1242 Tatamy Road, Easton, PA 18042. Representative: Roger D. Hershman, 22 Olde Mill Run, Medford, NJ 08055, (609) 953-0423. Transporting (1) *machinery and transportation equipment* between points in the U.S., and (2) *general commodities* (except classes A and B explosives, household goods, as defined by the Commission, and commodities in bulk), between the facilities of International Paper Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 159563, filed December 4, 1981. Applicant: C. BERTRAM McBRIDE & MARJORIE N. McBRIDE, d.b.a. McBRIDE GROUP TOURS, P.O. Box 92, South Hero, VT 05486. Representative: C. Bertram McBride (same address as applicant) 802-372-4719. As a broker, at South Hero, VT, to arrange for the transportation by motor vehicle of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between points in VT, NH and Albany, Clinton, Essex, Saratoga and Warren Counties, NY, on the one hand, and, on the other, points in the U.S.

MC 159603, filed December 8, 1981. Applicant: GREAT WESTERN TRANSPORT, INC., P.O. Box 915, Morton, TX 79346. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763-9555. Transporting *food and related products*, between points in Cochran County, TX, on the one hand, and, on the other, points in the U.S.

MC 159802, filed December 21, 1981. Applicant: R. L. KRAUSE TRUCKING, INC., 1520 Dewey St., Manitowoc, WI 54220. Representative: Nancy J. Johnson, 103 East Washington St, Box 218, Crandon, WI 54520, 715-478-3341. Transporting *general commodities*

(except classes A and B explosives), between points in Manitowoc County, WI, on the one hand, and, on the other, points in the U.S.

MC 159822, filed December 21, 1981. Applicant: MERRILL F. LEWIS, Box 934, Beulah, ND 58523. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502, 701-223-5300. Transporting *soda ash*, between points in Sweet Water County, WY, on the one hand, and, on the other, points in Mercer County, ND.

Volume No. OPY-2-003

Decided: January 5, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

FF 392 (Sub-4), filed December 18, 1981. Applicant: AIRBORNE FORWARDING CORPORATION, 190 Queen Anne Ave, North, Seattle, WA 98111. Representative: Stephen A. Alterman, 1730 Rhode Island Ave, NW., Washington, DC 20036, 202-293-1030. As a freight forwarder in connection with the transportation of *general commodities* (except classes A and B explosives and household goods), between points in the U.S.

FF 582, filed December 21, 1981. Applicant: THE FLYING TIGER LINE, INC., 7401 World Way West, P.O. Box 92935, Los Angeles, CA 90009. Representative: Peter E. Hubbard (same as applicant), (213) 417-0900. As a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S.

MC 903 (Sub-40), filed December 11, 1981. Applicant: FALWELL FAST FREIGHT, INC., P.O. Box 11409, Lynchburg, VA 24506. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001, (202) 628-9243. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 25823 (Sub-14), filed November 30, 1981. Applicant: WERCH TRUCKING COMPANY, INC., Rte. #2, Box 113, Berlin, WI 53923. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, 608-256-7444. Transporting *hides and skins*, between points in the U.S., under continuing contract(s) with Fred Gruen Co., Inc., of Milwaukee, WI.

MC 52793 (Sub-90), filed December 21, 1981. Applicant: BEKINS VAN LINES

CO., 333 S. Center, Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312-547-2184. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Tandy Corporation/Radio Shack, of Ft. Worth, TX.

MC 109593 (Sub-20), filed December 14, 1981. Applicant: H. R. HILL, P.O. Box 875, 2007 West Shawnee, Muskogee, OK 74401. Representative: Max G. Morgan, P.O. Box 2650, Edmond, OK 73083, (405) 348-7700. Transporting *waste and scrap paper* between points in the U.S., under continuing contract(s) with Georgia-Pacific Corporation, of Portland, OR.

MC 123872 (Sub-131), filed December 14, 1981. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28603. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893-4924. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NC, SC, TN and VA, on the one hand, and, on the other, points in IL, IN, IA, KS, MN, MO, NE, ND, SD and WI.

MC 129712 (Sub-66), filed December 11, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 237-6472. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Overhead Crane & Service Corp., of Romulus, MI.

MC 136123 (Sub-33), filed December 21, 1981. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: David M. Kuehl (same address as applicant), 813-722-0506. Transporting *paper and paper products, and plastics and plastic products*, between those points in the U.S. in and east of ND, SD, NE, CO, OK and TX.

MC 139852 (Sub-5), filed December 14, 1981. Applicant: E. C. BLACK, d.b.a. BLACK TRUCKING COMPANY, Route 1, York, SC 29745. Representative: Joseph M. Epting, 1338 Main St., Suite 900, P.O. Box 11414, Columbia, SC 29211, (803) 799-9427. Transporting *metal products* between points in GA, NC, and SC.

MC 144530 (Sub-44), filed December 21, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212

Exchange Bldg., La Crosse, WI 54601, 608-784-5860. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Tampa International Forest Products, Inc., of Tampa, FL; and (2) *general goods commodities* (except classes A and B explosives and household between points in the U.S., under continuing contract(s) with (A) United Freight, Inc., of Morrow, GA, and (B) Distribution Services of America, Inc., of Boston, MA.

MC 146123 (Sub-1), filed December 15, 1981. Applicant: KROFLITE MOTOR EXPRESS, INC., 1932 South Wentworth Avenue, Chicago, IL 60616. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601, (312) 332-5106. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, and points in IN.

MC 146553 (Sub-27), filed December 21, 1981. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50809. Transporting *containers*, between points in AZ, CA, CO, IA, IL, KS, LA, MN, OK and TX, on the one hand, and, on the other, points in the U.S.

MC 148443 (Sub-11), filed December 21, 1981. Applicant: SOUTH SHORE EQUIPMENT CORP., 1284 Miller Rd., Avon, OH 44011. Representative: Alan N. Johnson (same address as applicant), 216-934-6538. Transporting (1) *cryogenic and compressed gas equipment*, and (2) *machinery, supplies, and materials* used in the manufacture, installation, and distribution of the commodities in (1) above, between points in the U.S.

MC 149233 (Sub-5), filed December 22, 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 *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT, DE, FL, IL, IN, MA, MD, ME, MI, MO, NH, NJ, NY, NC, OH, PA, RI, SC, VA, VT, WV, WI and DC.

Note.—Applicant intends to tack this authority with its existing authority.

MC 150812 (Sub-6), filed December 7, 1981. Applicant: FROST TRANSPORTATION, INC., P.O. Box 3400, Shreveport, LA 71103. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *such commodities* as are dealt with or used

by a manufacturer of electrical products (except commodities in bulk), between points in the U.S., under a continuing contract(s) with General Electric Company, of Hickory, NC.

MC 154103 (Sub-3), filed December 14, 1981. Applicant: MID-SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589-5400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Action Consolidated Express, Inc., of Hendersonville, TN.

MC 154143 (Sub-2), filed December 15, 1981. Applicant: KAPLAN TRANSPORTATION COMPANY, INC., P.O. Box 427, Hwy 17 S, Bartow, FL 33830. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036, (202) 457-1124. Transporting *dairy products* between points in the U.S., under continuing contract(s) with Friendship Dairies, Inc., of Friendship, NY.

MC 155223 (Sub-5), filed December 14, 1981. Applicant: HIGHWAY EXPRESS, INC., 5742 W. Maryland, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St. Suite 310, Whittier, CA 90602, (213) 945-3002. Transporting *metal products* between points in the U.S. (except AK and HI), under continuing contract(s) with Earle M. Jorgensen Co., of Phoenix, AZ.

MC 155812 (Sub-1), filed December 22, 1981. Applicant: SEA-PAC FREIGHT LINES, INC., P.O. Box 3762, Seattle, WA 98124. Representative: Russell A. Evans, 410 Maynard Bldg., 119 First Ave. S., Seattle, WA 98104, 206-622-1471. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with (a) Certified Grocers of Los Angeles, CA, (b) Rogers Walla Walla, of Walla Walla, WA, (c) Consolidated Dairy Products, of Seattle, WA, (d) Treetop, Inc., of Selah, WA, and (e) United Grocers, of Milwaukie, OR.

MC 158783, filed December 22, 1981. Applicant: ORVAL DAVIS TIRE COMPANY, 314 South Market, Bolivar, MO 65613. Representative: Warren B. Davis (same address as applicant), 417-326-6211. Transporting *artificial flowers and floral products*, between points in the U.S., under continuing contract(s) with Teeter's Floral Products Company, a division of U.S., Inc., of Bolivar, MO.

MC 158942, filed December 21, 1981. Applicant: D & L TRUCKING CO., INC., P.O. Box 1702, Alvin, TX 77511. Representative: Doyle G. Owens, 3965 Phelan, Suite 209, Beaumont, TX 77707, 713-835-6313. Transporting *portable cranes, houses or buildings*, portable or fabricated, metal knocked down flat, or in sections, between points in Harris County, TX, on the one hand, and, on the other, points in LA.

MC 159003, filed December 21, 1981. Applicant: JIM FOTOPOULOS, d.b.a. JIM AUTO & TRUCK SERVICE, 12658 South Winchester, Calumet Park, IL 60643. Representative: Irwin D. Rozner, 134 N. La Salle St., Chicago, IL 60602, 312-782-6937. Transporting *wrecked or disabled vehicles and replacement vehicles*, between points in IL, IN, MI, MN, WI, OH, IA, TN, KY, MO, NE, MS, and AR.

MC 159732, filed December 16, 1981. Applicant: WITHERS TRANSFER & STORAGE OF CORAL GABLES, INC., 357 Almeria Avenue, Coral Gables, FL 33134. Representative: Wayne E. Withers, Jr. (same as applicant), (305) 444-7116. Transporting *household goods* between points in Dade and Broward Counties, FL, on the one hand, and, on the other, points in the U.S.

MC 159823, filed December 21, 1981. Applicant: WESTEXPRSS, INC., 421, West Erie St., Chicago, IL 60610. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, 312-236-0548. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with (a) Decor Fabrics, of Los Angeles, CA, (b) Sierra Textile Co., of San Diego, CA, (c) Van Waters & Rogers, of Cerritos, CA, (d) San Diego Fabrics, of San Diego, CA, (e) Harleys Fabrics, of Tulsa, OK, (f) R & M Enterprises of Cape Girardeau, MI, (g) Western Textile Company, Inc., of Chicago, IL, (h) Urkov Mfg. Company, of Chicago, IL, (i) California Sample Company, of Los Angeles, CA, (j) Sidney Davis Fabrics, Inc., of San Francisco, CA, and (k) Great Lakes Paper Co., of Chicago, IL.

Volume No. OPY-3-002

Decided: January 6, 1982.

By the Commission, Review Board Number 2, Members Carleton, Werner and Williams.

MC 9444 (Sub-8), filed December 28, 1981. Applicant: BILOXI TRANSFER & STORAGE CO., INC., P.O. Box 361, Biloxi, MS 39533. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282-3809. Transporting *household goods and furniture and fixtures*, between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MD,

MO, MS, NC, OH, OK, SC, TN, TX, VA, WV and DC.

M 76065 (Sub-36), filed December 28, 1981. Applicant: EHRlich-NEWMARK TRUCKING CO., INC., 505 W. 37th St., New York, NY 10018. Representative: Michael R. Werner, 241 Cedar Ln., Teaneck, NJ 07666, (201) 836-1144. Transporting *such commodities* as are dealt in or used by department stores, between points in MA, RI, CT, NH, VT and ME, on the one hand, and, on the other, points in NY, NJ, DE, PA, MD, VA, WV, FL, GA, AL, SC, NC and DC.

MC 76355 (Sub-1), filed December 28, 1981. Applicant: SHANNON BROTHERS, INC., 134 Morgan Ave., Brooklyn, NY 11237. Representative: Kenneth M. Piken, Queens Office Tower, 95-25 Queens Blvd., Rego Park, NY 11374-4565, (212) 275-1000. Transporting *paper and paper products*, between New York, NY and points in CT, MA, RI, NY, NJ, PA and DE.

MC 106074 (Sub-189), filed December 24, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221, S., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256-4320. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, DE, FL, GA, KY, MS, NJ, NC, PA, SC, TN and VA, on the one hand, and, on the other, points in AL, DE, FL, GA, KY, MD, MS, NJ, NC, PA, SC, TN, VA and DC.

MC 111274 (Sub-79), filed December 23, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266-9773. Transporting *lumber and lumber mill products*, between points in the U.S., under continuing contract(s) with Northwest Wholesale Lumber, of LaCrosse, WI, and C & M Wholesale Lumber, Inc., of Onalaska, WI.

MC 111274 (Sub-80), filed December 23, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266-9773. Transporting *lumber and lumber mill products*, between points in the U.S., under continuing contract(s) with Weeks Forest Products, of Minneapolis, MN.

