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Thursday,
February 4, 1982

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

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Presidential Documents

Title 3—

The President

Executive Order 12345 of February 2, 1982

Physical Fitness and Sports

By virtue of the authority vested in me as President of the United States of America, and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), in order to expand the program for physical fitness and sports and to continue the President's Council on Physical Fitness and Sports, it is hereby ordered as follows:

Section 1. The Secretary of Health and Human Services shall, in carrying out his responsibilities for public health and human services, develop and coordinate a national program for physical fitness and sports. The Secretary shall:

(a) Enlist the active support and assistance of individual citizens, civic groups, private enterprise, voluntary organizations, and others in efforts to promote and improve the fitness of all Americans through regular participation in physical fitness and sports activities.

(b) Initiate programs to inform the general public of the importance of exercise and the link which exists between regular physical activity and such qualities as good health and effective performance.

(c) Strengthen coordination of Federal services and programs relating to physical fitness and sports participation and invite appropriate Federal agencies to participate in an interagency committee to coordinate physical fitness and sports activities of the Federal establishment.

(d) Encourage State and local governments to emphasize the importance of regular physical fitness and sports participation.

(e) Seek to advance the physical fitness of children, youth, adults, and senior citizens by systematically encouraging the development of community recreation, physical fitness, and sports participation programs.

(f) Develop cooperative programs with medical, dental, and other similar professional societies to encourage the implementation of sound physical fitness practices and sports medicine services.

(g) Stimulate and encourage research in the areas of sports medicine, physical fitness, and sports performance.

(h) Assist educational agencies at all levels in developing high quality, innovative health and physical education programs which emphasize the importance of exercise to good health.

(i) Assist recreation agencies and national sports governing bodies at all levels in developing "sports for all" programs which emphasize the value of sports to physical, mental, and emotional fitness.

(j) Assist business, industry, government, and labor organizations in establishing sound physical fitness programs to elevate employee fitness and to reduce the financial and human costs resulting from physical inactivity.

Sec. 2. *President's Council on Physical Fitness and Sports.* (a) There is hereby continued the President's Council on Physical Fitness and Sports.

(b) The Council shall be composed of fifteen members appointed by the President. The President shall designate one of the members to be the Chairman.

Sec. 3. *Functions of the Council.* (a) The Council shall advise the President and the Secretary concerning progress made in carrying out the provisions of this Order and shall recommend to the President and the Secretary, as necessary, actions to accelerate progress.

(b) The Council shall advise the Secretary on matters pertaining to the ways and means of enhancing opportunities for participation in physical fitness and sports activities.

(c) The Council shall also advise the Secretary on State, local, and private actions to extend and improve physical activity programs and services.

Sec. 4. *Administrative Provisions Concerning the Council.* (a) The Secretary and the Council are authorized to request from any Federal agency such information or assistance deemed necessary to carry out their functions under this Order.

(b) Each Federal agency is authorized, to the extent permitted by law and within available funds, to furnish such information and assistance to the Secretary and the Council as they may request.

(c) The members of the Council shall serve without compensation for their work on the Council. However, members of the Council may receive travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in government service (5 U.S.C. 5701–5707).

(d) To the extent permitted by law, the Secretary shall furnish the Council with necessary staff, supplies, facilities, and other administrative services. The expenses of the Council shall be paid from funds available to the Secretary.

(e) The Secretary shall appoint an Executive Director of the Council.

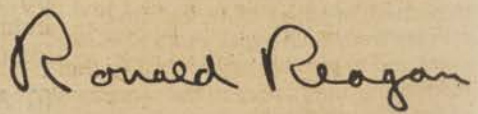
(f) The seal prescribed by Executive Order No. 10830 of July 24, 1959, as amended, shall continue to be the seal of the President's Council on Physical Fitness and Sports continued by this Order.

Sec. 5. *General Provisions Concerning the Council.*

(a) Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), except that of reporting annually to the Congress, shall be performed by the Secretary in accordance with guidelines and procedures established by the Administrator of General Services.

(b) In accordance with the Federal Advisory Committee Act, as amended, the Council shall terminate on December 31, 1982, unless sooner extended.

(c) Executive Order No. 11562, as amended, is revoked.



THE WHITE HOUSE,
February 2, 1982.

[FR Doc. 82-3126
Filed 2-2-82; 3:19 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Thursday, February 4, 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

Domestic Quarantine Notices; Gypsy Moth and Browntail Moth Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms amendments to the gypsy moth and browntail moth quarantine and regulations which quarantined the States of Arkansas, California, Nebraska, Oregon, Washington, and West Virginia because of the gypsy moth; designated a certain area within Arkansas as a gypsy moth high-risk area; and designated certain areas within California, Nebraska, Oregon, Washington, and West Virginia as gypsy moth low-risk areas. These amendments are necessary to help prevent the artificial spread of the gypsy moth. The effect of these amendments is to impose restrictions on the interstate movement of gypsy moth regulated articles from such gypsy moth high-risk area, and to provide official notice that restrictions may apply to the movement of gypsy moth regulated articles from gypsy moth low-risk areas.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT:
T. J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Room 635, Federal Building, Hyattsville, MD 20782, 301–436–8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The amendments have been determined to be not a "major rule" under Executive Order 12291 and Secretary's Memorandum 1512–1. Based on information compiled by the Department, it has been determined that the amendments will not have a significant effect on the economy; 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 have a significant adverse effect 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.

It appears that almost all of the activities to be regulated under the amendments would relate to the movement of gypsy moth regulated articles from gypsy moth high-risk areas and low-risk areas.

The amendments impose restrictions on the interstate movement of gypsy moth regulated articles from a certain area in Arkansas designated as a gypsy moth high-risk area. It appears that very few, if any, regulated articles are likely to be moved from the area designated as a high-risk area, except for articles moved from one nursery.

The amendments also impose restrictions on the movement of gypsy moth regulated articles from gypsy moth low-risk areas only if it is determined by an inspector that any life stage of the gypsy moth is on the regulated article, and the person in possession of the article has been so notified by an inspector. It appears that the gypsy moth low-risk areas should have few regulated articles to be inspected under this criteria.

Alternatives were considered in connection with the amendments. In this connection, consideration was given concerning (1) whether to retain the amendments or (2) whether to remove the amendments. Alternative (1) is adopted because it appears that it is necessary to help prevent the interstate spread of the gypsy moth.

Further, it appears that there is no feasible alternative to consider regarding the requirement that agencies choose the alternative that maximizes net benefits to society at the lowest net cost.

For this rulemaking action, the Office of Management and Budget has waived their review process required 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 Arkansas, California, Nebraska, Oregon, Washington, and West Virginia. 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 fewer than 6 small entities move such articles interstate from the specified areas in those States. Further, this action will cause no significant economic impact on other types of small entities.

Background

In a document published in the **Federal Register** on October 2, 1981 (46 FR 48627–48629), the Department issued an interim rule amending the gypsy moth and browntail moth quarantine and regulations (7 CFR 301.45 *et seq.*) by quarantining the States of Arkansas, California, Nebraska, Oregon, Washington, and West Virginia because of the gypsy moth; by designating a certain area in Arkansas as a gypsy moth high-risk area; and by designating certain areas in California, Nebraska, Oregon, Washington, and West Virginia as gypsy moth low-risk areas.

The document of October 2, 1981, invited interested persons to submit written comments concerning the amendments on or before December 1, 1981. No written comments were received.

The document of October 2, 1981 also included a notice of a public hearing concerning the amendments. Pursuant to

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 amendments and did not suggest any changes.

The factual situations which were set forth in the document of October 2, 1981, still provide a basis for the amendments. Accordingly, it has been determined that the amendments should remain effective as published in the **Federal Register** on October 2, 1981.

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162; 37 FR 28464, 28477), as amended (38 FR 19141))

Done at Washington, D.C., this 1st day of February 1982.

Harvey L. Ford,

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

[FR Doc. 82-2874 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Reg. 6, Amdt. 4]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment revises the minimum grade requirements for Florida seedless grapefruit and imported seedless grapefruit by requiring fresh shipments to meet the external requirements of Improved No. 2 grade and the internal requirements of U.S. No. 1 grade. Currently, such shipments are only required to meet Improved No. 2 grade. The change in minimum grades recognizes the quality of the remaining supply of grapefruit and is consistent with the current and prospective demand for grapefruit in the interest of growers and consumers.

EFFECTIVE DATE: 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 final action has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been this notice, a public hearing was held on November 3, 1981, in St. Louis, Missouri. One oral comment was presented at the public hearing by a representative of the Arkansas State Plant Board. The comment was in support of the because it would not measurably affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information.

The minimum grade requirements, specified herein, reflect the committee's and the Department's appraisal of the need to revise the grade requirements applicable to Florida seedless grapefruit in recognition of the recent freeze in Florida. The freeze resulted in some fruit damage throughout the production area. A more restrictive internal grade requirement (U.S. No. 1) will aid in preventing both domestic and export shipment of freeze damaged fruit. Specification of such requirement assures that the available supply of marketable fruit reaches the consumer.

Under section 8e of the Act (7 U.S.C. 608e-1), whenever specified commodities, including grapefruit, 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. Thus, grade requirements for imported white and pink seedless grapefruit will also change to conform to the grade requirements for domestic shipments of Florida white and pink seedless grapefruit. It is hereby found that this regulation will tend to effectuate the declared policy of the act.

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

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Accordingly, it is found that the provisions of § 905.306 (Orange, Grapefruit, Tangerine and Tangelo Regulation 6) (46 FR 60170; 60411; 61441; 47 FR 589) are amended by revising the entries in Table I paragraph (a), applicable to domestic shipments, and the entries in Table II, paragraph (b), applicable to export shipments, to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation 6.

(a) * * *

TABLE I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (in.) (4)
*	* * * * * *		*
Grapefruit:			
Seedless, except pink.	Feb. 8 to Aug. 22, 1982	Improved No. 2 (external) U.S. No. 1 (internal)	3 3/16
	On and after Aug. 23, 1982	Improved No. 2	3 3/16
Seedless, pink	Feb. 8 to Aug. 22, 1982	Improved No. 2 (external) U.S. No. 1 (internal)	3 3/16
	On and after Aug. 23, 1982	Improved No. 2	3 3/16
*	* * * * * *		*

(b) * * *

TABLE II

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (in.) (4)
*	* * * * * *		*
Grapefruit:			
Seedless, except pink.	Feb. 8 to Aug. 22, 1982	Improved No. 2 (external) U.S. No. 1 (internal)	3 3/16

TABLE II—Continued

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
	On and after Aug. 23, 1982	Improved No. 2	3 3/16
Seedless, pink	Feb. 8 to Aug. 22, 1982	Improved No. 2 (external) U.S. No. 1 (internal).	3 3/16
	On and after Aug. 23, 1982	Improved No. 2	3 3/16
*	* * * *	* *	*

* * * * * * *

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

Dated: January 29, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-2875 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1004

[Milk Order No. 4; Docket No. AO-160-A57]

Milk in the Middle Atlantic Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changing present provisions of the Middle Atlantic milk order is based on industry proposals which were considered at a public hearing held in September 1981. The amendments reduce for part of the year the proportion of receipts at a distributing plant which must be disposed of as Class I milk, while increasing the percentage of producer milk which may be diverted to nonpool plants. Also, plants that process the market's reserve milk supplies and meet pool performance requirements during certain months of the year will be automatically qualified for pooling for the remaining months. The amendments are necessary to reflect current marketing conditions and to assure orderly marketing in the Middle Atlantic area.

EFFECTIVE DATE: The order provisions set forth herein shall become effective March 1, 1982.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202/447-6273).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of hearing: Issued August 18, 1981; published August 21, 1981 (46 FR 42486).

Order Suspending Certain Provisions: Issued September 30, 1981; published October 6, 1981 (46 FR 49102).

Recommended Decision: Issued November 25, 1981; published December 1, 1981 (46 FR 58337).

Final Decision: Issued January 8, 1982; published January 14, 1982 (47 FR 2118).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1982. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Marketing Program Operations, was issued November 25, 1981, and the decision of the Deputy Assistant Secretary containing all amendment provisions of this order was issued January 8, 1982. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1982, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register.** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the

handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA; ORDER AMENDING ORDER

1. In § 1004.7 paragraphs (a) and (e) introductory texts are revised to read as follows:

§ 1004.7 Pool plant.

* * * * *

(a) A plant from which during the month a volume not less than 40 percent in the months of September through February, and 30 percent in the months of March through August, of its receipts described in paragraph (a) (1) or (2) of this section is disposed of as Class I milk (except filled milk) and a volume not less than 15 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area.

* * * * *

(e) Subject to the conditions of paragraph (e)(1) of this section, a plant that was qualified pursuant to paragraph (b), (c), or (d) of this section during each of the immediately preceding months of September through February shall remain so qualified during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated a nonpool plant for such month and each subsequent month of such period during which it does not otherwise qualify pursuant to said paragraph (b), (c), or (d):

* * * * *

2. In § 1004.12 paragraphs (d)(2) (i) and (ii) are revised to read as follows:

§ 1004.12 Producer.

* * * * *

(d) * * *

(2) * * *

(i) All of the diversions of milk of members of a cooperative association to nonpool plants are for the account of such cooperative association and the amount of member milk so diverted does not exceed 30 percent of the volume of milk of all members of such cooperative association received at all pool plants during such month.

(ii) All of the diversions of milk of dairy farmers who are not members of a cooperative association diverting milk for its own account during the month are diversions by a handler in his capacity as the operator of a pool plant from which the quantity of such nonmember milk so diverted does not exceed 30 percent of the total of such nonmember milk delivered to such handler during the month.

* * * * *

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

Effective date: March 1, 1982.

Signed at Washington, D.C., on January 29, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-2953 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 113

Viruses, Serums, Toxins, and Analogous Products; Standard Requirement for Pasteurella Multocida Bacterins, Avian Isolates, Type 4

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations by adding new standard requirements for purity, safety, potency, and efficacy for biological products containing Pasteurella Multocida Bacterin, Avian Isolate, Type 4. It also deletes the general requirements for Pasteurella Multocida Bacterins, Avian Isolate, from the standards. General requirements are now incorporated in the introductory paragraphs of the standard requirements for Pasteurella Multocida Bacterin, Avian Isolates, Types 1, 3, and 4. Safety test procedures and potency test terminology in the standard requirements for Types 1 and 3 isolates are revised to be consistent with the new standards for Type 4 isolate.

When standard requirements have been developed by Veterinary Services (VS) through experience with a number of firms' products as specified in Outlines of Production and/or through the development of scientific knowledge at National Veterinary Services Laboratories (NVSL) or elsewhere, such requirements are codified in the regulations. Codification assures uniformity and general applicability of the requirements to all licensees. Until now, the requirements for each firm's Pasteurella Multocida Bacterin, Avian Isolate, Type 4, were in the firms' Outlines of Production filed with VS for these products in accordance with 9 CFR 114.8. This amendment makes uniform requirements available to the general public and applicable to all licensees.

EFFECTIVE DATE: This amendment becomes effective March 8, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Senior Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8245.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 to implement Executive Order 12291 and has been classified as a "nonmajor" rule.

Additionally, Dr. Harry 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 because licensees who prepare this product are already required to conduct these tests, except for the positive controls in the potency test, according to their filed Outlines of Production. This amendment makes testing requirements identical and available to all current and prospective licensees.

Standard requirements consist of test methods, procedures, and criteria established by VS for evaluating biological products for purity, safety, potency, and efficacy. Until standard requirements are developed by VS and are codified in the regulations (9 CFR Part 113), test methods, procedures, and criteria to be used in the evaluation of a product are developed by the licensee, confirmed by NVSL, and written into an Outline of Production, which is required to be approved for filing with VS.

When standard requirements for a biological product have been developed by VS, they are codified in the regulations. Codification assures uniformity and general applicability of the requirements to all licensees and to the general public. This amendment contains the standard requirements for evaluating all licensed products containing Pasteurella Multocida Bacterin, Avian Isolate, Type 4. These new Type 4 standard requirements were patterned on the current standard requirements for the similar Type 1 and Type 3 products. The new Type 4 potency test was developed from data jointly obtained by the licensees and NVSL.

The codification of this new standard requirement makes most of the general

requirements for Pasteurella Multocida Bacterins, Avian Isolates, found in § 113.101 obsolete. Therefore, the obsolete general requirements are deleted and those requirements that remain applicable are included in the revised § 113.101 and also incorporated into the introductory paragraphs of §§ 113.102 and 113.103, which contain standard requirements for Pasteurella Multocida Bacterin, Avian Isolates, Types 1 and 3, respectively.

The safety test contained in §§ 113.102 and 113.103 is revised to provide flexibility in order to avoid conducting retests when a test bird dies accidentally or shows other unfavorable reactions that are not attributable to the product. This revision makes the present standards for Pasteurella Multocida Bacterin, Avian Isolates, Types 1 and 3, consistent with the new standard for Pasteurella Multocida Bacterin, Avian Isolate, Type 4.

The validity terminology for the potency test contained in §§ 113.102 and 113.103 is amended to be consistent with the new § 113.101 standard type 4 bacterin. This amendment is solely for clarity of meaning.

On October 19, 1979, a notice of proposed rulemaking was published in the **Federal Register** at 44 60306 discussing this revision and soliciting comments. Two reponses were received. Both requested additional time to conduct Type 4 bacterin potency tests using the new VS reference bacterin. This was considered a valid and reasonable request. Therefore, a notice of extension of time for comments was published January 22, 1980, at 45 FR 4359.

Subsequently, two responses were received. Both responses provided data and requested that the potency test requirement for the Type 4 bacterin in proposed § 113.101 be the same as the current potency test requirements in §§ 113.102 and 113.103 for Type 1 and Type 3 products; i.e., at least 70 percent of vaccinates be protected and at least 80 percent of unvaccinated control birds die following challenge for a valid and satisfactory test. The proposed § 113.101 would have required 80 percent protection of vaccinates and 70 percent death among controls.

Additional Type 4 bacterin potency test data developed by NVSL confirmed the licensees' data that at least 80 percent of unvaccinated control birds would routinely die following appropriate challenge. Therefore, this suggestion has been incorporated in the final rule in section 113.101(c) (5), (6), and (7). No other comments were made or exceptions taken to the proposed rules.

PART 113—STANDARD REQUIREMENTS

After consideration of all relevant matters, including the proposal set forth in the above notice, and under authority in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendment of Part 113, Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as modified from the above notice, is adopted as follows:

1. Section 113.101 is revised to read:

§ 113.101 Pasteurella Multocida Bacterin, Avian Isolate, Type 4.

Pasteurella Multocida Bacterin, Avian Isolate, Type 4 shall be prepared from cultures of *Pasteurella multocida*, avian isolate, Type 4 (Little and Lyons classification), which have been inactivated, and are nontoxic. Each serial of biological product containing Pasteurella Multocida Bacterin, Avian Isolate, Type 4, shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency, as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product shall be tested for viable bacteria and fungi as provided in 9 CFR 113.26.

(b) *Safety test.* Observation of the vaccinated turkeys during the prechallenge period of the potency test provided in paragraph (c) of this section shall constitute the safety test. If unfavorable reactions that are attributable to the product occur, the serial is unsatisfactory. If unfavorable reactions that are not attributable to the product occur in one turkey, test results shall be determined by observing the remaining 20 turkeys. The test is inconclusive and may be repeated if unfavorable reactions that are not attributable to the product occur in two or more turkeys, but the serial is unsatisfactory if the test is not repeated.

(c) *Potency test.* Bulk or final container samples of completed product shall be tested for potency of the Type 4 strain, using the two-stage test provided in this paragraph. Turkeys at least 6 weeks old obtained from the same source and hatch shall be properly identified and used as provided in this paragraph.

(1) *Vaccinates.* Each of not more than 21 turkeys shall be vaccinated with the dose and by the route recommended on the label. A second dose shall be given after 3 weeks and the turkeys observed for an additional 2-week prechallenge period.

(2) *Positive controls.* Each of not more than 21 turkeys shall be vaccinated with two doses of a reference bacterin available from Veterinary Services upon request.

(3) *Unvaccinated controls.* Each of not more than 21 turkeys shall be held as controls.

(4) *Challenge.* Not less than 14 days after the second dose, each of 20 vaccinates, each of 20 positive controls, and each of 20 unvaccinated controls shall be challenged intramuscularly with virulent *Pasteurella multocida* strain P–1662, Type 4 (Little and Lyons classification), and observed daily for a 14-day postchallenge period. Only dead birds shall be considered in evaluating the product.

(5) *Validity requirements.* Twelve or more positive controls must survive and 16 or more unvaccinated controls must die for the test to be valid. If these requirements are met, the potency test results are evaluated according to stage one of the following table. The test is inconclusive and may be repeated if the validity requirements are not met, but the serial is unsatisfactory if the test is not repeated.

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total number of dead vaccinates for—	
			Satisfactory serial	Unsatisfactory serial
1	20	20	6 or less	9 or more.
2	20	40	15 or less	16 or more.

(6) The serial shall pass or fail based on the stage one results of the potency test. However, the second stage may be conducted if seven or eight vaccinates die in stage one, but the serial is unsatisfactory if the second stage in not conducted.

(7) The second stage shall be conducted in a manner identical to the first stage. The serial shall be evaluated according to stage two of the table. On the basis of accumulated results from the data of both stage tests, a serial shall either pass or fail the second stage.

2. Section 113.102 is amended by revising the introductory paragraph and paragraph (b), consolidating paragraphs (c) (5) and (6), and renumbering paragraphs (c) (7) and (8) as (c) (6) and (7) to read:

§ 113.102 Pasteurella Multocida Bacterin, Avian Isolate, Type 1.

Pasteurella Multocida Bacterin, Avian Isolate, Type 1, shall be prepared from cultures of *Pasteurella multocida*, avian isolate, Type 1 (Little and Lyons classification), which have been inactivated and are nontoxic. Each serial of biological product containing Pasteurella Multocida Bacterin, Avian

Isolate, Type 1, shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) * * *

(b) *Safety test.* Observation of the vaccinated chickens during the prechallenged period of the potency test provided in paragraph (c) of this section shall constitute the safety test. If unfavorable reactions that are attributable to the product occur, the serial is unsatisfactory. If unfavorable reactions that are not attributable to the product occur in one chicken, test results shall be determined by observing the remaining 20 chickens. The test is inconclusive and may be repeated if unfavorable reactions that are not attributable to the product occur in two or more chickens, but the serial is unsatisfactory if the test is not repeated.

(c) * * *

(5) *Validity requirements.* Twelve or more positive controls must survive and 16 or more unvaccinated controls must die for the test to be valid. If these requirements are met, the potency test results are evaluated according to stage one of the following table. The test is inconclusive and may be repeated if the validity requirements are not met, but the serial is unsatisfactory if the test is not repeated.

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total number of dead vaccinates for—	
			Satisfactory serial	Unsatisfactory serial
1	20	20	6 or less	9 or more.
2	20	40	15 or less	16 or more.

(6) The serial shall pass or fail based on the stage one results of the potency test. However, the second stage may be conducted if seven or eight vaccinates die in stage one, but the serial is unsatisfactory if the second stage is not conducted.

(7) The second stage shall be conducted in a manner identical to the first stage. The serial shall be evaluated according to stage two of the table. On the basis of accumulated results from the data of both stage tests, a serial shall either pass or fail the second stage.

3. Section 113.103 is amended by revising the introductory paragraph and paragraph (b), consolidating paragraphs (c)(5) and (6), and renumbering paragraphs (c)(7) and (8) as (c)(6) and (7) to read:

§ 113.103 Pasteurella Multocida Bacterin, Avian Isolate, Type 3.

Pasteurella Multocida Bacterin, Avian Isolate, Type 3, shall be prepared from culture of *Pasteurella multocida*, avian isolate, Type 3 (Little and Lyons classification), which have been inactivated and are nontoxic. Each serial of biological product containing Pasteurella Multocida Bacterin, Avian Isolate, Type 3, shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency, as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) * * *

(b) *Safety test.* Observation of the vaccinated turkeys during the prechallenge period of the potency test provided in paragraph (c) of this section shall constitute the safety test. If unfavorable reactions that are attributable to the product occur, the serial is unsatisfactory. If unfavorable reactions that are not attributable to the product occur in one turkey, test results shall be determined by observing the remaining 20 turkeys. The test is inconclusive and may be repeated if unfavorable reactions that are not attributable to the product occur in two or more turkeys, but the serial is unsatisfactory if the test is not repeated.

(c) * * *

(5) *Validity requirements.* Twelve or more positive controls must survive and 16 or more unvaccinated controls must die for the test to be valid. If these requirements are met, the potency test results are evaluated according to stage one of the following table. The test is inconclusive and may be repeated if the validity requirements are not met, but the serial is unsatisfactory if the test is not repeated.

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total number of dead vaccinates for—	
			Satisfactory serial	Unsatisfactory serial
1	20	20	6 or less	9 or more.
2	20	40	15 or less	16 or more.

(6) The serial shall pass or fail based on the stage one results of the potency test. However, the second stage may be conducted if seven or eight vaccinates die in stage one, but the serial is unsatisfactory if the second stage is not conducted.

(7) The second stage shall be conducted in a manner identical to the first stage. The serial shall be evaluated according to stage two of the table. On the basis of accumulated results from the data of both stage tests, a serial shall either pass or fail the second stage.

(21 U.S.C. 151 and 154; 37 FR 28477, 28646, 38 FR 19141)

Done at Washington, D.C. this 28th day of January 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-2702 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Part 354

[Docket No. 82-002C]

Transfer and Redesignation of Department of Agriculture Regulations; Correction

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule which was issued jointly by the Food Safety and Inspection Service and the Agricultural Marketing Service, USDA. That rule amended certain sections of Titles 7 and 9 of the Code of Federal Regulations to reflect a departmental reorganization. This correction will only affect that portion of the document pertaining to Title 9 of the Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: S. Paul Ragan, Director, Regulations Office, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 447-3317.

SUPPLEMENTARY INFORMATION: In the December 31, 1981, **Federal Register** (46 FR 63203), the Food Safety and Inspection Service and the Agricultural Marketing Service jointly published a final rule to amend certain sections of Titles 7 and 9 of the Code of Federal Regulations to reflect changes resulting from a June 17, 1981, Department reorganization.

This document corrects an inadvertent error appearing on page 63204 of the December 31, 1981, **Federal Register**, in the amendments to Title 9 Chapter III, of the Code of Federal Regulations. Item number 2 under Title 9 lists parts affected by the amendment. Part 354 was inadvertently omitted. Therefore, that final rule is corrected by adding Part 354, in numerical order, to the list of Parts in 9 CFR Chapter III which are amended.

All other information contained in the final rule remains unchanged.

Done at Washington, DC, on: January 29, 1982.

L. L. Gast,

Acting Administrator, Food Safety and Inspection Service.

[FR Doc. 82-2871 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 11

Revision of Access Authorization Fees for Nuclear Industry

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations establishing the scheduling of fees charged NRC licensees for the performance of full field security background investigations. This amendment makes a minor correction in the schedule and increases the fee to cover the increased fee charged the NRC by the Office of Personnel Management which performs these investigations and to cover increasing costs NRC incurs in processing the access authorization that require the investigations.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Duane G. Kidd, Chief, Security Policy Branch, Division of Security, Office of Administration, United States Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427-4415.

SUPPLEMENTARY INFORMATION: 10 CFR Part 11, "Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material," was first issued on November 21, 1980 (45 FR 76968). Section 11.15 indicates that access authorization fees for the succeeding year will be published each December and will be applicable to each access authorization request received during the following calendar year. The initial fee schedule for this part was published in the **Federal Register** on November 21, 1980 (45 FR 76968) and first updated along with other minor amendments on November 18, 1981 (46 FR 56598).

These fees are charged for access authorizations processed and services rendered by the Nuclear Regulatory Commission (NRC), at the request of an identifiable recipient of the services, and are authorized under Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a).

The only revisions to the fee schedule in this amendment are a deletion of an improper reference to "R" conversions in item (5) and the increased cost for the processing of an NRC "U" access authorization involving a full field background investigation conducted by the Office of Personnel Management (OPM). The charge to NRC by OPM of this investigation has been raised from $1,200.00 to $1,350.00. The new fee recovers this cost plus a part of NRC's overheard associated with the processing of these access authorizations. The fees for an NRC "R" access authorization have not been changed.

When the original Part 11 fee schedule was developed, and again when recently revised, it was recognized that the actual amount charged to NRC by OPM for conducting investigations would be the decisive factor governing future fees charged by NRC. This relationship between the amounts charged by OPM and the resulting fees charged by NRC still exists and was affected by the recent increase announced by OPM. Since the public had the opportunity to comment on this aspect of Part 11 as a proposed rule, it is not felt that any further benefits would be accrued by additional public comment at this time. Under these circumstances, NRC, for good cause, finds that notice of proposed rulemaking and public procedure thereon are unnecessary. The amendments will become effective February 4, 1982.

Pursuant to the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) and 5 U.S.C. 553, § 11.15 of Part 11 of Title 10, Chapter I, Code of Federal Regulations, is published as a document subject to codification.

PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

1. The authority citation for Part 11 reads as follows:

Authority: Sec. 7, Pub. L. 93-377, 88 Stat. 475; Sec. 161i, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201(i)); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841). Sec. 11.15(e) also issued under the authority of Sec. 501, 65 Stat. 290 (31 U.S.C. 483a).

2. Section 11.15(e) is revised to read as follows:

§ 11.15 Application for special nuclear material access authorization.

* * * * *

(e) Each application for special nuclear material access authorization, renewal, or change in level must be accompanied by the licensee's remittance payable to the U.S. Nuclear Regulatory Commission according to the following schedule:

(1) New application, "U"	$1,550
(2) New application, "R"	15
(3) Renewal "U" or "R"	15
(4) Change of level "R" to "U" (full fee charged only if an investigation is required)	[1] 1,550
(5) Convert existing NRC or DOE "Q" or "Q(X)" to U	[1] 1,550
(6) Convert existing NRC or DOE "L" or "L(X)" to U	[1] 1,550
(7) Convert existing NRC or DOE "Q", "Q(X)", "L", or "L(X)" to R	[1] 15

[1] Full fee charged only if an investigation is required, i.e., last investigation is more than five years old or does not meet necessary investigative scope.

Material access authorization fees will be published in December of each year and will be applicable to each access authorization request received during the following calendar year. Applications from individuals having current Federal access authorizations may be processed expeditiously at less cost, since the Commission may accept the certification of access authorizations and investigative data (which is less than five years old) from other Federal Government agencies which grant personnel access authorization.

Dated at Bethesda, Md., this 19th day of January 1982.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 82-2965 Filed 2-3-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 81-NW-55-AD; AMDT. 39-4310]

14 CFR Part 39

Airworthiness Directives; Lockheed Model L-1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to Lockheed L-1011 series airplanes which requires initial and repetitive leak tests and visual inspections of fuel line couplings and fittings and the hydraulic servos located in the afterbody compartment. This AD is needed to prevent the accumulation of flammable fluids and/or vapors in the vicinity of the APU exhaust shroud, an area which does not have fire extinguishing nor fire detection systems.