MC 114274 (Sub-81), filed December 21, 1981. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St. Place, Des Moines, IA 50306. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601, (312) 332-5106. Transporting *games, toys, and*

swimming pools, between Amsterdam and Gloversville, NY, Pittsburgh, PA, Canton, OH, Los Angeles, CA, Portland, OR, Seattle, WA, Newark, NJ, and Milwaukee WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 114604 (Sub-129), filed December 21, 1981. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, State Farmers Market #33, Forest Park, GA 30050. Representative: Paula S. Davis (same address as applicant), (404) 361-9170. Transporting (1) *air conditioning, heating and cooling equipment*, and (2) *component parts* used in the manufacture, repair, and distribution of air conditioning, heating and cooling equipment, between Edison, NJ, Effingham, IL, Frederick, MD, and Buffalo, NY, on the one hand, and, on the other, points in the U.S.

MC 123314 (Sub-29), filed December 21, 1981. Applicant: JOHN F. WALTER, INC., R.D. 4, Newville, PA 17241. Representative: John F. Walter (same address as applicant), (717) 776-3148. Transporting (1) *food and related products*, and (2) *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), between points in the U.S. (except AK and HI).

MC 123744 (Sub-98), filed December 21, 1981. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. Second St. Clearfield, PA 16830, (814) 765-9611. Transporting *refractories*, between points in the U.S., under continuing contract(s) with North American Refractories Company, of Cleveland, OH.

MC 126844 (Sub-98), filed December 21, 1981. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Rd., Vineland, NJ 08360. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682-8154. Transporting *food and related products*, between points in IL, IN, IA, MN, MO, and NE, on the one hand, and, on the other, points in the U.S.

MC 128075 (Sub-41), filed December 18, 1981. Applicant: JOHNSRUD TRANSPORT, INC., P.O. Box 447, Cresco, IA 52136. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Hiland Potato Chip Co., of Des Moines, IA.

MC 128254 (Sub-4), filed December 28, 1981. Applicant: THEODORE SAVAGE,

16061 Warren Ln., Huntington Beach, CA 92646. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667-8107. 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 WTC Airfreight of Los Angeles, CA.

MC 128685 (Sub-40), filed December 28, 1981. Applicant: DIXON BROS., INC., P.O. Drawer 8, New Castle, WY 82701. Representative: Jerome Anderson, 100 Transwestern I, Billings, MT 59101, (406) 248-2611. Transporting *coal products, petroleum, natural gas and gasoline*, between points in WY, SD, NE, CO, MT AND ND.

MC 138415 (Sub-24), filed December 21, 1981. Applicant: TRAILER EXPRESS, INC., P.O. Box #327, Topeka, IN 46571. Representative: Michael M. Yoder, P.O. Box 157, Topeka, IN 46571, (219) 593-2179. Transporting *expanded polystyrene*, between points in the U.S., under continuing contract(s) with E.F.P. Corporation, of Elkhart, IN.

MC 138415 (Sub-25), filed December 21, 1981. Applicant: TRAILER EXPRESS, INC., P.O. Box 327 Topeka, IN 46571. Representative: Michael M. Yoder, P.O. Box 157, Topeka, IN, (219) 593-2179. Transporting *flexible duct, insulation and heating and air conditioning equipment*, between points in the U.S., under continuing contract(s) with Design Air Systems, Inc., of Elkhart, IN.

MC 138415 (Sub-26), filed December 21, 1981. Applicant: TRAILER EXPRESS, INC., P.O. Box 327, Topeka, IN 46571. Representative: Michael M. Yoder, P.O. Box 157, Topeka, IN 46571, (219) 593-2179. Transporting *vans*, between points in the U.S., under continuing contract(s) with Advantage Corporation, of Goshen, IN.

MC 139875 (Sub-2), filed December 28, 1981. Applicant: DONALD E. GERALD, INC., 2210 E. Randolph Rd., Silver Spring, MD 20904. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *cement and mortar*, between points in Berkeley County, WV, on the one hand, and, on the other, points in MD.

MC 142864 (Sub-31), filed December 21, 1981. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN, MO, NH, NJ, NY,

OH, PA, RI, TN, VA, VT, WI, WV, and DC.

MC 144694 (Sub-5), filed December 21, 1981. Applicant: RIVERSIDE TRUCKING, INC., P.O. Box 351, Pell City, AL 35125. Representative: T. A. Flemming, Sr., (same address as applicant), (205) 884-2471. Transporting *lumber, timbers, plywood, and particleboard*, between Huttig, AR, and Lillie and Winnfield, LA, 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 145485 (Sub-7), filed December 23, 1981. Applicant: DAVIS CARTAGE COMPANY, 230 Sleseman St., Corunna, MI 48817. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 737-1030. Transporting *food and related products*, between points in MI, on the one hand, and, on the other, points in the U.S.

MC 146225 (Sub-4), filed December 21, 1981. Applicant: BECKER TRUCKING COMPANY, a corporation, Box 217, Newton Falls, OH 44444. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *ores and minerals*, between points in OH, on the one hand, and, on the other, points in PA and WV.

MC 146325 (Sub-3), filed December 18, 1981. Applicant: DELIVERY SERVICE, INC., 6284 Claude Way East, Inver Grove Heights, MN 55075. Representative: Marquita J. Finley, AAA Building, Suite 200, 170 E. 7th Place, St. Paul, MN 55101, (612) 297-8484. Transporting *hazardous waste materials*, between points in the U.S., under continuing contract(s) with Sperry Univac Computer Systems, of Roseville, MN.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 147494 (Sub-7), filed December 21, 1981. Applicant: BOBBY KITCHENS, INC., P.O. Drawer 5690, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39208, (601) 355-3543. Transporting (1) *forest products and glass*, between points in the U.S. under continuing contract(s) with Vitco-Division of Vitreous Intl. Trading Co., Inc., of Great Neck, NY, and (2) *frames and glass*, between points in the U.S. under continuing contract(s) with National Picture & Frame Company, Inc., of Greenwood, MS.

MC 148275 (Sub-6), filed December 18, 1981. Applicant: J. L. MCCOY, INC., Box 525, Ravenswood, WV 26164. Representative: John M. Friedman, 2930

Putnam Ave., P.O. Box 426, Hurricane, WV 25526, (304) 562-3460. Transporting *clay, concrete, glass or stone products*, between points in the U.S. (except AK and HI), under continuing contract(s) with AFG Industries, Inc., of Kingsport, TN.

MC 148665 (Sub-5), filed December 18, 1981. Applicant: CFS CONTINENTAL TRANSPORTATION COMPANY, 2550 North Clybourn Ave., Chicago, IL 60614. Representative: Leonard R. Kofkin, 29 South La Salle St., Chicago, IL 60603, (312) 236-9375. 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 W. W. Grainger, Inc., of Chicago, IL.

MC 150214 (Sub-5), filed December 22, 1981. Applicant: J. N. CARR TRANSPORT, INC., 351 Market St., Espy, PA 17815. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001, (202) 628-9243. Transporting *food and related products*, between points in Bradford County, PA, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, and RI.

MC 151134, filed December 21, 1981. Applicant: KARTRAN, INCORPORATED, 3310 Bobbie Lane, Garland, TX 75042. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255-6279. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and used household goods), in containers, between points in Harris County, TX and Galveston County, TX, on the one hand, and, on the other, points in Archer, Bonham, Clay, Collin, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hunt, Jack, Johnson, Kaufman, Lamar, Montague, Olney, Palo Pinto, Parker, Rockwall, Stephens, Tarrant, Wichita and Wise County, TX, restricted to traffic having a prior or subsequent movement by water or rail.

MC 151634 (Sub-5), filed December 21, 1981. Applicant: GOLDEN COACH, A.C., INC., Boston at Pacific, P.O. Box 1737, Atlantic City, NJ 08404. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838-0600. Transporting *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Newark, DE and Atlantic City, NJ, serving all intermediate points: from Newark, over Interstate Hwy 95 to junction PA Hwy 322, then over PA Hwy 322 via Commodore Barry Bridge to junction NJ Hwy 130, then over NJ Hwy 130 to

junction Interstate Hwy 295, then over Interstate Hwy 295 to junction NJ Hwy 42, then over NJ Hwy 42 to junction Atlantic City Expressway, then over Atlantic City Expressway to Atlantic City, and return over the same route.

MC 156615 (Sub-2), filed December 21, 1981. Applicant: LAWSON LINES, INC., 170 Hillsdale Dr., Fayetteville, GA 30314. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339, (404) 434-3381. Transporting *plastic articles*, between Baltimore, MD, and points in Dallas County, TX, Essex County, MA, Middlesex County, CT, Middlesex and Gloucester Counties, NJ, Suffolk County, NY, Baltimore County, MD, Henrico County, VA, Mecklenburg County, NC, Atlanta, Fulton, and Spaulding Counties, GA, Hillsborough and Dade Counties, FL, Hamilton and Cuyahoga Counties, OH, Springfield and Dupage Counties, IL, Fond du Lac County, WI, Hennepin County, MN, Denver County, CO, Los Angeles and Alameda Counties, CA, and King County, WA, on the one hand, and, on the other, points in the U.S.

MC 156755 (Sub-1), filed December 18, 1981. Applicant: RON C. VANETTES, d.b.a. R & T TRANSPORT SERVICES, 2656 Falcon Cr., Corona, CA 91720. Representative: Milton W. Flack, 8383 Wilshire Blvd., #900, Beverly Hills, CA 90211, (213) 655-3573. 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 MSA/LAMDA, Inc., of Los Angeles, CA.

MC 156785, filed December 12, 1981. Applicant: M.T.S., INC., 6201 Kansas Ave., Kansas City, KS 66111. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105-1961, (816) 221-1464. Transporting *wrecked and disabled trucks, tractors, and trailers*, between points in AR, CO, IA, KS, MO, NE, and OK.

MC 156885 (Sub-1), filed December 28, 1981. Applicant: CHARLES E. FOULKE & SONS, INC., 2215 N. Rockhill Rd., Sellersville, PA 18960. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357-7220. Transporting *coal products*, between points in Camden County, NJ, on the one hand, and, on the other, points in Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill Counties, PA.

MC 157005 (Sub-1), filed December 28, 1981. Applicant: APOLLO, INC., 10638 Eddyburg Rd., N.E., Newark, OH 43055.

Representative: John E. LeFevre (same address as applicant), (614) 345-7472. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Inland Container Corporation, of Indianapolis, IN.

MC 157175, filed December 21, 1981. Applicant: PATROIT TRUCKING, INC., 11231 Bullis Rd., Marilla, NY 14102. Representative: Nelson H. Cosgrove, 3976 Seneca St., West Seneca, NY 14224, (716) 675-1066. Transporting *steel products*, between points in NY, NJ, PA, IN, MD, OH, IL, WI, MA, RI, NH, CT, MI, KY, GA, AR, MN, NC, SC, VA, TN, TX, OK, FL, AL, LA, MO, KS, WV, ME, NE, SD, and ND.

MC 159784, filed December 18, 1981. Applicant: ROCHESTER ARMORED CAR CO., 1441 North 11th St., Omaha, NE 68101. Representative: Robert M. Cimino, 3035 South 72nd St., Suite 200, Omaha, NE 68124, (402) 393-5005. Transporting *securities, bank related items, and commodities of unusual value*, (1) between points in AR, IL, MO, and those in OK on, east and north of a line beginning at the OK-KS State line and extending along U.S. Hwy 75 to junction Interstate Hwy 40, then over Interstate Hwy 40 to the OK-AR State line; (2) between points in Hennepin County, MN, on the one hand, and, on the other, points in Douglas County, NE, on the one hand, and, on the other, points in IA; and (3) between points in ND, SD, and IA.

MC 159785, filed December 18, 1981. Applicant: MEDICINE LAKE BUS COMPANY, INC., d.b.a. MEDICINE LAKE LINES, 835 Decatur Ave., N., Golden Valley, MN 55427. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis MN 55402, (612) 340-0808. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Anoka, Dakota, Hennepin, Scott, Ramsey, Carver, Washington, and St. Louis Counties, MN, and extending to points in the U.S.

MC 159805, filed December 21, 1981. Applicant: TRANSPORT ROBERT PRIMEAU, INC., 1102 rue Centrale, Ville Ste-Catherine (Laprairie County), PQ, Canada JOL 1E0. Representative: J. P. Vermette, 5205 Metropolitan Blvd. East, Room 7, St. Leonard (Montreal), PQ, Canada, H1R 1Z7. Transporting *lumber*, between ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in CT, IL, MA, MD,

ME, MI, NH, NJ, NY, OH, PA, VA, VT, and WV.

MC 159825, filed December 22, 1981. Applicant: SKIPPERS DISTRIBUTING, 243 NE. Grant St., Hillsboro, OR 97123. Representative: William E. Skipper (same address as applicant), (503) 640-2134. Transporting *pipe, plate steel, particleboard, lumber and wood products*, between points in WA, OR, CA, MT, NV, ID, WY, UT, AZ, CO, and NM.

MC 159834, filed December 21, 1981. Applicant: AMERIND TRANSPORT CO., INC., South Depot Plaza, Tarrytown, NY 10591. Representative: Richard T. Blancato, 10 S. Broadway, Irvington, NY 10533, (914) 591-6226. Transporting *pulp, paper and related products*, between points in the U.S. under continuing contract(s) with American Independent Paper Mills Supply, Inc., of Tarrytown, NY.

MC 159844, filed December 21, 1981. Applicant: V & S TRANSPORTATION, INC., 1100 De Forest Ave., Long Beach, CA 90813. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945-2745. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in CA.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-719 Filed 1-11-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions Restriction Removals Decision-Notice

Decided: January 7, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of 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 36144 (Sub-10)X, filed December 1, 1981. Applicant: LAW MOTOR FREIGHT, INC., Airport Road, Nashua, NH 03061. Representative: T.J. O'Loughlin, Jr., 18 Baker Street, Hudson, NH 03051. Broaden lead: remove all exceptions to general commodity authority, except Classes A and B explosives; to radial authority; on regular routes, to all intermediate points and off-route points of Lawrence and Andover, MA, those within five miles of Boston, those in Hillsboro, Cheshire, Merrimack and Sullivan Counties, NH, to Essex and Middlesex Counties, MA and Hillsboro, Merrimack, Cheshire, Rockingham and Sullivan Counties, NH; 5 miles of New Bedford to Bristol and Plymouth Counties, MA; Acton, Leominster, Shirley, and Westminster MA, and points within 5 miles of New Bedford, MA, and points within 15 miles of Boston to Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk and Worcester Counties, MA; Nashua, NH, points within 10 miles of Nashua, Manchester, NH, Boston, MA, points within 5 miles of Manchester and Boston, to Hillsboro and Rockingham Counties, NH and Essex, Middlesex and Worcester Counties, MA; points in Massachusetts within 45 miles of Nashua, NH, to Hillsboro, Merrimack and Rockingham Counties, NH, and Essex, Franklin, Hampshire, Middlesex, Norfolk, Suffolk and Worcester Counties, MA; Hancock and Peterborough, NH to Cheshire and Hillsboro Counties, NH; Ayer, MA to Middlesex and Worcester Counties, MA; Red Hook, NY to Columbia, Dutchess, Greene and Ulster Counties, NY; Billerica, Boston, Littleton and Lowell, MA to Essex, Middlesex, Norfolk and Suffolk Counties, MA and Hillsboro and Rockingham Counties, NH; Milford and Wilton, NH to Hillsboro County, NH; Wilton, NH to Hillsboro County, NH; North Grosvenordale, CT to Windham County, CT; West Concord, MA to Bristol and Middlesex Counties, MA; Providence, RI to Bristol, Kent, Newport and Providence Counties, RI, New Haven, CT to New Haven County, CT;

Henniker and Bennington, NH, to Hillsboro and Merrimack Counties, NH; Northbridge and Ware MA and Dartington, Pawtucket and Providence RI to Bristol, Franklin, Hampden, Hampshire, Norfolk, and Worcester Counties, MA and Bristol, Kent, Newport and Providence Counties, RI; Wilton, NH to Hillsboro County, NH and South Barre, MA to Worcester County, MA; Jaffrey, Peterborough and Wilton, NH to Cheshire and Hillsboro Counties, NH; and Somerville, MA to Essex, Middlesex, Norfolk and Suffolk Counties, MA; apples and fruit to "farm products and food and related products", lumber, wooden boxes and wooden box shooks to "lumber and wood products"; paper to "pulp, paper and related products"; paper mill supplies to "industrial manufacturing supplies"; rayon and wool taps to "textile mill products"; empty bags to "containers"; sodium chloride to "chemicals and related products"; remove in bulk, in dump vehicles restrictions; remove restrictions: to/from Nashua, NH facility and against transportation of alcoholic beverages, equipment, materials, supplies used therewith to named facility.

MC 108117 (Sub-10)X, filed December 21, 1981. Applicant: PATTERSON TRUCKING, 45 Waln Avenue, Yardville, NJ 08620. Representative: David E. Fox, 1629 K Street, N.W., Suite 801, Washington, DC 20006. Lead permit, and Subs 5, 6, 7 to broaden (1) sulfate of ammonia, lead and fertilizer, lead, Subs 6 and 7 to "chemicals and related products"; and limestone, lead and Sub 5 and lime, lead to "clay, concrete, glass and stone products"; (2) remove in bulk, in dump vehicle restrictions in various subs and (3) to between points in the U.S., under continuing contracts with named shippers, in all permits and unnamed shippers in the lead.

MC 115724 (Sub-15)X, filed December 9, 1981. Applicant: PHILLIPS TRUCK LINES, INC., Suite 1, 4500 North Sewell, Oklahoma City, OK 73154. Representative: Max G. Morgan, P.O. Box 2650, Edmond, OK 73083. Sub-No. 8F permit, broaden (1) to "machinery" from road construction machinery and equipment and asphalt mixing plants, and equipment, parts, attachments and accessories; (2) to "between points in the U.S.," under continuing contract(s) with a named shipper; and (3) remove "except in bulk" from materials, equipment and supplies used in the manufacture and/or distribution of the commodities described above.

MC 121489 (Sub-29)X, filed December 31, 1981. Applicant: NEBRASKA-IOWA

XPRESS, INC., 3219 Nebraska Avenue, Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Sub 2, broaden general commodities (with usual exceptions) to "general commodities, except classes A and B explosives".

MC 127505 (Sub-81)X, filed December 28, 1981. Applicant: R. H. BOELK TRUCK LINES, INC., 1201 14th Avenue, Mendota, IL 61342. Representative: Jack L. Schiller, 123-60 83rd Avenue, Kew Gardens, NY 11415. Subs 13, 15, 16, 24, 27, 28, 30, 31, 38, 41, 42, 43, 46, 48, 50, 52, 53, 55, 58, 61, 62, 63, 67, 69, 71, 73 and 78 broaden: (1) to (a) "building materials", from face brick, Sub 13; plumbing materials and supplies, and bathroom or lavatory fixtures and accessories, Subs 16 and 28; plastic foam articles, Subs 24 and 27; plastic foam articles, liquid plastic, plumbing materials and supplies, bathroom and lavatory fixtures and accessories, and wallboard, Sub 31; urethane products, Sub 48; and mineral wool, mineral wool products, insulating material and insulated air duct, Sub 55 and plastic foam, liquid plastic and wallboard, Sub 50; (b) Sub 41, "farm equipment", from tractor cabs; (c) Sub 42, "metals and metal products", from aluminum and aluminum products; (d) Sub 43, "metal products and scrap metal", from aluminum extrusions, shapes and molding and aluminum scrap; (e) Sub 46, "metal products" from storage racks, and parts and accessories for storage racks; (f) Sub 52, "foundry materials", from foundry sand and foundry sand additives; (g) Subs 53 and 63, "pipe and fittings and accessories for pipe", from plastic pipe, and fittings and accessories for plastic pipe; (h) Sub 61, "food and related products" from sugar; (i) Sub 67, "metals and metal products and scrap metal" from aluminum ingots, aluminum scrap, aluminum slag, zinc alloy ingots and zinc and zinc alloy scrap; (j) Sub 69, "glass and glass glazing units", from flat glass and glass glazing units; and (k) Sub 73, "metals and metal products", from lead and lead alloys: (b) facilities and cities to county-wide authority Sub 13, St. Louis, St. Charles and Jefferson Counties, MO and St. Louis, MO and Monroe, Madison and St. Clair Counties, IL (St. Louis); Sub 15, Ballard County, KY (facilities near Wickliffe); Subs 16 and 28, Knox County, IL (Abingdon); Subs 24 and 27, Boone County, IL (Belevidere); Sub 30, Oshee County, MO (Meta); Subs 31 and 50, McLean County, IL (Bloomington); Sub 38, LaSalle County, IL, Cook, DuPage, and Will Counties, IL, and Porter and Lake Counties, IN and Jefferson County, KY (Mendota, IL,

Chicago, IL and Okolona, KY); Sub 41, Whiteside County, IL (Rock Falls, IL); Sub 42, Grundy County, IL (facilities near Grundy County); Sub 43, Kane County, IL (St. Charles); Sub 46, LaSalle and Marshall Counties, IL (Streator, Toluca and Mendota, IL); Sub 48, Hardin County, KY (facilities near Elizabethtown); Sub 50, Jefferson County, KY (Louisville); Sub 52, Calhoun County, MI (Albion) and Madison County, IL (Granite City); Sub 53, Genessee County, IN (facilities near Davidson) and Rice County, MN (facilities near Faribault); Sub 63 Muscatine County, IA (Wilton) Sub 55; Wyandotte, Johnson and Leavenworth Counties, KS and Cass, Jackson, Clay, and Platte Counties, MO (Kansas City); Sub 58, Boone County, MO (facilities near Columbia); Sub 62, Grundy, McLean and Ford Counties, IL (Morris, Normal and Paxton); Sub 67, McIntosh County, OK (Checotah); Sub 69, Warren County, MO (Truesdale); Sub 71, Cuyahoga, Lake, Lorain, Medina and Summit Counties, OH and Cook, DuPage and Will Counties, IL and Porter and Lake Counties, IN (Cleveland and Chicago); Sub 73, Iron County, MO (Glover); and Sub 78, Will County, IL (facilities near Plainfield); (3) to radial authority, all subs; (4) (a) restrictions (a) to traffic originating at and destined to, (b) against Mercer commodities, (c) to the transportation of shipments moving on bills of lading of freight forwarders, (d) against commodities in bulk and (e) against size or weight commodities, in various subs.

MC 128529 (Sub-1)X, filed December 8, 1981. Applicant: BUF-AIR EXPRESS, INC., 495 Aero Dr., Cheektowaga, NY 14225. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202. Lead certificate (A) Remove (1) all exceptions from the general commodities description, except classes A and B explosives; (2) "prior or subsequent movement by aircraft" restriction, and (B) Broaden to (1) Buffalo, NY (Greater Buffalo Airport); (2) Detroit, MI (Detroit Airport) (3) Boston, MA (Logan Airport) and (4) Pittsburgh, PA (Pittsburgh Airport).

MC 138274 (Sub-45)X, filed December 29, 1981. Applicant: PAYNE MOTOR LINES, INC., P.O. Box 43, Draper, UT 84020. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Sub-No. 15 broaden (1) rendering house products to "food and related products"; (2) Boise, ID, to Ada County; (3) delete plantsite restriction, (4) to radial authority; and (5) remove restriction against the transportation of meat meal, bone meal, and blood meal to WA and OR.

MC 139248 (Sub-6)X, filed December 22, 1981. Applicant: CONTRACT CARRIERS, INC., P.O. Box 444, Ellensburg, WA 98926. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Sub 4F, broaden from feed and feed ingredients in bulk to "commodities in bulk."

MC 146065 (Sub-5)X, filed December 4, 1981. Applicant: DAY TRANSFER INC., 1245 South West St., P.O. Box 1426, Indianapolis, IN 46206. Representative: John H. Day, 3909 South Lynhurst Rd., Indianapolis, IN 46241. Sub 2F certificate: (1) Remove the "except commodities in bulk" restriction from its authority to transport such commodities as are dealt in by grocery and drug stores and warehouses and (2) broaden to radial authority between Indianapolis, IN, and points in IN.