DATE: Effective date March 11, 1982. Compliance schedule as prescribed in

the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63–11, U–33, B–1. This information also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Duane Naff, Supervisory Aerospace Engineer, Propulsion Branch, ANM–140L, Federal Aviation Administration, Los Angeles Area Aircraft Certification Office, Northwest Mountain Region, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2835.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to adopt a new airworthiness directive to require initial and periodic leak tests and visual inspections of fuel couplings and fittings and hydraulic actuators in the L–1011 afterbody compartment was published in the **Federal Register** on October 1, 1981 (46 FR 48223). This proposal was prompted by the events discussed below:

Recent tests have revealed that auxiliary power unit (APU) exhaust shroud external surface temperatures are higher than indicated by previous testing. The shroud surface temperature can exceed 650° F in high ambient temperatures with high APU loads. This represents a potential ignition source. The area in which the shroud is located contains hydraulic components and is open to the general afterbody compartment which contains engine and APU fuel feed lines. This area does not have firewalls nor fire detection nor fire extinguishing systems.

If a leak should occur from the fuel lines within the afterbody cavity or from the hydraulic components adjacent to the APU shroud, flammable fluid or vapors could be carried to the heated shroud, which could become an ignition source, thus causing a fire hazard.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Six comments were received in response to the notice of proposed rulemaking. Three commenters were opposed to removal of the drain plugs from the double o-ring couplings for inspection per paragraph B of the proposed AD. Generally, this requirement was opposed because of possible resulting damage to the couplings and the fact that the leak tests and visual inspections per paragraph A of the proposed AD should be adequate in view of service experience. FAA agrees, and proposed paragraph B is therefore deleted from the final rule.

One commenter requested that the 400 hour inspection interval in proposed paragraph A be increased to 625 hours to correspond to a particular operator's present maintenance schedule. FAA does not agree, but it should be noted that the AD allows adjustment of such intervals if the operator requests and that request contains sufficient substantiating data to justify an increase.

Another commenter requested extension of the 1600 hour inspection interval in paragraph B. Since this paragraph is deleted, the interval is no longer relevant.

One commenter was opposed to the proposed AD because service experience does not indicate the necessity, and because most leaks will be self-evident, and inspection could be hazardous to maintenance personnel. FAA does not agree. Although service experience has been very good, it is well known that fuel and hydraulic fittings and couplings can develop leaks. While gross leaks will be self-evident, leaks of smaller magnitude could persist undetected for a period of time, and could constitute a hazardous condition even though the leak is slight. Finally, the inspection procedures, as outlined in the referenced Service Bulletin, should not be unduly hazardous to maintenance personnel.

Finally, one commenter was opposed to the requirement that defective components be repaired or replaced prior to further flight. Alternatively, the commenter suggested operation with the APU inoperative to the next maintenance base. FAA does not agree. It should be assumed the required inspections will be performed at a maintenance base with the capability to repair any discrepancies in the affected system. Also, it should be noted that only seepage or wetness around the hydraulic components is not cause for immediate repair.

The FAA has determined that air safety and the public interest require adoption of the rule as proposed, with the changes described above.

Adoption of the Amendment

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

Lockheed-California Company: Applies to all Lockheed Model L–1011 Series airplanes, certificated in all categories. Compliance required as indicated, unless previously accomplished.

A. To detect leakage of flammable fluids in areas from which fluids or vapors could reach the auxiliary power unit exhaust shroud, accomplish the following:

1. Within 400 hours time in service from the effective date of this AD, and at repetitive intervals not to exceed 400 hours time in service thereafter, perform leak tests and visual inspections as specified in the Accomplishment Instructions of Lockheed Service Bulletin 093–49–058 dated July 31, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

2. If fuel or hydraulic fluid leakage is detected, repair or replace defective parts or components with serviceable units before further flight.

B. Upon request of an operator, an FAA maintenance inspector, subject to prior approval by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of that operator if the request contains substantiating data to justify the change for that operator.

C. Alternate means of compliance with this AD, which provide an equivalent level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

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

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63–11, U–33, B–1. These documents also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

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

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, such entities. A final evaluation has been prepared for this

regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on January 25, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-2720 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-SO-68; Amdt. No. 39-4309]

Airworthiness Directives; Maule Models M-5-235C and M-6-235 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires installation of a water drain in the engine alternate induction air hose on certain Maule Model(s) M-5-235C and M-6-235 series airplanes. The AD is needed to prevent water accumulation in the induction air system and subsequent engine stoppage, which could result in an emergency landing.

DATE: Effective February 11, 1982. Compliance required within the next 25 hours time in service after the effective date of this AD.

ADDRESSES: The applicable service bulletin may be obtained from Maule Aircraft Corporation, Spence Air Base, Moultrie, Georgia 31768.

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

FOR FURTHER INFORMATION CONTACT: W. J. Lawrence, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: There has been a report of engine stoppage on a Maule Aircraft Model M-5-235C airplane. Water was trapped in the engine alternate air hose and was ingested by the engine during ground run up when the alternate air was selected, causing engine stoppage. The airplane had been inoperative for several days and had been exposed to rain. Since this condition is likely to exist or develop on other airplanes of the same type design, and Airworthiness Directive is being issued which requires the installation of a drain in the alternate air system.

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

Adoption of the Amendment

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

Maule Aircraft Corporation: Applies to Model M-5-235C, serial numbers 7322C, 7350C, A7354C, A7355C, A7358C, A7360C, A7361C, 7364C, 7365C, A7366C, A7367C; Model M-6-235, serial numbers 7356C, 7379C, 7380C, 7382C through 7388C, and 7390C, airplanes certificated in all categories.

Compliance is required within the next 25 hours time in service after the effective date of this AD unless already accomplished. To prevent engine stoppage, accomplish the following:

Install drain tube, using Maule P/N 5393A and using two hose clamp P/N 10047A-32, in the engine alternate air hose at the lowest point in the hose in accordance with Maule Service Bulletin #3 dated November 6, 1981.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, 3400 Norman Berry Drive, East Point, Georgia 30344.

Maule Aircraft Service Bulletin No. #3 dated November 6, 1981, pertains to this subject.

Make an appropriate maintenance record entry.

This amendment becomes effective February 11, 1982.

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

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

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

Issued in Kansas City, Missouri, on January 22, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-2721 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-64-AD; Amdt. 39-4311]

Airworthiness Directives: McDonnell Douglas Model DC-9/C-9 Series Airplanes, Equipped With Kevlar Tailcones

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to McDonnell Douglas DC-9 and C-9 Series Airplanes equipped with Kevlar tailcones, which requires modification or replacement of the tailcone lock housing. The lighter-weight Kevlar tailcone has been shown to shift its position on the latches during release, resulting in tailcone hangup. This AD is needed to assure proper operation of the tailcone emergency exit in the event of an emergency evacuation.

DATE: Effective date March 11, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

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

FOR FURTHER INFORMATION CONTACT: Gilbert L. Thompson, Aerospace Engineer, Systems and Equipment

Branch, ANM–130L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2833.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to adopt an Airworthiness Directive which requires modification or replacement of the tailcone lock housing on Kevlar tailcones installed on Douglas model DC–9 series airplanes was published in the **Federal Register** on October 1, 1981 (46 FR 47225). This proposal was prompted by the events described below:

During recent DC–9 production tailcone drop tests, the lightweight Kevlar tailcone failed to release completely and, as a result, did not separate from the aircraft. Consequently, the emergency evacuation slide could not be deployed as required for emergency evacuation.

Investigation revealed that when the tailcone release handle was pulled, the lockpin on the fuselage latching mechanism would catch the edge of the relief cutout in the tailcone lock housing. This release problem is attributed to the lightweight Kevlar tailcone shifting its position on the latches during the release sequence, causing the tailcone to hang up. Prior design heavier fiberglass tailcones have not exhibited similar release problems. Modification or replacement of the tailcone lock housing is necessary to assure that the tailcone emergency exit functions properly on those DC–9 aircraft configured with Kevlar tailcones.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Only one comment was received in response to the Notice of Proposed Rule Making (NPRM). The commenter requested that the compliance time be extended to 1200 hours from 900 hours, to provide for parts delivery and scheduling contingencies. This was based upon a delivery date availability of replacement lock housings from the manufacturer of December 15, 1981. The FAA feels an extension of the compliance time is unwarranted because the noted parts availability date will precede the effective date of the AD by approximately one month.

After careful review of all available data, including the comment above, the FAA has determined that air safety and the public interest require that the rule be adopted as proposed.

Adoption of the Amendment

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

McDonnell Douglas: Applies to McDonnell Douglas Model DC–9–10, –20, –30, –40, –50, and –80 series airplanes, including C–9A, C–9B, and VC–9C airplanes, certificated in all categories, equipped with Kevlar tailcones. Compliance required within the next 900 hours time-in-service from the effective date of this AD, unless already accomplished. To assure proper operation of the tailcone emergency exit release mechanism on aircraft utilizing tailcone assemblies P/N 5910233–505 or P/N 5910233–507, accomplish the following:

A. Replace or modify the tailcone lock housing as outlined in the Accomplishment Instructions of McDonnell Douglas DC–9 Service Bulletin 53–158 dated July 15, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Mountain Region.

B. Alternate means of compliance with the AD which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Mountain Region.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

This Amendment becomes effective March 11, 1982.

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

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, such entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT".

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1486(a)), it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on January 25, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82–2784 Filed 2–3–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 81–ASO–47]

Alteration of South Atlantic Additional Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment expands the South Atlantic additional control area and provides additional control area airspace offshore. This action ensures efficient joint use of warning area airspace by permitting the application of domestic rather than oceanic air traffic control procedures within the affected airspace.

EFFECTIVE DATE: May 13, 1982.

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

SUPPLEMENTARY INFORMATION:

History

On November 5, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to expand the South Atlantic control area as published in the **Federal Register** (46 FR 54961), to correspond with the expansion of the North Atlantic control area and to coincide with expansion of offshore warning areas. The amendment also revokes Control 1181 to eliminate redundant designation of control area airspace and is replaced with Atlantic Route 8 (AR–8) by separate nonregulatory action. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this rule is the same as that proposed in the notice. Section 71.163 was republished on January 2, 1981 (46 FR 449).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) expands the South Atlantic

control area to correspond with the expansion of the North Atlantic control area and to coincide with expansion of offshore warning areas. Control 1181 is revoked and is replaced with Atlantic Route 8 (AR–8) by separate nonregulatory action. The South Atlantic control area is one of several additional control areas which are categories of controlled airspace designated for the purpose of extending the application of domestic air traffic control procedures into offshore airspace. This action allows for a more efficient civil joint use of the airspace defined as the South Atlantic control area by using these domestic procedures rather than oceanic air traffic control procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 449), is amended, effective 0901 G.m.t., May 13, 1982, as follows:

1. Control 1181 [Revoked]

By revoking Control 1181.

2. South Atlantic [Amended]

By amending South Atlantic as follows:

After "lat. 35°29'30" N., long. 75°24'50" W.;" add "to lat. 34°14'00" N., long. 73°57'00" W.; to lat. 32°12'00" N., long. 76°49'00" W.; to lat. 32°15'00" N., long. 77°00'00" W." * * * remainder remains unchanged.

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

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

Issued in Washington, D.C., on January 27, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-2836 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 22559; Amdt. No. 1208]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendments is as follows:

For examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship

between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * Effective March 18, 1982:

Newton, KS—Newton-City-County, VOR/DME Rwy 35, Amdt. 7
Saginaw, MI—Tri City, VOR Rwy 23, Amdt. 12
Rochester, NY—Rochester-Monroe County, VOR Rwy 4, Amdt. 8
Rochester, NY—Rochester-Monroe County, VOR/DME Rwy 4, Original
Rochester, NY—Rochester-Monroe County, VOR Rwy 10, Amdt. 10
Rochester, NY—Rochester-Monroe County, VOR/DME Rwy 10, Original
Ebensburg, PA—Ebensburg, VOR-A, Amdt. 4

* * * Effective March 4, 1982:

Camden, AR—Harrell Field, VOR/DME Rwy 18, Amdt. 1
Camden, AR—Harrell Field, VOR/DME Rwy 36, Amdt. 2
Plains, GA—Peterson Field, VOR/DME-B, Original
Gibson City, IL—Gibson City Muni, VOR-A, Amdt. 3
Grayslake, IL—Campbell, VOR-A, Amdt. 2
Morris, IL—Morris Muni, VOR-A, Amdt. 7
Elizabethtown, KY—Ben Floyd Field, VOR-A, Amdt. 5
Tupelo, MS—C. D. Lemons Muni, VOR Rwy 4, Amdt. 6
Woodbine, NJ—Woodbine Muni, VOR-A, Amdt. 1
Southern Pines, NC—Moore County, VOR-A, Amdt. 12
Waverly, TN—Humphreys County, VOR/DME-A, Amdt. 1
Gordonsville, VA—Gordonsville Muni, VOR-A, Amdt. 2

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * Effective March 4, 1982:

Southern Pines, NC—Moore County, LOC Rwy 5, Amdt. 1

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * Effective March 18, 1982:

Hampton, IA—Hampton Municipal, NDB Rwy 17, Amdt. 2
Newton, KS—Newton-City-County, NDB Rwy 17, Amdt. 1
Newton, KS—Newton-City-County, NDB Rwy 35, Amdt. 1
Seward, NE—Seward Muni, NDB Rwy 16, Original
Seward, NE—Seward Muni, NDB Rwy 34, Original
Olean, NY—Olean Muni, NDB Rwy 22, Amdt. 8
Rochester, NY—Rochester-Monroe County, NDB Rwy 28, Amdt. 18

* * * Effective March 4, 1982:

Camden, AR—Harrell Field, NDB Rwy 18, Amdt. 5
Leesburg, FL—Leesburg Muni, NDB Rwy 31, Original
Kewanee, IL—Kewanee Muni, NDB, Rwy 1, Amdt. 3
Kewanee, IL—Kewanee Muni, NDB Rwy 9, Amdt. 3
Waverly, TN—Humphreys County, NDB Rwy 21, Amdt. 1
Palestine, TX—Palestine Muni, NDB Rwy 35, Amdt. 3
Palestine, TX—Palestine Muni, NDB-A, Amdt. 2

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * Effective March 18, 1982:

Newton, KS—Newton-City-County, ILS Rwy 17, Amdt. 1
Rochester, NY—Rochester-Monroe County, ILS Rwy 4, Amdt. 9
Rochester, NY—Rochester-Monroe County, ILS Rwy 22, Amdt. 3
Rochester, NY—Rochester-Monroe County, ILS Rwy 28, Amdt. 23

* * * Effective February 18, 1982:

Ironwood, MI—Gogebic County, ILS/DME Rwy 27, Original

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * Effective March 18, 1982:

Saginaw, MI—Tri City, RADAR-1, Amdt. 6
Rochester, NY—Rochester-Monroe County, RADAR-1, Amdt. 11

* * * Effective March 14, 1982:

Shreveport, LA—Shreveport Regional, RADAR-1, Amdt. 3

* * * Effective January 4, 1982:

Las Vegas, NV—McCarran Intl, RADAR-1, Amdt. 10

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * Effective March 18, 1982:

Hampton, IA—Hampton Municipal, RNAV Rwy 17, Original
Newton, KS—Newton-City-County, RNAV Rwy 17, Amdt. 3
Newton, KS—Newton-City-County, RNAV Rwy 35, Amdt. 2
Olean, NY—Olean Muni, RNAV Rwy 22, Amdt. 1
Rochester, NY—Rochester-Monroe County, RNAV Rwy 10, Amdt. 1
Rochester, NY—Rochester-Monroe County, RNAV Rwy 22, Amdt. 2
Southern Pines, NC—Moore County, RNAV Rwy 23, Amdt. 6

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 [49 U.S.C. 1348, 1354(a), 1421, and 1510]; sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.49(b)(3).)

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

Issued in Washington, D.C. on January 15, 1982.

John M. Howard,

Acting Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1981.

[FR Doc. 82-2835 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 300

[PR-240; Amdt. No. 6 to Part 300]

Separation of Functions Between General Counsel and Deputy General Counsel

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its procedural rules to clarify that the advisory functions of the General Counsel will remain separate from enforcement and related investigative functions, which are being transferred to the Deputy General Counsel from the Bureau of Compliance and Consumer Protection. Supplementary information about this action is set forth in OR-190, issued along with this rule.

DATES: Adopted: January 29, 1982. Effective: February 1, 1982.

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

Since this amendment is administrative in nature, affecting agency practice and procedure, the Board finds for good cause that notice and public procedure are unnecessary and that the amendment may become

effective less than 30 days after publication in the **Federal Register.**

PART 300—RULES OF CONDUCT IN BOARD PROCEEDINGS

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 300, Rules of Conduct in Board Proceedings, as follows:

1. The authority for Part 300 is:

Authority: Secs. 204, 401–419, 901, 903, 1001, 1002, and 1007, Pub. L. 85–726, as amended; 72 Stat. 743, 754, 757, 758, 760, 763, 766, 767, 768, 769, 770, 771, 783, 786, 788, 796; 76 Stat. 145; 91 Stat. 1284; 92 Stat. 1732; (49 U.S.C. 1324, 1371–1389, 1471, 1473, 1481, 1482, and 1487)

2. In § 300.4, a new paragraph (c) is added, to read:

§ 300.4 Separation of functions.

* * * * *

(c) In enforcement cases, the Deputy General Counsel will perform enforcement and related investigative functions, while the General Counsel will advise Board Members and other employees in the course of the decisional process. To ensure the independence of these functions, the Deputy General Counsel and the Enforcement Division of the Office of the General Counsel shall, for the purposes of this section, be considered an "office," as that term is used in paragraph (a), separate from the General Counsel and the rest of the Office of the General Counsel.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–2956 Filed 2–3–82; 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Part 302

[PR–241; Amdt. No. 66 to Part 302]

Transfer of Functions to Deputy General Counsel

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment reflects the CAB's transfer of enforcement and related investigative functions from the Bureau of Compliance and Consumer Protection to the Deputy General Counsel. Supplementary information about this action is set forth in OR–190, issued along with this rule.

DATES: Adopted: January 29, 1982. Effective: February 1, 1982.

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

Since this amendment is administrative in nature, affecting agency practice and procedure, the Board finds for good cause that notice and public procedure are unnecessary and that the amendment may become effective less than 30 days after publication in the **Federal Register.**

PART 302—RULES OF PRACTICE IN BOARD PROCEEDINGS

Accordingly, the Civil Aeronautics Board amends Subpart B of 14 CFR Part 302, Rules of Practice in Board Proceedings, as follows:

1. The authority for Part 302 is:

Authority: Secs. 101, 203, 204, 401, 402, 403, 404, 406, 412, 901, 1001, 1002, 1005, Pub. L. 85–726, as amended, 72 Stat. 737, 742, 743, 754, 757, 758, 760, 763, 770, 783, 788, 794; (49 U.S.C. 1301, 1323, 1324, 1371, 1372, 1373, 1374, 1376, 1382, 1471, 1481, 1482, 1485); Reorganization Plan No. 3, 75 Stat. 837, 26 FR 5989; E.O. 11514, Pub. L. 91–90, (42 U.S.C. 4321); 84 Stat. 772 (39 U.S.C. 5402).

§§ 302.200—302.218 (Subpart B) [Amended]

2. "Director of the Bureau of Consumer Protection" is replaced by "Deputy General Counsel" wherever it appears in Subpart B.

§§ 302.206 and 302.21 [Amended]

3. In § 302.206, *Commencement of enforcement proceeding,* § 302.206a, *Assessment of civil penalties,* and § 302.210, *Parties,* "Bureau of Consumer Protection" is replaced by "Enforcement Division, Office of the General Counsel".

§ 302.215 [Amended]

4. In § 302.215, *Settlement of proceedings,* "Director" is replaced by "Deputy General Counsel".

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–2958 Filed 2–3–82; 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Part 305

[PR–242; Amdt. No. 3 to Part 305]

Transfer of Functions to Deputy General Counsel

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment reflects the CAB's transfer of enforcement and related investigative functions from the Bureau of Compliance and Consumer Protection to the Deputy General Counsel. Supplementary information about this action is set forth in OR–190, issued along with this rule.

DATES: Adopted: January 29, 1982. Effective: February 1, 1982.

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

Since this amendment is administrative in nature, affecting agency practice and procedure, the Board finds for good cause that notice and public procedure are unnecessary and that the amendment may become effective less than 30 days after publication in the **Federal Register.**

PART 305—RULES OF PRACTICE IN INFORMAL NONPUBLIC INVESTIGATIONS BY THE BUREAU OF CONSUMER PROTECTION

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 305, Rules of Practice in Informal Nonpublic Investigations by the Bureau of Consumer Protection, as follows:

1. The authority citation for Part 305 is revised to read:

Authority: Secs. 202, 204, 411, 415, 1001, 1002, 1004, 1007, Pub. L. 85–726, as amended; 72 Stat. 742, 743, 770, 771, 788, 792, 796 (49 U.S.C. 1322, 1324, 1381, 1385, 1481, 1482, 1484, 1487; 5 U.S.C. 555, 556.)

2. Part 305 is retitled *Rules of Practice in Informal Nonpublic Investigations.*

§§ 305.1 and 305.5 [Amended]

3. In §§ 305.1, *Applicability,* and 305.5, *Initiation of investigation,* "Bureau of Consumer Protection" is replaced by "Enforcement Division, Office of the General Counsel".

§§ 305.7 and 305.11 [Amended]

4. In §§ 305.7, *Issuance of investigation subpenas,* and 305.11, *Procedures after investigation,* "Director, Bureau of Consumer Protection" is replaced by "Deputy General Counsel".

§ 305.11 [Amended]

5. Also in § 305.11, "Director" is replaced in the second sentence by "Deputy General Counsel".

Note:—Part 305 currently refers to the "Bureau of Consumer Protection," which was an earlier name of the Bureau of Compliance and Consumer Protection. Bound editions of the Code of Federal Regulations, however, refer to the predecessor "Bureau of Enforcement," because the Board's amendment in ER–1077, 43 FR 47490, October 16, 1978, reflecting the creation of the Bureau of Consumer Protection was never codified.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-2964 Filed 2-3-82; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 380

[SPR-183; Amdt. No. 15 to Part 380; Docket No. 38023]

Public Charters; Registration of Foreign Charter Operators

AGENCY: Civil Aeronautics Board.

ACTION: Rule; notice of change in effective date.

SUMMARY: The CAB changes the effective date of its rule governing the registration of foreign charter operators so that new foreign charter operators may register immediately.

DATES: Adopted: January 29, 1982. Effective: January 29, 1982 for new foreign charter operators.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442 or 202-673-5791.

SUPPLEMENTARY INFORMATION: By SPR-179, 46 FR 56605, November 18, 1981, the Board issued amendments to 14 CFR Part 380 that exempted foreign charter operators from the formal procedures that other foreign air carriers must follow to obtain operating authority, and established a simple registration procedure. Under this rule, all foreign citizens, including those that have already undergone the formal procedures, are required to submit a registration (Form 300) and have it approved by the Board. So that the operating authority of existing foreign charter operators will not lapse while their registrations are being processed, the Board stated that the amendments will not go into effect until March 18, 1982. This will allow enough time for these operators to submit their registration forms and for the Board to act on them.

It has come to our attention that there are foreign citizens that do not now hold authority but wish to obtain authority for foreign charter operations prior to March 18. It will be a waste of both their resources and ours to require them to obtain operating authority by undergoing the formal procedures of section 402 of the Act or by applying for an exemption from that provision. Instead, we are advancing the effective date of the amendments to Part 380, for new applicants. This will allow foreign citizens to register as foreign charter operators now rather than waiting until March 18. Foreign charter operators now holding 402 permits or exemptions are not affected by this action. Their 402 authority will continue until March 17, after which they may be converted to registration authority.

Accordingly, the effective date of the amendments made by SPR-179 is changed to January 29, 1982 for foreign citizens that do not now hold authority as foreign charter operators.

(Secs. 204, 402, 416, Pub. L. 85-726, as amended, 72 Stat. 743, 757, 771 (49 U.S.C. 1324, 1372, 1386))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-2974 Filed 2-3-82; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 385

[Reg. OR-190; Amdt. No. 119 to Part 385]

Delegations to: Deputy General Counsel; Director, Office of Congressional, Community, and Consumer Affairs; and Director, Bureau of Carrier Accounts and Audits

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB revises its delegations of authority to reflect a staff reorganization.

DATES: Adopted: January 29, 1982. Effective: February 1, 1982.

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

SUPPLEMENTARY INFORMATION: The Board has decided to combine the functions of its Office of Community and Congressional Relations with the consumer protection functions of its Bureau of Compliance and Consumer Protection (BCCP) in a new Office of Congressional, Community, and Consumer Affairs (OCCCA). The Litigation Division of BCCP, which participates in enforcement cases, is being transferred to the Office of the General Counsel and renamed as the Enforcement Division. The Investigation Division of BCCP is being transferred to the Bureau of Carrier Accounts and Audits (BCAA).

These changes require amendments of the Board's delegations of authority. Section 385.22 delegates certain authority to the Director of BCCP (although it refers to the "Bureau of Consumer Protection," which was an earlier name of that Bureau). This rule amends § 385.22 to delegate that authority instead to the Deputy General Counsel. An outdated cross-reference in § 385.22(g) to the Board's smoking rule is corrected. A new § 385.30 is added, to delegate to the Director of OCCCA (1) authority parallel to that described in § 385.22 (e) and (f) regarding inspections, examinations, and confidential treatment of information, and (2) authority, until March 1, 1982, to compromise civil penalties in the resolution of informal consumer complaints. Also, to reflect the transfer of BCCP's Investigation Division to BCAA, the delegation of inspection and examination authority in § 385.17(h) to the Director of BCAA is broadened to correspond to that in § 385.22(e). The broadening is achieved by removing the limiting phrase, "in connection with audits and examinations of accounting and statistical records and supporting documents."

Additional delegations to the Director of BCCP that appear in 14 CFR Parts 302 and 305 are also transferred to the Deputy General Counsel by PR-241 and 242, which are issued along with this rule.

Where enforcement cases are involved, the enforcement and related investigative functions of the Deputy General Counsel (along with the Enforcement Division) will be strictly separated from the advisory and other functions of the General Counsel (along with the rest of the Office of the General Counsel and the rest of the agency). This separation is established by an amendment of 14 CFR Part 300 set out in PR-240, also issued along with this rule. The amendment states that, for the purposes of the separation of functions rule in § 300.4, the Deputy General Counsel and the Enforcement Division shall be considered an "office," as that term is used in § 300.4(a).

Section 385.7 establishes the general principle that a delegation to a person below the rank of Bureau or Office Head also constitutes a delegation to each of that person's superiors in that Bureau or Office. To preserve the separation of functions, this rule adds an exception to § 385.7 so that the General Counsel cannot exercise the authority delegated in § 385.22 to the Deputy General Counsel. Similarly, the delegation to the General Counsel in § 385.19 is amended so that, where an enforcement case is involved, the authority cannot be redelegated to the Deputy General Counsel or exercised by the Deputy in the capacity of Acting General Counsel.

The Board will publish conforming amendments of 14 CFR Part 384, which

describes the agency's organization, in the near future.

Since these amendments are administrative in nature, affecting agency practice and procedure, the Board finds for good cause that notice and public procedure are unnecessary and that the amendments may become effective less than 30 days after publication in the Federal Register.

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters*, as follows:

1. The authority for Part 385 is:

Authority: Secs. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85–726, as amended, 72 Stat. 740, 743, 754, 757, 758, 766, 771 (49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1386) Reorganization Plan No. 3 of 1961, 26 FR 5989.

2. The Table of Contents for Subpart B is amended by retitling § 385.22, *Delegation to the Director, Bureau of Consumer Protection*, and adding a new § 385.30, to read:

Subpart B—Delegation of Functions to Staff Members

Sec.

* * * * *

385.22—Delegation to the Deputy General Counsel.

* * * * *

385.30 Delegation to the Director, Office of Congressional, Community, and Consumer Affairs.

3. In § 385.7, the first sentence is revised by adding a reference to the Deputy General Counsel so that it reads:

§ 385.7 Exercise of authority by superiors or the Board.

Any delegation of authority to a staff member below the rank of Bureau or Office Head, other than the Deputy General Counsel, shall also be deemed to be made, severally, to each of such staff member's superiors in the respective Bureau or Office. * * *

4. In § 385.17, paragraph (h) is revised to read:

§ 385.17 Delegation to the Director, Bureau of Carrier Accounts and Audits.

The Board delegates to the Director, Bureau of Carrier Accounts and Audits, the authority to:

* * * * *

(h)(1) Make findings regarding the reasonable necessity for the application of the Board's authority to obtain access to lands, buildings, and equipment, and to inspect, examine, and make notes and copies of accounts, records, documents, papers, and correspondence of persons having control over, or affiliated with, any person subject to Board regulation, through issuance of an appropriate order, letter, or other transmittal; (2) authorize one or more auditors or special agents to conduct audits, inspections, and examinations and to make notes and copies in accordance with such findings.

* * * * *

5. In § 385.19, the introductory text is redesignated as paragraph (a), the existing paragraphs (a) through (g) are redesignated as paragraphs (a)(1) through (a)(7), and a new paragraph (b) is added, to read:

§ 385.19 Delegation to the General Counsel.

(a) The Board hereby delegates to the General Counsel the authority to: * * *

(b) To the extent that an enforcement case as defined in § 300.4 of this chapter is involved, the authority delegated to the General Counsel in paragraph (a) of this section shall not be redelegated to the Deputy General Counsel or exercised by the Deputy General Counsel in the capacity of Acting General Counsel.

§ 385.22 [Amended]

5. In the title and text of § 385.22, *Delegation to the Director, Bureau of Consumer Protection*, "Director, Bureau of Consumer Protection" is replaced by "Deputy General Counsel" wherever it appears.

§ 385.22 [Amended]

6. Also in § 385.22, "Bureau of Consumer Protection" in paragraph (f) is replaced by "Enforcement Division, Office of the General Counsel" and "252.6" in paragraph (g) is replaced by "252.4".

7. A new § 385.30 is added, to read:

§ 385.30 Delegation to the Director, Office of Congressional, Community, and Consumer Affairs.

The Board hereby delegates to the Director, Office of Congressional, Community, and Consumer Affairs, the authority to:

(a)(1) Make findings regarding the reasonable necessity for the application of the Board's authority to obtain access to lands, buildings, and equipment, and to inspect, examine, and make notes and copies of accounts, records, documents, papers, and correspondence of persons having control over, or affiliated with, any person subject to Board regulation, through issuance of an appropriate order, letter, or other transmittal; (2) Authorize one or more special agents to conduct inspections and examinations and to make notes and copies in accordance with such findings.

(b) Issue orders denying, or with the approval of the Managing Director granting, conditional or complete confidential treatment of information supplied by any person to the Office of Congressional, Community, and Consumer Affairs. Confidential treatment may only be granted upon a finding that, if the information were in the Board's possession and a Freedom of Information Act (FOIA) request were made for the information—

(1) At the time of the confidentiality request, the FOIA request would be denied on the basis of one or more of the FOIA exemptions; and

(2) At any later time, the FOIA request would also be denied, absent a material change in circumstances (which may include a demonstration that the asserted exemption does not apply).

(c) Until March 1, 1982, compromise civil penalties in the resolution of informal consumer complaints.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–2972 Filed 2–3–82; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 385

[Special Regulations or 189; Docket 38023]

Delegations and Review of Action Under Delegation; Nonhearing Matters

AGENCY: Civil Aeronautics Board.