MC 146646 (Sub-151)X, filed December 9, 1981. Applicant: BRISTOW TRUCKING CO., INC., 750 Clow Rd., Birmingham, AL 35217. Representative: John R. Frawley, Suite 200, 120 Summit Pkwy., Birmingham, AL 35209. Subs 87, 138, 116, 11, 25, 104, 111, 78, 6, 19, 36, 58, 66, 67, 86, 128, 136, 134, 88, 90, 95, 100, 101, 55, 84, 70, 93, 96, 115, 76, 108, 68, 79, 5, 7, 8, 9, 10, 12, 13, 14, 20, 24, 28, 31, 32, 33, 34, 35, 37, 38, 39, 41, 42, 43, 44, 91, 102, 123, 124, 135, 137, 97, 110, 113, 105, 106, 52, 62, 77, 22, 23, 40, 47, 92, 132, 45, 21, 51, 83, 98, 99, 112, 120, 121, 107, 118, 50, 53, 48, 82, 94, 130, 133, 54, 56, 68, 69, 75, 89, 127, 109, 126, and 129 broaden: 1. Sub-87F—plastic cases and cassettes to "plastic and plastic articles", remove facilities restriction and to radial authority; 2. Sub-138F—general commodities (with usual exceptions) to "general commodities (except classes A and B explosives)"; 3. Sub-116F; (1) air conditioning and heating equipment and parts for the commodities in (1) to "appliances and machinery"; broaden facility limitation from Americus, GA, to Sumter County; 4. Sub-125—mechanic creepers and materials and supplies to "machinery and equipment"; Westville, NJ, to Gloucester County; Greenwood, MS, to LeFlore County; West Jordan, UT, to Salt Lake County; to radial authority; 5. Sub-11F, part 1—from machinery, machinery parts, rubber products, environmental control equipment, and air conditioning units to "machinery and rubber articles"; remove facility limitation and remove originating at/designed to and in bulk restriction; 6. Sub-25F—broaden facility limitation at Gadsden, AL, to Etowah County, AL, and remove originating at/designed to and in bulk restrictions; 7. Sub-104—new furniture to "furniture

and fixtures" and to radial authority; 8. Sub-114F part 1—from new furniture to "furniture and fixtures", remove facilities limitation and replace with Houston, TX; Chicago, IL; Passaic County, NJ, (Clifton, NJ) and Atlanta, GA; 9. Sub-111—broaden facilities at Americus, GA, to Sumter County; LaGrange, IN, to LaGrange County and to radial authority; 10. Sub-78F part 1—furniture, furniture parts, components and accessories thereto to "furniture and fixtures"; 11. Sub-6—remove in bulk restriction; broaden facility at Brudige and Troy, AL, to Pike County; 12. Sub-19F part 1—charcoal and charcoal briquets to "forest products"; 13. Sub-36F—unfrozen bakery goods to "food and related products"; Marietta, OK, New Rochelle, NY; Los Angeles, Corona, San Diego and LaHabra, CA; Biddeford, ME; and Woburn, MA to Love County, OK, Westchester County, NY; Los Angeles, Riverside, San Diego and Orange Counties, CA; York County, ME, and Middlesex County, MA; 14. Sub-58F part 1, liquid bleach, dish detergents to "chemicals and related products" remove the facility limitation and in bulk restriction; 15. Sub-66F—corn flour and corn meal (except in bulk) to "food and related products"; broaden facility at Mt. Vernon, IN, and Kankakee, IL, to Posey County, IN, and Kankakee County, IL, and to radial authority; 16. Sub-67F—non-alcoholic beverages (except in bulk) to "food and related products" remove facility limitation and to radial authority; 17. Sub-86F—remove in bulk, in tank vehicles, originating at or destined to and size and weight restrictions; remove facilities limitation; 18. Sub-128—foodstuffs to "food and related products"; broaden facilities at Crosswell, MI, to Sanilac County; and to radial authority; 19. Sub-136, part 1—canned goods to "food and related products" and Lindale, TX, to Wood County; 20. Sub-134, part 1—canned and bottled foodstuffs to "food and related products"; 21. Sub-88—foodstuffs (except in bulk) to "food and related products"; remove originating at restriction, and to radial authority; 22. Sub-90, part 1—bleach, soap powders, washing powders, liquid detergent, ammonia, soap pads, fabric softeners to "chemicals and related products"; Hapeville, GA, to Fulton County; 23. Sub-95—broaden facilities at Forest Park, GA, to Clayton and Fulton Counties; 24. Sub-100F—corn flower and corn meal to "food and related products"; broaden facility at Mt. Vernon, IN, and Kankakee, IL, to Posey County, IN, and Kankakee County, IL; and to radial authority; 25. Sub-101F—foodstuffs (except in bulk) to "food and

related products" and to radial authority; 26. Sub-55—remove in bulk restriction and facilities limitations and broaden Pascagoula, MS, to Jackson County; Bishopville, SC, to Lee County; Winston-Salem, NC, to Forsyth County; Cambridge, MD, to Dorchester County; 27. Sub-84—remove facilities limitation and broaden Salisbury, NC, to Rowan County, and to radial authority; 28. Sub-70F—remove facility limitation and broaden Henderson, TN; Henderson, KY; Alpha, OH; to Chester County, TN; Henderson County, KY; Greene County, OH; 29. Sub-93F—Calhoun, Chatsworth, Dalton and Ringgold, GA; Norwood, MA; Trenton, NJ, to Gordon, Murray, Whitfield, and Catoosa Counties, Ga, Norfolk County, MS; Mercer County, NJ; and remove facility limitation; 30. Sub-96—remove in bulk and against transportation of carpet restrictions and to radial authority; 31. Sub-115F—clay products, brick products and tile products to "building materials" and to radial authority; 32. Sub-76—lumber, plywood, compressed woods, built-up woods, veneers and millwork, to "lumber and wood products" remove facility limitation and broaden Olar, SC, to Bamberg County and Center, TX, to Shelby County; 33. Sub-108, part 1—roofing and roofing materials to "building materials", remove facilities limitations and broaden Tuscaloosa, AL, to Tuscaloosa County; Ennis, TX, to Ellis County; Stephens and Little Rock, AR, to Ouachita and Pulaski Counties and Franklin, OH, to Warren County; and from the port of entry at El Paso, TX, to all ports of entry in TX; 34. Sub-68F—clay building products and materials, equipment and supplies used in the manufacture, production and distribution of clay building products to "building materials" broaden Pomona and Westminster, CA, to Los Angeles and Orange Counties, and to radial authority; 35. Sub-79F—laminated beams, arches and wood decking to "building materials" and broaden El Dorado Springs, MO, to Cedar County, and to radial authority; 36. Sub-5F—remove facilities limitation and broaden Russellville, AL, to Franklin County; remove in bulk restriction; 37. Subs 7, 8, 9, 10, 12, 13, 24, 28, 31, 33—remove facilities limitation and broaden (a) Linden, NJ, to Union County, Sub-7; (b) Pittston, PA, to Luzerne County, Sub-8; (c) Largo, IN, to Wabash County, Sub-9; (d) L'anse, MI, to Baraga County, Sub-10; (e) Quincy, IL, to Adams County, Sub-12; (f) Port Clinton, OH, to Ottawa County, Sub-13; (g) Wilmington, IL, to Wills County, Sub-24; (h) Texarkana, AR, to Miller County, Sub-28; remove in bulk,

and originating at and/or destined to restrictions and to radial authority, Sub-33; 38. Subs 14 and 20—roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, urethane and urethane products, and materials, equipment and supplies (except in bulk), to "building and construction materials", remove facility limitation and in bulk restriction; to radial authority in both and broaden Birmingham, AL, to Jefferson County, Sub-20; 39. Subs 32, 34, 35, 37, 38, 39, 42, 43—remove in bulk restriction and facilities limitation; to radial authority and broaden (a) Elizabethtown, KY, to Hardin County, Sub-32; (b) Lockland, OH, to Hamilton County, Sub-34; (c) Pennsauken, NJ, to Camden County, Sub-35; (d) Paris, TN, to Henry County, Sub-38; (e) Marrero, LA, to Jefferson Parish, Sub-39; (f) Dubuque, IA, to Dubuque County, Sub-42; (g) Sunbury, PA, to Northumberland County, Sub-43; 40. Sub-41—roofing and roofing products (except commodities in bulk) to "building materials"; remove facility limitation; broaden Camden, AR, to Ouachita County; and to radial authority; 41. Sub-44—roofing and roofing materials to "building materials"; remove facilities limitations and to radial authority; 42. Subs 91, 102, 123, 124, 135, 137—general commodities with exceptions to "general commodities (except Classes A and B explosives and hazardous wastes)", all subs; remove restriction to traffic moving on freight forwarders bills of lading, Sub-91; broaden (a) Tamarac, FL, to Broward and Dade Counties; and Clifton, NJ, to Passaic County, Sub-102; (b) Bunkie, Mansura Junction, Hamburg, Simmesport, and Lettsworth, LA, to Avoyelles and Pointe Coupee Parishes, Sub-123; (c) Fernwood, Kokomo, Lexie, Tybertown, Black Bayou Junction, Minter City, Vance, Tutwiler, Belzoni, and Sunflower, MS, to Pike, Marion, Walthall, Leflore, Quitman, Tallahatchie, Humphreys and Sunflower Counties, Sub-124; (d) Subs-135 and 137 to radial authority and remove restriction to traffic originating at facilities of a named shipper association and its members; 43. Sub-97—industrial cleaners, weed killers, insecticides to "chemicals and related products"; remove facilities limitations and broaden Chamblee, GA to DeKalb County; Brisbane, CA, to San Mateo County; Camp Hill, PA, to Cumberland County; Charlotte, NC, to Mecklenburg County; Hialeah, FL, to Dade County, Keene, NH, to Cheshire County, Metairie, LA, to Jefferson and Orleans Parishes, Reno, NV, to Washoe County; 44. Sub-110F, part 1—industrial cleaners,

weed killers and insecticides to "chemicals and related products"; remove facility limitation and broaden Chamblee, GA, to DeKalb County; 45. Sub-113—chemicals and plastic bottles to chemicals and related products and rubber and plastic products; 46. Sub-105—remove facilities limitation and broaden Terrell, TX, to Kaufman County; 47. Sub-106—office and household fixtures and furnishings and parts and materials, equipment and supplies to "furniture and fixtures"; remove originating at or destined to restriction; broaden Nappanee, IN, to Elkhart County and to radial authority; 48. Sub-52F, part 1—zinc, zinc oxide, zinc dust, lead sheet, metallic cadmium, zinc dross, zinc residue, zinc skimmings, to "metal and metal products"; remove facility limitation; remove originating at and destined to restriction; and broaden Josephstown, PA, to Beaver County; 49. Sub-62F, part 1—lead to "metal and metal products", remove facility limitation; remove originating at or destined to and in bulk restrictions; 50. Sub-77—non-ferrous scrap metal to "metal products"; 51. Sub-22—remove in bulk restriction; remove facilities limitation and broaden South Plainfield, NJ, to Middlesex County and City of Industry, CA to Los Angeles County; 52. Sub-23F, part 1—moulded pulp paper products, to "pulp, paper and related products" remove facility limitation and broaden Macon, GA, and Griffith, IN, to Bibb County, GA, and Lake County, IN; 53. Sub-40F—remove facility limitation and broaden Mobile, AL, to Mobile County; and Fond Du Lac, Green Bay, Marinette and Oconto Falls, WI, to Fond Du Lac, Brown, Marinette and Oconto Counties; 54. Sub-47—remove in bulk restriction; 55. Sub-92—broaden West Point, VA, to King Williams County; remove originating at and destined to restriction and to radial authority; 56. Sub-132—industrial steelcase batteries to "electrical equipment" and to radial authority; 57. Sub-45—electronic instruments, components, tables and stands therefor and toys and games to "electrical equipment and toys and games", broaden Greeneville and Jefferson City, TN, to Greene and Jefferson Counties and to radial authority; 58. Sub-21—bananas and pineapples and agricultural commodities the transportation of which is exempt under 49 U.S.C. 10526(a)(6)(B), in mixed loads with bananas to "food and related products" and to radial authority; 59. Sub-51F—canned and bottled foodstuffs, and pepper pulp, in drums to "food and related products"; broaden Cade and Lodes, LA, and Wilson, NC, to St.

Martin, and Iberia Parishes, LA, and Wilson County, NC, and to radial authority; 60. Sub-83F—metal shelving, tables, checkout counters, and display racks, to "fixtures"; remove facility limitation and broaden Terrell, TX, to Kaufman County, and to radial authority; 61. Sub-98F—applejuice to "food and related products" remove facility limitation and broaden Inman, SC, to Spartanburg County, Aspers, PA to Adams County, and Williamson, NY, to Williamson County; remove in bulk, in tank vehicle restriction and to radial authority; 62. Sub-99—(1) salt and salt products, and (2) materials, equipment and supplies in agriculture, water treatment, food processing, wholesale grocery and institutional supply industries, in mixed loads with salt and salt products to "food and related products", remove facility limitation; broaden Weeks Island, LA, to Iberia Parish, LA, and to radial authority; 63. Sub-112F part 1—(1) charcoal, charcoal briquets, hickory chips, vermiculite, charcoal lighter fluid, fireplace logs, and barbecue supplies to "chemicals and related products, lumber and wood products, and metal products"; and remove in bulk restriction; 64. Sub-120 part 1—washing, cleaning, and scouring compounds and dispensers to "chemicals and related products"; 65. Sub-121 part 1—cleaning compounds and detergents to "chemicals and related products"; remove in bulk restriction and facilities limitation; 66. Sub-107—plastic brushes and plastic bristles to "rubber and plastic products"; remove facilities limitations and broaden Forest Dale and Middlebury, VT, to Chittenden and Addison Counties and to radial authority; 67. Sub-118—remove facilities limitation; 68. Sub-50F—dry cleaning and laundry equipment, materials and supplies and parts for the commodities above to "machinery", remove facility limitation to radial authority and remove in bulk and size and weight restrictions; 69. Sub-53F—automobile transmissions and parts and accessories for automobile transmissions to "transportation equipment"; remove facility limitation; and originating at or destined to restriction and broaden Fairhope, AL, to Baldwin and Mobile Counties; 70. Sub-48—remove in bulk restriction; 71. Sub-82F—television sets, radios, phonographs, stereo systems, recorders and players, speaker systems, audio equipment, and accessories, and component parts for the above commodities to "appliances"; remove facility limitation and broaden Bloomington, IN, to Monroe County, and

to radial authority; 72. Sub-94F, part 1—fireplaces, air heaters, ventilators, and barbecue grills, to "appliances and machinery"; and remove facility limitation; 73. Sub-130F—remove facility limitation and broaden Americus, GA, to Sumter County and Eufaula, AL, to Barbour County; 74. Sub-133F, part 1—home heating and air conditioning equipment, and outdoor recreational equipment, to "heating and air conditioning equipment and recreational equipment"; and remove in bulk and special equipment restrictions; 75. Sub-54, part 1; plastic pipe, fittings, valves, irrigation systems, pollution control equipment, steel and concrete tanks, and pumping stations (except commodities in bulk), to "pipe, machinery, and metal products" remove facility limitation and broaden Thomasville, GA, to Thomas County and remove originating at or destined to restriction; 76. Sub-56F—construction materials and oil and chemical absorbent materials (except commodities in bulk), to "construction materials and chemicals and related products"; remove facility limitation and broaden Summerville, SC, to Dorchester County; 77. Sub-69F—buildings (knocked down or in sections), and component parts to "building materials"; remove facility limitation and to radial authority; 78. Sub-75—remove in bags restriction and to radial authority; 79. Sub-89F—furniture, vanities, medicine cabinets, china sinks, china toilets, and plumbing fixtures, to "furniture and fixtures" and to radial authority; 80. Sub-127F, part 1—kitchen cabinets, vanities, shelf units, and hardwood flooring to "furniture and fixtures and floor coverings"; 81. Sub-109F; starch and pepper (except in bulk), to "food and related products" remove facility limitation and to radial authority; 82. Sub-126F—plastic film, to "rubber and plastic products" and remove facility limitation; and 83. Sub-129F, part 1—water heaters, domestic and commercial furnaces and air conditioners, and refrigerated appliances, metal and plastic containers, to "machinery, appliances, metal products and rubber and plastic products".

MC 148143 (Sub-16X), filed December 21, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant). Lead permit, broaden: general commodities (with exceptions) to general commodities (except classes A and B explosives, household goods, and commodities in bulk); and to between points in the U.S. under

continuing contract(s) with named shipper.

[FR Doc. 82-716 Filed 1-11-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 81-4]

Thomas E. Woodson, D.O.; Revocation of Registrations

On January 19, 1981, the Drug Enforcement Administration [DEA] directed two Orders to Show Cause to Thomas E. Woodson, D.O., of Seattle and Everett, Washington. The Orders to Show Cause advised Dr. Woodson (Respondent) that DEA was proposing to revoke his DEA Certificates of Registration, AW5756424 and AW5756436, for reason that the Supreme Court of the State of Washington had ruled that the Respondent was without authority to prescribe, dispense or administer controlled substances under the laws of the State of Washington. The Respondent requested a hearing and this matter was placed on the docket of Administrative Law Judge Francis L. Young. An Order for Prehearing Statements was issued by Judge Young on February 27, 1981.

On March 12, 1981, the Government filed a Motion for Summary Disposition with a supporting memorandum. The thrust of this motion was that there exists no genuine issue of material fact, that as a matter of law the Respondent's registrations must be revoked because he is not authorized to dispense under Washington State law, and that there was no need to hold an evidentiary hearing. A copy of the Washington Supreme Court opinion was attached. Upon receipt of the motion, the Administrative Law Judge vacated his Order for Prehearing Statements and provided the Respondent with an opportunity to file a response to the Government's motion.

The Respondent, through counsel, filed a response in which he argued that the Washington State Supreme Court decision should not be considered as dispositive of the question of whether or not the Respondent is authorized to dispense controlled substances under Washington law. He also asserted that this matter could not be properly disposed of in a summary manner.

Following a conference of counsel for both sides with the Administrative Law Judge, Government counsel addressed a request to the Washington State Board of Pharmacy for a certification as to whether or not the Respondent was

currently authorized to dispense, prescribe, administer or otherwise handle controlled substances under the laws of the State of Washington. Subsequently, Government counsel received, and filed, a letter from the Acting Executive Secretary of the State of Washington Board of Pharmacy with an attached memorandum to the Acting Executive Secretary from the State Attorney General's office. Government counsel renewed his motion for summary disposition, now supported by these two additional documents.

Counsel for the Respondent filed a reply and a second conference of counsel was held by the Administrative Law Judge in his office on June 25, 1981. Judge Young heard both attorneys at some length. In particular, he asked Respondent's counsel to articulate any issues of fact which he believed required an evidentiary hearing. No such issues were specified.

The Administrative Law Judge carefully examined all of the papers filed in this matter, including the En Banc opinion of the State Supreme Court, the letter from the Washington State Board of Pharmacy and the attachment thereto, and the current provisions of the Revised Code of Washington Annotated (RCW), 69.50.301, and following.

Judge Young found that the State Supreme Court clearly held that the Respondent, having only a "limited certificate" to practice osteopathy in Washington, was "not authorized to dispense drugs." The Court was speaking, of course, in light of the law as it existed at the time that the litigation in the state courts began. The Court discussed the law as it then existed, and its development over the years, at considerable length. The Respondent argued that recent amendments to the Washington code have changed the State law so as to permit the Respondent to dispense or otherwise handle controlled substances under the law as it exists today. After studying the new language of RCW § 18.57.020 in light of the State Supreme Court's opinion, the Administrative Law Judge concluded that the Respondent was mistaken. Judge Young agreed with the conclusion of the Assistant Attorney General who authorized the memorandum attached to the Board of Pharmacy letter that "Dr. Woodson only holds a limited certificate to practice osteopathy and he is not authorized to dispense, prescribe or administer controlled substances under Washington law." Judge Young further found that the Washington State Board of Pharmacy, the organ of the Washington State government

empowered to speak officially and authoritatively with respect to authorization to dispense controlled substances, had formally stated that the Respondent was not currently authorized to dispense, prescribe, administer or otherwise handle controlled substances under the laws of the State of Washington.

Section 303(f) of the Controlled Substances Act, 21 U.S.C. 823(f), provides that a practitioner such as the Respondent shall be registered by DEA to dispense controlled substances under the law of the state in which he practices. Accordingly, the Administrative Law Judge concluded that the Respondent cannot be registered to dispense controlled substances in Washington. He recommended that the Acting Administrator revoke the Respondent's two DEA registrations.

The Acting Administrator of the Drug Enforcement Administration has carefully considered the record of these proceedings. He has concluded that the findings and conclusions of the Administrative Law Judge are correct and that revocation in this case is absolutely required by the law. Accordingly, the Acting Administrator adopts the Opinion and Recommended Decision of the Administrative Law Judge in its entirety.

The Drug Enforcement Administration has consistently held that when a practitioner lacks requisite state authorization to handle controlled substances, DEA is without statutory authority to issue, or to maintain, a registration. In such cases, a motion for summary disposition is properly entertained and granted. See, *Marshall S. Tuck, M.D.*, Dk. 80-28, 45 FR 85845 (1980); *James Waymon Mitchell*, Dk. 79-16, 44 FR 71466 (1979); *John W. Whitenight, D.O.*, Dk. 77-30, 43 FR 28259 (1978); *Joseph A. Greco, M.D.*, Dk. 77-9, 42 FR 56647 (1977). Clearly, in circumstances such as these, there is no need for a plenary evidentiary administrative hearing. The law does not require that Government agencies perform useless and meaningless acts. *United States v. Consolidated Mines and Smelting Co., Ltd.*, 455 F. 2d 432, 453 (9th Cir. 1971); *NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F. 2d 634 (9th Cir. 1977).

Accordingly, pursuant to the authority vested in the Attorney General by 21 U.S.C. 824, as redelegated to the Administrator of the Drug Enforcement Administration by 28 CFR § 0.100, the Acting Administrator hereby orders that DEA Certificates of Registration

AW5756424 and AW5756436, previously issued to Thomas E. Woodson, D.O., be, and they hereby are, revoked, effective February 11, 1982.

Dated: January 6, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc 82-609 Filed 1-11-82; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-230-C]

Carbon Fuel Co.; Petition for Modification of Application of Mandatory Safety Standard

Carbon Fuel Company, 1300 One Valley Square, Charleston, WV 25301 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 36 Mine located in Kanawha County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. The deterioration of the roof and roof support system in section 7 has rendered these return aircourses unsafe to travel.

3. As an alternative method, petitioner proposes to danger off specified entries in section 7 and the return airways in their entirety. Checkpoints will be established at specified locations in this area.

4. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 11, 1982. Copies of the petition are available for inspection at that address.

Dated: December 30, 1981

Patricia W. Silvey,
Acting Director, Office of Standards,
Regulations and Variances.

[FR Doc 82-745 Filed 1-11-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-241-C]

Colorado Westmoreland Inc.; Petition for Modification of Application of Mandatory Safety Standard

Colorado Westmoreland Inc., P.O. Box E, Paonia, Colorado 81428, has filed a petition to modify the application of 30 CFR 75.1714-2(e)(3) (self-rescue devices; use and location requirements) to its Orchard Valley Mine located in Delta County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that self-contained self-rescuer (SCSR) devices not be placed more than 25 feet from miners on mantrips into and out of the mine.

2. Exposing the SCSR devices to the extreme winter mine temperatures and vibration extremes may render the devices inoperable.

3. As an alternative method, petitioner requests that the approved method to "cache" SCSRs for all situations except mantrips be expanded to include protection for mantrips.

4. In support of this request, petitioner states that:

a. All persons would personally carry the existing filter-type self-rescuers, thus assuring that each employee is protected at all times and has greater protection with additional oxygen-generating self-rescuers "cached" throughout the mine;

b. All employees will be familiar with the locations of all "cached" SCSRs and be required to inspect each apparatus each shift;

c. Periodic "caches" throughout the mine would allow an alternate apparatus should one unit fail;

d. Wearing the present filter-type self-rescuer would give added protection in the event of SCSR failure.

5. For those reasons petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before

February 11, 1982. Copies of the petition are available for inspection at that address.

Dated: December 30, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards,
Regulations and Variances.

[FR Doc. 82-744 Filed 1-11-82; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Washington State Standards; Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the *Federal Register* (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington Plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Sections 1952.120-124 of Subpart F set forth the State's schedule for the adoption of Federal standards. By letter dated July 10, 1981 from James P. Sullivan, Assistant Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to Federal standard 29 CFR 1910.261, Pulp, Paper, and Paperboard Mills. The original Federal Standard was published in the *Federal Register* (36 FR 10669) on May 29, 1971. Subsequent revisions were published in the *Federal Register* on October 24, 1978 (43 FR 49751).

The Washington Pulp, Paper, and Paperboard Mills Standard, which is contained in Chapter 296-79 WAC, was promulgated pursuant to 34-04 RCW and to the Open Public Meetings Act of 1971, Chapter 42.30 on July 10, 1970 and subsequently amended on April 3, 1974, January 30, 1976, October 8, 1976, January 10, 1977, April 13, 1977, July 11,

1977, January 8, 1981, and June 17, 1981 to accommodate State/Federal amendments and corrections since the original publication of 29 CFR 1910.261.

2. *Decision.* Having reviewed the State submission in comparison with the Federal Standard, it has been determined that, on the basis of the provision in the standard that the State's tagout procedures will be phased out within one year after the effective date of July 17, 1981, the State's lockout provision, WAC 296-79-220, will then be as effective as the several lockout provisions in 29 CFR 1910.261, the standard will be as effective as the comparable Federal Standard and accordingly should be approved.

Other significant differences from the Federal standard are: (a) Certain State Standards are incorporated by reference in the comparison documents in response to appropriate Federal standards. The referenced State Standards apply in *all* workplaces and across the entire spectrum of industry. (b) The State's response to 29 CFR 1910.261(k)(1) is more effective in that the emergency stop controls must be located at the operator's position and at all normal operating stations. (d) The State's responses to 29 CFR 1910.261(k)(13)(i) & (ii) "Broke Hole" are more effective in that a standard guardrail is considered to be minimum protection and additional measures are required where possible.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational

Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501; and the Office of State Programs, Room N-3613, 200 Constitution Avenue NW, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are as effective as the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State law and further participation would be unnecessary.