ACTION: Notice of change in effective date.

SUMMARY: The CAB changes the effective date of its rule delegating authority to the Director of the Bureau of International Aviation to take actions with respect to the registration of foreign charter operators.

DATES: Adopted: January 29, 1982. Effective: January 29, 1982.

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

SUPPLEMENTARY INFORMATION: By SPR–179, 46 FR 56605, November 18, 1981, the Board added a new Subpart F to 14 CFR Part 380. This subpart requires foreign citizens to register with the Board before arranging or selling charter trips that originate in this country.

By OR–188, 46 FR 56611, November 18, 1981, the Board added a new paragraph

(bb) to 14 CFR 385.26 that delegated authority to the Director, Bureau of International Aviation (BIA), to approve a registration, reject it for failure to comply with the filing requirements of Subpart F, or notify the foreign citizen that the matter was being set for further procedures. The amendments made by both OR–188 and SPR–179 were to become effective on March 18, 1981.

By SPR–183, issued today, the effective date of Subpart F has been advanced. For the same reasons put forth there, we are advancing the effective date of § 385.26(bb) as well. This will permit the Director, BIA, to act on registration applications of new foreign charter operators prior to March 18. It will also permit the Director to act on the registrations of existing foreign charter operators so that these operators will be assured that their authority will not lapse after March 17.

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

§ 385.26 [Effective date advanced]

Accordingly, the effective date of paragraph (bb) of 14 CFR 385.26 is changed to January 29, 1982.

(Secs. 402, 416, Pub. L. 85–726, as amended, 72 Stat. 743, 757, 771; (49 U.S.C. 1324, 1372, 1386); Reorganization Plan No. 3 of 1961, 26 FR 5989)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–2973 Filed 2–3–82; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 370, 372, 373, 374, 376, 377, 378, 379, and 386

Revisions of EAR To Conform With Revised ITA–622P

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: A revised Form ITA–622P (OMB Approval #0625–0001), Application for Export License, became available on September 15, 1981. This rule revises regulations governing completion of Form ITA–622P to ensure that application instructions correspond to the revised form.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–4811).

SUPPLEMENTARY INFORMATION: The application form has been revised to add an "acknowledgment copy." This copy will be used to notify applicants immediately of the steps that are being taken to complete action on cases that will require more than ten days to process. Other changes have been made to improve instructions covering the requirements for the furnishing of exporter, commodity and end-user information. Also, the applicants certification has been rewritten to simplify the language.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

2. This rule does not impose a new reporting burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The changes announced in the Rule amend the EAR to conform them with instructions included on the revised form ITA 622P.

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.*

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because this regulation does not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

Accordingly, the Export Administration Regulations (15 CFR Parts 368—399) are amended as follows:

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

1. Section 370.11 is amended by revising paragraphs (b) and (c), to read as follows:

§ 370.11 Information to exporters.

* * * * *

(b) *Request for documentation review.* The Office of Export Administration, in reviewing specific export license applications and requests for reexport authorization, may consult with other U.S. Departments and agencies regarding the proposed export or reexport. While this consultation may be undertaken on any application or request, such consultation usually relates to transactions involving proposed exports or reexports to consignees in Country Groups P, Q, W and Y, and requests for relief on the basis of unique hardship and exception from short supply export controls (15 CFR Part 377). The general practice of the Office of Export Administration is to provide a description of the proposed export or reexport to the other agencies in order to permit the agencies consulted to consider all aspects of the issue or issues involved. In order to insure that this documentation accurately describes the proposed export or reexport, the Office of Export Administration will, upon request from the applicant, provide a copy of that portion of the document(s) being forwarded to the other agencies that describes the export or reexport in question. If the proposed transaction involves an export from the United States, the request should be made at the time the application is submitted by inserting the phrase "Interagency referral information requested" in Item 15, of Form ITA–622P, Application for Export License. If the proposed transaction involves the reexport of U.S.-origin commodities or technical data, the request should be made at the time the request is filed by inserting the phrase "Interagency referral information requested" in Item 10, of Form ITA–699P, Request to Dispose of Commodities or Technical Data Previously Exported. If the reexport request is made by letter, the request shall be included in the letter.

(c) *Request for notification of COCOM review of application.* The United States participates in an international security export control system. The Coordinating Committee (COCOM) of this system reviews proposed transactions to export or reexport certain strategic commodities or technical data to Country Groups P,

Q, W, and Y. Referral to COCOM will add approximately five weeks to the usual PQWY processing time.

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

2. Section 372.4(a) is amended by revising subparagraph (1) to read as follows:

§ 372.4 How to apply for a validated license.

(a) *Form and manner of filing.*—(1) *Application form.* An application for a validated license must be submitted on Form ITA–622P, Application for Export License. After December 31, 1981, only Form ITA–622P revised July 1981 or later will be acceptable. Earlier versions will be returned without action. An application that omits essential information, or is otherwise incomplete, will be returned without action to the applicant. (See § 370.12 for instructions on obtaining forms.)

* * * * *

3. Section 372.9 is amended by revising paragraph (b) and paragraph (d)(2) to read as follows:

§ 372.9 Issuance of validated licenses.

* * * * *

(b) *Issuance of license document.* When a license application is received in the Office of Export Administration it is assigned a case number, consisting of the letter "A" followed by six digits, for identification purposes. After an application is approved, the covering license is issued on Form ITA–628. This document is then validated with the Department of Commerce seal, the date of validation, and the expiration date in the upper right corner of the license. Where necessary, other attachments to a license will also be validated with the Department of Commerce seal and the date of validation. Export licenses, even though they include a license number, are not valid and may not be used unless they have been validated with the Department of Commerce seal. Exporters are cautioned to use the complete license number when preparing Shipper's Export Declarations or other export documents or when requesting services from the Office of Export Administration.

* * * * *

(d) * * *

(2) *Extended validity period.* As an exception to the general practice of limiting validity periods to one year, the Office of Export Administration will consider granting a validity period exceeding one year where circumstances warrant. For example, an extended validity period will generally be granted when production lead time will not permit export within one year of issuance of a validated license or where the transaction is related to a major multi-year construction project. A continuing requirement to supply spare or replacement parts, however, will generally not justify an extended validity period. Applicants may request an extended validity period by indicating the desired validity period in Item 15 of Form ITA–622P, and attaching justification and documentation to support the request. The approved expiration date will be indicated on the face of the license. For extensions of the validity period after the license has been issued, see § 372.12.

* * * * *

4. Supplement No. 1 to Part 372 is revised to read as follows:

Supplement No. 1 to Part 372—Instructions for Preparing an Application for a Validated License

Item 1. Enter the date.

Item 2. Enter an *applicant's reference number,* consisting of not more than twenty alpha-numeric characters. The Office of Export Administration will use this number to acknowledge and identify this application during initial processing. Please use a different reference number on each application you submit.

Item 3. Enter the *applicant's telephone number.*

Item 4. If the application is for a *special purpose* (*e.g.,* Distribution, Service Supply, Samples, etc.) and the *Export Administration Regulations* specify that this item must be completed, insert appropriate information here.

Item 5. Enter the name and address of the *applicant,* and when known, enter the applicant's EXPORTER I.D. number. Include the Postal ZIP Code as an integral part of the address. Failure to include the ZIP Code on an application may cause delay in mailing the export license.

Item 6. The *purchaser* is the person abroad who has entered into the export transaction with the applicant or order party. If the purchaser is the same as the ultimate consignee, enter "Same as Item 7;" if the purchaser is the same as the intermediate consignee, enter "Same as Item 8."

Item 7. The *consignee* in the country of ultimate destination is the person abroad who will actually receive the material for the end-use designated in Item 12, if the license is granted and used. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable as an ultimate consignee, but should be listed in Item 8 as an intermediate consignee.

GOVERNMENT PURCHASING ORGANIZATIONS ARE ACCEPTABLE CONSIGNEES IN THOSE INSTANCES WHEN THE COMMODITIES OR TECHNICAL DATA DESIGNATED IN ITEM 9 (b) ARE TO BE TRANSFERRED TO THE ULTIMATE END–USER, PROVIDED THE ACTUAL END–USER(S) AND END–USE(S) ARE CLEARLY IDENTIFIED IN SUPPORTING DOCUMENTATION.

Item 8. An *intermediate consignee* is any intermediary in a foreign country who participates as an agent for the exporter or for the purchaser or ultimate consignee to effect delivery of the export to the purchaser or ultimate consignee. All known intermediate consignees must be named. If no intermediary is to be used, enter "None"; if unknown, enter "Unknown."

Item 9. (a) Give the quantity to be shipped, using units specified in the Commodity Control List (Supplement No. 1 to § 399.1). If dashes (— —) are set forth in the unit column of the Commodity Control List, and no specific unit of quantity is required by a footnote, show the unit of quantity commonly used in the trade.

Item 9. (b) When appropriate, describe *commodities* or *technical data* in terms that correspond with the Commodity Control List. Furnish additional details as prescribed by the *Export Administration Regulations* when necessary to identify the specific items so classified. Include characteristics shown on the Commodity Control List, such as basic ingredients, composition, model numbers, electrical parameters, size, gauge, grade, horsepower, etc. These characteristics must be extracted from promotional brochures and written on the application or on an attachment thereto. Where the Commodity Control List entry states "specify by name", list by name on the application all of the commodities to be included in the shipment. FAILURE TO PROVIDE ADEQUATE CHARACTERISTICS OR PERFORMANCE PARAMETERS FOR THE COMMODITIES OR TECHNICAL DATA PROPOSED FOR EXPORT MAY RESULT IN THE APPLICATION BEING RETURNED WITHOUT ACTION.

Item 9. (c) Enter the *Export Control Commodity Number* and the *Processing Code* in this column. Inclusion of the code letter following the Export Control Commodity Number is optional. All commodities on a single application must have the same Processing Code, unless otherwise provided in the *Export Administration Regulations.*

Item 9. (d) Enter the *unit price* except where a large variety of products within a single Export Control Commodity Number makes such a break-down extremely difficult. In such cases, show only total price. The fair market value in U.S. dollars must be given. Round to the nearest whole dollar the amounts entered in the total price column on the application, except where the actual total value is less than $0.50. Give the exact value if less than $0.50. Where the normal trade practice in a given commodity makes it impracticable to establish a firm contract price, state on the application the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined. A mere statement by the exporter of "market price at the time of delivery of shipment" or other such general statement of price is not acceptable.

Item 10. Enter the name and address, including Postal ZIP Code, of the *person, other than applicant, authorized* by the

applicant *to receive the license*, if issued. Designation of another party to receive the license does not alter the responsibilities of the applicant. Failure to include ZIP Code in this space may result in delay in mailing of the export license. The Department will transmit the license *only* to the applicant or to the person designated in this space. Leave blank if the license is to be mailed directly to the applicant.

Item 11. If applicant is not the producer, give supplier's name and address, or state "Unknown," if unknown. If applicant is the *producer* of the commodities to be exported, leave blank unless the *Export Administration Regulations* require completion of this item.

Item 12. The *end-use* of commodities or technical data covered by your application will be an important factor in determining issuance of license. Avoid generalized statements such as "basic research," "data processing," or "use by consignee in the form received." When the *Export Administration Regulations* require supporting documents that give the ultimate destination and end-use, the applicant's reference to such statement does not relieve him of the responsibility to fully disclose any additional or different information he may have.

APPLICANT MUST INDICATE CLEARLY THE END-USE INTENDED BY THE ULTIMATE CONSIGNEE, STATING WHAT WILL BE PRODUCED OR MANUFACTURED, OR WHAT SERVICES WILL BE RENDERED, AND GIVING THE COUNTRY OR COUNTRIES WHERE THIS WILL TAKE PLACE. A COMPLETE AND DETAILED DESCRIPTION IS REQUIRED. FAILURE TO PROVIDE ADEQUATE SPECIFIC END-USE INFORMATION MAY NECESSITATE RETURN WITHOUT ACTION OR INQUIRY THROUGH THE FOREIGN SERVICE, THUS DELAYING ISSUANCE OF LICENSE.

Item. 13. If applicant is exporting for the account of a *foreign principal*, give the name and address of the foreign principal and explain the transaction in full. If no entry is made in this space, the applicant represents that he is exporting for his own account.

Item 14. [Reserved]

Item 15. Enter *additional information* pertinent to the transaction as required by the *Export Administration Regulations*, such as special certifications, names of parties in interest not disclosed elsewhere, explanation of documents attached, name(s) and telephone number(s) of person(s) who can answer technical questions concerning the commodity or technical data, etc. If the application represents a transaction previously considered by the Office of Export Administration and approved, return without action or rejected, give prior case number and indicate prior action by the Office of Export Administration.

Item 16. Applicant's Certification. All three spaces of this item must be completed, and APPLICATION MUST BE MANUALLY SIGNED by applicant, or by an officer or duly authorized agent of the applicant. If signed by agent of the applicant, show title and firm name of agent. (Rubber-stamped and other facsimile signatures are not acceptable.)

Item 17. Order Party's Certification. Where the applicant did not receive the order directly from the foreign purchaser or ultimate consignee named in the application, or through his or their agents abroad, the person in the United States who conducted the direct negotiations with the foreign party and originally received the order (the order party) must complete this item and sign the application.

PART 373—SPECIAL LICENSING PROCEDURES

5. Sections 373.2(c)(2)(ii) and 373.2(d)(2) are revised to read as follows:

§ 373.2 Project License.

* * * * *

(c) * * *

(2) * * *

(ii) Form ITA–622P, Application for Export License, prepared in accordance with the provisions of § 372.4(a)(4), except that the applicant shall:

(A) Insert Project License in Item 4, "Special Purpose."

(B) Insert "See attached list" in Item 7, "Consignee in Country of Ultimate Destination", if there is more than one ultimate consignee, and attach to the application a list, in duplicate, of the country(ies) of ultimate destination followed by the name(s) of the ultimate consignee(s), both in alphabetical order. For example:

France: Central Corp.; Development Corp.
Mexico: Consolidated Copper; Fairway Limited

(C) Insert the following in Item 9(b), "Description of Commodity or Technical Data":

Articles and materials set forth on the attached statement of estimated requirements constitute the known requirements of commodities *(and technical data, if applicable)* requiring validated licenses for the *(insert name of program or project)*.

I (We) hereby certify that if a license is granted in response to this application: (a) No commodities *(or technical data, if applicable)* will be exported under the license unless specifically required for the (program) (project); and (b) after export, the commodities *(and technical data, if applicable)* will not be disposed of or used for any purpose other than that stated in this application.

* * * * *

(d) * * *

(2) *Description of Commodities or Technical Data.* Instead of a specific description of quantities, kinds, or values of commodities and technical data, one of the following statements will appear in Item 9(b) on the license:

(i) If commodities only:

This license authorizes export of commodities requiring a validated license subject to the specific limitations set forth in the Export Administration Regulations and on this license.

(ii) If commodities and technical data:

This license authorizes export of commodities and technical data requiring a validated license subject to the specific limitations set forth in the Export Administration Regulations and on this license.

If any special conditions are imposed on the use of a specific Project License that are more restrictive than the general conditions provided in the Export Administration Regulations, these conditions will either be set forth on the license or the licensee will be advised by other means.

* * * * *

6. Section 373.3(d)(3)(ii) is amended by revising subparagraphs (A), (B), (C), (F) and (G) to read as follows:

§ 373.3 Distribution License.

* * * * *

(d) * * *

(3) * * *

(ii) * * *

(A) Insert "Distribution License" in Item 4, "Special Purpose."

(B) Where there is more than one ultimate consignee, insert "See attached list" in Item 7, "Consignee in Country of Ultimate Destination."

(C) Attach a list in duplicate of the country(ies) of ultimate destination, in alphabetical order, followed by the name(s) of the ultimate consignee(s) in each country, also in alphabetical order. If the ultimate consignee is a foreign government agency, as defined in § 375.2(b)(3)(i), so indicate on the list.

* * * * *

(F) Enter the following statement at the bottom of Item 9(b), "Description of Commodity or Technical Data":

No commodity excluded from the Distribution License Procedure under the Export Administration Regulations will be exported to any consignee in any destination under this Distribution License if this application is approved.

(G) Leave blank Items 9(a), "Quantity," 9(c), "Export Control Commodity Number and Processing Code," and 9(d), "Unit Price" and "Total Price."

* * * * *

7. Section 373.4(d)(3)(i) is revised as follows:

§ 373.4 Qualified General License.

* * * * *

(d) * * *

(3) *Preparation of documents.*—(i) *Form ITA–622P.* The applicant shall prepare and submit the QGL application in accordance with the provisions of § 372.4, except that the applicant shall:

(A) Insert "Qualified General License" in Item No. 4, "Special Purpose."

(B) Insert "See attached list of consignees" in Item 7, "Consignee in Country of Ultimate Destination."

(C) Attach a list in duplicate of proposed consignees, alphabetically by country, including name and complete address, type of activity and proposed end-use of commodities.

(D) Insert "See attached list(s)" in Item 9(b), "Description of Commodity or Technical Data," and enter the following at the bottom of this space:

The Qualified General License authorizes shipments only of specifically approved commodities, subject to any applicable limitations as to configurations, specifications and end-uses, and only to approved consignees. No shipment will be made under this license except as specifically authorized by the license.

(E) On an attachment, list all products or commodities individually. Each QGL application should refer only to products falling within a single processing code (*i.e.*, CD, EE or MG). For each commodity listed, state the model number, commodity description and a comparison of its technical parameters or specifications with the QGL qualifying limitations, where appropriate. Where two or more eligible products are combined into configurations (*e.g.*, computer systems), proposed configurations must be defined, except that indivisible electronic components shall not normally require a statement of combinations and/or proposed configurations. This list may include related spare parts, accessories, technical data and/or software and should include any available estimates of quantities to be shipped.

(F) [Reserved]

(G) Items 9(a), "Quantity," 9(d), "Unit Price" and "Total Price" are to be left blank. Enter only the Processing Code in Item 9(c), "Export Control Commodity Number and Processing Code."

* * * * *

8. Section 373.7(d)(1)(iv)(B) is revised to read as follows:

§ 373.7 Service Supply (SL) Procedure.

* * * * *

(d) * * *

(1) * * *

(iv) * * *

(B) *Form ITA–622P.* The applicant shall prepare and submit Form ITA–622P, Application for Export License, in accordance with the provisions of § 372.4(a)(4), with the following specific modifications:

(*1*) Insert "Service Supply License" in Item 4, "Special Purpose."

(*2*) Insert "Various—See attached List" in Item 7, "Consignee in Country of Ultimate Destination."

(*3*) Attach a list in duplicate of the proposed countries of ultimate destination, in alphabetical order, followed by the names of the ultimate consignees in each country, also in alphabetical order.

(*4*) An estimated one year's supply of spare and replacement parts shall be entered in Item 9(b), "Description of Commodity or Technical Data". All commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (Supplement No. 1 to § 399.1) shall be either listed separately on the application or on an attachment, or, if feasible, described in related "A" product groups. Examples of acceptable "A" product groups are "Semiconductors, A type;" "Aircraft engines, A type;" etc.

(*5*) All commodities not identified by the code letter "A" having Export Control Commodity Numbers with the same Processing Code may be combined into a single entry. The commodity description for each such entry shall be in terms of broad descriptive categories corresponding with the Commodity Groups that appear on the Commodity Control List (see § 399.1(j)).

(*6*) The estimated total value of each commodity with the code letter "A" following the Export Control Commodity Number or related "A" product group, and of each "non-A" product group to be exported during the one-year validity period of the SL License shall be shown in the "Total Price" column of Item 9(d), and a grand total shall be computed for all of the commodities.

(*7*) The following statement shall be entered at the bottom of Item 9(b), "Description of Commodity or Technical Data":

No commodity excluded from the SL Procedure under the Export Administration Regulations will be exported to any consignee in any destination under this SL License if this application is approved.

(*8*) Items 9(a), "Quantity", 9(c), "Export Control Commodity Number and Processing Code," and the "Unit Price" column of Item 9(d) shall be left blank.

* * * * *

PART 374—REEXPORTS

9. Section 374.2 is amended by revising paragraph (b) to read as follows:

§ 374.2 Permissive Reexports.

* * * * *

(b) Reexports to a destination to which direct shipment from the United States is authorized under an unused outstanding validated export license. Such reexports shall be reported on the reverse side of the license document, in the same manner exports are reported, regardless of whether the license is partially or wholly used for reexport purposes. The spaces marked "Name of Exporting Carrier" and "Point of Export or Post Office of Mailing", however, shall be used to indicate that the commodity was reexported and to enter the name and location of the firm from which the commodity was reexported.

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

10. Section 376.2 is amended by revising paragraphs (c)(1) and (c)(2) to read as follows:

§ 376.2 Samples: Exports and reexports to Country Groups P, W, and Y.

* * * * *

(c) * * *

(1) *Identification.* Enter the word "SAMPLE" in Item 4, "Special Purpose" on Form ITA–622P, or across the top of Form ITA–699P, Request to Dispose of Commodities or Technical Data Previously Exported.

(2) *Value.* The value of the sample shall be indicated on each reexport request as well as on each license application. The selling price shall be indicated on Form ITA–622P in Item 9(b), "Description of Commodity or Technical Data" if the selling price is different from the value.

* * * * *

11. Section 376.4 is amended by revising paragraphs (c)(1) and (c)(2) to read as follows:

§ 376.4 Servicing of equipment previously exported or reexported to Country Groups P, Q, W, and Y.

* * * * *

(c) * * *

(1) *Consignee in country of ultimate destination.* Where shipments are contemplated to be made to more than one ultimate consignee, insert the phrase "Various—see attached list" in Item 7 of Form ITA–622P or Item 5 of Form ITA–699P, as appropriate.

(2) [Reserved]

* * * * *

12. Section 376.9 is amended by revising the introductory text of paragraph (b)(1); paragraphs (b)(1) (i) and (ii); the introductory text of paragraph (b)(1)(iii); the introductory text of paragraph (b)(2); paragraphs (b)(2) (i) and (ii); the introductory text of paragraph (b)(2)(iii); the introductory text of paragraph (b)(3); paragraphs (b)(3) (i) and (ii); the introductory text of

paragraph (b)(3)(iii); the introductory text of paragraph (c); and paragraphs (c)(1), (2) and (3) as follows:

§ 376.9 Ship stores, plane stores, supplies, and equipment.

* * * * *

(b) * * *

(1) *Vessel under construction.* A license application for export of any commodity or technical data, including ship stores, supplies, and equipment, to a vessel under construction shall be prepared on Form ITA–622P, Application for Export License, in accordance with Supplement No. 1 to Part 372 of this chapter, with the following modifications:

(i) [Reserved]

(ii) *Consignee in country of ultimate destination.* In Item 7, insert the name and address of shipyard where vessel is being constructed.

(iii) *Description of commodity or technical data.* For a vessel under 40 feet in length, state the length of the vessel in Item 9(b). For a vessel 40 feet in length or over, show the following information in Item 9(b), or on an attachment (if unknown, state "unknown"):

* * * * *

(2) *Aircraft under construction.* A license application for export of any commodity or technical data, including plane stores, supplies, and equipment, to an aircraft under construction shall be prepared on Form ITA–622P in accordance with Supplement No. 1 to Part 372 of this chapter, with the following modifications:

(i) [Reserved]

(ii) *Consignee in country of ultimate destination.* In Item 7, insert the name and address of the plant where the aircraft is being constructed.

(iii) *Description of commodity or technical data.* Show the following information in Item 9(b) or on an attachment (if unknown, state "unknown")—

* * * * *

(3) *Operating vessels and aircraft.* A license application for export of commodities or technical data, including ship or plane stores, supplies, and equipment (except as provided in § 376.9(c)) to an operating vessel or aircraft, whether in operation or being repaired, shall be prepared on Form ITA–622P in accordance with Supplement No. 1 to Part 372 of this chapter, with the following modifications:

(i) [Reserved]

(ii) *Consignee in country of ultimate destination.* In Item 7, insert the name of owner and port or point where the commodities or technical data will be taken aboard. Also, if a vessel, show name of vessel.

If, at the time of filing the license application, it is uncertain where the vessel or aircraft will take on the commodities or technical data, but it is known that the commodities or technical data will not be shipped to Country Group P, Q, S, W, Y, or Z, enter the following statement in this item:

Uncertain; however, shipment(s) will not be made to Country Group P, Q, S, W, Y, or Z.

An export license issued under this circumstance will bear the following destination restriction:

Shipment(s) may be made to the named (vessel) (aircraft) at any port in any country except Country Group P, Q, S, W, Y, or Z.

(iii) *Description of commodity or technical data.* For a vessel under 40 feet in length, state the length of the vessel in Item 9(b). For a vessel 40 feet in length or over, show the following information in Item 9(b), or on an attachment—

* * * * *

(c) *Exports of petroleum and petroleum products, including bunker fuel, for use on vessels and aircraft departing from the United States.* License applications to export petroleum or petroleum products, including bunker fuel for vessels or fuel for aircraft departing from the United States, may be included on a single Form ITA–622P. Applicants shall insert in Item 4, of the form, the word "BUNKER" in the case of exports for the use of vessels, or "PLANE FUEL" in the case of exports for the use of aircraft. The application shall be prepared in accordance with Supplement No. 1 to Part 372 of this chapter, with the following modifications:

(1) [Reserved]

(2) *Consignee in country or ultimate destination.* In Item 7, insert the name of the carrier, the country in which the carrier is registered, and the port or point where petroleum or petroleum products are to be taken aboard.

(3) *Purchaser in foreign country.* In Item 6, insert the name and address of owner of carrier. If carrier is under charter to, or under control of, a party other than owner, show names and addresses of both owner and party otherwise in control of carrier.

* * * * *

13. Section 376.13 is amended by revising paragraph (a) to read as follows:

§ 376.13 Communications intercepting devices.

(a) *Export license requirements.* A validated export license is required for the export to any destination (including Canada) of any electronic, mechanical, or other device primarily useful for surreptitious interception of wire or oral communications. Any exporter who knows, or has reason to believe, that such commodities will be used for such purpose shall include that information on his export application. The application shall be on Form ITA–622P, Application for Export License. The words "COMMUNICATIONS INTERCEPTING DEVICE" shall be entered in Item 4, "Special Purpose."

* * * * *

PART 377—SHORT SUPPLY CONTROLS AND MONITORING

14. Section 377.4 is amended by revising paragraph (i)(1) to read as follows:

§ 377.4 Registration of U.S. agricultural commodities for exemption from short supply limitations on export.

* * * * *

(i) *Procedure for exporting registered commodities during a period when short supply controls are in effect.* (1) Should short supply export controls be imposed for a commodity being stored in the United States under a valid registered storage approval, the person to whom such approval was granted shall file Form ITA–622P, Application for Export License, in accordance with the procedure set forth in Part 372 of this chapter, except that no accompanying documentation is required. The applicant shall cite in Item 15, "Additional Information," the relevant registered storage approval issued by the Office of Export Administration and shall also state the quantity of the commodities covered by the registered storage approval already exported or which will be exported pursuant to the terms of any Saving Clause contained in the announcement imposing short supply export controls. Upon verification that the registered storage approval is valid, the Office of Export Administration will issue a validated export license for the quantity authorized in the registered storage approval, less any quantities previously exported or in process of being exported under any Saving Clause, without regard to any quantitative short supply export limitations which are then in effect. The license shall be valid through the date specified thereon.

* * * * *

PART 378—SPECIAL NUCLEAR CONTROLS

15. Section 378.7 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 378.7 Preparing Application.

* * * * *

(a) *Identification of license application.* Enter the words "NUCLEAR CONTROLS" in Item 4, "Special Purpose," of Form ITA–622P.

(b) *Consignee in country of ultimate destination.* If the consignee in the country of ultimate destination is not the end-user of the commodities, give the name and address of the end-user in Item 9(b), "Description of Commodity or Technical Data," or on an attachment to the application, and if known, the specific geographic locations of any installations, establishments, or sites at which the commodities will be used.

(c) *Supplier.* If the applicant is not also the manufacturer of the commodities and the application is being submitted under § 378.3, indicate on the application, in Item 9(b), "Description of Commodity or Technical Data" or on an attachment, whether the advice of the manufacturer required in § 378.6 above has been received regarding the necessity for a validated license.

* * * * *

PART 379—TECHNICAL DATA

16. Section 379.5 is amended by revising paragraph (b) to read as follows:

§ 379.5 Validated license applications.

* * * * *

(b) *Application Form.* Form ITA–622P shall be completed as provided in § 372.4, except that Items 9(a), 9(c) and 11 shall be left blank. In Item 9(b), "Description of Commodity or Technical Data," enter a general statement which specifies the technical data (*e.g.*, blueprints, manuals, etc.). In addition, the words "Technical Data" shall be entered in Item 4, "Special Purpose."

* * * * *

PART 386—EXPORT CLEARANCE

17. Section 386.2(d)(1) is amended by revising subdivisions (i), (ii), (iii), (v), and (vi) to read as follows:

§ 386.2 Use of validated license.[2]

* * * * *

(d) * * *

(1) * * *

(i) *Quantity shipped.* Enter total quantity shipped in units shown on the license, including any amounts shipped under the tolerance provisions of § 386.7.

(ii) *Description of commodities.* Enter Export Control Commodity Number and an abbreviated description of the commodity as shown on the license. Where the license covers two or more commodities, indicate clearly which commodity(ies) is being shipped.

(iii) *Dollar value.* Enter total value of the commodities (selling price, or cost if not sold, including inland freight, insurance, and other costs to U.S. port of export, to the nearest whole dollar).

* * * * *

(v) *Point of exort or post office of mailing.* Enter name of the point from which the shipment leaves the United States or the post office where the shipment is mailed.

(vi) *Date of export.* Enter date the shipment leaves the United States (if exact date is not known, enter approximate date, and so indicate).

* * * * *

(Secs. 3, 4, 5, 6, 7, 10(d), 12(d), 13 and 15, Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*); Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: January 28, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-2862 Filed 2-3-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

15 CFR Parts 935 and 936

Seaward Boundaries of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule correction.

SUMMARY: Updated turning points and corresponding maps of the seaward boundaries of the Channel Islands National Marine Sanctuary and the Point Reyes-Farallon Islands National Marine Sanctuary, both located off the California coast, are provided below to correct certain inadvertent errors in the original description of these sites.

FOR FURTHER INFORMATION CONTACT: Rafael V. Lopez, (202) 634–4236.

ADDRESS: Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

SUPPLEMENTARY INFORMATION: The Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries were designated to protect valuable marine resources off the California coast and provide a comprehensive management framework to promote wise public and private use of these areas. The Sanctuaries are inhabited by large numbers of marine mammals, especially seals and sea lions, and millions of seabirds. Each Sanctuary provides enjoyment to millions of visitors annually. Regulations were enacted to insure the protection of the ecological resources. Notice of the implementation of these regulations was published in the **Federal Register.** Boundary point coordinates accompanied each notice.

The Channel Islands National Marine Sanctuary designation document and final regulations were published on October 2, 1980 (45 FR 65198). The notice was missing two points around Santa Barbara Island and did not include a map of the area.

The Point Reyes-Farallon Islands National Marine Sanctuary designation document and final regulations were published on January 26, 1981 (46 FR 7936). This notice contained eight extraneous points not pertinent to the designation, representing one of the boundary options discussed in the environmental impact statement for this site, and also did not include a map.

To correct these errors the seaward portion of the boundaries of both Sanctuaries are presented below. These coordinates represent the turning points of the straight line segments demarcating the sites. Maps are included with this correction for illustrative purposes. The shoreline boundaries are defined in the aforementioned notices. For practical purposes these coordinates can be rounded off to whole values for seconds of latitude and longitude.

PART 935—THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY REGULATIONS

Accordingly, Appendix I.A. to 15 CFR Part 935 is corrected to read as follows:

APPENDIX I.A.—CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

[Coordinates are furnished to 0.001 of a second]

Point No.	Latitude north	Longitude west
Northern Channel Islands Section		
01	33°56'28.959"	119°16'23.800"
02	33°58'03.919"	119°14'56.964"
03	34°01'33.846"	119°14'07.740"
04	34°04'24.203"	119°15'21.308"
05	34°06'06.653"	119°17'27.002"
06	34°06'54.809"	119°19'46.046"
07	34°06'57.988"	119°23'24.905"
08	34°06'51.627"	119°24'04.198"
09	34°07'01.640"	119°25'40.819"
10	34°06'59.904"	119°26'50.959"
11	34°08'02.002"	119°28'47.501"
12	34°08'17.693"	119°29'27.698"
13	34°08'52.234"	119°30'39.562"
14	34°09'16.780"	119°35'22.667"
15	34°09'05.108"	119°36'41.694"
16	34°08'02.782"	119°39'33.421"
17	34°08'46.870"	119°41'48.621"
18	34°09'35.563"	119°45'57.284"
19	34°09'32.627"	119°46'37.335"
20	34°09'33.396"	119°47'32.285"
21	34°09'43.668"	119°48'09.018"
22	34°10'10.616"	119°50'07.659"
23	34°10'21.586"	119°51'05.146"
24	34°10'33.161"	119°53'17.044"
25	34°10'36.545"	119°55'57.373"
26	34°10'21.283"	119°57'26.403"
27	34°08'07.255"	120°01'07.233"
28	34°08'13.144"	120°02'27.930"
29	34°07'47.772"	120°05'05.449"
30	34°07'29.314"	120°06'36.262"
31	34°07'30.691"	120°09'35.238"
32	34°06'36.285"	120°12'39.335"
33	34°06'40.634"	120°13'33.940"
34	34°08'10.759"	120°15'07.017"
35	34°09'12.290"	120°17'07.046"
35A	34°09'50.706"	120°17'31.649"
36	34°10'56.346"	120°18'40.520"
36B	34°11'28.249"	120°19'29.213"
37	34°12'08.078"	120°21'00.835"
37C	34°12'25.468"	120°25'01.261"
38	34°12'18.754"	120°25'39.373"
38D	34°11'33.184"	120°27'33.921"
39	34°12'19.470"	120°30'22.620"
39E	34°12'17.540"	120°32'19.959"
40	34°10'54.592"	120°35'57.887"
40F	34°06'07.491"	120°38'27.883"
41	34°04'53.454"	120°38'16.602"
41G	34°03'30.539"	120°37'39.442"
42	34°01'09.860"	120°35'04.808"
42H	34°00'48.573"	120°34'25.106"
43	33°59'13.122"	120°33'53.385"
44	33°57'01.427"	120°31'54.590"
45	33°55'36.973"	120°27'37.188"
46	33°55'30.037"	120°25'14.587"
47	33°54'50.522"	120°22'29.536"
48	33°55'01.640"	120°19'26.722"
49	33°54'34.409"	120°18'27.344"
50	33°53'23.129"	120°17'39.927"

APPENDIX I.A.—CHANNEL ISLANDS NATIONAL MARINE SANCTUARY—Continued

[Coordinates are furnished to 0.001 of a second]

Point No.	Latitude north	Longitude west
51	33°50'39.990"	120°15'13.874"
52	33°49'53.260"	120°13'41.904"
53	33°49'03.437"	120°12'06.750"
54	33°48'36.087"	120°11'10.821"
55	33°47'39.280"	120°07'59.707"
56	33°47'37.617"	120°06'04.002"
57	33°47'59.351"	120°04'08.370"
58	33°48'38.700"	120°02'33.188"
59	33°48'52.167"	120°01'50.244"
60	33°50'28.486"	119°57'50.820"
61	33°50'55.128"	119°55'19.934"
62	33°52'13.338"	119°52'53.439"
63	33°52'04.900"	119°52'10.719"
64	33°51'39.919"	119°47'21.152"
65	33°51'48.592"	119°46'13.213"
66	33°51'35.798"	119°44'34.589"
67	33°51'44.374"	119°41'12.738"
68	33°52'23.857"	119°39'14.708"
69	33°53'09.365"	119°37'30.784"
70	33°53'12.754"	119°35'35.793"
71	33°53'17.114"	119°34'54.567"
72	33°53'38.865"	119°32'51.578"
73	33°54'02.277"	119°31'06.274"
74	33°54'56.444"	119°28'54.052"
75	33°54'39.349"	119°27'37.512"
76	33°54'15.236"	119°25'23.779"
77	33°54'07.847"	119°24'22.849"
78	33°54'04.682"	119°22'58.006"
79	33°54'14.311"	119°21'44.573"
80	33°54'22.824"	119°21'09.003"
81	33°54'46.904"	119°19'54.677"
82	33°55'05.834"	119°19'16.027"
Santa Barbara Island Section		
83	33°28'56.904"	119°10'04.092"
84	33°26'32.364"	119°10'01.328"
85	33°24'19.904"	119°08'52.236"
86	33°23'26.019"	119°07'54.826"
87	33°22'04.836"	119°05'16.716"
88	33°21'49.387"	119°04'01.551"
89	33°21'44.594"	119°02'49.887"
90	33°21'49.556"	119°01'37.839"
91	33°22'07.538"	118°59'49.357"
92	33°22'27.774"	118°58'51.623"
93	33°22'47.957"	118°58'07.633"
94	33°23'20.805"	118°57'14.375"
95	33°24'18.458"	118°56'08.450"
96	33°26'24.130"	118°54'51.352"
97	33°29'02.820"	118°54'22.276"
98	33°31'27.917"	118°54'50.367"
99	33°32'17.935"	118°55'18.396"
100	33°35'10.090"	118°59'40.091"
101	33°35'24.575"	119°01'22.108"
102	33°35'06.497"	119°03'59.463"
103	33°34'48.322"	119°05'03.374"
104	33°32'37.151"	119°08'37.201"
105	33°30'41.731"	119°09'45.845"

PART 936—THE POINT REYES-FARALLON ISLANDS NATIONAL MARINE SANCTUARY REGULATIONS

In addition Appendix I. to 15 CFR Part 936 is corrected to read as follows:

APPENDIX I.—POINT REYES-FARALLON ISLANDS NATIONAL MARINE SANCTUARY

[Coordinates are furnished to 0.001 of a second]

Point No.	Latitude north	Longitude west
1	38°15'50.349"	123°10'48.933"
2	38°12'36.338"	123°07'04.846"
3	38°09'57.033"	123°05'27.435"
4	38°08'26.872"	123°04'52.524"
5	38°07'42.125"	123°05'10.714"
6	38°06'08.017"	123°05'48.920"
7	38°05'26.765"	123°06'09.922"
8	38°04'44.587"	123°06'29.251"
9	38°03'54.439"	123°06'57.591"
10	38°03'07.527"	123°07'37.755"
11	37°59'32.425"	123°08'24.905"
12	37°59'22.344"	123°14'06.127"
13	37°57'31.931"	123°19'19.187"
14	37°54'16.943"	123°23'18.456"
15	37°50'05.522"	123°25'28.791"
16	37°45'33.799"	123°25'32.666"
17	37°41'20.351"	123°23'29.811"
18	37°38'01.053"	123°19'37.445"
19	37°36'04.665"	123°14'30.483"
20	37°35'30.191"	123°13'31.060"
21	37°33'47.197"	123°11'50.904"
22	37°31'12.270"	123°07'39.618"
23	37°30'29.706"	123°05'42.221"
24	37°29'39.287"	123°00'23.711"
25	37°30'34.337"	122°54'18.139"
26	37°31'47.784"	122°51'31.592"
27	37°34'17.533"	122°48'10.415"
28	37°36'58.627"	122°46'05.779"
29	37°39'59.303"	122°44'59.838"
30	37°52'56.355"	122°37'35.195"

Dated: January 15, 1982.

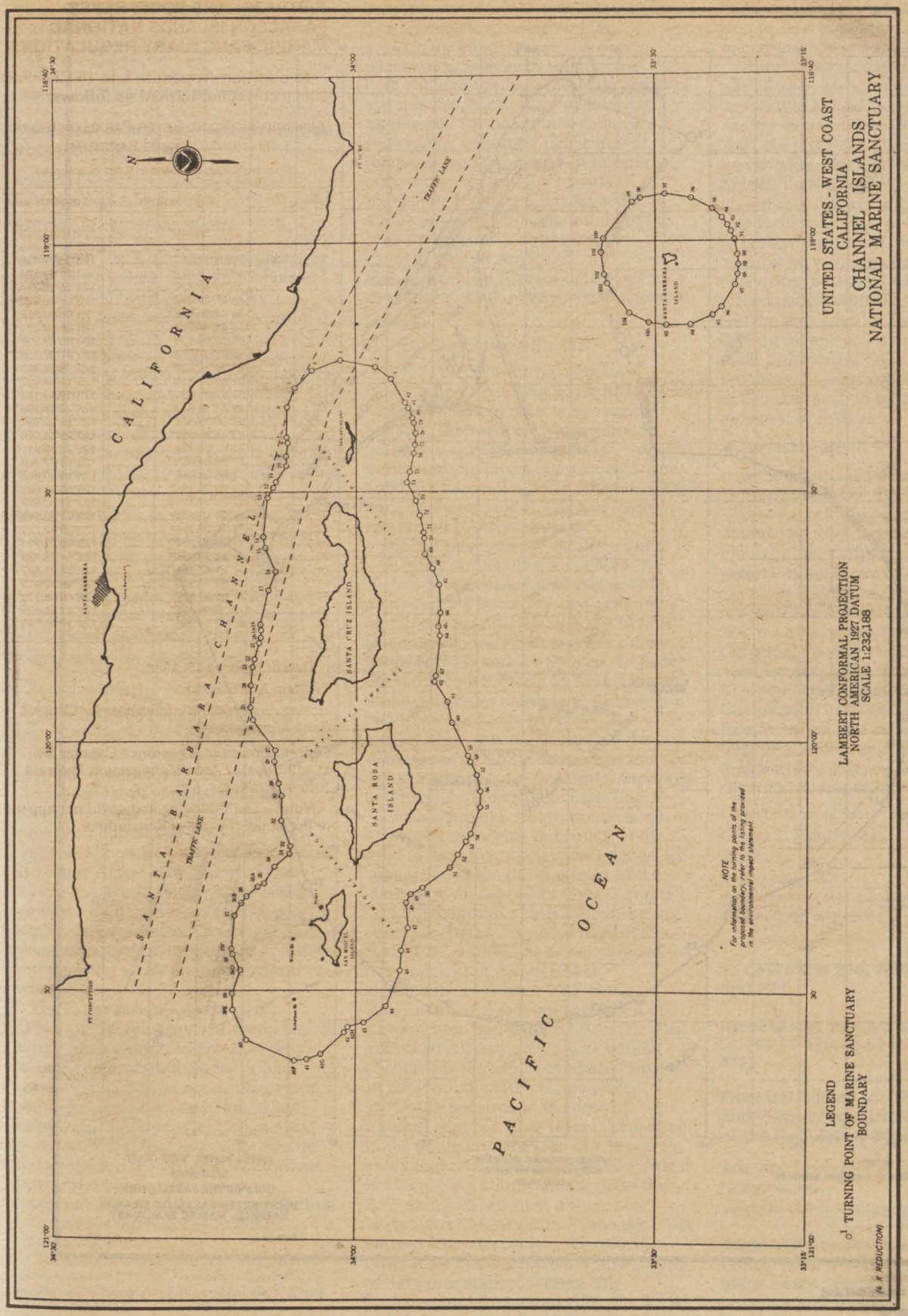
William Matuszeski,

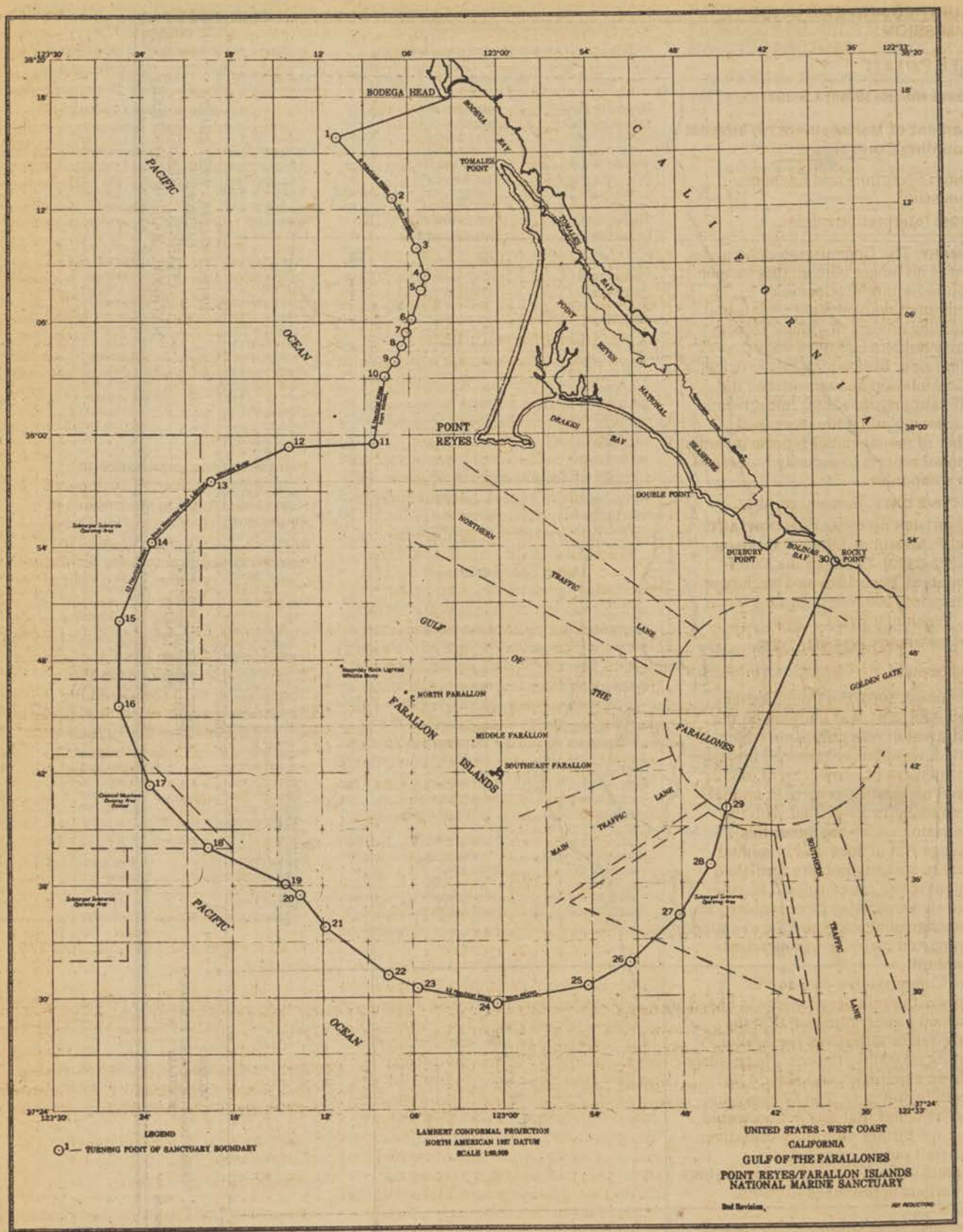
Acting Assistant Administrator for Coastal Zone Management.

Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration.

Note.—The following maps will not appear in the Code of Federal Regulations.

BILLING CODE 3510-08-M


UNITED STATES - WEST COAST
CALIFORNIA
CHANNEL ISLANDS
NATIONAL MARINE SANCTUARY
LAMBERT CONFORMAL PROJECTION
NORTH AMERICAN 1927 DATUM
SCALE 1:232,188
LEGEND
TURNING POINT OF MARINE SANCTUARY BOUNDARY
(4 X REDUCTION)
NOTE
For information on the turning points of the proposed boundary, refer to the listing provided in the environmental impact statement
CALIFORNIA
SANTA BARBARA CHANNEL
PACIFIC OCEAN
SANTA CRUZ ISLAND
SANTA ROSA ISLAND
SANTA BARBARA ISLAND
TRAFFIC LANE
TRAFFIC LANE
SANTA BARBARA
PT. CONCEPTION
N



[FR Doc. 82-1475 Filed 2-3-82; 8:45 am]
BILLING CODE 3510-08-C

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. 34-18451; AS-305]

Statement of Management on Internal Accounting Control

AGENCY: Securities and Exchange Commission.

ACTION: Interpretive release.

SUMMARY: The Commission announces that it is no longer considering further action to require disclosure of a statement of management on internal accounting control in annual reports to security holders or filings with the Commission. In reaching this conclusion the Commission has considered the significant private-sector initiatives in this area, including the increased number of management reports included in annual reports to security holders of large companies.

EFFECTIVE DATE: January 28, 1982.

FOR FURTHER INFORMATION CONTACT: David F. Martin or Edmund Coulson (202-272-2130), Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Background

On June 6, 1980, the Commission issued ASR 278* that announced the withdrawal of rule proposals which, if adopted, would have required inclusion of a statement of management on internal accounting control in annual reports on Form 10-K filed with the Commission under the Securities Exchange Act of 1934 and in annual reports to security holders furnished pursuant to the proxy rules. The rule proposals would also have required that the management statement be examined and reported on by an independent accountant.

The Commission's decision to withdraw the rule proposals was based, in part, on a determination that the private-sector initiatives for public reporting on internal accounting control had been significant and should be allowed to continue. The Commission stated its belief that this action would encourage further voluntary initiatives and permit public companies a maximum of flexibility in experimenting with various approaches to public reporting on internal accounting control. The Commission urged similar experimentation concerning auditor association with such statements.

In conjunction with the withdrawal of the rule proposals, the Commission announced its intention to monitor registrants' voluntary disclosure of management statements on internal accounting control and reports of independent accountants on such statements and implementation of the broader recommendations of the Commission on Auditors' Responsibilities (Cohen Commission) concerning comprehensive management reports.

II. Activities After ASR 278

Since ASR 278 was issued, the Commission's staff has reviewed a sample of annual reports to security holders. The results of the review indicate a significant increase, particularly in larger companies, in the number of annual reports which include a management report. Several surveys conducted by private-sector organizations indicate similar results.

In addition to comments about the system of internal accounting control, many reports have included comments on topics recommended by the Cohen Commission, the Financial Executives Institute (FEI) and the Special Advisory Committee on Reports by Management of the American Institute of Certified Public Accountants (AICPA). The variety of reports demonstrates the willingness of public companies to experiment with a new form of reporting and to avoid boiler-plate reporting.

Certain private-sector groups have taken actions which indicate that the private sector continues to be generally supportive of the development of the concept of management reports and is seeking to improve internal accounting control systems. As noted in ASR 278, the AICPA and FEI have encouraged the development of management statements. In August 1981, the American Bar Association Section of Corporation, Banking and Business Law approved a Discussion Paper which encourages the use of company reports. In addition, the FEI has sponsored extensive research in the area of internal controls. This research resulted in the publication in 1980 of a research study and report titled "Internal Control in U.S. Corporations: The State of the Art" and, just recently, a report on "Criteria for Management Systems." The current research project is exploring criteria for management use and control of data processing systems. The Commission is encouraged by this kind of private sector research effort which should lead to continued improvements in corporate internal control systems.

The experimentation with public reporting by independent accountants on internal accounting control systems has not yet had time to develop. In July 1980, the AICPA's Auditing Standards Board issued Statement on Auditing Standards No. 30 (SAS 30), "Reporting on Internal Accounting Control," which sets forth guidance for auditors on how to review and report on a system of internal accounting control. As companies and their auditors become more familiar with the provisions of SAS 30 they may be able to integrate SAS 30 review procedures into annual audit procedures. Such integration may facilitate the conduct of these reviews and could result in increased reporting pursuant to SAS 30.

III. Conclusion

Although the importance to companies of effective systems of internal accounting control has not diminished, the Commission now believes that there is no need for a regulatory requirement for disclosures about such systems. In the light of developments since the issuance of ASR 278, the Commission now believes that the private sector should determine the need for and nature of such disclosure. In reaching this conclusion the Commission has considered the significant private-sector initiatives in this area, including the increased number of management reports to security holders of large companies.

By the Commission.

George F. Fitzsimmons,

Secretary.

January 28, 1982.

[FR Doc. 82-2903 Filed 2-3-82; 8:45 am]

BILLING CODE 8010-01-M

*Accounting Series Release 278, "Statement of Management on Internal Accounting Control," Securities Exchange Act Release No. 16877, June 6, 1980 (45 FR 40134).

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17 CFR Parts 230, 240, 250, 260, 270, and 275

[Release Nos. 33-6380, 34-18452, 35-22371, 39-693, IC-12194, and IA-791; File No. S7-879]

Final Definitions of "Small Business" and "Small Organization" for Purposes of the Regulatory Flexibility Act

AGENCY: Securities and Exchange Commission.

ACTION: Final rulemaking.

SUMMARY: The Securities and Exchange Commission is adopting final definitions of the terms "small business" and "small organization" as those terms will be

used in connection with future Commission rulemaking proceedings under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940 and the Investment Advisers Act of 1940 regarding disclosure, reporting and regulatory requirements applicable to business concerns and other organizations which are subject to these statutes. The definitions are being adopted specifically for purposes of the Regulatory Flexibility Act, which requires the Commission to consider the impact of its regulations on small entities.

EFFECTIVE DATE: March 8, 1982.

FOR FURTHER INFORMATION CONTACT:

General

Ann Stansbury, Esquire, Special Counsel, Office of General Counsel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202–272–2427).

Offices With Particular Responsibilities

Daniel Abdun-Nabi, Esquire, Division of Corporation Finance (Definitions applicable to the Securities Act of 1933, the reporting and disclosure provisions of the Securities Exchange Act of 1934, and the Trust Indenture Act of 1939) (202)–272–2644)

Jonathan Kallman, Esquire, Division of Market Regulation (Definitions applicable to brokers, dealers, clearing agencies, exchanges, bank municipal securities dealers, securities information processors, and transfer agents) (202–272–2843)

James E. Lurie, Special Counsel, Division of Corporate Regulation (Definitions applicable to public utility holding company systems) (202–523–5683)

Elizabeth T. Tsai, Esquire, Division of Investment Management (Definitions applicable to investment companies and investment advisers) (202–272–2032)

SUPPLEMENTARY INFORMATION: On March 20, 1981, in Release 33–6302 (46 FR 19251) the Commission proposed rules to define the terms "small business" and "small organization," for the purposes of Chapter Six of the Administrative Procedure Act, 5 U.S.C. 601 et seq., (the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 19, 1980)), as those terms may apply to organizations and entities that are issuers of securities or otherwise engaged in securities or other business activities subject to disclosure and reporting requirements or regulation by the Commission pursuant to the Securities Act of 1933, 15 U.S.C. 77a et seq., (the "Securities Act"), the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., (the "Securities Exchange Act"), the Public Utility Holding Company Act of 1935, 15 U.S.C. 79a et seq., (the "Holding Company Act"), the Trust Indenture Act of 1939, 15 U.S.C. 77aaa et seq., (the "Trust Indenture Act"), the Investment Company Act of 1940, 15 U.S.C. 80a et seq., (the "Investment Company Act"), or the Investment Advisers Act of 1940, 15 U.S.C. 80b–1 et seq., (the "Advisers Act"). The Regulatory Flexibility Act (the "RFA") requires that the Commission, among other things, consider the economic impact of Commission rulemaking action on entities that qualify as "small" under applicable standards as set forth in the RFA, the Small Business Act [1] or the regulations promulgated by the Small Business Administration ("SBA").[2] In view of the apparent absence of appropriate standards in those statutes and regulations for defining small entities subject to its regulation, the Commission proposed for public comment pursuant to the RFA definitions that it considered appropriate to the regulation of issuers and other entities in the securities industry or otherwise subject to regulation under statutes administered by the Commission.[3] After consultation with the Office of Advocacy of the SBA and considering the comments received from the public on the proposed definitions, the Commission is now adopting final definitions, which are discussed in more detail below. Although the definitions will be generally applicable in Commission rulemaking, the rules also provide, as permitted by the RFA, that the Commission may, in particular instances, if the circumstances so warrant, define a particular entity in a manner different from that set forth in the rules. In any such case, appropriate notice will be provided that the Commission intends to use or is using a different definition.

[1] 15 U.S.C. 631 et seq.

[2] 13 CFR Part 121.

[3] The RFA provides that an agency, after consultation with the Office of Advocacy of the SBA and an opportunity for public comment, may establish one or more definitions of "small entity" that are applicable to the activities of the agency. *See* Securities Act Release No. 6302 (March 20, 1981), 22 SEC Doc. 546 (April 7, 1981), for a discussion of the reasons why the Commission considered the SBA definitions inappropriate.

Description of the Final Definitions

Securities Act—Issuers Engaged in Small Business Financing; The Securities Exchange Act—Reporting Requirements, Tender Offers, Issuer Repurchases, Proxy Rules, and Short Swing Profits.

In the release proposing the definitions of "small business" and "small organization" for purposes of the Regulatory Flexibility Act (the "RFA") [4] the Commission proposed to amend its rules under the Securities Act of 1933 [5] (the "Securities Act") by adding new Rule 157 [6] which would define those terms to mean any issuer, other than an investment company, that is engaged in small business financing and whose total assets on the last day of its most recent fiscal year were $2.5 million or less. Smalll business financing is defined to mean any issuer that is engaged or proposed to engage in the offer and sale of its securities that does not exceed the dollar limitation prescribed by Section 3(b) of the Securities Act.

Similarly, for purposes of the RFA, the Commission proposed a definition of "small business" and "small organization" which, when used in reference to entities that are subject to the reporting provisions of the Securities Exchange Act of 1934,[7] ("the Securities Exchange Act"), pursuant to Sections 12, 13, 14, 15(d) and 16 of that Act, would mean an issuer that on the last day of its most recent fiscal year had assets of $2.5 million or less.

The asset tests proposed in the definitions under both the Securities Act and the Securities Exchange Act were intended to reflect an inflationary adjustment to the $1 million asset test, established for reporting purposes in the 1964 Amendments.[8]

The proposed Securities Act definition included a size of the offering standard in addition to an asset test primarily because the Securities Act is transaction oriented; *i.e.*, the registration of securities under the Securities Act is required only when certain transactions are proposed or occur.[9] Moreover there

[4] Release No. 33–6302, 34–17645 (March 20, 1981) (46 FR 19251).

[5] 15 U.S.C. 77a–77aa, as amended.

[6] 17 CFR 230.157.

[7] 15 U.S.C. 78a–78jj, as amended.

[8] 78 Stat. 565 (U.S. Code Cong & Ad. News 2798 (1964)). In the proposing release the Commission noted that an inflationary adjustment to the $1 million asset test established in Section 12(g) of the Securities Exchange Act would result in a $2,470,000 asset threshold in 1979.

[9] Congress has consistently recognized that a Securities Act exemption based on the size of the

Continued

exists substantial factual data indicating a significant direct relationship between the size of the offering and the size of the issuer.[10] It was anticipated that this standard would assure that any evaluation of the impact of compliance regarding proposed or adopted rules under the Securities Act would include only an analysis of those issuers for which fixed costs become disproportionately expensive.

The Commission received eleven comments regarding the proposed standards. Several of these commentators urged that the total asset criterion should be raised, with the recommendations ranging from $4 million to $15 million. In several cases no justification was presented for the standards recommended.

The SBA, in its comments on the proposed standards, supported increasing the total asset threshold to $15 million on the ground that while the total number of shareholders affected by such a standard would be relatively small, the number of issuers which would fall within the definition of "small business" would significantly increase. This, the SBA argues, would bestow substantial regulatory cost savings upon issuers without significantly diluting investor protection for large numbers of shareholders. In making this recommendation, however, the SBA does not maintain that any direct or indirect correlation exists between the ability of an issuer to bear the costs of regulation and the total number of shareholders which would be affected by a specified size standard. Since the basic concept underlying the RFA is that uniform regulations often have a disproportionately greater economic impact upon small businesses, and thus upon their competitive position,[11] the Commission is of the view that definitional standards should be established at levels below which there would exist a disproportionate economic impact in the uniform application of its regulations.

In reaching the $3 million total asset figure, the Commission examined, among other factors, the Congressional rationale for including a $1 million asset test in Section 12(g) of the Securities Exchange Act when it amended that Act in 1964.[12] The legislative history of the 1964 amendments reveals that although the amount of assets would seem to be no more than a secondary criterion, "it may ultimately have relevance in defining a limit where burdens may be disproportionate to needs."[13] Thus, it seems appropriate that an inflationary adjustment to the $1 million asset test is relevant in defining the extent to which the compliance burdens could be met by issuers involved. Additionally, the Commission believes that with the definitional standards established at such levels, the regulatory flexibility analyses required by the RFPA would have maximum utility and greatest significance. One commentator, the Texas Independent Producers & Royalty Owners Association, suggested that a figure of $4 million would more accurately reflect the inflation adjustment desired. As indicated earlier, the Commission noted in the proposing release that an inflationary adjustment to the Section 12(g) $1 million total asset standard would result in a $2,470,000 asset threshold in 1979. An update of this analysis through 1981 suggest that a more appropriate standard would be one which approximates $3 million.

Several commentators suggested that the definitions under both the Securities Act and the Securities Exchange Act should include a revenue test in addition to the asset test proposed. The recommendations ranged from $10 million to $15 million in revenues. As noted above, the legislative history of the 1964 amendments to the Securities Exchange Act established an asset threshold as relevant and appropriate in defining the extent to which compliance burdens could be met by the issuers involved. Additionally, several commentators responding to the Commission's release regarding the advisability of classifying issuers for purposes of the Securities Exchange Act [14] expressed the view that an asset test represents a simple and functional criterion for measuring an issuer's size in relation to the cost of complying with reporting obligations.[15] Moreover, the Commission does not anticipate that a revenue criterion would bestow any significant benefits upon small businesses in the context of the RFA, although additional criteria or modified asset standards which take into account the number of shareholders affected may have significance in the context of the Commission's proposed classification system.[16] In light of the foregoing, the Commission does not believe it is either necessary or desirable to adopt a revenue standard in the final definitions.

Accordingly, the Commission is adopting new Rule 157 under the Securities Act, which defines the terms "small business" and "small organization" for purposes of the RFA as any issuer, other than an investment company, whose total assets on the last day of its most recent fiscal year were $3 million or less and that is engaged in small business financing; *i.e.*, any issuer that engages or proposes to engage in the offer and sale of its securities in an amount that does not exceed the dollar limitation prescribed by Section 3(b) of the Securities Act.