This decision is effective January 12, 1982.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 [29 U.S.C. 667])

Signed at Seattle, Washington this 28th day of August 1981.

James W. Lake,

Regional Administrator.

[FR Doc. 82-768 Filed 1-11-82; 8:45 am]

BILLING CODE 4510-26-M

NUCLEAR REGULATORY COMMISSION

Application for Licenses to Export/Import; Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H St., NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before February 11, 1982. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated: January 6, 1982, Bethesda, Maryland.

For The Nuclear Regulatory Commission,

James B. Devine,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

Name of applicant: date of application; date received and application No.	Material type	Material in Kilograms		End-use	Country of destination
		Total element	Isotope		
Edlow Int'l 12/07/81; 12/09/81; and XSNM01897.	3.15% enriched uranium	7,136	225	Reload fuel for Genkai Unit 1	Japan.
Transnuclear: 12/16/81; 12/18/81; XSNM01899.	93.3% enriched uranium	98,000	91.434	For use as driver fuel, fast neutron rods and production rods in the NRX and NRU reactors in 1984-85.	Canada.
Transnuclear: 12/16/81; 12/18/81; XSNM01900.	93.3% enriched uranium	99,000	92.367	For use as driver fuel, fast neutron rods and production rods for the NRX and NRU reactors for 1985-86.	Canada.
Combustion Eng.: 12/21/81; 12/21/81; XSNM01901.	3.27% enriched uranium	198,100	5,216	Initial core loadings for Laguna Verde Power Sta. Plant 2, Units 3 and 4.	Mexico.
Combustion Eng.: 12/21/81; 12/21/81; XSNM01902.	3.80% enriched uranium	450,000	17,500	5 reloads each, Laguna Verde Power Sta. Plant 2, Units 3 and 4.	Mexico.
Exxon Nucl. Co.: 12/16/81; 12/22/81; XSNM01903.	3.5% enriched uranium	27,200	952	2 reloads—Osharshamn Unit 1	Sweden.
Transnuclear: 12/28/81; 12/29/81; XSNM01905.	93.3% enriched uranium	11,700	10,916	Fuel for FRJ-2 (DIDO)	W. Germany.
Mitsubishi Int'l: 12/14/81; 12/22/81; IJ81025.	Natural uranium	1,300,000		For conversion from U308 to UF6 by Allied Chemical and then reexport to Japan for Kansai Elect. Power Co.	From S. Africa.
Transnuclear: 12/28/81; 12/29/81; ISNM81026.	1.02% enriched uranium	20,000	204	Enriched feed material for Obrigheim fuel enriching contract.	From France.
Combustion Eng.: 12/21/81; 12/21/81; XR149.				2PWR's 1300 MWe each, Laguna Verde Power Sta., Plant 2, Units 3 and 4.	Mexico.

[FR Doc. 82-780 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 318]

**Baltimore Gas and Electric Co.
Issuance of Amendments to Facility
Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 64 and 46 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to provide updated Limiting Conditions for Operation and Surveillance Requirements for dynamic component restraints (snubbers), delete the restriction on performance of the 60 month reserve battery capacity test, and assign the reserve battery to a capacity test load group.

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 the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these 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 the amendments.

For further details with respect to this action, see (1) the application for amendment dated July 30, 1981, (2) Amendment Nos. 64 and 46 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. 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 28th day of December 1981.

For The Nuclear Regulatory Commission.
Charles M. Trammell,
Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-772 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329 CP & 50-330 CP]

**Consumers Power Co. (Midland Plant,
Units 1 and 2); Reconstitution of
Atomic Safety and Licensing Appeal
Board**

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Christine N. Kohl, Chairman
Dr. W. Reed Johnson
Gary J. Edles

Dated: January 5, 1982.

C. Jean Shoemaker,
Secretary to the Appeal Board.

[FR Doc. 82-773 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270 and 50-287]

**Duke Power Co., Issuance of
Amendments to Facility Operating
Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 106, 106, and 103 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the TS limits on the out-of-service times for the emergency feedwater system.

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 the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these 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 the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 17, 1981, (2) Amendments Nos. 106, 106, and 103 to Licenses Nos. DPR-38, PR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. 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 29th day of December 1981.

For the Nuclear Regulatory Commission.
John F. Stolz,
*Chief, Operating Reactors Branch No. 4,
Division of Licensing.*

[FR Doc. 82-774 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320 OLA]

**Metropolitan Edison Co., et al. (Three
Mile Island Nuclear Station, Unit 2)
Modification of Order**

I

December 30, 1981.

Metropolitan Edison Company (Met Ed), Jersey Central Power and Light Company (JCP&L) and Pennsylvania Electric Company (PENELEC) (the Licensees) are the holders of Facility Operating License No. DPR-73, which had authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI-2) at power levels up to 2772 megawatts thermal. The facility, which is located in Londonderry Township, Dauphin County, Pennsylvania, is a pressurized water reactor previously used for the commercial generation of electricity.

By Order for Modification of License, dated July 20, 1979, the Licensees'

authority to operate the facility was suspended and the Licensees' authority was limited to maintenance of the facility in the present shutdown cooling mode. 44 FR 45271 (August 1, 1979). By further Order of the Director, Office of Nuclear Reactor Regulation, dated February 11, 1980, a new set of formal license requirements was imposed to reflect the post-accident condition of the facility and to assure the continued maintenance of the current safe, stable, long-term cooling condition of the facility. 45 FR 11282 (February 20, 1980). These requirements were memorialized in the form of proposed Technical Specifications set forth in an attachment to the Order.

II

By Amendment No. 18 to Facility Operating License No. DPR-73, issued concurrently with this Modification of Order, GPU Nuclear Corporation ("GPUNC"), a wholly-owned subsidiary of General Public Utilities Corporation (GPU), has replaced Met Ed as the sole licensee authorized to operate TMI-2. The three original Licensees continue, however, to be owners of the facility and, although GPUNC becomes a licensee of the facility, all of its funding is provided by and its financial obligations assumed by Met Ed, JCP&L, and PENELEC.

Since the organizational structure of GPUNC differs in some respects from that of Met Ed, certain proposed Technical Specifications are being modified to reflect changes in title. These modifications do not alter the substance of the specifications in any manner.

The Staff has prepared a Safety Evaluation in support of Amendment No. 18. This evaluation concluded in material part, that the modification proposed in the Amendment does not involve a significant hazards consideration and that there is reasonable assurance that the health and safety of the public will not be endangered thereby.

It was further determined that the amendment does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), that an environmental impact appraisal need not be prepared herewith.

On the basis of that Safety Evaluation, the Staff has also concluded that the Amendment to the license and the conforming changes to the proposed Technical Specifications will strengthen the Licensees' organization for the continued maintenance of the safe

shutdown condition of the facility and for its recovery. As such, the public health, safety, and interest warrant the effectiveness of the Amendment and Modification of Order on January 1, 1982.

III

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, proposed Technical Specifications 3.7.6.1, 6.1, 6.2, 6.3, 6.4, 6.51.6, 6.5.1.7, 6.5.1.8, 6.5.2.2, 6.5.2.9, 6.5.2.10, 6.5.2.11, 6.6.1, 6.7.1, 6.8.2, 6.8.3.1 and 6.8.3.2 imposed by the director's Order of February 11, 1980, are modified, effective on January 1, 1982, in the manner described in Section II of this Order and as set forth specifically in Attachment A hereto.

For details with respect to this action see (1) Amendment No. 18 to Operating License DPR-73, (2) Technical Specification Change Request No. 31, dated September 14, 1981, (3) Director's Order of February 11, 1980, and the Staff's Safety Evaluation related to this action. All of the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Commission's Local Public Document Room at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Effective date: December 30, 1981.

Dated at Bethesda, Maryland, this 30th day of December 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Office of Nuclear Reactor Regulation.

[FR Doc. 82-775 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Metropolitan Edison Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-73, previously issued to Metropolitan Edison Company (Met-Ed), Jersey Central Power & Light Company (JCP&L), and Pennsylvania Electric Company (PENELEC), Operating License No. DPR-73 formerly authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI-2) located in Dauphin County, Pennsylvania, but that authorization was suspended by an Order for Modification of License, limiting the authorization to maintaining

the facility in its present safe shutdown condition. 44 FR 45271 (August 1, 1979). This amendment effects changes to License No. DPR-73 by replacing Metropolitan Edison Company with GPU Nuclear Corporation (GPUNC) as the sole licensee authorized to operate the Three Mile Island Nuclear Station, Unit No. 2 (TMI-2). GPUNC will provide the technical and managerial support for the operation of TMI-2, with TMI-2 still being owned by Met-Ed, JCP&L and PENELEC.

By concurrent action the Commission's Director of the Office of Nuclear Reactor Regulation has issued a Modification of his February 11, 1980 Order (45 FR 11282, February 20, 1980), which had imposed the requirements of proposed Appendix A Technical Specifications incorporated in the license, to reflect changes in titles resulting from the change in operating entities.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has also determined that the changes effected by the amendment and the Modification of Order will result in a strengthening of the licensee's organization for the continued maintenance of the safe shutdown condition of the facility and for its recovery. On this basis, the Commission has concluded that the public health, safety and interest warrant that the amendment and the Modification of Order should become effective January 1, 1982.

For further details with respect to this action, see (1) the application for amendment dated September 14, 1981, (2) Amendment No. 18 to License No. DPR-73 limiting the authorization to maintain the facility in its present safe shutdown condition, (3) the Modification of Order issued as part of the approval of this amendment, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Program Director, TMI Program Office, Office of the Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 30th day of December 1981.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, TMI Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 82-776 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-42, and Amendment No. 47 to Facility Operating License No. DPR-60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revise the Appendix A Technical Specifications concerned with the operation of the steam exclusion dampers, the applicability of the containment pressure and temperature limits and the deletion of special tests which have been completed.

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 the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these 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 August 27, 1976, (2) Amendment Nos. 53 and 47 to License

Nos. DPR-42 and DPR-60, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. 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 30th day of December 1981.

For The Nuclear Regulatory Commission.

Charles M. Trammell,

Acting Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 82-777 Filed 1-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Operating License No. DPR-59 issued to the Power Authority of the State of New York which revises the Technical Specifications for operation of the James A. FitzPatrick Nuclear Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of its issuance.

The amendment is administrative in nature in that it deletes redundant emergency planning Technical Specification requirements already set forth by § 50.54 to 10 CFR Part 50.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the 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 the amendment.

For further details with respect to this action, see (1) the application for

amendment dated September 18, 1981, (2) the supplemental submittal dated December 31, 1981, (3) Amendment No. 61 to License No. DPR-59, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (3) and (4) 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 31st day of December 1981.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 82-778 Filed 1-11-82; 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 U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 35 and No. 15 to Facility Operating License Nos. NPF-4 and NPF-7 issued to the Virginia Electric and Power Company (the licensee) which revised the 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 7 days from the date of issuance.

The amendments revise the Technical Specification for determining the Quadrant Power Tilt Ratio when above 75% of rated thermal power with one Power Range Channel inoperable.

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 September 21, 1981 (Serial No. 491); (2) Amendment No. 35 and No. 15 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, NW., 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 31st day of December, 1981.

For The Nuclear Regulatory Commission,
Robert A. Clark,
Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 82-779 Filed 1-11-82; 8:45 am]
BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12133; (811-1876)]

Capital Venture Fund, Inc.; Proposal To Terminate Registration Pursuant to Section 8(f) of the Act

January 4, 1982.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Capital Venture Fund, Inc. ("Fund"), 1050 Northgate Drive, San Rafael, CA 94903, registered under the Act as an open-end, non-diversified, management investment company, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Fund was organized under the laws of the State of Delaware on May 29, 1969, and that it registered under the Act on June 2, 1969. The Fund did not file a registration statement under the Act nor a registration statement under the

Securities Act of 1933 in order to make a public offering of its shares. It has not filed any of the periodic reports required by the Act since it registered under the Act. Finally, information in the Commission's files indicates that the Fund was abandoned, and that it ceased to exist as a corporate entity. Thus, it appears that the Fund is not engaged in the business of being an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, and upon the taking effect of that order, the registration of that company shall cease to be in effect.

Notice is further given that any interested person may not later than January 25, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of this matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request, or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-712 Filed 1-11-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22345; (70-6682)]

Central and South West Corp.; Proposed Issuance and Sale of Common Stock

January 5, 1982.

Central and South West Corporation ("CSW"), 2700 One Main Place, Dallas, Texas 75250, a registered holding company, has filed a declaration with this Commission pursuant to sections 6(a), and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

CSW proposes to issue and sell by competitive bidding in one or two transactions by December 31, 1982 up to 10,000,000 shares of its common stock, par value \$3.50 per share. Net proceeds, estimated at \$155 million, from the sale of the stock will be used to retire short-term debt incurred to finance capital contributions to wholly-owned subsidiaries.