Additionally, the Commission is adopting new Rule 0–10 under the Securities Exchange Act,[17] which defines "small business" and small organization for purposes of the RFA to mean any "issuer" or any "person" whose total assets on the last day of its most recent fiscal year were $3 million or less. The Commission may consider the advisability of similar adjustments in the future, if appropriate.

As indicated in the proposing release, the Commission has for some time been taking steps to facilitate the integration of the disclosure systems of both the Securities Act and the Securities Exchange Act so that investors and the marketplace are provided meaningful, nonduplicative information, while the costs of compliance are decreased.[18] The integration effort is based on the idea that, generally, there is no distinction between information that is material for

transaction, rather than solely on the size of the issuer, is appropriate. As an example, Section 3(b) of the Securities Act authorizes the Commission to exempt transactions from registration if it finds that registration is not necessary in the public interest because of the small dollar amount involved or the limited character of the public offering. The dollar ceiling under Section 3(b) has been raised on several occasions, most recently, from $2 million to $5 million pursuant to Section 301 of the Small Business Investment Incentive Act of 1980 (the "Incentive Act") [Pub. L. No. 96–477 (October 21, 1980)]. This Congressional action was intended to provide the Commission with increased flexibility in developing exemptions targeted to smaller issuers. Additionally, Congress adopted the transaction size approach when it enacted, in the Incentive Act, new Section 4(6) of the Securities Act.

[10] Rule 242: A Monitoring Report on the First Six Months of Its Use (December, 1980); Form S–18: A Monitoring Report on Its Use in 1979 (March, 1980).

[11] Senate Report No. 96–878, Senate Committee on the Judiciary, 96th Congress, 2d Sess., July 30, 1980.

[12] 78 Stat. 565 (U.S. Code Cong. & Ad. News 2798 (1964)).

[13] Report of the Special Study of Securities Markets of the Securities and Exchange Commission, House Document No. 95, Pt. 3, House Committee on Interstate and Foreign Commerce, 88th Cong., 1st Sess. (1963) at 18.

[14] Release No. 34–16866 (June 2, 1980) (45 40145).

[15] Summary of Comments relating to Classification of Exchange Act Reporting Companies, File No. S7–837.

[16] Securities Exchange Act Release No. 18189 (October 20, 1981) (46 FR 52382). In this release the Commission proposed for comment a new rule and rule amendments which would exempt a class of smaller issuers from the registration and reporting provisions under the Securities Exchange Act. Where appropriate the Commission will consider the views of the commentators in establishing a Securities Exchange Act classification system.

[17] 17 CFR 240.0–10.

[18] Release Nos. 33–6331 to 33–6338 (August 6 1981) (46 FR 41902).

the distribution of securities in transactions covered by the Securities Act on the one hand, and for periodic reporting under the Securities Exchange Act on the other hand, by companies whose securities are traded in the markets.

As a result of this effort, there will be instances in which amendments to rules, forms and schedules under the Securities Exchange Act that are a part of the integrated disclosure system will also affect disclosures under the Securities Act. The Commission does not intend to imply, however, that an issuer that is subject to the reporting requirements of the Securities Exchange Act may furnish less disclosure in a limited size offering than would normally be furnished to the marketplace under the Securities Exchange Act. Therefore, any impact analysis of rules under the Securities Exchange Act that are a part of the integrated disclosure system will normally be expected to satisfy the similar analysis under the Securities Act.

Trust Indenture Act—Issuers Engaged in Small Business Financing

In its consideration of the proposed definition of "small business" and "small organization" for purposes of the RFA to be applicable to rulemaking under the Trust Indenture Act of 1939, the Commission noted that the Trust Indenture Act definitions, exemptions, requirements, and procedures for qualification of indentures and trustees are closely related to the Securities Act. Consequently, the Commission believed that the considerations affecting small entities under the Trust Indenture Act should be determined in tandem with those under the Securities Act. The Commission therefore proposed to adopt, under the Trust Indenture Act, a rule defining "small business" and "small organization" in a manner which was identical to proposed Rule 157.

The commentators raised no objection to a Trust Indenture Act definition which corresponds to the Securities Act definition and in fact several commentators specifically endorsed the concept. However, the comments raised with respect to the asset test in proposed Rule 157 were made specifically applicable to the proposed definition under the Trust Indenture Act.

The Commission, based on the need for consistency between the Securities Act and Trust Indenture Act definitions, and for the reasons specified above, has determined to amend 17 CFR Part 260 by adopting § 260.0–7 which, for the purposes of the Trust Indenture Act, defines "small business" and "small organization" to mean an issuer whose total assets on the last day of its most recent fiscal year were $3 million or less and that is engaged or proposing to engage in small business financing. An issuer is considered to be engaged or proposing to be engaged in small business financing under this section if it is conducting or proposing to conduct an offering of securities which does not exceed the dollar limitation prescribd by § 260.4a–2.[19]

The Securities Exchange Act—Brokers, Dealers and Other Regulated Entities

As noted above, the Commission is also adopting definitions of the terms "small business" and "small organization" for purposes of the RFA with respect to certain entities in the securities industry whose activities are regulated by the Commission pursuant to the Securities Exchange Act. Those entities include brokers, dealers, clearing agencies, exchanges, bank municipal securities dealers, securities information processors and transfer agents. The definitions with respect to brokers and dealers have been revised in response to the views expressed by the commentators. The Commission did not receive any adverse comments on the other definitions [20] and is adopting the definitions as proposed.[21]

The definitions in Rule 0–10 as adopted incorporate the concept of affiliation and provide that a broker-dealer, clearing agency, exchange, bank municipal securities dealer, securities information processor or transfer agent is not a small business or small organization if that entity is affiliated with any person (other than a natural person) that is not a small business or small organization as defined in Rule 0–10. A person is said to be "affiliated" with another if that person controls, is controlled by, or is under common control with such other person. "Control" is defined as, among other things, the right to vote 25 percent or more of the voting securities of an entity and the right to receive 25 percent or more of the net profits of such entity.

As indicated in the proposal release, the Commission believes that it is appropriate to take into account the structure of business organizations in the securities industry when defining the terms "small business" and "small organization." The Commission believes that an ownership or profit-sharing interest of 25 percent or more is an appropriate threshold for determining when the financial resources of affiliates of a securities firm or a securities service firm should be considered in determining the size of that firm for purposes of the RFA and Commission rulemaking. The Standard Oil Company of California objected to the 25 percent threshold because of its belief that equating "control" with a 25 percent interest in an entity would create an unnecessary and undesirable exception to generally accepted terminology.[22] The Commission notes, however, that the threshold as established in Rule 0–10 applies exclusively to the securities industry for limited purposes in the course of Commission rulemaking proceedings affecting only members of that industry and their affiliates.

As indicated above, the Commission is adopting revised definitions of "small business" and "small organization" with respect to brokers and dealers. Proposed Rule 0–10, as published for public comment, would have defined as small those brokers or dealers that are permitted to maintain a certain specified minimum level of net capital, had fewer than five employees at the end of the preceding calendar year, and are not associated with any entities that are not small businesses or small organizations under Rule 0–10. The commentators, however, generally opposed this definition and the use of net capital and number of employees as size standards, and contended that the threshold levels were set too low.[23]

In light of the comments received, the Commission has substantially revised the definitions for broker-dealers and has determined to adopt those definitions as revised. As adopted,

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[19] 17 CFR 260–4a–2 provides:

"The provisions of the Trust Indenture Act of 1939 shall not apply to any security which has been or is to be issued under an indenture which limits the aggregate principal amount of securities at any time outstanding thereunder to $5,000,000 or less, but this exemption shall not be applied within a period of thirty-six consecutive months to more than $5,000,000 aggregate amount of securities of the same issuer."

[20] The only comment that the Commission received on these proposed definitions was from the Small Business Administration, which noted that the proposed definitions for regulated entities under the Securities Exchange Act appeared to be adequate to meet the requirements of the RFA.

[21] *See* paragraphs (d) through (h) of Rule 0–10, *infra*.

[22] That commentator suggested, among other things, that the threshold might be lowered to 20 percent.

[23] The Securities Industry Association proposed that the Commission measure firm size by reference to total capital (defined as net worth plus subordinated liabilities). The Small Business Administration suggested that the Commission choose a size standard from among the possible measures after consultation with the National Association of Securities Dealers, Inc. One broker-dealer suggested a size standard of 19 or fewer employees; another suggested a size standard of $2 million in equity capital and fewer than 30 employees.

paragraph (c) of Rule 0–10 would define as a small business or a small organization, for purposes of Commission rulemaking, a broker or dealer that had total capital of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to 17 CFR 240.17a–5(d) or, if not required to file such statements, a broker or dealer that had total capital of less than $500,000 on the last business day of the preceding fiscal year (or in the time it has been in business, if shorter); and (2) is not affiliated with any person (other than a natural person) this is not a small business or small organization as defined in the Rule. "Total capital" for purposes of the rule consists of net worth plus subordinated liabilities, including those subordinated liabilities that do not qualify for purposes of determining a firm's net capital under Rule 15c3–1 (17 CFR 240.15c3–1).

Determination of the size of a firm under Rule 0–10, for most broker-dealers, would be based on the total capital that firm reported to the Commission on its annual audited financial statements as of a particular date in the prior fiscal year. Most broker-dealers are required to file audited financial statements with the Commission pursuant to Rule 17a–5(d) under the Securities Exchange Act (17 CFR 240.17a–5(d)). For those firms that are not required to file annual audited financial statements,[24] or that have been in existence for less than one year, size would be determined on the basis of the level of the firm's total capital on the last business day of the preceding fiscal year or, if shorter, during the life of firm.

The Commission believes that $500,000 in total capital is an appropriate benchmark for determining whether a firm is small for purposes of the RFA.[25] All firms are generally aware of their total capital and information concerning the distribution of brokers and dealers according to specified levels of total capital is readily available to the Commission. Total capital appears to be preferable to other possible size standards, such as gross revenues or net capital, because it appears to be less volatile in the face of short-term shifts in factors affecting economic profitability. Data compiled by the Commission's Directorate of Economic Policy Analysis from the reports filed pursuant to Rule 17a–5 by broker-dealers for 1979[26] indicates that approximately 4100 broker-dealers had total capital of less than $500,000.[27] A substantial majority of broker-dealers that are registered with the Commission may qualify as "small" under Rule 0–10, including some firms that engage in underwriting and general brokerage.[28] The Commission does not believe that the RFA mandates establishing a definition of "small" within an industry by reference to the very largest firms in that industry. While there has been in recent years some concentration of firms, the securities industry has usually characterized itself as a competitive industry with a substantial number of national and regional firms competing with one another in various lines of business. The Commission also believes that the definition adopted with regard to broker-dealers is appropriate, since it may serve as a basis for the possible "tiering" of regulations applicable to those entities.[29]

Although the Commission is adopting definitions with regard to the above mentioned entities, the Commission welcomes future comment from interested persons and the public concerning the operation and appropriateness of those definitions. The Commission, in consultation with the Small Business Administration, will consider any changes to such definitions as experience dictates.[30]

Public Utility Holding Companies

The Commission has concluded that it is desirable to adopt a special definition of the terms "small business" and "small organization" for purposes of the RFA to apply to rulemaking under the Public Utility Holding Company Act. In this connection, the Commission does not believe that the Small Business Act and regulations promulgated by the SBA provide size standards that are appropriate for public utility holding companies.[31] Moreover, the Commission believes that the size standards currently in use in connection with federal programs to assist small manufacturing or service enterprises are not appropriate for measuring the impact of rules on small entities that are in "holding company" systems under the Holding Company Act.

Under the Holding Company Act, the Commission exercises comprehensive authority over the issuance of securities or the acquisition of securities or utility assets by registered holding companies and their subsidiaries, intrasystem transactions, and accounting requirements, among other things. A "holding company" is defined under the Holding Company Act as any company which owns 10 percent or more of the voting securities of a public utility company, which is defined as an electric or gas utility company.[32] While the Holding Company Act also provides

[24] Rule 17a–5(d)(iii), for instance, specifically excludes certain brokers that are members of a national securities exchange from those provisions of the rule that require the filing of audited financial statements with the Commission. *See* 17 CFR 240.17a–(d)(iii).

[25] Rule 0–10 as proposed for public comment would have primarily focused, through a particular provision of the Commission's regulation regarding broker-dealer minimum net capital requirements, on the business activities of broker-dealers. The commentators expressed concern that such a focus would have excluded, for instance, broker-dealers that carried customer accounts or cleared their own transactions and, under any other measure of size, would be considered "small" entities. In light of the Commission's determination to expand the scope of the definition to include such broker-dealers, the Commission, as discussed in text, *infra*, believes that total capital is a better economic proxy than net capital for measuring firm size outside of the context of a particular segment of the brokerage community.

[26] *See generally*, Securities and Exchange Commission, staff Report on the Securities Industry in 1979 (1980).

[27] As proposed for comment, Rule 0–10 would have restricted the class of broker-dealers potentially qualifying as small to certain broker-dealers that are permitted to maintain a certain level of minimum net capital pursuant to Rule 15c3 – 1(a)(2) or –1(a)(3), 17 CFR 240.15c3–1 (a)(2)–(a)(3). The Commission estimates that approximately 1,850 broker-dealers maintain minimum net capital pursuant to those provisions.

[28] The approximately 925 firms that would appear not to qualify as "small" accounted for approximately 91 percent of the underwriting profits and 96 percent of the securities commissions earned by broker-dealers in 1979 as reported on the Rule 17a–5 reports for that year.

[29] The SIA recommended that the Commission define as small those broker-dealers having total capital of less than $5 million, thereby defining as small all but approximately 140 SIA members or 200 registered broker-dealers. While that standard might in a few instances be appropriate, the Commission believes that the definition adopted today will generally provide a better basis for tiering regulations. The "tiering" of regulations will, of course, be considered in the context of each rulemaking proceeding subject to the RFA, at which time the Commission may consider whether alternative definitions of a "small' broker-dealer are appropriate.

[30] The Small Business Administration suggested that the Commission periodically evaluate the definitions being adopted today.

[31] The SBA's small business size standards, contained in 13 CFR Part 121 (1980), do not include a standard which is appropriate or practicable to apply in the context of rulemaking under the Holding Company Act. Only one subsection thereof, 13 CFR 121.33–10(d)(11), deals expressly with electric or gas utility companies. That subsection classifies as "small," for purposes of SBA loans, a conceren primarily engaged in the generation, transmission and/or distribution of electric energy for sale whose total output (including that of its affiliates) for the preceding fiscal year did not exceed 4 million megawatt hours. The SBA has proposed for comment amendments to its size standard regulations. Small Business Size Standards; Revision to Method of Establishing Size Standards and Definitions of Small Business, 45 FR 15442 (March 10, 1980). The proposed standards are all stated in terms of number of employees. *Id.* at 15443. Although electric and gas services are listed in the heading of Major Group 49 therein, there are no proposed size standards for electric or gas utilities. *Id.* at 15449.

[32] Sections 2(a)(7)(A) and 2(a)(5).

definitions of "electric utility company" and "gas utility company," the basic regulated unit for purposes of the Holding Company Act is the "holding company system," which is defined to include the holding company and each subsidiary company which is a member of that system,[33] whether it is a utility subsidiary or a non-utility subsidiary.

The Commission further believes that it is appropriate to assess the burdens of regulation under the Holding Company Act for purposes of the RFA by reference to the size of the holding company system as a whole, rather than by reference to its member companies, for three reasons. First, the holding company system is a single control group. Under the standards of the Holding Company Act, subsidiaries of the registered holding companies are wholly-owned or are specialized joint ventures with co-owners of comparable size and character. They would not, within the meaning of Section 3 of the Small Business Act, be considered "independently owned." Second, while most holding companies own more than one public utility subsidiary, the Holding Company Act requires that all such subsidiaries constitute but a single integrated public utility system.[34] And third, the regulatory provisions of the Holding Company Act generally apply to the holding company and to each of its subsidiaries; that is, to the entire holding company system. Accordingly, the rule establishes a definition of the terms "small business" and "small organization" for purposes of the RFA with respect to "holding company systems."

Rule 110, 17 CFR 250.110, defines the terms "small business" or "small organization" as a holding company system whose consolidated revenues from electric or gas utility operations did not exceed $1,000,000 in its last fiscal year. The Commission believes that it is appropriate to measure the size of a holding company system by reference to its consolidated gross utility revenues, a standard familiar to the industry and for which data are currently available. In establishing this size standard, the Commission has considered, among other things, the number of firms in the industry and the purposes of the Holding Company Act that form the predicate for regulation by the Commission. Holding companies, as such, do not constitute a relevant industry group. The relevant industry is the electric and gas utility industry. Upon the basis of available data, as of 1979, the latest available year, the Commission estimates that there are approximately 130 investor-owned electric utility systems and 500 investor-owned gas utility systems, of which it is believed approximately 14 and 180, respectively, have utility revenues below $1,000,000.[35]

There are currently nine registered electric utility holding company systems and three registered gas utility holding company systems that include 53 wholly or partly owned electric utility subsidiaries and 19 gas distribution and transmission subsidiaries. Under the size standard adopted, none of the currently registered holding company systems is a small entity.

There were no substantive coments received regarding the proposed definitions as initially published.

Investment Companies and Investment Advisers

In view of the comments recieved and the reasons given below, the Commission has revised the definitions of "small business" and "small organization" that were proposed with respect to investment companies and investment advisers and is adopting the revised definitions as Rule 0–10, 17 CFR 270.0–10, and Rule 0–7, 17 CFR 275.0–7.

Rule 0–10, 17 CFR 270.0–10, classifies as small any investment company with net assets of $50 million or less as of the end of its most recent fiscal year. The Commission received two letters commenting specifically on this size standard. One urged that $50 million was an appropriate cut-off point.[36] The SBA, being of the impression that only 14 percent, rather than 62.4 percent, of the investment companies in the Commission's statistical sample have assets of $50 million or less, suggested raising the figure to $100 million so that a greater proportion of investment companies might be classified as small.[37] Both commentators suggested that any investment company that primarily invests in small businesses be deemed small even though its net assets exceed the cut-off point that may be adopted.

The Commission believes that had the SBA realized that 62.4 percent of the investment companies would be deemed small under the Commission's size standard it might not have suggested raising the cut-off point to $100 million. Moreover, the Commission continues to believe that, since investment companies with high expense ratios would generally be more adversely affected by regulatory costs than those with lower expense ratios, they are the appropriate subject of relief for purposes of the RFA. Since its statistical study shows that investment companies with net assets from $6 million to $47.2 million had expense ratios exceeding the mean (average) adjusted expense ratio plus one standard deviation (and all the companies with net assets of over $47.2 million had expense ratios falling below this boundary), the Commission is adopting $50 million as the cut-off point.

Having thus identified the small entities in the investment company industry, the Commission is not persuaded that it must, in addition, provide special treatment for investment companies which, although not small, invest in small businesses on the assumption that the benefit of reduced regulatory cost on such investment companies would filter down to its portfolio companies. These portfolio companies are a step removed from the purpose of the Commission's size standard which is to distinguish those investment companies that, due to their size, bear a disproportionate burden of the costs of complying with regulations.

Paragraph (a)(1) of Rule 0–7, 17 CFR 275.0–7(a)(1), classifies as small any investment adviser that manages assets with a total value of $50 million or less, in discretionary or non-discretionary accounts, as of the end of its most recent fiscal year and does not render other advisory services. The Commission received three letters commenting specifically on this size standard. One recommended $50 million as a realistic cut-off point, if indexed for inflation by tying it to the GNP deflator. The Commission believes that this is not necessary because $50 million is only an estimate and it can be changed in the future if necessary.

The SBA suggested that the Commission raise the cut-off point to $100 million to increase the number of investment advisers that will be eligible for regulatory relief. Another commentator also suggested raising the cut-off point to $100 million, but would add, as alternatives, "maintains 25 or less accounts or employs 5 or less persons."[38] The Commission has no information about the specific number of employees of investment advisers or how many investment advisers employ 5

[33] Section 2(a)(9).

[34] Section 11(b)(1).

[35] Source: "Electric Utility Statistics," Public Power, Jan–Feb. 1981, p. D–3, Federal Energy Regulatory Commission Form 1's for Class C and D electric utility companies (1979); Brown's Directory of American and International Gas Companies (93d ed. 1979); Statistics supplied by the American Gas Association.

[36] National Association of Small Business Investment Companies, letter dated May 19, 1981 ("NASBIC").

[37] Small Business Administration letter dated May 27, 1981 ("SBA").

[38] Myerson, Den Berg and Co., letter dated May 5, 1981.

or less persons. Aside from the difficulty of defining "employee" (whether to include half-time, full-time, temporary, permanent, partners, etc.), an attempt to solicit this information from investment advisers would impose unnecessary burdens on them to provide information, contrary to the spirit of the Paperwork Reduction Act.[39] Although it is possible to gather from Form ADV the number of accounts of investment advisers,[40] the number of accounts will not necessarily identify the small investment advisers that only manage assets because of the varying size of the accounts. Thus, an investment adviser with just one account—a $1 billion money market fund—would not be small compared to an investment adviser with fifty $1 million accounts. Therefore, the Commission is not adopting these alternatives size standards.

As to raising the cut-off point for investment advisers that only manage assets, the Commission notes that it proposed $50 million as the cut-off point because of the similarities, with respect to the management of assets, between the investment company and the investment advisory businesses. Therefore, having adopted $50 million as the cut-off point for investment companies, the Commission also adopts it for investment advisers that only manage assets. The Commission is not persuaded that the cut-off point should be raised simply to increase the number of investment advisers that will be eligible for relief. To adopt such an approach would be to depart from the purpose of adopting a size standard, which is to identify the small entities among a particular type of entities so that the Commission may determine whether a particular rulemaking has "a significant economic impact on a substantial number of small entities."[41]

Paragraph (a)(2) of Rule 0–7, 17 CFR 275.0–7(a)(2), classifies as small any investment adviser that solely, or in addition to managing assets of $50 million or less, renders other advisory services and the assets related to its advisory business do not exceed in value $50,000 as of the end of its most recent fiscal year. As originally proposed, the size standard for this type of adviser was that its business-related assets, as shown in the balance sheet most recently filed with the Commission, did not exceed in value 50 percent of the average business-related assets for this type of adviser. As stated in the proposal, the Commission expected to determine such average assets from the balance sheets in its files and to express the size standard in dollars in the final rule. This size standard encountered several objections. One commentator suggested that "$50 million or less" be changed to "$100 million or less, 25 or less accounts or employs 5 or less persons." For the reasons stated in the preceding two paragraphs, the Commission has not adopted this suggestion.

Another commentator suggested that the Commission use the 500-employee size standard proposed by the SBA for miscellaneous publishers.[42] The Commission does not adopt this suggestion because some investment advisers in this category are not publishers at all[43] and, to the extent that some of them issue publications on a subscription basis, the standard would probably embrace all of them for it is unlikely that any of them has more than 500 employees. The standard, therefore, would not identify those that are small among this type of advisers. For this reason, the standard would not serve the purposes of the RFA. This reasoning also supports the Commission's not following suggestions that there should be a separate standard classifying as small all investment advisers who solely or mainly publish newsletters.[44]

Finally, one commentator pointed out potential problems with using the "average" business-related assets as a point of reference for the size standard in the absence of data showing the distribution of this type of investment advisers.[45] This comment is well-taken. The size standard in paragraph (a)(2) of Rule 0–7, 17 CFR 275.0–7(a)(2), uses the median business-related assets, not the average business-related assets, as the point of reference. In a random sample of 100 investment advisers out of about 2,300 investment advisers that solely, or in addition to managing assets of $50 million or less, render other advisory services[46] the Commission found that the median value of their business-related assets was approximately $50,000. The information about the business-related assets of those advisers in the sample was taken from such advisers' latest balance sheets in the Commission's files.[47] Using the median assets of investment advisers in the sample ($50,000), instead of 50 percent of such median assets ($25,000), as the cut-off point would classify as small 55 percent of investment advisers in the sample—a segment which compares with 62.4 percent of investment companies in the Commission's earlier sample that are classified as small under the size standard for investment companies.

Text of Amendments

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 230.157 to read as follows:

§ 230.157 Small entities for purposes of the Regulatory Flexibility Act.

For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act (5 U.S.C. 601 et seq.), and unless otherwise

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[39] Under the Paperwork Reduction Act of 1980, effective on April 1, 1981, the Commission must obtain approval from the Office of Management and Budget ("OMB") for every questionnaire calling for answers to identical questions posed to ten or more persons.

[40] Items 15(ii)(a) and 16(ii)(a), Part I, Form ADV, require an investment adviser to state the total number of accounts under discretionary management and of accounts under management or supervision, respectively, as of the end of the adviser's last fiscal year.

[41] Increasing the number of entities within the class deemed small might even be counterproductive in applying this statutory standard in that the bigger the class, the greater the number of entities within it that must be adversely affected by a particular rulemaking before it can be said that the rulemaking affects a "substantial" number of the class.

[42] At the time of the proposal the Commission rejected a size standard based on the number of subscribers because it had no information about the number of these subscribers. The Commission still does not have this information, but it is proposing to amend item 17 of Part I of Form ADV to require an applicant that issues periodic publications relating to securities on a subscription basis to state the number of subscribers thereto as of the end of the applicant's last fiscal year. If this proposed amendment is adopted, the Commission, with available information about the number of subscribers, might reconsider amending the size standard applicable to publishers of market letters.

[43] This category includes not only those advisers that issue periodic publications relating to securities on a subscription basis, but also those that furnish investment advice through consultations (without furnishing investment supervisory services or otherwise managing investment advisory accounts), prepare or issue special reports or analyses relating to securities, or prepare or issue any charts, graphs, formulas, or other devices which clients may use to evaluate securities.

[44] SBA; Newsletter Association of America, letter dated May 13, 1981.

[45] NAIC Investor Advisory Service, letter dated May 14, 1981.

[46] As used in this proposed definition, "other advisory services" means services referred to in item 1(c), (d), (e), (f), and (h), Part II, of Form ADV, 17 CFR 279.0–1.

[47] The Commission is proposing to delete the unaudited balance sheet requirement in item 17, Part I, Form ADV. This deletion, if adopted, should not affect the Commission's application of the size standard in view of the data already available or the monitoring of its continued propriety in view of the balance sheet data that the Commission obtains in its routine adviser inspections.

defined for purposes of a particular rulemaking proceeding, the term "small business" or "small organization" shall—

(a) When used with reference to an issuer, other than an investment company, for purposes of the Securities Act of 1933, mean an issuer whose total assets on the last day of its most recent fiscal year were $3,000,000 or less and that is engaged or proposing to engage in small business financing. An issuer is considered to be engaged or proposing to engage in small business financing under this section if it is conducting or proposes to conduct an offering of securities which does not exceed the dollar limitation prescribed by section 3(b) of the Securities Act.

(b) When used with reference to an investment company that is an issuer for purposes of the Securities Act of 1933, mean an investment company with net assets of $50 million or less as of the end of its most recent fiscal year.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Part 240 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 240.0–10 to read as follows:

§ 240.0–10 Small entities for purposes of the Regulatory Flexibility Act.

For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act (5 U.S.C. 601 et seq.), and unless otherwise defined for purposes of a particular rulemaking proceeding, the term "small business" or "small organization" shall—

(a) When used with reference to an "issuer" or a "person," other than an investment company, under sections 12, 13, 14, 15(d) or 16(b) of the Securities Exchange Act of 1934, mean an "issuer" or "person" that, on the last day of its most recent fiscal year, had total assets of $3,000,000 or less;

(b) When used with reference to an "issuer" or "person" that is an investment company, mean an investment company with net assets of $50 million or less as of the end of its most recent fiscal year;

(c) When used with reference to a broker or dealer, mean a broker or dealer that:

(1) Had total capital (net worth plus subordinated liabilities) of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to § 240.17a–5(d) or, if not required to file such statements, a broker or dealer that had total capital (net worth plus subordinated liabilities) of less than $500,000 on the last business day of the preceding fiscal year (or in the time that it has been in business, if shorter); and

(2) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section;

(d) When used with reference to a clearing agency, mean a clearing agency that:

(1) Compared, cleared and settled less than $500 million in securities transactions during the preceding fiscal year (or in the time that it has been in business, if shorter);

(2) Had less than $200 million of funds and securities in its custody or control at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section;

(e) When used with reference to an exchange, mean any exchange that has been exempted from the reporting requirements of § 240.11Aa3–1;

(f) When used with reference to a municipal securities dealer that is a bank (including any separately identifiable department or division of a bank), mean any such municipal securities dealer that:

(1) Had, or is a department of a bank that had, total assets of less than $10 million at all times during the preceding fiscal year (or in the time that it has been in business, if shorter);

(2) Had an average monthly volume of municipal securities transactions in the preceding fiscal year (or in the time it has been registered, if shorter) of less than $100,000; and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section;

(g) When used with reference to a securities information processor, mean a securities information processor that:

(1) Had gross revenues of less than $10 million during the preceding fiscal year (or in the time it has been in business, if shorter);

(2) Serviced less than 100 interrogation devices or moving tickers as those terms are defined in § 240.11Aa–3–1 at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section; and

(h) When used with reference to a transfer agent, mean a transfer agent that:

(1) Received less than 500 items for transfer and less than 500 items for processing during the preceding six months (or in the time that it has been in business, if shorter);

(2) Maintained master shareholder files that in the aggregate contained less than 1,000 shareholder accounts or was the named transfer agent for less than 1,000 shareholder accounts at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization under this section.

(i) For purposes of paragraphs (c) through (h) of this section, a person is affiliated with another person if that person controls, is controlled by, or is under common control with such other person; a person shall be deemed to control another person if that person has the right to vote 25% or more of the voting securities of such other person or is entitled to receive 25% or more of the net profits of such other person or is otherwise able to direct or cause the direction of the management or policies of such other person.

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Part 250 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 250.110 to read as follows:

§ 250.110 Small entities for purposes of the Regulatory Flexibility Act.

For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act (5 U.S.C. 601 et seq.), and unless otherwise defined for purposes of a particular rulemaking proceeding, the terms "small business" and "small organization," for purposes of the Public Utility Holding Company Act of 1935, shall mean a holding company system whose gross consolidated revenues from sales of electric energy or of natural or manufactured gas distributed at retail for its previous fiscal year did not exceed $1,000,000. There may be excluded from such gross revenues:

(a) Sales or electric energy or natural or manufactured gas to tenants or employees of any operating subsidiary company of such holding company for their own use and not for resale; and

(b) Sales of gas to industrial consumers or in enclosed portable containers.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

Part 260 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 260.0–7 to read as follows:

§ 260.0–7 Small entities for purposes of the Regulatory Flexibility Act.

For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act (5 U.S.C. 601 et seq.), and unless otherwise defined for purposes of a particular rulemaking proceeding, the term "small business" or "small organization," for purposes of the Trust Indenture Act of 1939 shall mean an issuer whose total assets on the last day of its most recent fiscal year were $3 million or less that is engaged or proposing to engage in small business financing. An issuer is considered to be engaged or proposing to be engaged in small business financing under this section if it is conducting or proposing to conduct an offering of securities which does not exceed the dollar limitation prescribed by § 260.4a–2.

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 270.0–10 to read as follows:

§ 270.0–10 Small entities for purposes of the Regulatory Flexibility Act.

For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act (5 U.S.C. 601 et seq.), and unless otherwise defined for purposes of a particular rulemaking proceeding, the term "small business" or "small organization," for purposes of the Investment Company Act of 1940 shall mean an investment company with net assets of $50 million or less as of the end of its most recent fiscal year.

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Part 275 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 275.0–7 to read as follows:

§ 275.0–7 Small entities for purposes of the Regulatory Flexibility Act.

(a) For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act (5 U.S.C. 601 et seq.), and unless otherwise defined for purposes of a particular rulemaking proceeding, the term "small business" or "small organization" for purposes of the Investment Advisers Act of 1940 shall mean an investment adviser that:

(1) Manages assets with a total value of $50 million or less, in discretionary or non-discretionary accounts, as of the end of its most recent fiscal year and does not render other advisory services; or

(2) Solely, or in addition to managing assets of $50 million or less, renders other advisory services, and the assets related to its advisory business do not exceed in value $50,000 as of the end of its most recent fiscal year.

(b) As used in this rule, the term "other advisory services" means the services referred to in Form ADV, Part II, items 1(c) through (f) and (h). (17 CFR 279.0–1).

Statutory Authority

The Commission hereby adopts Rules 157, 0–10, 110, 9–7, 0–9 and 0–7, 17 CFR 230.157, 240.0–10, 250.110, 260.0–7, 270.0–10 and 275.0–7 respectively, pursuant to chapter 6 of title 5 of the United States Code (and particularly section 601 thereof (5 U.S.C. 601)) and pursuant to the Securities Act of 1933 (15 U.S.C. 77a et seq. and particularly section 19 thereof (15 U.S.C. 77s)), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq. and particularly section 23 thereof (15 U.S.C. 78w)), the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq. and particularly section 20 thereof (15 U.S.C. 79t)), the Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq. and particularly section 319 thereof (15 U.S.C. 77sss)), the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq. and particularly section 38 thereof (15 U.S.C. 80a–37)), and the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq. and particularly section 211 thereof (15 U.S.C. 80b–11)).

By the Commission.

George A. Fitzsimmons,

Secretary.

January 28, 1982.

[FR Doc. 82–2905 Filed 2–3–82; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Part 250

[Release No. 35–22369]

Technical Amendments to Rules 70, 72 and 100

AGENCY: Securities and Exchange Commission.

ACTION: Technical amendments to rules.

SUMMARY: The Commission announces the adoption of technical amendments to Rules 70, 72 and 100 promulgated under the Public Utility Holding Company Act of 1935 ("1935 Act"). These amendments identify the correct forms for filing reports pursuant to section 17(a) of the 1935 Act and eliminate certain duplicate text and an obsolete reference.

DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: James E. Lurie, Special Counsel, Division of Corporate Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202) 523–5683.

SUPPLEMENTARY INFORMATION: Sections 17(a) and (b) of the 1935 Act concern the filing of statements of beneficial ownership and the liability for short-swing profits by certain insiders involving any security of a registered holding company or subsidiary thereof. These provisions parallel the reporting and liability provisions of sections 16(a) and (b) of the Securities Exchange Act of 1934 ("Exchange Act"). On January 8, 1981, the Commission amended Rule 72(b) under the 1935 Act so that it applied the rules, including exemptive rules, promulgated under sections 16(a) and (b) of the Exchange Act to transactions involving any security of a registered holding company or subsidiary thereof under sections 17(a) and (b) of the 1935 Act.[1] Duplication of filing requirements had previously been avoided by specifying Forms 3 and 4 prescribed under section 16(a) of the Exchange Act as filings also under the 1935 Act.[2] On March 20, 1981, these forms were deleted from the list of 1935 Act forms (previously at 17 CFR 259.271(a) and (b)), since the amendment to rule 72(b) made the dual designation superfluous.[3] The fact that other rules still referred to them was overlooked, a technical oversight corrected here.

The technical amendment revises Rule 72(a) to make clear that only the Exchange Act filing is contemplated. Parallel revisions to reflect this change are made to footnote 5, a note to the subheading preceding rule 70, and to the text of rule 70(b)(4), each of which refers to the filing requirements under section 17(a) of the 1935 Act.

The Commission is also deleting as obsolete footnote 6 to the 1935 Act rules. The footnote, a note accompanying rule 70(c)(5), refers to temporary provisions concerning exemptions in rule 201(b).

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[1] HCAR No. 21863 (December 31, 1980), 46 FR 2036 (January 8, 1981).

[2] HCAR No. 14383 (March 9, 1961), 26 FR 2465 (March 23, 1961).

[3] HCAR No. 21960 (March 12, 1981), 46 FR 17756 (March 20, 1981).

which latter rule was rescinded in 1945.[4] Present footnote 7, found as a note accompanying a portion of Rule 100, is accordingly renumbered as footnote 6.

Finally, the Commission is correcting rule 70(c)(4) by deleting subparagraph (iii) thereof, and renumbering subparagraphs (iv) and (v) as subparagraphs (iii) and (iv). The deleted subparagraph is merely a misplaced duplication of the final sentence of rule 70(c)(4). The amendment to Rule 70 adopted and published by the Commission [5] did not include this sentence as subparagraph (iii), and numbered as subparagraphs (iii) and (iv) the subparagraphs which appear in the Code of Federal Regulations as subparagraphs (iv) and (v). The source of the error is unknown. Statutory Basis and Text of Amendments.

The Securities and Exchange Commission hereby amends Title 17, Chapter II of the Code of Federal Regulations, pursuant to its authority under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a *et seq.*) and particularly sections 17(a) and 20(a) thereof (15 U.S.C. 79q(a) and 79t(a)), by amending §§ 250.70, 250.72 and 250.100 to read as set forth below. Since these amendments are technical and administrative in nature, the Commission finds that notice and comment procedures are unnecessary and therefore the amendments may become effective immediately.

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

1. The footnote reference in the subheading "Officers, Directors and Representatives of Registered Holding Companies and Their Subsidiaries" is revised to read as follows:

[5] The statements which section 17(a) requires to be filed by officers and directors of registered holding company systems are filed on the forms prescribed under section 16(a) of the Securities Exchange Act of 1934.

2. Section 250.70 is amended by removing footnote reference [6] from paragraph (a)(5), revising paragraph (b)(4), removing paragraph (c)(4)(iii), and redesignating paragraphs (c)(4)(iv) and (v) as (iii) and (iv) as follows:

§ 250.70 Exemptions from section 17(c) of the act.

* * * * *

(b) * * *

(4) *Agreement by exempt persons and their firms.* No exemption shall be effective as to any officer or director having any financial connection with any investment banker, unless such officer or director and such investment banker shall enter into an agreement with such company, and file a copy thereof with the Commission, undertaking to comply with the conditions specified in paragraph (b)(3) of this section and undertaking that such investment banker will file reports as to its holdings of, and transactions in, securities in such holding company system (on the forms prescribed under section 16(a) of the Securities Exchange Act of 1934).

(c) * * *

(4) * * *

(iii) [Removed]

3. Section 250.72 is amended by revising paragraph (a) to read as follows:

§ 250.72 Filing of statements pursuant to section 17(a).

(a) The filing of initial statements of beneficial ownership of securities and statements of changes in such beneficial ownership, as prescribed under section 16(a) of the Securities Exchange Act of 1934, shall satisfy the corresponding requirements of section 17(a) of the Public Utility Holding Company Act of 1935.

* * * * *

§ 250.100 [Amended]

4. Section 250.100 is amended by renumbering footnote 7 therein as footnote 6.

By the Commission.

George A. Fitzsimmons,

Secretary.

January 28, 1982.

[FR Doc. 82-2904 Filed 2-3-82; 8:45 am]

BILLING CODE 8010-01-M

[4] HCAR No. 6318 (December 27, 1945), 10 FR 15412 (December 29, 1945).

[5] *See* HCAR No. 19392 (February 10, 1976), 41 FR 8757 (March 1, 1976).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Louisiana—2 Addition); Order No. 207]

High-Cost Gas Produced from Tight Formations; Louisiana; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Louisiana Office of Conservation that an additional area of the Haynesville Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective January 28, 1982.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511 or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued: January 28, 1982.

The Commission hereby amends § 271.703(d) of its regulations to include an additional area in the Haynesville Formation in the northwestern part of Louisiana as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, issued October 21, 1981 (46 FR 52389, October 27, 1981)[1] based on a recommendation by the State of Louisiana Office of Conservation (Louisiana) in accordance with § 271.703(c) that the said area be designated as a tight formation.

Evidence submitted by Louisiana supports the assertion that the additional area of the Haynesville Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Louisiana recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978, (15 U.S.C. 3101-3342); Administrative Procedure Act, (5 U.S.C. 553.))

[1] Comments were invited and none were received. No party requested a public hearing and no hearing was held.

PART 271—CEILING PRICES

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, January 29, 1982.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is revised in subparagraph (22) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(22) *Haynesville Formation in Louisiana. RM79–76 (Louisiana—2)*—(i) *Delineation of formation.* The Haynesville Formation is found in the northern portion of Bossier Parish, Louisiana, on the Arkansas border and consists of the following: Township 23 North, Range 12 West, Sections 5 through 8, and 17 through 19; Township 23 North, Range 13 West, Sections 1 through 24; Township 23 North, Range 14 West, Sections 1, 2, 6 through 24, and 27 through 34 and Township 23 North, Range 15 West, Sections 1 through 3, 10 through 15, 22 through 27 and 34 through 36.

(ii) *Depth.* The top of the Haynesville Formation is located at a measured depth of 10,360 feet, with the base located at 10,845 feet on the induction electrical log of the Crystal Oil Company Hall No. 1 Well. In the Arkana Field, the Haynesville Formation consists of three members: the upper member varies in thickness from 120 to 220 feet thick, the middle member, the Haynesville Sand, ranges between 120 and 220 feet thick, and the lowest member, the Buckner, is between 200 and 400 feet thick.

[FR Doc. 82-2960 Filed 2-3-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 82-28]

Vessels in Foreign and Domestic Trades; Illegal Discharge of Oil and the Pollution of Coastal and Navigable Waters

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This notice amends the Customs Regulations relating to the illegal discharge of oil and the pollution of coastal and navigable waters by the deposit of refuse matter or hazardous substances. The amendments conform the Customs Regulations to changes made by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500), which were enacted to restore and maintain the chemical, physical, and biological integrity of the nation's waters.

EFFECTIVE DATE: March 5, 1982.

FOR FURTHER INFORMATION CONTACT: Paul Hegland, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5706).

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 91, title 46, United States Code (46 U.S.C. 91), before any vessel may depart the United States for a foreign port, clearance must be obtained from customs at the port of departure. To assist in the enforcement of the Federal Water Pollution Control Act, as amended, the Water Quality Improvement Act of 1970 (33 U.S.C. 1161, 1162), provides that the Secretary of the Treasury, at the request of the Secretary of the Department in which the Coast Guard is operating (since 1967, the Department of Transportation), shall withhold clearance of any vessel the owner or operator of which is subject to a penalty for violation of the Act.

Section 4.66a, Customs Regulations (19 CFR 4.66a), provides that if a district director of Customs receives a request from an officer of the Coast Guard to withhold clearance of a vessel whose owner or operator is subject to a civil penalty for *knowingly* discharging oil in violation of the Water Quality Improvement Act of 1970, clearance shall not be granted until the request is withdrawn or a bond or other surety satisfactory to the Coast Guard has been filed.

Section 4.66b, Customs Regulations (19 CFR 4.66b), provides procedures for Customs officers to follow in reporting to the Coast Guard discharges of refuse matter, hazardous substances, or oil in U.S. waters in violation of section 13 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 407), and the Water Quality Improvement Act of 1970 (33 U.S.C. 1161, 1162).

The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1321 (1976)), extended the provision for withholding clearance to include discharges of hazardous substances as well as oil, *whether discharged knowingly or not,* and deleted the provision for granting clearance upon withdrawal of the Coast Guard's request to withhold clearance. In addition, the authority cited for sections 4.66a and 4.66b was changed to section 2, 86 Stat. 862, 864, 865, as amended; 33 U.S.C. 1321.

In order to conform its regulations to the amended law, Customs published a notice of proposed rulemaking in the **Federal Register** on April 29, 1981 (46 FR 23952), setting forth the necessary changes and the reasons therefor. Interested parties were given until June 29, 1981, to submit comments on the proposal. No comments were received in response to the notice. Accordingly, Customs has determined to adopt the changes as proposed.

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

Because the contemplated effects of the Federal Water Pollution Control Act Amendments of 1972 are presumed to have been considered by the Congress, and are considered to flow from that legal authority, not from the regulation, the regulation is not expected to; have a significant secondary or incidental effect on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from small entities.

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.

Amendment to the Regulations

The proposed amendments to the regulations set forth in the notice of proposed rulemaking published in the

Federal Register on April 29, 1981 (46 FR 23952) are adopted as set forth below.

Approved: January 26, 1982.

William T. Archey,

Acting Commissioner of Customs.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Sections 4.66a and 4.66b(a) and the authority cited after § 4.66b are revised to read as follows:

§ 4.66a Illegal discharge of oil and hazardous substances.

If a district director receives a request from an officer of the U.S. Coast Guard to withhold clearance of a vessel whose owner or operator is subject to a civil penalty for discharging oil or a hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in quantities determined to be harmful by appropriate authorities, such clearance shall not be granted until the district director is informed that a bond or other surety satisfactory to the Coast Guard has been filed.

(Sec. 2, 86 Stat. 862, *et seq.*, as amended; R.S. 4197, as amended (33 U.S.C. 1321, 46 U.S.C. 91))

§ 4.66b Pollution of coastal and navigable waters.

(a) If any Customs officer has reason to believe that any refuse matter is being or has been deposited in navigable waters or any tributary of any navigable waters in violation of section 13 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 407), or oil or a hazardous substance is being or has been discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in violation of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1321), he shall promptly furnish to the district director a full report of the incident, together with the names of witnesses and, when practicable, a sample of the material discharged from the vessel in question.

(30 Stat. 1152; sec. 2, 86 Stat. 862, *et seq.*, as amended (33 U.S.C. 407,1321))

[FR Doc. 82-2895 Filed 2-3-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

24 CFR Part 300

[Docket No. R-82-964]

Updating of List of Attorneys-in-Fact

AGENCY: Government National Mortgage Association, HUD.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: March 18, 1982.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Linane, Office of General Counsel, on (202) 755-7186

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

PART 300—GENERAL

§ 300.11 [Amended]

1. Paragraph (c) of § 300.11 is amended by adding the following names from the current list of attorneys-in-fact:

* * * * *

(c) * * *

Name and Region

W. James Bradley, Washington, D.C.
John M. Coan, Washington, D.C.

§ 300.11 [Amended]

2. Paragraph (c) of § 300.11 is amended by removing the following names from the current list of attorneys-in-fact:

Name and Region

Richard M. Jaegle, Washington, D.C.
William Kane Halapin, Washington, D.C.

(Sec. 309(d), National Housing Act, 12 U.S.C. 1723a(d), and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., January 8, 1982.

R. Frederick Taylor,

Executive Vice President, Government National Mortgage Association.

[FR Doc. 82-2902 Filed 2-3-82; 8:45 am]

BILLING CODE 4210-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 80-605]

Use of Certain kHz Offset Assignments in a Certain MHz Band in the Private Land Mobile Radio Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission adopted rules permitting radio stations in any of the frequency-coordinated Private Land Mobile Radio Services to use kHz offset frequencies after such uses were properly coordinated. This document makes corrections to inappropriate designators following certain frequencies in the list in the appendix to the Report and Order.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Released: January 20, 1982.

In the matter of amendment of Subpart D of Part 90 of the Commission's rules and regulations to permit the use of 12.5 kHz offset assignments in the 450-470 MHz band in the Private Land Mobile Radio Services, PR Docket No. 80-605.

The Report and Order in this proceeding (46 FR 45953) included an appendix containing a list of frequencies 12.5 kHz removed from primary frequencies in the Land Mobile Radio Services. Opposite each frequency in the list were designators for the services in which the frequency is available. Six of those frequencies bore designators related to Industrial Radio Services inappropriate for offset frequencies adjacent to frequencies assigned in the Public Safety Radio Services. This Errata corrects the frequency list by deleting the designators on those six frequencies relating to the Industrial Radio Services.

§ 90.267 [Corrected]

In § 90.267(b), correct the following entries in the list of frequency available to read as follows:

* * * * *

(b) Frequencies available for assignment under this section are as follows:

Offset Channels Available in Services Indicated:

* * * * *

453.0125 PL PS

* * * * *

453.9875 PL

* * * * *

458.0125 PS

* * * * *

458.9875 PL

* * * * *

460.6375 PF

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465.6375 PF

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467.7375 Not Available, Adjacent to General Mobile

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467.7625 IB

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Federal Communications Commission

William J. Tricarico,

Secretary.

[FR Doc. 82-2952 Filed 2-3-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Urban Mass Transportation Administration

49 CFR Part 670

[UMTA Docket No. 82-B]

Transfer of Conrail Commuter Service Operations

AGENCY: Federal Railroad Administration (FRA) and Urban Mass Transportation Administration (UMTA), Transportation (DOT).

ACTION: Emergency interim final rule.

SUMMARY: The purpose of this document is to prescribe standards for the obligation and equitable distribution of funds authorized to ensure that commuter rail services operated by the Consolidated Rail Corporation under contract to commuter authorities are transferred, on or before January 1, 1983, either to those commuter authorities for operation directly or to the Amtrak Commuter Services Corporation for operation on their behalf. This document establishes applicant eligibility criteria, sets forth a formula for the allocation of funds appropriated for the transfer, identifies eligible uses for the allocated funds, and outlines application procedures. This emergency interim final rule is effective retroactively so as to provide prompt assistance to Amtrak Commuter Services Corporation and the affected commuter authorities with activities attending the transfer of commuter service operations.

DATES: This emergency interim final rule is effective on October 1, 1981. Comments must be received on or before March 22, 1982.

ADDRESSES: Comments should identify the docket number and should be submitted to: Office of the Chief Counsel, Urban Mass Transportation Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Persons desiring to be notified that their written comments have been received by UMTA should submit a stamped, self-addressed postcard with their comments. The Docket Clerk will indicate on the postcard the date on which the comments were received and will return the card to the addressee. Written comments will be available for examination, both before and after the closing date for written comments, during regular business hours in Room 9228 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: S. Mark Lindsey, Office of the Chief Counsel of the Federal Railroad Administration, (202)–426–7710, or Anthony Anderson, Office of the Chief Counsel of the Urban Mass Transportation Administration, (202)–426–4011, both located at 400 Seventh Street, SW., Washington, D.C. 20590. FRA and UMTA office hours are from 8:30 a.m. to 5:00 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: This document prescribes standards for the obligation and equitable distribution of funds authorized under section 1139(b) of the Northeast Rail Service Act of 1981, Subtitle E of Title XI of Pub. L. 97–35. Because the rule is limited in scope, the FRA and UMTA have concluded that the rule will not constitute a major rule under the terms of Executive Order 12291 or a significant rule under DOT's regulatory policies and procedures. The agencies will review this determination in light of any comments received in response to this emergency interim final rule prior to issuance of a final rule.

The final rule will only have a direct economic impact on five commuter authorities and upon the Amtrak Commuter Services Corporation. The rule does not place any new requirements or burdens on the public and to some extent it is deregulatory in nature. The rule will not have a significant economic impact on any small entity. Based on these facts, it is certified that the rule will not have a significant impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act (Pub. L. 95–354, 94 Stat. 1164, September 19, 1980).

This rule is effective retroactively because commuter authorities, mindful of the 1983 transfer date, have already commenced planning activities which must necessarily be completed in anticipation of the transfer of commuter rail services. FRA and UMTA have afforded the rule retroactive effect so as not to penalize those commuter authorities with the foresight to have begun planning prior to the publication of this rule. The Northeast Rail Service Act requires each affected commuter authority to determine by April 1, 1981, whether it will directly provide commuter service presently provided by Conrail or whether it will contract with ACS. This rule is issued as an emergency rule to provide the commuter authorities with prompt assistance and to enable them to make that determination withing the statutory deadline. The emergency issuance also permits ACS to organize and prepare for the transfer. FRA and UMTA have issued this regulation as an interim final rule to provide interested parties an opportunity to comment upon the regulation. The agencies will consider all comments received during the 45 day comment period and amend the rule, as necessary and appropriate, on the basis of the comments received.

Background

On August 13, 1981, Congress enacted the Northeast Rail Service Act of 1981, Subtitle E of Title XI of Pub. L. 97–35, which provides for the transfer of commuter rail service operations from Conrail either to the Amtrak Commuter Services Corporation or directly to the commuter authorities for which Conrail presently operates commuter rail services. Section 1139(b) of the Northeast Rail Services Act authorizes $50,000,000 to be appropriated to the Secretary of Transportation to facilitate the transfer of commuter rail services from Conrail to other operators. Congress appropriated $45,000,000 for this purpose. The provision also requires that the Secretary issue regulations to govern the obligation and distribution of the transition assistance. This emergency interim final rule is issued in compliance with and to forward the purposes of section 1139(b).

Conrail currently contracts with five commuter authorities to provide commuter rail services. The Northeast Rail Service Act requires each of these commuter authorities to determine by April 1, 1982, whether it will provide commuter service directly or whether it will contract with the Amtrak Commuter Services Corporation (ACS). ACS is a wholly-owned, but financially separate, subsidiary of the National Railroad Passenger Corporation (AMTRAK), organized and incorporated in compliance with the District of Columbia Business Corporation Act on November 20, 1981, for the purpose of providing commuter rail passenger service on behalf of these commuter authorities. These commuter authorities (the Metropolitan Transportation Authority, the Connecticut Department of Transportation, the New Jersey Transit Corporation, the Southeastern Pennsylvania Transportation Authority, and the Maryland Department of Transportation), are in the process of collecting information to render that determination and make other decisions necessary to the transfer of commuter services.

This emergency interim final rule is effective retroactively to facilitate a smooth and prompt transfer of commuter rail services from Conrail to either the commuter authorities or to Amtrak Commuter.

A. *The Allocation Formula.* Although several approaches were considered, an allocation method relying on the use of a relatively simple formula was chosen. One advantage of using a formula is the ease with which DOT may administer an allocation program centered on a simple formula, and the opportunity accorded the applicants to plan for the transition process knowing in advance the level of limited Federal funding available to them.

In fashioning a formula that would be attuned to the applicant's needs in meeting the unique costs associated with the transfer process, the Secretary was cognizant of the diversity which characterizes the commuter services provided by the authorities and that, inevitably, each would benefit differently under any formula chosen. The Secretary and the affected authorities decided that a formula based on car mile and revenue data for the year 1980 would be the most effective and equitable of several alternatives. Comments made by the commuter authorities with respect to the formula will appear in Docket 82-B. The derivation of each commuter authority's allocation is presented in Appendix A to the rule.

B. *Pre-Transfer Allocations.* The Secretary has determined that the expeditious transfer of commuter services can most efficiently be accomplished if funds for planning activities and start-up costs are made promptly available to both ACS and the several commuter authorities. The authorities will receive $3,500,000 to be divided among them according to the allocation formula, and ACS will receive $4,000,000. The amount allotted to ACS, except for certain unallocable expenses, is to be expended on the commuter authorities in proportions determined by the formula.

Since ACS is intended by the Act to be a service corporation whose form will be shaped by the needs of the authorities, an authority may exercise its option to operate commuter services directly and claim a portion of ACS's undisbursed and unobligated pre-transfer allocation. The amount to which each authority will be entitled will, once again, be determined by the allocation formula.

C. *Transfer Allocations.* Upon transfer, the commuter service providers (either ACS or the commuter authorities), will require funds for expenses associated with the purchase of inventories and other transfer-related costs. In anticipation of this need, the emergency interim final rule permits ACS and the commuter authorities to receive, in fiscal year 1983, sixty-five percent of the funds appropriated under section 1139(b) and not allocated prior to the transfer of service. To provide ACS and the commuter authorities with a source of working capital, the rule permits ACS and the commuter authorities to receive twenty-five percent of the transfer allocation in fiscal year 1984 and the remaining funds in 1985.

D. *Eligible Expenses.* Section 1139(b) authorizes $50,000,000 for the purpose of offsetting the transfer and planning expenses of the commuter authorities, as well as the specialized one-time start-up costs of both the authorities and ACS. Although the amount authorized is small in comparison to the annual operating subsidies provided by local governments, it should be emphasized that this limited Federal assistance is not intended to supplant local funding or to be continuous in nature.

Congress has clearly indicated its intention that flexibility be accorded the applicants in the use of authorized funds. Thus, eligible expenses embrace such items as the purchase of parts and fuel from Conrail, the interim staffing and operating costs of ACS, non-operating working capital for both ACS and the commuter authorities, as well as certain post-transfer planning and study costs. In addition, eligible costs may include expenses incurred from October 1, 1981. It is equally clear, however, that an underwriting of operating expenses of the commuter authorities is not a purpose to be served by the transition program.

These regulations have been designed both to achieve the Congressional goals of timeliness and efficiency with regard to the transfer of Conrail's commuter responsibilities, and to ultimately enhance the quality of commuter rail services in the Northeast.

Issued on: January 29, 1982.

Richard J. Schiefelbein,

Deputy Administrator, Federal Railroad Administration.

Charles A. Gargano,

Deputy Administrator, Urban Mass Transportation Administration.

The Emergency Interim Final Rule

In consideration of the foregoing, 49 CFR is amended by—

1. Adding a new Part 670 (49 CFR Part 670) to read as follows:

PART 670—TRANSFER OF COMMUTER SERVICES

Sec.

670.1 Purpose.
670.3 Applicability.
670.5 Definitions.
670.7 Eligibility.
670.9 Commuter service transition assistance.
670.11 Projects or activities for which transition assistance may be expended.
670.13 Applications.
670.15 Waiver and modification.
670.17 Disbursement of commuter service transition assistance.
670.19 Record, audit and examination.
670.21 Effective date.
670.23 Termination date.
Appendix A—Car Mile-Revenue Passenger Allocation.
Appendix B—Certificate.

Authority: Sec. 1139(b) of the Northeast Rail Service Act of 1981, Subtitle E, Title XI, Pub. L. 97-35 [95 Stat 652]; regulations of the Office of the Secretary of Transportation, 49 CFR 1.49 and 1.51.

§ 670.1 Purpose.

The purpose of this part is to prescribe standards for the obligation of funds authorized under section 1139(b) of the Northeast Rail Service Act of 1981, Subtitle E of Title XI of Pub. L. 97-35, to ensure that commuter rail services operated by the Consolidated Rail Corporation under contract to commuter authorities are transferred either to those commuter authorities for operation directly or to Amtrak

Commuter Services Corporation for operation on their behalf on or before January 1, 1983 and to ensure the equitable distribution of those funds.

§ 670.3 Applicability.

This Part applies to applications for and disbursement of transition funds to facilitate the transfer of rail commuter services from Conrail to other operators under section 1139(b) of the Northeast Rail Service Act of 1981.

§ 670.5 Definitions.

As used in this part—

(a) "ACS" means Amtrak Commuter Services Corporation created under section 1137 of the Northeast Rail Service Act of 1981.

(b) "Act" means the Northeast Rail Service Act of 1981, Subtitle E, Title XI, Pub. L. 97–35.

(c) "Applicant" means ACS or a commuter authority that submits an application for Federal assistance pursuant to this part.

(d) "Commuter authority" means any State, local, or regional authority, corporation, or other entity that provides commuter service, as defined in section 1135(a)(4) of the Act, and for which Conrail was providing commuter service under section 303(b)(2) or 304(e) of the Regional Rail Reorganization Act of 1973, 45 U.S.C. 743(b)(2), 744(e), on August 13, 1981. Successors to these entities are also deemed to be commuter authorities.

(e) "Conrail" means the Consolidated Rail Corporation.

(f) "Administrators" means the Federal Railroad Administrator or his delegate and the Urban Mass Transportation Administrator or his delegate.

§ 670.7 Eligibility.

ACS or commuter authorities may apply to the Administrators under § 670.9 for such commuter service transition assistance as is provided under this part.

§ 670.9 Commuter service transition assistance.

(a) *Formula Allocation.* Transition assistance funds appropriated by Congress under section 1139(b) of the Act shall be allocated among commuter services on the basis of calendar year 1980 car mile and revenue passenger data. The allocation for the benefit of each commuter authority shall be an amount equal to the sum of: (1) Fifty percent of the total amount available multiplied by the percentage that the number of car miles of commuter service operated for the commuter authority by Conrail in 1980 represents of the total number of car miles for all commuter service operated by Conrail in 1980; and (2) fifty percent of the total amount available multiplied by the percentage that the number of revenue passengers carried by Conrail for the commuter authority in 1980 represents of the total number of revenue passengers for all commuter service operated by Conrail in 1980. The derivation of each commuter authority's allocation is presented in Appendix A. Except for general administrative expenses and expenses that are not attributable to particular commuter services, ACS shall allocate and expend funds it receives under this part in accordance with the formula set forth in this subsection: *Provided, however,* That, if a commuter authority elects to operate its commuter service directly, the commuter authority shall be eligible to receive its share, determined in accordance with the allocation formula set forth in this subsection, of the funds not yet disbursed to ACS under paragraph (b) of this section or not yet obligated or expended by ACS.

(b) *Pre-transfer Allocation.* Not more than $7,500,000 of the funds appropriated and available for disbursement under this part will be made available for disbursement to applicants prior to the transfer of commuter service operation from Conrail to a commuter authority or to ACS. Of that amount, up to $3,500,000 shall be available for distribution to commuter authorities in accordance with the allocation formula set forth in paragraph (a) of this section. Of the funds available prior to transfer of commuter service, up to $4,000,000 shall be available for distribution to ACS.

(c) *Transfer Allocation.* Upon the transfer of commuter service operation from Conrail to ACS or to commuter authorities, not more than sixty-five percent of the appropriated and available funds not obligated under paragraph (b) of this section shall be made available in accordance with the allocation formula set forth in paragraph (a) of this section in fiscal year 1983, not more than twenty percent shall be made available in fiscal year 1984, and the remaining funds shall be made available in fiscal year 1985.

§ 670.11 Projects or activities for which transition assistance may be expended.

Transition projects or activities which qualify for Federal funding include, but are not limited to:

(a) Planning and study costs incurred in deciding whether to provide post-transfer service directly or through ACS;

(b) Legal expenses incurred in effecting transfer of service from Conrail;

(c) Purchase of parts and fuel inventory from Conrail;

(d) Legal and planning costs incurred in negotiating new labor agreements;

(e) Planning and study costs incurred in making decisions about post-transfer routes and levels of service;

(f) Planning and transition costs incurred by ACS on behalf of a commuter authority; and

(g) Costs of staffing and operating ACS, including working capital.

Eligible costs for ACS and the commuter authorities include expenses incurred from October 1, 1981.

§ 670.13 Applications.