By supplemental order dated December 10, 1981 (HCAR No. 22310), CSW was authorized to issue and sell up to 10,000,000 shares of its authorized and unissued common stock, par value \$3.50 per share, not later than January 31, 1982. The authorization currently requested in this proceeding would be in lieu of the authorization granted in the December 10, 1981 order. Should conditions render competitive bidding inappropriate and unwise, CSW would amend this declaration to seek an exception from competitive bidding.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested person wishing to comment or request a hearing should submit their views in writing by January 28, 1982 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc 82-711 Filed 1-11-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12134; (812-4987)]

Tucker Anthony Mutual Fund; Filing of Application Pursuant to Section 6(c) of the Act for an Order Exempting Applicant From Section 2(a)(41) of the Act and the Rules 2a-4 and 22c-1 Thereunder

January 4, 1982.

Notice is hereby given that Tucker Anthony Mutual Fund ("Applicant"), Three Center Plaza, Boston, MA 02108, registered under the Investment Company Act of 1940 ("Act") as a no-load, open-end, diversified, management investment company, filed an application on October 8, 1981, requesting on order of the Commission pursuant to section 6(c) of the Act to exempt the Applicant from the provisions of section 2(a)(41) of the Act and rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value the portfolio assets of its Government Securities Fund series on the basis of the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the investment adviser for the Applicant is Tucker Anthony Management Corporation. Applicant was formed as a Massachusetts business trust in 1980 and initially had only one series of shares, designated as Tucker Anthony Cash Management Fund. Applicant received an exemptive order permitting the use of amortized cost pricing for that series on March 25, 1981 (Investment Company Act Release No. 11702).

Applicant states that it has established a second series called the Tucker Anthony Government Securities Fund ("Fund"). The Fund will offer to individuals, corporations, fiduciaries and institutions a means of investing in a professionally managed portfolio consisting of specified types of short term securities, with the objective of obtaining as high a level of current income as is consistent with the preservation of capital and liquidity. Applicant states that the Fund will invest exclusively in short term obligations issued or guaranteed as to principal and interest by the United States Treasury or an agency of the

United States Government, or in repurchase agreements with respect to such obligations.

Applicant's board of trustees has determined in good faith that absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and will be in the best interests of the shareholders of the Fund and reflects the fair value of such securities. Applicant asserts that under the amortized cost method, the Fund shareholders would have the conveniences and advantages of a stable purchase and redemption price of \$1.00 per share.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except as a price based on the current net asset value of such securities which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value and other securities and assets shall be valued at fair market value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that use of the amortized cost method of valuing the Fund's portfolio securities will benefit the Fund shareholders by enabling Applicant to maintain a \$1.00 per share purchase and redemption price for the Fund's shares. Applicant believes that the granting of the requested exemptions by the Commission is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested.

1. In supervising the Fund's operations and delegating special responsibilities involving management of the Fund's portfolio to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the value per share, as computed for the purpose of distribution, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of the Fund as determined by using available market quotations from the \$1.00 amortized cost price per share, and maintenance of records of such review.¹

¹ To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from the Fund's \$1.00 amortized cost price per share exceeds 1/2 of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes that the extent of any deviation from the Fund's \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will cause the Fund to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share for the Fund; provided, however, that the Fund will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.²

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit the portfolio investments of the Fund, including repurchase agreements, to those United States dollar-denominated instruments

²In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

which the board of trustees determines present minimal credit risks, and which are in the two highest ratings by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 25, 1982, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-710 Filed 1-11-82; 8:45 am]
BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

January 5, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

AZL Resources Incorporated, Common Stock, No Par Value (File No. 7-6110)
Dataproducts Corporation, Common Stock, \$.10 Par Value (File No. 7-6111)
HRT Industries, Incorporated, Common Stock, \$1 Par Value (File No. 7-6112)
Omnicare, Incorporated, Common Stock, \$1 Par Value (File No. 7-6113)
Supron Energy Corporation, Common Stock, \$1 Par Value (File No. 7-6114)
Thackeray Corporation, Common Stock, \$.10 Par Value (File No. 7-6115)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 26, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-736 Filed 1-11-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22352; (70-6684)]

The Narragansett Electric Co.; Proposed Issuance and Sale of First Mortgage Bonds

January 5, 1982.

The Narragansett Electric Company ("Narragansett"), 280 Melrose Street, Providence, Rhode Island 02901, an electric utility subsidiary of New

England Electric System ("NEES"), a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to Sections 6(a), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50(a)(5) promulgated thereunder. Narragansett proposes to issue and sell prior to December 31, 1982, up to \$20,000,000 principal amount of a new series of first mortgage bonds having a term of not more than 30 years. The terms will be determined by competitive bidding. The bonds will be issued under Narragansett's First Mortgage Indenture and Deed of Trust dated as of September 1, 1944, as supplemented and as to be further supplemented. Net proceeds from the sale of the bonds, together with other available cash, will be used by Narragansett to finance its business, including retirement, in part, of two bond series aggregating \$21,900,000, maturing March 1, 1982, and payment of short-term debt. If the bond issuance and sale is postponed beyond the intended sale date of March 1, 1982, Narragansett will retire the maturing bonds with Treasury funds and the proceeds of short-term borrowings either presently authorized or as may be further authorized.

If market conditions make competitive bidding impracticable or undesirable, Narragansett will, subject to further Commission authorization, either place the bonds privately with institutional investors or negotiate with underwriters for the sale of the bonds.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 28, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-738 Filed 1-11-82; 8:45 am]

BILLING CODE 8010-01-M

Tannetics, Inc., Common Stock, \$1 Par Value; Application To Withdraw From Listing and Registration

[File No. 1-7735]

January 5, 1982.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Tannetics, Inc. ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on December 8, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before January 26, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-737 Filed 1-11-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12140; (812-5011)]

Winthrop Residential Associates II One Winthrop Properties, Inc. and Linnaeus-Hampshire Realty Co.; Filing of Application Pursuant to Section 6(c) of the Act for Exemption From All Provisions of the Act

January 5, 1982.

Notice is hereby given that Winthrop Residential Associates II ("Partnership"), 225 Franklin Street, Boston, Massachusetts 02110, a Maryland limited partnership and its general partners, One Winthrop Properties, Inc. ("One Winthrop") and Linnaeus-Hampshire Realty Company ("Linnaeus") ("General Partners" and together with the Partnership, collectively referred to hereinafter as "Applicants"), filed an application on November 9, 1981, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting the Partnership from all provisions of the Act and rules thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the Partnership is virtually identical to Winthrop Residential Associates I, an earlier real estate limited partnership sponsored by First Winthrop Corporation which pursuant to an order of the Commission dated June 9, 1981 (Investment Company Act Release No. 11807), was granted an exemption from all the provisions of the Act and the rules and regulations thereunder.

Applicants state that the Partnership was formed under the Maryland Uniform Limited Partnership Act on October 21, 1981, as a vehicle for equity investment in government-assisted rental housing in accordance with the policies and objectives of Title IX of the Housing and Urban Development Act of 1968 ("Title IX"). Applicants state that the Partnership will operate as a "two-tier" entity, i.e., the Partnership, as a limited partner, will invest in other limited partnerships ("Local Limited Partnerships"), that in turn, will engage in the development, rehabilitation, ownership and operation of housing for low and moderate income persons.

Applicants state that in approximately 15% to 30% of the Local Limited Partnerships, and affiliate of the Artery Organization, Inc., ("Artery"), will participate as a limited partner initially with the right to become a general partner upon the withdrawal of the local general partner.

Applicants state that on November 9, 1981, the Partnership filed a registration statement under the Securities Act of 1933 (the "Securities Act"), pursuant to which the Partnership intends to offer publicly 15,000 units of limited partnership interest ("Units") at \$1,000 per Unit with a minimum investment of \$5,000 per investor. Purchasers of Units will become limited partners ("Limited Partners") of the Partnership. According to the application the Partnership has registered a total of 25,000 Units and has granted to Winthrop Securities Co., Inc. ("Selling Agent"), a right, to sell up to 10,000 additional Units. It is estimated that the Partnership will have as net proceeds of its public offering, a minimum of \$1,305,000 and a maximum of \$13,575,000 (\$22,725,000 if the Selling Agent exercises its right to sell an additional 10,000 Units) available for investment after deduction for sales commissions, anticipated offering expenses, acquisition fees and expenses, and the establishment of a contingency reserve.

Applicants state that subscriptions for Units must be approved by One Winthrop (the "Managing General Partner"), and that such approval will be made conditional upon representations concerning suitability of the investment for each subscriber. Applicants further state that the partnership agreement pursuant to which the Partnership is formed ("Partnership Agreement") will require that, at least for the first five calendar years of the Partnership's operation, transfers of Units will be permitted only if the transferee meets the same suitability standards that had been imposed upon the transferor Limited Partner.

Applicants state that the Partnership will be controlled by the General Partners, and the Limited Partners, consistent with their limited liability status, will not be entitled to participate in the control of the business of the Partnership. Limited Partners owning a majority of Partnership interests will have the right to amend the Partnership Agreement, dissolve the Partnership, remove any General Partner and elect a replacement therefore, and to dissolve the Partnership. Any amendment to the Partnership Agreement, however, may not allow the Limited Partners to take

part in the control of the Partnership's business or otherwise affect their limited liability.

According to the application, the Partnership will receive an opinion of counsel to the effect that the Partnership's liability in respect of each Local Limited Partnership will be limited to the Partnership's capital contribution to the Local Limited Partnership. Applicants represent, in addition, that under the Partnership Agreement, each Limited Partner is entitled to review all books and records of the Partnership at any and all reasonable times.

Applicants state that the Partnership intends to invest only in Local Limited Partnerships in which an experienced real estate developer will agree to serve as the managing general partner for at least 10 years. If the local general partner is unwilling to serve in such capacity for at least 10 years, Applicants state that the Partnership will invest in that Local Limited Partnership only if an entity affiliated with Artery ("Artery Affiliate") participates as a limited partner, with the right to become the managing general partner under specified circumstances. Applicants also state that the Partnership expects to be able to negotiate more favorable prices for its investments in those Local Limited Partnerships in which an Artery Affiliate participates as a partner that otherwise would be possible, since the participation of the Artery Affiliate will allow the local general partner to withdraw following completion of construction or rehabilitation of the project.

According to the application, substantial fees and other forms of compensation will be paid to the General Partners, their affiliates and Artery Affiliates. The Applicants represent that all such compensation will be fair and on terms no less favorable to the Partnership than would be the case if such arrangements had been made with independent third parties. In addition, compensation in various forms will be paid to the local general partner of each Local Limited Partnership, in amounts estimated to equal 10% to 15% of the cost of each Local Limited Partnership project.

Applicants state that the Partnership expects to file with the Commission, pursuant to Section 15(d) of the Securities Exchange Act of 1934 ("Exchange Act"), all required annual reports, quarterly reports, and current reports on Forms 10-K, 10-Q and 8-K, respectively, as well as any other reports required by the Exchange Act. In addition to those reporting

requirements, Applicants state that the Partnership will, under the terms of the Partnership Agreement, be required to provide comprehensive reports to Limited Partners on a periodic basis. Applicants also state that until the net proceeds of the Partnership's public offering have been fully invested or returned to the Limited Partners, the Partnership will furnish each Limited Partner, at least quarterly with a report concerning the investments of the Partnership.

Without conceding that the Partnership is an investment company as defined in the Act, Applicants request that the Partnership be exempted from all provisions of the Act pursuant to Section 6(c). Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of the Act and rule thereunder if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 1, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notice, and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-739 Filed 1-11-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18393; File No. SR-CBOE-81-28]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Proposed Rule Change Relating to the Date Membership Dues Are Payable

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 23, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change.

Additions are italicized; deletions are bracketed.

Membership Dues

Rule 2.20. The dues payable by members shall be fixed from time to time by the Board. Dues shall be payable [on the last day of September, December, March and June of each year] *in full on the first day of January, April, July and October on a nonrefundable basis and shall be applied to the quarter beginning on that day.* The Board may, on the request of a member who is serving on active duty in the Armed Forces of the United States, waive dues during the period of such service.

II. A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

The purpose of the proposed rule change is (1) to change the liability date for quarterly membership dues from the day before a quarter begins to the first day of that quarter and (2) to make explicit that such dues are not refundable, for example, in the event of a membership sale or transfer. The basis under the Securities Exchange Act of 1934 (the Act) for the proposed change is section 6(b)(4), in that the Exchange continues to provide for the equitable allocation of reasonable dues among its members.

(B) Self-Regulatory Organization's Statement on Burden on Competition.

The proposed rule change would not impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.