(a) *Applications for pre-transfer allocation funds.* Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information as to the applicant:

(1) Full and correct name and principal business address;

(2) Name, title, and address of the person to whom correspondence regarding the application should be addressed;

(3) A detailed description of the projects or activities for which assistance is sought, together with timetables which show estimated completion dates for each such project or activity;

(4) The total amount of assistance requested with a funding level justification for each project or activity;

(5) Evidence that the applicant has established, in accordance with Attachment G to Office of Management and Budget Circular A–102, adequate procedures for financial control, accounting, and performance evaluation, in order to assure proper use of the Federal funds;

(6) An assurance by the applicant that it will use Federal funds provided under the Act solely for the purposes for which assistance is sought and in conformance with the limitations on the expenditures allowed under the Act and applicable regulations;

(7) Two copies of a minority business enterprise plan prepared in accordance with 49 CFR Part 23;

(8) Assurances that the applicant will comply with the following Federal laws, policies, regulations, and pertinent directives:

(i) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), and DOT regulations issued thereunder (49 CFR Part 21);

(ii) If construction is involved, Executive Order 11246 and Department

of Labor regulations issued thereunder (41 CFR Part 60);

(iii) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and DOT regulations issued thereunder (49 CFR Part 27);

(iv) DOT regulations governing the use of minority business enterprises (49 CFR Part 23);

(v) which prohibits use of financial assistance for facilities on the Environmental Protection Agency's list of violating facilities pursuant to 40 CFR 15.20;

(9) An opinion of the applicant's legal counsel advising that (i) counsel is familiar with (A) the applicant's corporate or other organization powers; (B) section 1139(b) of the Act; (C) the other Acts referred to in these regulations; and (D) any regulations issued to implement those Acts; (ii) the applicant is authorized to make the application including all certifications, assurances, and affirmations required; (iii) the applicant has the requisite authority to carry out the actions proposed in the application and to fulfill the obligations created thereby; and (iv) the applicant has the authority to enter into all of the legal commitments referred to in paragraph (a)(8) of this section and that these commitments are legal and binding upon the applicant and enforceable in accordance with their terms; and

(10) Any other information the Administrators may deem necessary concerning an application filed under this part.

(b) *Applications for transfer allocation funds.* ACS shall be the applicant for transfer allocation funds for commuter services it operates. A commuter authority shall be the applicant for transfer funds for commuter service it operates for itself. Each application shall include the information submitted in paragraph (a) of this section except that any information or material that has been submitted by an applicant need not be resubmitted if the prior submission is identified and incorporated by reference in the application. Where the prior submission is in need of any changes, the changes may be submitted provided the prior submission is identified and incorporated by reference. Any assurance, certification, or affirmation previously made by the applicant, in connection with a prior submission, must be reaffirmed by the applicant when any identification and incorporation by reference of previously submitted materials is made. In addition to meeting the requirements of paragraph (a) of this section, applicants for transfer allocation funds shall submit the following information:

(1) If ACS is the applicant, two copies of each contract between ACS and a commuter authority; and

(2) Executed copies of agreements between the applicant and Conrail for the purchase of parts or fuel inventory.

(c) *Execution and filing of application.* (1) Each application shall bear the date of execution and be signed by the Chief Executive Officer of the applicant. Each person required to execute the application will execute a certificate in the form of Appendix B to this part.

(2) Each original application and certificate, and four copies thereof, shall be filed with the Urban Mass Transportation Administrator, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself.

§ 670.15 Waiver and modification.

The Administrators, upon good cause shown, may waive or modify any requirement of this part not required by law or make any additional requirements they deem necessary.

§ 670.17 Disbursement of commuter service transition assistance.

After receipt, review, and approval of an application meeting the requirements of this part, the Administrators will enter into a grant agreement with an applicant for the approved amount of transition assistance. The terms and conditions of payment shall be set forth in the grant agreement.

§ 670.19 Record, audit and examination.

(a) Each recipient of transition assistance under this part shall keep such records as the Administrators shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, and such other records as will facilitate an effective audit.

(b) Until the expiration of three years after the completion of the project or undertaking referred to in paragraph (a) of this section, the Administrators and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which, in the opinion of the Administrators or the Comptroller General, may be related or pertinent to such financial assistance.

§ 670.21 Effective date.

This Part is effective October 1, 1981.

§ 670.23 Termination date.

This regulation shall expire on October 1, 1986 at which time Federal financial assistance under this part shall lapse. It is also contemplated that all financial relationships, except any audit that may remain open, between the Department of Transportation and ACS will cease at that time.

APPENDIX A—CAR MILE—REVENUE PASSENGER ALLOCATION

[1980 Conrail data]

	A	B	C	D
	Car miles		Revenue passengers	
	(000's)	(percent)	(000's)	(percent)
MTA[1]	21,139	29.63	37,745	32.00
CDOT[2]	7,184	10.07	11,522	9.77
NJ Transit[3]	30,570	42.85	37,262	31.59
SEPTA[4]	12,307	17.25	31,071	26.35
Maryland DOT[5]	143	.20	340	.29
Total	71,343	100.00	117,940	100.00

COMMUTER AUTHORITY ALLOCATIONS

[In percent]

	B x 50	+	D x 50	=	Allocation
MTA	29.63 x 50	+	32.00 x 50	=	30.8
CDOT	10.07 x 50	+	9.70 x 50	=	9.9
NJ Transit.	42.85 x 50	+	31.59 x 50	=	37.2
SEPTA	17.25 x 50	+	26.35 x 50	=	21.8
Maryland Dot.	.2 x 50	+	.29 x 50	=	[6].3

[1] Metropolitan Transportation Authority.
[2] Connecticut Department of Transportation.
[3] New Jersey Transit Corporation.
[4] Southeastern Pennsylvania Transportation Authority.
[5] Maryland Department of Transportation.
[6] Rounding off results in this figure being increased slightly.

Appendix B—Certificate

The following is the form of the certificate to be executed by each person signing an application: (Name of Person) certifies that he is the Chief Executive Officer of (Name of Applicant); that he is authorized to sign and file this application with the Federal Railroad Administrator and the Urban Mass Transportation Administrator; that he has carefully examined all of the statements contained in the application; that he has knowledge of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his knowledge, information and belief.

[FR Doc. 82-2887 Filed 2-1-82; 1:54 pm]

BILLING CODE 4910-06-M
BILLING CODE 4910-57-M

Proposed Rules

Federal Register
Vol. 47, No. 24
Thursday, February 4, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-SO-62]

Airworthiness Directives; EMBRAER Model EMB-110 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require the replacement of the existing fuel filler neck and cap with a new one on certain Embraer Model EMB-110 Bandeirante airplanes. The proposed AD is needed to prevent the possibility of water leaking into the fuel tank which could result in improper engine operation and possible loss of power.

DATES: Comments must be received on or before March 11, 1982.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration; Engineering and Manufacturing Branch, ASO-214; Rules Docket, Docket No. 81-SO-62, P.O. Box 20636, Atlanta, Georgia 30320.

The applicable service bulletin may be obtained from: Empresa Brasileira de Aeronautica S/A (Embraer), P.O. Box 343-CEP, 12.200, San Jose Dos Campos—SP, Brazil.

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

FOR FURTHER INFORMATION CONTACT: R. C. Padgett, ASO-214, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Georgia 30320, teoephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is requested. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of fuel tank filler caps allowing water to leak into the fuel tanks on EMB-110 series, Bandeirante, airplanes, with the possible result of improper engine operation and power loss. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require the replacement of the existing fuel filler neck and cap with new ones, in accordance with Embraer Service Bulletin 110-28-020, dated July 2, 1981.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

EMBRAER. Applies to EMB-110 P1 and P2 model airplanes, serial numbers 110001 through 110329 and 110331 through 110339, certificated in all categories.

Compliance is required within the next 100 hours time in service after the effective date of this AD unless already accomplished.

To prevent leakage of water into the fuel tank, accomplish the following:

(a) Defuel the airplane in accordance with the EMB-110 maintenance manual.

(b) Remove the fuel filler neck components from each tank and install Embraer Kit S.B. 110-28-020 in accoredance with the instructions contained in Embraer Service Bulletin 110-28-020, dated July 2, 1981.

(c) Make an appropriate maintenance record entry.

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

Upon submission of substantiating data, through an FAA Aviation Safety Inspector, the Chief, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7428 may adjust the compliance time.

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

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979), and will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves only a few aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Kansas City, Missouri, on January 22, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-2719 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-45]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Urbana, Ohio, to accommodate a new instrument approach into Grimes Field Airport, Urbana, Ohio, established on the basis of a request from the Grimes Field Airport officials to provide that facility with instrument approach capability.

The intended effect of this action is to insure segregation of the aircraft using

approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATE: Comments must be received on or before February 21, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-45, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-45, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before February 21, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Urbana, Ohio. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

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

Urbana, Ohio

That Airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Grimes Field, Urbana, Ohio, (latitude 04°07'30" N., longitude 83°45'00" W.).

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); section 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61).

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(a) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Ill., on January 16, 1982.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 82-2834 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 254

[EDR-438; Docket No. 40366; Dated: January 7, 1982]

Baggage Liability Rules

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing to change its baggage liability rules in one of three ways as part of its examination of consumer protection regulations prior to sunset. The first option would remove all regulation of baggage practices so that competition may determine the conditions of carriage. The second would set a minimum liability amount that would provide a measure of protection for consumers while giving carriers maximum flexibility in their baggage practices. The third option would codify the most significant aspects of the present requirements in order to clarify and centralize the requirements. The proposal is at the CAB's initiative.

DATES: Comments by: April 5, 1982. Reply comments by: May 5, 1982.

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

Requests to be put on the Service List by: February 19, 1982.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 40366, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Patricia Kennedy, Assistant to the Director for Programs, Bureau of Compliance and Consumer Protection, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5934, or Joanne Petrie, Rules and Legislation Division, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: Passenger rules tariffs on file with the Civil Aeronautics Board contain provisions covering most domestic

airlines' liability limitations for lost, damaged, or delayed baggage. The Board has required that these tariffs meet certain minimum standards with respect to liability limitations, excess value coverage and carrier responsibility for fragile and perishable items. Under the provisions of the Airline Deregulation Act, tariffs governing domestic air transportation, the means by which the Board currently requires reasonable airline practices in this area, will no longer be effective as of January 1, 1983.

In this proceeding, we are seeking comments on three regulatory approaches to airline baggage practices during the transition to sunset. The first option would remove all Federal regulation of baggage practices. The second option would eliminate all regulation of baggage except the current minimum liability limitation of $750. The third option would place the most significant features of the current requirements directly into our rules, while removing any requirements that are unnecessary or burdensome.

Domestic operations by certificated and uncertificated carriers operating aircraft with 60 or fewer seats would not be covered under any of the options. Air taxis operating under 14 CFR Part 298 have never been directly subject to our baggage requirements, although many file tariffs stating their liability limitations for interline service with certificated carriers. We are not proposing any changes for carriers' operations in foreign air transportation. In foreign air transportation, most air carriers and foreign air carriers are subject to the Warsaw Convention and other international agreements.

Background of the Current Requirements

The Board's regulation of airline baggage practices reflects our efforts over the years to use our regulatory powers to deal with the problems posed by the tariff system. Tariffs are legally binding on passengers even in the absence of actual notice of their contents. Unless disapproved by the Board, the tariff rules enable carriers to limit their common law liability for consequences of many types of potential passenger problems, including lost or damaged baggage. In a highly-regulated air transport system, competition could not be counted upon to moderate essentially unilateral carrier decisions on such liability. Consequently, we have felt compelled to assure certain minimum levels of protection for the traveling public and to require certain basic notice of the carrier's limitations on liability.

The Board has never incorporated rules governing the substance of the baggage liability tariffs into its published regulations, as it has done with other carrier practices affecting passengers, such as oversales and smoking. We have instead used our power to suspend or cancel carrier tariffs as a means to regulate carriers' responsibility for misplaced or damaged bags. In evaluating the airlines' baggage rules, the Board has generally applied the common law principles that the courts developed over the years for common carriers.

The Board developed the current domestic baggage liability requirements during a series of tariff rule investigations. In 1966, the Board prohibited airlines from establishing liability limits below $500, and adopted requirements for the treatment of unusually valuable items. "Baggage Liability Rules Case," 45 C.A.B. 182. Before this action, most carriers had set their liability limits between $100 and $250. In 1971, the Board adopted minimum standards for notice to passengers about baggage liability. ER-691, 36 FR 17034, August 27, 1971. In the "Domestic Baggage Liability Rules Investigation," which took place between 1975 and 1977, the Board comprehensively reexamined the subject of baggage practices. The investigation was closed in 1977, following decisions in Order 77-2-9, February 2, 1977, (72 CAB Reports 822), Order 77-4-94 April 20, 1977, (73 CAB Reports 1096), and Order 77-9-80, September 20, 1977, (74 CAB Reports 906). The last petition for reconsideration of Order 77-9-80 was dismissed by Order 77-11-115, November 22, 1977.

The orders resulting from these investigations set forth the basic requirements for airline baggage practices and cover most certificated carriers in interstate and overseas air transportation. Although there are passing references in the Code of Federal Regulations to the orders that remain in force today, only the requirements governing disclosure have been codified. Under the present system, therefore, the baggage requirements are found in orders, rules, and tariffs, and the requirements cover a number of different subject areas.

In the "Baggage Liability Rules Case" (45 C.A.B. at 187), the Board set standards for judging the reasonableness of the carriers' liability limits, stating that the limits should be high enough to "cover all but unusual and extraordinary claims." In Order 77-2-9, the Board applied this general standard and considered the inflationary trend reflected in changes in the Consumer Price Index ("CPI") between 1966 and 1977. As a result, we found that the prior $500 minimum was inadequate and that the new amount should be $750. The current minimum is still $750, although there is an outstanding show cause order (Order 80-8-133) proposing to raise the amount to $1,000 because of increases in the CPI over the last four years.

In the 1977 investigation, the Board specifically addressed the question of the carrier's responsibilities for delayed baggage. The Board found that the airlines' liability should explicity include consequential damages resulting from passenger's inability to make immediate use of a lost, damaged or delayed bag.

In Order 77-2-9, the Board stated that the opportunity to purchase excess value coverage is a passenger right and a necessary concomitant to a standard liability limitation. Carriers have traditionally offered excess valuation coverage up to a stated maximum for a nominal charge. Passengers whose baggage is worth more than $750 may declare the higher value in advance for an extra charge. Most carriers today will provide excess valuation coverage up to $5,000 beyond the initial $750, and the charges for the coverage vary among the airlines. For extraordinarily valuable items or for an alternative source of recovery, passengers may purchase insurance coverage from general insurance companies.

Before the 1977 baggage investigation, many carriers' tariffs stated that they denied any responsibility for fragile or perishable articles, although most airlines did not directly inform passengers unless the disclaimer became an issue in a disputed baggage claim. In Order 77-9-80, the Board increased carrier responsibility for such items. The order requires carriers to publish in tariffs lists of items that the carrier considers fragile, and prohibits listing of such common items as eyeglasses and cameras. Liability for items in original shipping containers or other protective packages cannot be disclaimed. Any disclaimer for delay in delivery of perishable items is limited to spoilage claims. For fragile items not contained inside luggage, a carrier may not disclaim liability unless it has obtained a signed release from the passengers. If there is external damage to the container or other evidence of negligent handling, a carrier may not disclaim liability, notwithstanding a signed release.

In the baggage investigation, the Board also found that some carriers' baggage claim procedures were unreasonable because a passenger would be treated as having waived the claim if it was not made within a limited time in the specific manner required by the company. Order 77-9-80 requires carriers to establish and follow certain practices for passenger claims. Any written notification to the carrier within 45 days is sufficient. A claim can be filed later if a passenger has a good reason.

Finally, we compel carriers to provide passengers with certain basic information about airlines' baggage liability by requiring in 14 CFR 221.176 the use of counter signs and ticket notices containing Board-prescribed language.

The Proposal

The approaching end of domestic tariffs leads us to consider the Board's options for regulating airline baggage practices in a deregulated environment. In this rulemaking, we are soliciting comments on the following three alternatives.

Option 1: Elimination of Baggage Liability Regulation

The first option would eliminate all regulation of carriers' baggage liability practices. A carrier's responsibility for passenger baggage would be governed by the airline/passenger contract.

Option 2: Minimum Regulatory Standards

Under this option, a new Part 254 would be added to our rules in Title 14, Code of Federal Regulations. The rule would prohibit certificated carriers in interstate and overseas air transportation from limiting their liability for direct or consequential damages for lost, damaged, or delayed baggage below $750 per passenger. Any flight on an aircraft that has a passenger capacity of 60 or fewer seats, however, would not be covered. Apart from liability limits, all other baggage liability practices would be unregulated and subject to the contract between carrier and passenger.

Option 3: Codification of Significant Aspects of the Current Orders

This option would codify a baggage liability limit and a number of the key requirements now governing baggage claims practices in a new Part 254. As with Option 2, these proposed regulations would apply to all U.S. certificated carriers' large aircraft operations in interstate and overseas air transportation. Carriers in foreign air transportation would not be affected by the rule and would continue to be governed by the Warsaw Convention requirements.

Carriers would be liable for the direct and consequential damages resulting from the disappearance of, delayed delivery of, or damage to passengers' checked baggage. The minimum amount for such liability would be $750. In the case of fragile or perishable items, other than those packed inside a suitcase, a carrier would be liable for damages regardless of negligence unless it obtained a signed release from the passenger. Carriers would also be required to make excess value coverage available to passengers, and provide notice of its availability.

The proposed §§ 254.4 and 254.5 are based on currently effective tariffs filed by most carriers. Under § 254.4, carriers could transfer to the passenger the risk of damage to fragile items or delayed delivery of perishables by obtaining a signed release. As in the current tariffs, the release would not cover damage caused by the airline's negligent handling, but only that resuling from the fragile or perishable nature of the item in question.

The Board is including in this option the current requirements that passengers be given at least 45 days in which to notify the carrier in writing about the nature of a baggage claim, and that the carrier waive the 45-day limit when the passenger can show good reason for not notifying the carrier within this period.

Discussion

Whether some continued baggage regulation is necessary in an increasingly deregulated industry involves several important considerations. This proposal discusses the factors we believe are most significant in weighing the relative merits of each option. We invite commentors to identify other considerations that they believe warrant particular attention.

If domestic rules tariffs are eliminated, and instead passengers are given clear and direct notice of the carriers' limitations on liability for baggage losses, a primary justification for Board regulation of domestic baggage practices will disappear. Where carriers have attempted to limit their liability through means other than tariffs, the courts have generally looked closely at the adequacy of the disclosure, and particularly at whether passengers have had a reasonable opportunity to protect themselves against the risks not assumed by the carrier.

If passengers are aware of an airline's baggage practices, they can take actions to avoid, reduce or insure against unprotected risks. They can, for example, carry any valuables on board, carefully pack fragile items, purchase excess valuation coverage or make other arrangements to insure their baggage. Indeed, the extent of risk is frequently known only to the passenger. Often, only passengers know whether their luggage contains expensive, fragile or perishable items and what their market or sentimental value is. On the other hand, the carrier has the primary control over the degree of risk for baggage that is checked because it is handled by the carrier's employees. Moreover, while passengers can obtain excess valuation coverage, there are practical limitations on their ability to avoid having their baggage lost or damaged. Passengers with several suitcases, for example, cannot take them all on board. Consequently, baggage liability involves a situation where passenger and airline alike must necessarily bear some of the risk.

The competitive marketplace combined with the ability of passengers to avoid or insure against baggage problems may well allocate risks and costs more efficiently and equitably than any government agency. At the present time, this allocation between passenger and airline is determined in large part by the Board. The effect of the Board's regulatory actions, however, has also been to spread the costs of paying baggage claims not covered by excess valuation coverage among all passengers because the ticket price includes the carrier's expected costs to cover baggage losses. It is the same for the passenger who travels with a carry-on attache case as for the passenger who checks in the maximum free baggage allowance. If we eliminate Board regulation of baggage, airlines would have the flexibility to orient their baggage practices and liability limits to the needs and desires of individual passengers or categories of passengers. This may lead to some "unbundling" of services, so that a passenger would not pay for services that are not used. Consequently, while removal of Board regulation may impose somewhat greater burdens on passengers, it may also allocate costs among passengers in a manner more commensurate with the service used. This would enable carriers to exercise greater flexibility in the pricing of their services according to demand. It might make possible, for example, lower-cost service commensurate with the lower amenity of limited baggage liability.

We are concerned, however, that eliminating government oversight of airline baggage practices may have undesirable effects. First, by removing the current minimum liability limits that may be higher than airlines might maintain voluntarily, the Board may reduce the incentives for airlines to use reasonable care in handling checked baggage. Second, airlines might try to shift the risk for damage or loss to their passengers to a degree that is unreasonable in view of customer expectations. Third, we cannot know at this time precisely to what extent legal and economic pressures will by themselves induce carriers to give adequate notice to passengers of liability limitations. In the absence of tariffs, we do not know, for example, to what extent courts will permit contract terms incorporated by reference to bind passengers who are not otherwise apprised of risks. Finally, elimination of baggage liability regulation might permit carriers to circumvent the current regulatory fare ceiling by assessing an additional charge for the carriage of any baggage rather than including it in the fare as is now the case. We ask that commenters specifically address these concerns.

On the one hand, there may be competitive pressures on airlines to minimize the number of bags mishandled without Board-prescribed liability limits. In the airline industry, relatively slight changes in load factors have a substantial effect on profitability so that attracting repeat business is a major factor in financial success. Because baggage problems represent a serious service failure in the eyes of consumers, a reputation for poor baggage handling is likely to have a significant impact on future revenue. Furthermore, although the law permits carriers to limit liability by contract where greater liability coverage is reasonably available to passengers, it does not allow carriers to exculpate themselves totally from liability for their own negligence. As the Supreme Court has observed, "A carrier who stipulates not to be bound to the exercise of care and diligence 'seeks to put off the *essential duties* of his employment'" "New York, N.H. & H.R. Co. v. Nothnagle," 346 U.S. 128, 136 (1953) (emphasis in original).

On the other hand, a competitive marketplace may also create pressures on airlines to minimize costs by reducing the extent of their liability. Despite the importance of repeat business, an airline might consider a passenger whose bag has been misplaced to be a lost cause. Consequently, carriers might consider it most cost-effective to reduce their liability limits substantially by contract. Whether the carriers' inclination to reduce baggage liability limits will be effectively restrained by competition is unclear. Competition among airlines did not have that effect prior to 1966, when the Board began to regulate baggage liability. Moreover, any form of baggage insurance included in the price of a ticket is a negative service element that benefits the passenger only if something goes wrong. Airlines, however, have generally been reluctant to highlight potential service failures when promoting their services.

There is much to be said as a practical matter for assuring passengers that carriers will be responsible for the value of the items typically carried by travelers. The $750 liability limit was established to cover all but unusually valuable items in luggage checked by passengers. It may well be that passengers expect airlines to assume responsibility to this extent. The proposals in Options 2 and 3 would deal with those concerns by retaining the $750 minimum liability limit. Our outstanding show cause proceeding (Order 80–8–133) proposing to raise the minimum liability limit to $1,000 would be terminated under all three options in order to keep regulatory intrusion to a minimum.

Option 3 would go further, limiting the extent to which airlines may shift to passengers risks for fragile or perishable items. By adopting this option, we would prohibit airlines from imposing overly broad disclaimers of liability, as they did until the conclusion of the "Domestic Baggage Liability Rules Investigation" in 1977. This would deal with the concern that some carriers might act unconscionably by trying to contract away most or all of their common law duties and liability for checked bags without providing any cost-savings or other benefits to passengers or without providing notice commensurate with the passenger's risk.

Our adoption of Options 1 or 2 could lead to significant variations among airlines' baggage liability provisions in contracts with passengers. We invite comments on whether this could create any legal or practical problems that might adversely affect the ability of airlines to handle baggage on an interline basis. While our current baggage requirements provide only minimum standards, the carriers have adopted fairly uniform practices that reflect these standards. With the elimination of rules tariffs, carriers will need a way to notify interlining passengers of different conditions of carriage on other airlines, including baggage liability limits. This might be handled several ways, such as by notifying passengers that liability limits may differ among airlines and informing passengers how other carriers' contracts may be obtained. Or airlines may simply agree to accept the terms of the originating carriers' contract. We invite the carriers to address any problems they might encounter in developing interline baggage arrangements, especially problems relating to providing notice of liability provisions.

We also invite comments concerning possible problems in complying with variations in State law under any of the three options. Usually, businesses operating in several jurisdictions are able to utilize uniform contracts by complying with the most restrictive State law. Should commenters feel that such an approach is not feasible for airline baggage provisions, we would welcome information on the legal and practical problems that might be involved.

Elimination of the tariff mechanism on January 1, 1983, will result in some reallocation of risks and responsibilities between airlines and passengers in many areas, including baggage liability practices. The issue here is whether to allow the current system to remain in place or to permit the carriers to experiment with a market-based regime.

Applicability

We are proposing to limit the applicability of Options 2 and 3 to operations with aircraft having more than 60 seats, in order to avoid arbitrary results and ensure evenhanded treatment of similarly situated carriers. Up to now, certificated carriers have been subject to the rules for all their operations, regardless of plane size. On the other hand, air taxi operators, which use only small aircraft, are subject only to very limited regulation. Section 298.30, *Public disclosure of policy on consumer protection*, sets forth a general disclosure requirement. In addition, air taxis offering joint fares with certificated carriers have generally adopted the $750 minimum and other standards for that interline traffic. 14 CFR Part 298, however, exempts air taxi operators from most other certificate and tariff requirements. Because almost all certificated service has until recently been performed with large aircraft, certificated status has been a simple and effective criterion on which to base the applicability of the rules.

Since passage of the Deregulation Act, however, certificates have been

awarded more liberally and the former practical distinction between certificated and non-certificated carriers has blurred and is rapidly vanishing. Many air taxi operators have obtained certificates. The result is that much service is now being provided by certificated carriers under circumstances that are not significantly different from air taxi service. With the end of 1981, most certificated carriers have nationwide authority, so that certificate status is now an even less meaningful distinction. Finally, sunset legislation has already been introduced in Congress that would eliminate domestic certificates entirely. Under this proposal, therefore, rather than basing application of the rule on certificated or non-certificated status, application would depend on the size of aircraft used. This approach has already been incorporated in ER–1237, 46 FR 42442, August 21, 1981, which exempted all small-plane operations from our oversales and denied boarding compensation rules.

Regulatory Flexibility Act

The Regulatory Flexibility Act, Pub. L. 96–354, required each agency to publish in the **Federal Register** a plan for the periodic review of the agency's rules that "have or will have a significant economic impact on a substantial number of small entities." The plan was required to provide for review of all such rules within 10 years. The Board's review plan can be found at 46 FR 63320, December 31, 1981. Because various Board functions are scheduled to terminate or transfer to other agencies before Board sunset on January 1, 1985, the Board is reviewing all its rules and not merely those that meet the impact criterion of the Regulatory Flexibility Act. This notice of proposed rulemaking constitutes a review under 5 U.S.C. 610 of the Regulatory Flexibility Act and begins the rulemaking proceeding promised in our Plan for Review of Rules.

At the same time, the Board certifies that these proposed amendments will not, if adopted, have a significant economic impact on a substantial number of small entities in accordance with 5 U.S.C. 605(b). Few, if any, small businesses conduct operations with large aircraft, which are the only operations that would be covered under any of the proposed changes.

Accordingly, the Civil Aeronautics Board proposes to amend its baggage liability rules by adopting one of the following options:

Option 1: Elimination of Domestic Baggage Liability Regulations

Under this option, the Board would remove all of its requirements concerning the carriage of baggage in interstate and overseas air transportation by revoking Orders 77–2–9, 77–4–94, and 77–9–80, and by terminating the proceedings begun in Order 80–8–133. Conforming amendments would be made in 14 CFR Chapter II.

Option 2: Mandatory minimum baggage liability amounts.

14 CFR Chapter II would be amended to add a new Part 254, *Baggage*, as follows:

PART 254—BAGGAGE

Sec.
254.1 Purpose.
254.2 Applicability.
254.3 Carrier liability.
254.4 Relation to Board orders on baggage liability.

§ 254.1 Purpose.

The purpose of this part is to state rules for the carriage of baggage in interstate and overseas air transportation. The part sets the minimum amount of air carrier liability for loss, damage, or delay in the carriage of passenger baggage.

§ 254.2 Applicability.

This part applies to air carriers with respect to charter or scheduled passenger service in interstate or overseas air transportation using aircraft with a maximum passenger capacity of more than 60 seats.

§ 254.3 Carrier liability.

An air carrier shall not limit its liability for direct or consequential damages resulting from the disappearance of, damage to, or delay in delivery of a passenger's personal property, including baggage, in its custody to an amount less than $750 for each passenger.

§ 254.4 Relation to Board orders on baggage liability.

Order 77–2–9 (dated February 2, 1977), Order 77–4–94 (dated April 20, 1977), and Order 77–9–80 (dated September 20, 1977) have been revoked, and the proceeding begun in Order 80–8–133 (dated August 21, 1980) has been terminated.

Option 3: Codification of Existing Orders

1. 14 CFR Chapter II would be amended to add a new Part 254, *Baggage*, as follows:

PART 254—BAGGAGE

Sec.
254.1 Purpose.
254.2 Applicability.
254.3 Carrier liability.
254.4 General carrier responsibility.
254.5 Carrier responsibility for special items.
254.6 Time limits for filing claims.
254.7 Relation to Board orders on baggage liability.

§ 254.1 Purpose.

The purpose of this part is to state rules for the carriage of baggage in interstate and overseas air transportation. The part sets the minimum amount of air carrier liability for loss, damage, or delay in the carriage of passenger baggage. It sets out general rules for baggage claims practices, and for the carriage of special items such as fragile objects.

§ 254.2 Applicability.

This part applies to air carriers with respect to charter or scheduled passenger service in interstate or overseas air transportation using aircraft with a maximum passenger capacity of more than 60 seats.

§ 254.3 Carrier liability.

An air carrier shall not limit its liability for direct or consequential damages resulting from the disappearance of, damage to, or delay in delivery of a passenger's personal property, including baggage, in its custody to an amount less than $750 for each passenger.

(b) Each air carrier shall make available excess valuation coverage, and provide notice of its availability, to passengers who, at the time they check their baggage with the carrier, declare a value in excess of $750 and pay to the carrier an additional sum, except that items that are unusually valuable or vulnerable to damage may be excluded from excess valuation coverage, such as jewelry, painting, sculptures, antiques, cash, negotiable securities, manuscripts, furs, or musical instruments.

§ 254.4 General carrier responsibility.

Except as provided by § 254.5, a carrier shall be liable for direct and consequential damages resulting from the disappearance of, damage to, or delay in delivery of any item of personal

property due to events occurring while the item was in its custody, regardless of whether the carrier was negligent.

§ 254.5 Carrier responsibility for special items.

(a) If a carrier includes in its contract of carriage a provision limiting its responsibility for perishable items, such limitations shall apply only to damage attributable to the perishable nature of the item and to spoilage caused by delayed delivery.

(b) If a carrier's contract of carriage contains a provision limiting its responsibility for fragile items, such limitations may apply only to damage attributable to the fragile nature of the item.

(c) In order to enforce a contract provision limiting a carrier's liability for fragile or perishable items, other than those checked without the carrier's knowledge inside a passenger's luggage, the carrier, when the items are accepted for carriage, must obtain a signed release from the passenger.