Formal comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 2, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

January 6, 1982.

[FR Doc. 82-781 Filed 1-11-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18394; File No. SR-NASD-81-24]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Proposed Rule Change; Relating to Advertising Guidelines for Investment Companies and Variable Contracts

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 28, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change.

The purpose of the proposed guidelines is to assist members in complying with the Association's rules governing the content of public communications.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change.

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

Association members must conform to principles of fair dealing and good faith in public communications as specified in Article III, Section 35 of the Rules of Fair Practice. Certain communications, such as those concerning investment company securities or variable contracts can be quite complicated or technical, particularly if related to investment results or comparisons. Experience with the Commission's Statement of Policy (withdrawn on March 8, 1979) demonstrated that, because there are numerous methods of presenting such data, a variety of purposes for such presentations, and important differences among investment companies in terms of investment objectives and risk, precise standards which apply to all situations are

virtually impossible to develop. The guidelines, therefore, present general principles to be applied by members. Non-compliance with the guidelines will not, in and of itself, be the basis for disciplinary action.

The statutory basis for the proposed rule change is found in Section 15A(b)(6) of the Securities Exchange Act of 1934. The Association believes that the guidelines will further the role of the NASD in regulating its members' sales literature and advertising and therefore in protecting the interests of the investing public.

(B) Self-Regulatory Organization's Statement on Burden on Competition.

The Association does not believe that the guidelines will impose a burden on competition that is not necessary in furtherance of the purposes of the Act. The Association believes that the guidelines are necessary to the membership in compliance with Article III, Section 35 of the Association's Rules of Fair Practice.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.

A total of five comments were received on the guidelines as proposed. Two of the commentators suggested that the guidelines include more specific standards concerning comparisons of money market mutual funds with bank investments and the use of certain terminology by money market funds. While the Association is sympathetic with the concerns of these commentators, it was not felt that the approach suggested would be consistent with that of the guidelines, which is to focus on general principles and not specific requirements or prohibitions. The other three commentators expressed concern that certain sections of the proposed guidelines dealing with performance illustration standards were too rigidly worded and implied requirements. In response thereto, the Board of Governors agreed that the language as proposed was unduly rigid and revised the guidelines to clarify the fact that, while certain standards are recommended, they are not required.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the

purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 2, 1982.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: January 6, 1982.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-782 Filed 1-11-82; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Metro Capital Corp.; Surrender of License

[License No. 04/04-5177]

Notice is hereby given that, pursuant to § 107.105 of the Small Business Administration's Rules and Regulations governing Small Business Investment Companies (CFR 107.105 (1981)), Metro Capital Corporation, 5403 Aloha Place, Holiday, Florida 33590, incorporated under the laws of the State of Florida, has surrendered its License Certificate No. 04/04-5177, issued by SBA on February 5, 1981.

Metro Capital Corporation has complied with the conditions set forth by SBA for surrender of its License. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above cited Regulation, the License of Metro Capital Corporation is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 6, 1982.

Robert G. Lineberry,
Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-728 Filed 1-11-82; 8:45 am]
BILLING CODE 8025-01-M

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

AGENCY: Synthetic Fuels Corporation.

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are invited to attend and observe a meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings. During the meeting, the Board of Directors may consider a resolution to close a portion of the meeting pursuant to Article II section 4 of the Corporation's By-laws, section 116(f) of the said Act and sections 4 and 5 of the said policy.

Meeting Open To The Public—8:30 a.m.

1. Approval of minutes of prior meeting.
2. Consideration of project strength criteria.
3. Consideration of the Corporation's annual report to the Congress.
4. Management status report.
5. Budget status report.
6. Department of Energy projects.
7. Compensation and employee relocation policies.
8. Consideration of insurance matters.
9. Briefing by Office of Planning.

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

Time and Date: 8:30 a.m., January 18, 1982.

Place: Radisson Plaza Hotel, Nashville, Tennessee.

Person to Contact for More Information:

If you have questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 653-4230.

Synthetic Fuels Corporation.

Edward E. Noble,
Chairman of the Board.

January 6, 1982.

[FR Doc. 82-787 Filed 1-11-82; 8:45 am]
BILLING CODE 6450-01-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 7

Tuesday, January 12, 1982

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).

[No. 3, January 7, 1982]
[S-36-82 Filed 1-7-82; 4:03 pm]
BILLING CODE 6720-01-M

CONTENTS

	<i>Items</i>
Federal Home Loan Bank Board	1
Federal Maritime Commission	2
Federal Reserve System	3
Nuclear Regulatory Commission	4

1

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 47, Issue No. (none at this time) Page No. (none at this time) Date to be published, Friday, January 8, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Friday, January 8, 1982.

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 has been renamed.

Old Name: Amortization of Discounts on Purchases of Long-Term, Deep Discount Securities

New Name: Amortization of Certain Discounts and Matching Losses

2

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 887, January 7, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., January 13, 1982.

CHANGE IN THE MEETING: Addition of the following item to the open session:

7. Report on terminal handling charges of conferences serving the U.S. East and Gulf Coast trades.

[S-38-82 Filed 1-8-82; 10:33 am]
BILLING CODE 6730-01-M

3

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, January 18, 1982.

PLACE: 20th Street and Constitution Avenue, NW, Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: January 8, 1982.

James McAfee,

Assistant Secretary of the Board.

[S-39-82 Filed 1-8-82; 3:15 pm]
BILLING CODE 6210-01-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 11, 1982 (additional items).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Wednesday, January 13:

2:00 p.m.

1. Discussion of Pending Adjudicatory Matter (approximately 30 minutes)
2. Discussion of Export Licensing Policy

AUTOMATIC TELEPHONE ANSWERING

SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE

INFORMATION: Walter Magee (202) 634-1410.

January 6, 1982.

Walter Magee,

Office of the Secretary.

[S-37-82 Filed 1-8-82; 8:45 am]
BILLING CODE 7590-01-M

Reader Aids

Federal Register

Vol. 47, No. 7

Tuesday, January 12, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations	
CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
Federal Register	
Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187
Laws	
Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030
Presidential Documents	
Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230
SERVICES	
Agency services	523-4534
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128	4
129-588	5
589-744	6
745-934	7
935-1108	8
1109-1256	11
1257-1366	12

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR	264	940
	316a	132
Proclamations:		
4707 (Amended by Proc. 4889)	1	
4889	1	
November 14, 1912 (Revoked by PLO 6101)	769	
5 CFR		
410	935	
1201	936	
Proposed Rules:		
Ch. I	154	
352	956	
550	958	
610	958	
890	961	
7 CFR		
Subtitle B	745	
2	5, 6	
68	129	
282	532	
301	1257	
425	6	
631	130	
701	937	
800	131	
905	589	
906	1265	
907	746	
910	939	
944	747, 1265	
1924	590	
1942	590	
Proposed Rules:		
102	631	
979	631	
1006	814	
1007	962	
1012	814	
1013	814	
1033	814	
1036	814	
1040	814	
1124	814	
1125	814	
1133	814	
1134	778, 814	
1135	814	
1136	778, 814	
1137	778, 814	
1139	814	
1250	1105	
1865	33	
1951	33	
8 CFR		
101	940	
204	942	
238	131	
9 CFR		
Ch. I	745	
Ch. II	745	
Ch. III	745	
82	1109	
92	591	
10 CFR		
40	8	
70	8	
71	596	
73	600	
150	8	
504	749	
508	749	
Proposed Rules:		
Ch. XVI	1138	
317	1137	
378	817	
440	1299	
457	1301	
500	161	
501	161	
503	161	
790	1302	
12 CFR		
5	132	
203	750	
213	755	
217	9	
226	755	
327	943	
Proposed Rules:		
701	963	
702	633	
13 CFR		
120	9	
124	1109	
14 CFR		
21	756	
39	10-14, 759, 1110-1113	
71	15-18, 759, 760, 1113-1115	
73	18	
75	18	
97	1115	
201	132	
207	134	
208	134	
212	135	
231	137	
245	761	
246	762	
298	604	
302	138	

321.....	139	146.....	963	875.....	967	Proposed Rules:	
380.....	140	168.....	163	877.....	967	Ch. 60.....	402
399.....	140	310.....	424, 430	879.....	967	43 CFR	
Proposed Rules:		333.....	436	882.....	967	428.....	624
Ch. I.....	817	357.....	444-512	884.....	967	Public Land Orders:	
39.....	1140-1142	358.....	522	886.....	967	6100.....	21
71.....	36-38, 1144, 1145	23 CFR		888.....	967	6101.....	769
73.....	1146	Proposed Rules:		913.....	57	Proposed Rules:	
91.....	818	635.....	1146	921.....	560	4100.....	1155
296.....	633	24 CFR		922.....	560	44 CFR	
297.....	633	201.....	616, 617	937.....	560	65.....	770
15 CFR		203.....	916	939.....	560	66.....	770
50.....	18	234.....	916	31 CFR		70.....	771, 772
371.....	609	511.....	1117	535.....	145	67.....	22
373.....	609	540.....	1117	32 CFR		Proposed Rules:	
376.....	609	541.....	1117	Proposed Rules:		205.....	827
378.....	609	551.....	1117	543.....	822	45 CFR	
379.....	141	555.....	1117	585.....	190	680.....	193
385.....	141, 609	556.....	1117	33 CFR		681.....	193
390.....	144	561.....	1117	110.....	1117	682.....	193
399.....	141, 609	26 CFR		117.....	1118	683.....	193
16 CFR		1.....	147	165.....	1118	684.....	193
305.....	18, 19	Proposed Rules:		Proposed Rules:		46 CFR	
17 CFR		1.....	163, 164, 988	88.....	826	Proposed Rules:	
201.....	609	15A.....	164	89.....	826	510.....	215
211.....	1266	27 CFR		34 CFR		536.....	655
18 CFR		Proposed Rules:		624.....	540	47 CFR	
Ch. I.....	613	5.....	1148	625.....	540	0.....	1294
141.....	1267	9.....	1149-1153	626.....	540	2.....	953
270.....	614	29 CFR		627.....	540	21.....	953
282.....	20	Subtitle A.....	145	674.....	736	73.....	150
Proposed Rules:		Ch. V.....	145	675.....	736	74.....	150, 953
141.....	39	Ch. XVII.....	145	676.....	736	Proposed Rules:	
271.....	39, 638	1952.....	1289	690.....	736	2.....	983, 1308
273.....	638	Proposed Rules:		Proposed Rules:		15.....	216, 836
274.....	638	Subtitle A.....	402	674.....	908	73.....	58, 837, 983, 985, 1308
19 CFR		Ch. V.....	402	675.....	908	74.....	983
10.....	944	Ch. XVII.....	402	676.....	908	90.....	1310
101.....	1286	Ch. XXV.....	402	36 CFR		49 CFR	
20 CFR		5.....	966	Ch. II.....	745	Ch. X.....	613
Ch. I.....	145	1990.....	187	40 CFR		1.....	1122
Ch. V.....	145	2672.....	1304	52.....	762, 763, 947, 948, 1119, 1290-1292	830.....	773
Ch. VI.....	145	30 CFR		60.....	950	1033.....	151, 152, 624, 773, 776
Proposed Rules:		Proposed Rules:		65.....	1293	1056.....	777
Ch. I.....	402	Ch. I.....	402	80.....	764	Proposed Rules:	
Ch. V.....	402	Ch. VII.....	820	81.....	763, 952, 1120	1031.....	1155
Ch. VI.....	402	211.....	819	123.....	618, 1248	1039.....	220
404.....	642	700.....	41	180.....	619-623	1300.....	220
416.....	642	701.....	41	262.....	1248	1310.....	59
21 CFR		716.....	928	264.....	953	50 CFR	
1.....	946	764.....	41	265.....	1254	23.....	1294
2.....	946	770.....	41	762.....	148, 149	32.....	1122-1135
73.....	946	771.....	41	Proposed Rules:		611.....	625, 1294, 1295
105.....	946	779.....	41	52.....	191, 1304	662.....	629
135.....	1287	780.....	41	65.....	969	675.....	1295
170.....	946	783.....	41	86.....	972, 1306	Proposed Rules:	
172.....	946	784.....	41	123.....	1155	23.....	1242
173.....	145	785.....	41	180.....	651-654	41 CFR	
175.....	1288	786.....	41	244.....	1307	Ch. 50.....	145
176.....	1288	788.....	41	245.....	1307	Ch. 60.....	145
178.....	1288	816.....	41	246.....	1307		
193.....	616	817.....	41	775.....	193		
510.....	146	825.....	41	799.....	973		
522.....	146	826.....	928	41 CFR			
558.....	1289	828.....	41	Ch. 50.....	145		
Proposed Rules:		870.....	967	Ch. 60.....	145		
20.....	162	872.....	967				
		874.....	967				

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**

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing January 6, 1982