§ 254.6 Time limits for filing claims.

(a) If a carrier includes in its contract of carriage a deadline by which the passenger must notify the carrier in writing of the nature of the claim, such deadline shall be a period of not less than 45 days from the date of occurrence. No specific form or forms shall be required to be submitted to meet the deadline.

(b) The carrier must provide for a waiver of the notification time limit when the passenger can show good reason for not notifying the carrier earlier.

§ 254.7 Relation to Board orders on baggage liability.

Order 77–2–9 (dated February 2, 1977), Order 77–4–94 (dated April 20, 1977), and Order 77–9–80 (dated September 20, 1977) have been revoked, and the proceeding begun in Order 80–8–133 (dated August 21, 1980) has been terminated.

2. The Board orders cited above would be revoked.

3. Conforming amendments would be made in 14 CFR Chapter II.

(Secs. 204, 403, 404, and 411, Pub. L. 85–726, as amended, 72 Stat. 743, 758, 760, 769 [49 U.S.C. 1324, 1373, 1374, 1381])

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–2966 Filed 2–3–82; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76 (Colorado–22)]

High-Cost Gas Produced from Tight Formations; Colorado

AGENCY: Federal Energy Regulaatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may recieve an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado that the Mesaverde Formation, including the Rollins Member, and the Cozzette and Corcoran Members of the Upper Mancos Formation be designated as tight formations under § 271.703(d).

DATE: Comments on the proposed rule are due on March 1, 1982.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on February 16, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION:

Issued: January 29, 1981.

I. Background

On December 31, 1981, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Mesaverde Formation, including the Rollins Member, and the Cozzette and Corcoran Members of the Upper Mancos Formation located in Garfield, Mesa, Delta, Pitkin, and Gunnison Counties, Colorado, each be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation that the Mesaverde Formation, including the Rollins Member, and the Cozzette and Corcoran Members of the Upper Mancos Formation each be designated a tight formation should be adopted. The United States Geological Survey concurs with Colorado's recommendation. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formations underlie portions of Garfield, Mesa, Delta, Pitkin, and Gunnison Coiunties, Colorado. The area is located in the southeast portion of the Piceance Basin approximately 15 miles northeast of the city of Grand Junction, Colorado, and encompasses Townships 6 through 11 South, and Range 89 through 97 West, 6th P.M., excluding the following areas:

(1) The area designated in Docket No. RM79–76 (Colorado–5) Order No. 148, under § 271.703 for the Rollins, Cozzette, and Corcoran;

(2) Township 10 South, Range 95 West, 6th P.M., Sections 17, 18, 19, 30, and Township 10 South, Range 96 West, 6th P.M. Sections 12, 13, 23 through 28, 33, for the Rollins, Cozzette, and Corcoran;

(3) Township 9 South, Range 97 West, 6th P.M., Sections 1 through 24, 26 through 35, and Township 10 South, Range 97 West, 6th P.M. Sections 2 through 11, for the Cozzette and Corcoran;

(4) The area designated in Docket No. RM79–76 (Colorado–12) Order No. 156, under § 271.703 for the Cozzette, and Corcoran;

(5) Township 6 South, Range 93 West, 6th P.M., Sections 5, 6, 7, 8, 17, 18, 19, 20, and Township 6 South, Range 94 West, 6th P.M. Sections 1, 2, 3, 8 through 17, 19 through 24, 27 through 33, for the Mesaverde Formation;

(6) The Wolf Creek Unit area.

Sixty-eight percent of the recommended area is Federal land, 17 percent is State, and 15 percent is fee.

The Mesaverde Formation varies in thickness from zero to approximately 6,000 feet with its base defined as the bottom of the Rollins Member. The average depth to the top of the Mesaverde Formation is 5,052 feet. The

Cozzette Formation is a member of the Upper Mancos Formation and averages 200 feet in thickness. The average depth to the top of the Cozzette Formation is 6,869 feet. The Corcoran Formation is a member of the Upper Mancos Formation and the average depth to the top of the Corcoran is 7,069 feet.

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. NG–26 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formations, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formations is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of these formations will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the Mesaverde Formation, including the Rollins Member, and the Cozzette and Corcoran Members of the Upper Mancos Formation, as described and delineated in Colorado's recommendation as filed with the Commission, each be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, on or before March 1, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Colorado–22), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NW., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than February 16, 1982.

(Natural Gas Policy Act of 1978 (15 U.S.C. 3301–3342))

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraphs (85), (86), and (87) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(68) Through (84) [Reserved]

(85) *Mesaverde Formation (including the Rollins Member) in Colorado.*

RM79–76 (Colorado–22)—(i) *Delineation of formation.* The Mesaverde Formation is located in the southeast portion of the Piceance Basin in Garfield, Mesa, Delta, Pitkin, and Gunnison Counties, Colorado, approximately 15 miles northeast of the city of Grand Junction, Colorado. The Mesaverde Formation underlies Townships 6 through 11 South, and Ranges 89 through 97 West, 6th P.M., with certain specified exclusions.

(ii) *Depth.* The Mesaverde Formation varies in thickness from zero to approximately 6,000 feet with its base defined as the bottom of the Rollins Members. The average depth to the top of the Mesaverde Formation is 5,052 feet.

(86) *Cozzette Formation in Colorado. RM79–76 (Colorado–22)*—(i) *Delineation of formation.* The Cozzette Formation is located in the southeast portion of the Piceance Basin in Garfield, Mesa, Delta, Pitkin, and Gunnison Counties, Colorado, approximately 15 miles northeast of the city of Grand Junction, Colorado. The Cozzette Formation underlies Townships 6 through 11 South, and Ranges 89 through 97 West, 6th P.M., with certain specified exclusions.

(ii) *Depth.* The Cozzette Formation is a member of the Upper Mancos Formation. The average depth to the top of the Cozzette Formation is 6,869 feet.

(87) *Corcoran Formation in Colorado. RM79–76 (Colorado–22)*—(i) *Delineation of formation.* The Corcoran Formation is located in the southeast portion of the Piceance Basin in Garfield, Mesa, Delta, Pitkin, and Gunnison Counties, Colorado, approximately 15 miles northeast of the city of Grand Junction, Colorado. The Corcoran Formation underlies Townships 6 through 11 South, and Ranges 89 through 97 West, 6th P.M., with certain specified exclusions.

(ii) The Corcoran Formation is a member of the Upper Mancos Formation. The average depth to the top of the Corcoran Formation is 7,069 feet.

[FR Doc. 82–29 Filed 2–3–82; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625 and 655

[FHWA Docket No. 79–37, Notice 2]

National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed amendments to the Manual on Uniform Traffic Control Devices.

SUMMARY: The FHWA is inviting comments on proposed amendments to the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD contains the standards for traffic control devices which have been approved by the FHWA for use on all streets and highways open to public travel.

DATES: Comments must be received on or before May 5, 1982.

ADDRESS: Submit written comments, preferably in tripicate, to FHWA Docket No. 79–37, Notice 2, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-

addressed, stamped postcard. The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($18.00).

FOR FURTHER INFORMATION CONTACT:

Mr. James C. Partlow, Office of Traffic Operations, (202) 426–0411, or Mr. Lee J. Burstyn, Office of the Chief Counsel, (202) 426–0754, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA prepares and issues the national standards for traffic control devices used on all streets and highways open to public travel. These standards are published in the MUTCD which has been incorporated by reference into Title 23, Code of Federal Regulations (CFR), Parts 625 and 655. The FHWA both receives requests and initiates recommendations for changes (i.e., amendments) to the MUTCD.

Each request has been assigned an identification number which indicates by Roman numeral the organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received.

This notice of proposed amendments to the MUTCD is being issued to provide the public with an opportunity to participate in the processing of requests for amendments to the MUTCD. Based upon comments received in response to this notice, and its own review, the FHWA will prepare final amendments to the MUTCD. Any final amendments to the MUTCD will be published in the **Federal Register** and incorporated by reference in the CFR.

This notice of proposed amendments to the MUTCD contains the FHWA's recommended action on proposed changes. All of these proposed changes, except for those noted below, were included in an advance notice of proposed amendments to the MUTCD and published under FHWA Docket No. 79–37 (45 FR 982) on January 3, 1980.

One request, II–12, appeared previously in FHWA Docket No. 79–35 on Thursday, January 24, 1980, at 45 FR 5750. Additional comments are being sought on this proposed amendment.

Requests II–55 and II–56 have not previously appeared in a docket for comment. These requests are straightforward and for that reason it was felt unnecessary to publish them in an advance notice of proposed rulemaking.

This notice of proposed amendments to the MUTCD is divided into Parts A, B, and C. Part A contains a discussion of changes to the MUTCD that FHWA is recommending for adoption. Part B contains a discussion of requests for changes that FHWA is recommending not be adopted. Part C contains a discussion of proposed changes on which no action is recommended at this point in time. That is, additional information is necessary before FHWA will be able to make a recommendation on the proposed change.

A total of 81 responses were received on FHWA Docket 79–37. However, each individual or organization responding did not necessarily comment on each proposed change. For example, some of those responding provided comments on only one proposed change while others provided comments on each proposed change.

In analyzing the comments received, an attempt was made to determine if the commenters opposed or concurred with the proposed change. However, this was not always possible. In discussing each proposed change, the number of commenters who concurred and who were opposed are listed where possible. This listing is not to be interpreted as "voting" but simply to provide information to the reader as to the number and kind of comments received on each proposed change.

FHWA's recommendations are based on striking a balance among many factors such as the needs of the motorists, pedestrians, and bicyclists; cost; safety; legal requirements; and the ability of various jursidictions to implement the proposed changes.

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Part A—Recommended Changes to the MUTCD

1. Signs (Part II)

(a) *Request II–4 (Chng.) Placement of Warning Signs.* This request originated within the FHWA. As presently written Section 2C–3 of the MUTCD provides only general guidance for the placement of warning signs. The FHWA proposed that a table of recommended distances for sign placement based on prevailing speed and conditions be added to the MUTCD.

A task force of the National Advisory Committee on Uniform Traffic Control Devices (NACUTCD), which is no longer in existence, reviewed this proposal in great detail and developed a table listing minimum recommended sign placement distances that should be used for three driver operating conditions: (A) Where the driver needs extra time for message comprehension and execution of a decision because of a complex driving situation; (B) where a driver is likely to be required to stop; and (C) where a driver is likely to be required to slow down to a specific speed.

Of the 28 comments received on this proposed change, 17 favored and 11 opposed. Also, the majority of those favoring indicated that any table developed should be for guidance only and not mandatory. Those that were opposed cited such reasons as: The possibility of increased liability; the fact that local jurisdictions can develop their own guidelines for warning sign location; the adequacy of current general information on warning sign location in the MUTCD; and the likelihood that a table would restrict good judgment (i.e., there would be a tendency to use the values in the table without an engineering study).

Three of those commenting discussed the need for a compliance date if this proposed change is adopted. Two recommended a 5-year period and one a 7-year period.

In regard to the liability use, it is the opinion of the FHWA that including guidance information for the location of warning signs in the MUTCD will not increase a jurisdiction's liability in case of an accident. As indicated in Section 1A–4 of the MUTCD, the decision to install a particular traffic control device at a particular location should be made on the basis of an engineering study of the location. If a traffic control device is installed on the basis of a well documented study, the fact that guidance is included in the MUTCD should not affect a jurisdiction's liability.

It is true that local jurisdictions can develop their own guidelines for warning sign installation. However, including guidance in the MUTCD will not prohibit this.

The present guidance in the MUTCD on warning sign location is general in nature. Section 2C–3 recommends that in rural areas warning signs should normally be placed about 750 feet in advance of the hazard or condition. On high-speed roads, such as freeways, the MUTCD points out that advance warning signs may have to be located 1500 feet or more in advance of the hazard. In urban areas where speeds are lower, the MUTCD recommends an advance distance of about 250 feet. The MUTCD further states that the actual advance warning distance will be determined by two factors, the prevailing speed and prevailing design and operating conditions. However, at present, the MUTCD does not provide any information on the relationship between the prevailing speed and prevailing conditions and warning sign location. Including a table in the MUTCD with suggested minimum sign placement distances as a function of speed and three different conditions will aid the traffic engineer in determining warning sign location.

Another concern expressed by those who were opposed to this proposed change was that a table of values would restrict good judgment. This same argument could be used to discourage the development of any guidelines for the location of traffic control devices. Again, if an engineering study as recommended in the MUTCD is made before a traffic control device is installed, the fact that guidance information is included in the MUTCD does not restrict the use of good judgment since it is still the responsibility of the person putting up the sign to assure its correctness.

The FHWA recommends that the language in Section 2C–3 be revised, and a table included showing the suggested minimum advance warning sign placement for various speeds for three different conditions. The proposed wording and table are similar to that recommended by the NACUTCD.

In developing the proposed table, the following factors were used:

1. For 30-inch and 36-inch signs the minimum letter size would be 5 inches, Series D.

2. For 48-inch signs the minimum letter size would be 8 inches, Series D.

3. Drivers have a visual acuity of at least 20/40.

4. A sign legibility distance of 125 feet for 30-inch and 36-inch signs and 200 feet for 48-inch signs.

5. For the general warning sign classification a PIEV time of 3 seconds was used, and for the high judgment condition a PIEV time of 10 seconds was used.

6. For condition B, the braking distance part of the distance is calculated using the formula:

$$d = \frac{V^2}{30f}$$

Where d = braking distance, feet
V = initial speed, mph
f = coefficient of friction between tires and roadway.

The braking distances, for condition B, were calculated for level roadway, wet pavement.

For condition C, the braking distance part of the distance is a comfortable braking distance taken from Figure VIII–15B of "A Policy on Geometric Design of Rural Highways," 1965, American Association of State Highway Officials.[1]

The suggested minimum distance values provided in the proposed Table II–1 result in deceleration rates in the range of 9.4 to 10.7 feet per second per second for Condition B, and 5 to 8.7 feet per second per second for Condition C. Although a deceleration rate of 10.7 feet per second per second may seem high, the 1965 edition of "Traffic Engineering Handbook" [2] on page 27 indictes that a deceleration rate of 11 feet per second per second is considered undesirable but not alarming to passengers.

The National Cooperative Highway Research Program Report 154, "Determining Pavement Skid-Resistance Requirements at Intersections and Braking Sites" [3] on page 17 indicates

[1] Available for purchase from the American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol Street, NW., Washington, D.C. 20001.

[2] This *Handbook* is available for inspection and copying at the Federal Highway Administration, Office of Traffic Operations, Room 3419, 400 Seventh Street, NW., Washington, D.C. 20590.

[3] Available for purchase from the Transportation Research Board, National Academy of Science, 2101 Constitution Avenue, NW., Washington, D.C. 20418.

second per second is comfortable, while a deceleration rate of 10.9 feet per second per second is moderately severe. Also, it should be remembered that the values shown in Table II-1 are suggested minimums and greater distances may be used.

The FHWA proposes to revise the MUTCD, Section 2C-3, Placement of Warning Signs, to read as follows:

Warning signs shall be erected in accordance with the general requirements for sign position as described in Sections 2A-21 to 29.

Since warning signs are primarily for the benefit of the driver who is unacquainted with the road, it is very important that care be given to their placement. Warning signs should provide adequate time for the driver to perceive, identify, decide and perform any necessary maneuver. This total time to perceive and complete a reaction to a sign is the sum of the times necessary for Perception, Identification/understanding, Emotion/decision making, and Volition/execution of decision, and is here referred to as the PIEV time. The PIEV time can vary from about 3 seconds for general warning signs to 10 seconds for high driver judgment condition warning signs. Table II-1 lists suggested minimum sign placement distances that may be used for three conditions: Condition A—a higher driver judgment condition which requires the driver to use extra time in making and executing a decision because of a complex driving situation; i.e. lane changing, passing, or merging. Condition B—a condition in which the driver will likely be required to stop; and Condition C—a condition in which the driver will likely be required to decelerate to a specific speed. The placement of temporary warning signs used at highway construction and maintenance sites is covered in Part VI of this Manual and the suggested minimum sign placement distances given in Table II-1 may not apply to that group of signs.

Other miscellaneous warning signs that advise of potential hazards not related to a specific location may be installed in the most appropriate locations since they are not covered in Table II-1. These include DEER CROSSING and SOFT SHOULDER signs. Minimum spacing between warning signs with different messages normally should be based on the PIEV times for driver comprehension and reaction.

The effectiveness of the placement of any warning sign should be tested periodically under both day and night conditions. Figure 2-5 (page 2A-16) shows typical installations of standard warning signs.

As this proposed change to the MUTCD is not a mandatory condition, the FHWA recommends that no compliance date be established.

TABLE II-1—A GUIDE FOR ADVANCE WARNING SIGN PLACEMENT DISTANCE [1]

Posted or 85 percentile speed MPH	Condition A high judgment needed [2] (10 secs. PIEV)	General warning signs [2]					
		Condition B—Stop condition	Condition C—Deceleration condition to listed advisory speed—MPH (or desired speed at condition)				
		0	10	20	30	40	50
20	[5] 175	(4)	(4)				
25	250	(4)	[5] 100				
30	325	[5] 100	150	[5] 100			
35	400	150	200	174			
40	475	225	275	250	[5] 175		
45	550	300	350	300	250		
50	625	375	425	400	325	[5] 225	
55	700	450	500	475	400	300	
60	775	550	575	550	500	400	[5] 300

[1] Distances shown are for level roadways. Corrections should be made for grades.
[2] In urban areas, a supplementary plate underneath the warning sign should be used specifying the distance to the condition if there is an in-between intersection which might confuse the motorist.
[3] Distance provides for 3-second PIEV, 125 feet Sign Legibility Distance, Braking Distance for Condition B and Comfortable Breaking Distance for Condition C as indicated in *A Policy on Geometric Design of Rural Highways*, 1965, AASHTO, Figure VIII-15B.
[4] No suggested minimum distance provided. At these speeds, sign location depends on physical conditions at site. If 48-inch signs are used, the legibility distance may be increased to 200 feet. This would allow reducing the above distance by 75 feet.
Typical Signs for the Listed Conditions in Table II-I: Condition A—Merge, Right Lane Ends, etc; Condition B—Cross Road, Stop Ahead, Signal Ahead, Ped-Xing, etc.; Condition C—Turn, Curve, Divided Road, Hill, Dip, etc.
[5] Feet.

(b) *Request II-12 (Chng.) CHANNEL 9 MONITORED Sign.* This request, which originated within the FHWA, is to develop a standard sign to notify citizen band (CB) radio operators that Channel 9 is monitored by various responsible agencies. Although it is common knowledge to CB operators that Channel 9 is the emergency channel, this channel is not monitored everywhere on a 24-hour basis by a responsible agency.

This request was published on January 24, 1980, in a notice of proposed amendments to the MUTCD, under FHWA Docket 79-35 (45 FR 5750). At that time the FHWA recommended denial of the request based on the widespread knowledge among CB operators that Channel 9 is the emergency channel.

Although the majority of comments received on Docket 79-35 concurred with the action recommended at that time, the FHWA has found it necessary to reconsider this previous recommendation. In the notice published on January 24, the FHWA commented that there are CB sign installations with various formats currently in use, and that current signing having a white legend and border on a blue background with the legend CHANNEL 9 MONITORED and the name of an official monitoring agency should be permitted.

The FHWA has determined that the above policy, in effect, implies a standard for CHANNEL 9 MONITORED signs. To avoid this ambiguity, the FHWA proposes to amend the MUTCD by adding an appropriate illustration and the following paragraph to Section 2D-46 and Section 2F-33:

A channel 9 monitored sign (D9-XX) may be installed as needed. Only official governmental agencies may be shown as the monitoring agency on the sign.

The use of a sign to provide information about citizens band monitoring is voluntary. This proposed change would impose some additional costs on and mandate direct action by those agencies now using signs having different legends. However, the FHWA proposes a 5-year period for compliance to reduce transition costs to a negligible amount.

(c) *Request II-26 (Chng.)—Application of Advance Street Name Signs.* Section 2D-39 of the MUTCD permits the installation of an Advance Street Name sign posted below an intersection warning sign (i.e., Crossroad Ahead, Side Road Ahead, Tee Intersection Ahead signs, etc.) on an approach to an intersection. This request from the Michigan Department of Transportation is for a change in the MUTCD to also permit the installation of Advance Street Name signs posted below the Stop Ahead, Yield Ahead, Signal Ahead, etc., signs on intersection approaches. This change would eliminate the need for independent sign supports and save money.

The NACUTCD Subcommittee on Signs informally expressed approval of the concept but also advised careful wording of the change to avoid installation of Advance Street Name signs with other types of warning signs.

Of the 26 comments received in response to this proposed change, 13, concurred and 10 were opposed. The main reason cited by those who opposed the change was that the Stop Ahead, Yield Ahead, Signal Ahead, etc., signs conveyed too important a message to have an Advance Street Name sign mounted on the same support.

Those who favored the proposed change pointed out that the Advance Street Name sign provides important

advance navigational information to the motorist. Also, if this sign is not installed below the Stop Ahead, Yield Ahead, Signal Ahead, etc., signs then a separate support would be necessary. This adds another obstacle to the roadside environment even though the support would be breakaway or yielding.

Therefore, the FHWA proposes that the first sentence of the last paragraph of Section 2D–39 of the MUTCD be revised to read as follows as recommended by the NACUTCD:

On intersection approaches a street nameplate may be mounted below an intersection related warning sign.

This proposed change would not impose any additional costs on or mandate direct action by highway agencies. It would provide highway agencies with a means to identify street names in advance of many additional intersections without erecting additional sign supports.

(d) *Request II–27 (Chng.) Prioritized Listing of Basic Sign Groups.* This request from the Subcommittee on Signs of the NACUTCD is for an addition to the MUTCD to provide a prioritized listing of eight basic groups of highways signs. These groups are: (1) Regulatory, (2) warning, (3) navigational guide, (4) emergency services, (5) motorist services, (6) public transportation, (7) traffic generator, and (8) general information.

A prioritized listing could serve as a guide or recommendation to those installing signs, particularly with regard to sign preference or relative location in areas where the number of signs that may be installed or the available space is limited.

Of the 22 comments received on this proposed change 13 concurred and nine opposed. The majority of those who opposed the change believe that there was no need to rank or rate the basic sign groups. Others indicated that, if needed, local agencies could develop their own prioritized listing of signs.

Those who concurred with the change indicated that a ranking would provide some guidance for the installation of signs in areas where space is limited and that there is a need to provide information at the national level on signing priority. This is especially critical where space is limited for sign installation and there is a demand for serval different types of signs.

It is true that local agencies can develop their own priority for sign installation. Some agencies, such as the Michigan Department of Transportation, have already developed a policy for signing State trunkline highways. Providing information in the MUTCD will not prohibit a local agency from expanding on this information and developing its own detailed policy.

The determination of a priority order for placement of signs is complex. As such, the FHWA proposes that a general discussion be included within the MUTCD and that more specific guidelines be developed for inclusion in the Traffic Control Devices Handbook.

Therefore, the FHWA proposes to add the following paragraph between the fourth and fifth paragraphs of Section 2A–4.

With the increase in traffic volumes and the desire to provide motorists information in addition to regulatory, warning, and directional guidance there is a need to establish an order of priority for sign installation. This is especially critical where space is limited for sign installation and there is a demand for several different types of signs. Overloading motorists with too much information can cause improper driving and impair safety. Some information is more important than other information. Generally, in case of conflict, regulatory and warning signing whose location is critical should be displayed rather than guide signing. Information of a less important nature and extraneous information should be moved to less critical locations or even deleted. (Additional guidance on prioritizing of signs is contained in the Traffic Control Devices Handbook.)

This proposed change would not impose any additional costs on or mandate direct action by highway agencies. It would provide highway agencies with guidance for establishing the priority of sign placement in areas where there is an abundance of signing demands.

(e) *Request II–29 (Chng.) Application of Winding Road Sign.* This request from the Michigan Department of Transportation concerns the application of the Winding Road sign (W1–5). The request is to permit the use of the Winding Road sign to warn of a series of three or more curves in the roadway as opposed to installing a series of Reverse Curve or Reverse Turn signs.

Of the 21 comments received on this proposed change, 18 concurred and three indicated that what was proposed is currently allowed in the MUTCD and therefore a change is not necessary.

To provide a clearer indication on the use of the Winding Road sign, the FHWA proposes the following changes in Section 2C–8 of the MUTCD:

1. Revise the first sentence to read as follows:

The Winding Road sign is intended for use where there are three or more turns or curves, as defined in the warrants for Turn and Curve signs (Secs. 2C–4 and 5), separated by tangent distances of less than 600 feet.

2. Add the following sentence at the end of the second paragraph:

Where the three or more turns or curves extend over a roadway length of one mile or more, the supplemental plaque (W7–3a, NEXT X MILES), may be installed below the W1–5 sign.

3. Delete the last sentence in the last paragraph of Section 2C–8.

The proposed change would not impose any additional costs on or mandate direct action by highway agencies. On the contrary it would allow many highway agencies to reduce the number of signs currently used on winding sections of road.

(f) *Request II–36 (Chng.) Advance Rest Area Signs.*

This request from a private individual suggested that highway agencies place signs at periodic intervals along highways to indicate the distance to the next rest area.

Some States do install signs such as NEXT REST AREA XX MILES but at present such signs are not specifically covered in the MUTCD.

Of the 21 comments received on this proposed change, 15 concurred and six opposed. Three of the six that were opposed stated that this type of sign is presently allowed by the MUTCD and a change is not necessary. Two of those who were opposed offered no comments. One opposed the change on the basis that a need for this type of signing has not been established.

Also, almost all of those who concurred did so with the stipulation that any change in the MUTCD should not mandate the installation of any signs.

The FHWA proposes the following changes in the MUTCD:

1. In Section 2E–38 add the following after the second sentence: To provide the motorist with information on the location of succeeding rest areas a sign with the word message NEXT REST AREA XX MILES may be installed independently or as a supplemental panel mounted below one of the advance rest area guide signs. The sign or panel shall have reflectorized white letters and border on a blue background.

2. In Section 2F–35 add the following new paragraph after the third paragraph: To provide the motorist with information on the location of succeeding rest areas a sign with the word message NEXT REST AREA XX MILES may be installed independently or as a supplemental panel mounted below one of the advance rest area guide signs. The supplemental panel may be used with one of the advance guide signs for rest areas that have

tourist information and welcome centers. Before a supplemental panel is installed with tourist information or welcome center signs, a study should be conducted to make sure the additional information will not overload the motorist on this section of roadway.

This proposed change would not impose any additional costs on or mandate direct action by highway agencies. It would provide highway agencies with a voluntary method of identifying succeeding rest areas.

(g) *Request II–37 (Chng.) YIELD Signs in Conjunction With STOP Signs.* This request from the Michigan Department of Transportation is to modify Section 2B–8 of the MUTCD to permit the YIELD sign to be used in conjunction with the STOP sign for the major flow of traffic at intersections.

The MUTCD has the following provisions relative to the use of YIELD signs with STOP signs and major traffic movements: "YIELD signs should not ordinarily be placed to control the major flow of traffic at an intersection. They should not be erected on the approaches of more than one of the intersecting streets or highways or used at any intersection where there are STOP signs on one or more approaches, except, under special circumstances, to provide minor movement control within complex intersections."

Of the 21 comments received in response to this proposed change 19 opposed, one concurred, and one commenter requested a legal opinion before any decision is made.

From a review of the comments received, it appears there is some confusion as to the intent of the request. The request was to revise Secton 2B–8 to permit the use of a YIELD sign at an intersection where the major traffic movements are a right turn and the companion, or corresponding, left turn. The YIELD sign would be installed controlling the major right turning traffic movement. The minor approaches to the intersection would be controlled by STOP signs. Figure 1 may help explain the intent of this request.

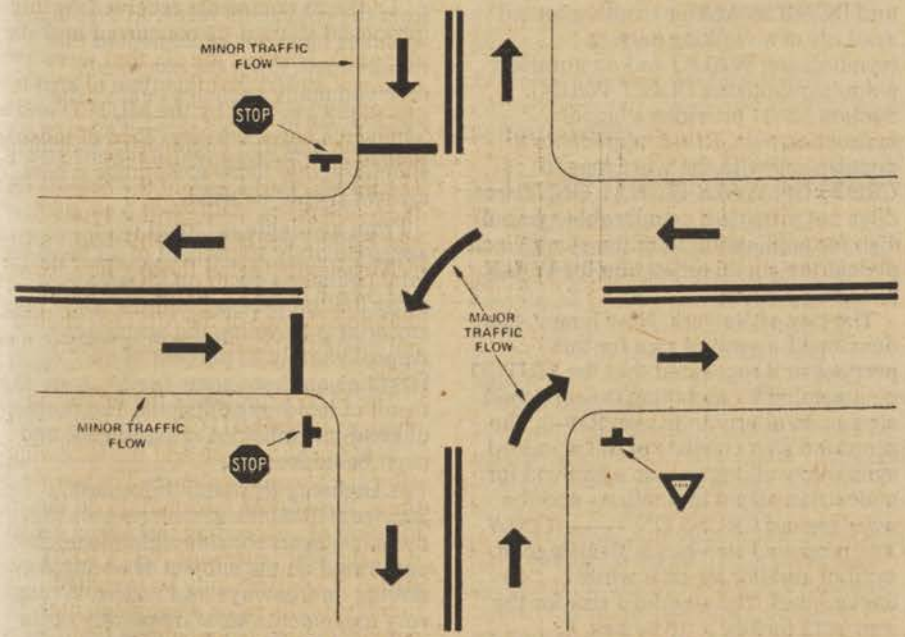


FIGURE 1 – YIELD SIGNS IN CONJUNCTION WITH STOP SIGNS

The FHWA proposes the second paragraph beginning with the words, "YIELD signs should not ordinarily . . . ." in Section 2B–8 be deleted and the following two paragraphs added:

YIELD signs may be installed at an intersection where the major traffic movements are a right turn and the companion left turn. The YIELD sign, if used, shall be installed facing the major right turning traffic. If a YIELD sign is used in this manner, STOP signs shall be installed to control traffic on the minor approaches.

YIELD signs may be installed at complex and/or channelized intersections to control major traffic movements where STOP signs are used to control the minor traffic movements.

This proposed change would not impose any additional costs on or mandate direct action by highway agencies. The proposed change would permit a significant volume of right turning traffic to move through certain intersections under a yield situation rather than being required to stop.

(h) *Request II–39 (Chng.) Dead End Signs on Intersecting Streets.* This request from the cities of Ocala and Tampa, Florida, is for the development of a standard sign specifically to advise motorists of an intersecting street that dead ends.

Section 2C–37 of the MUTCD provides for the use of signs with the legend DEAD END and NO OUTLET to warn of a street or road that has no outlet. These signs are generally installed in a position to warn motorists who are already on the street which dead ends. Motorists on an intersecting street often cannot see these signs until the turn into the dead end street has been made.

Of the 21 comments received on this proposed change, six concurred and 15 opposed. Most of those who opposed the change believe that the existing signs in the MUTCD are adequate. Further, the existing signs can be located such that a motorist on an intersecting street can see these signs before a turn is made into the dead end street. Another reason cited by those who opposed the change was that it would lead to undesirable sign proliferation.

The FHWA agrees that at many locations the existing MUTCD signs can be installed so they can be seen by a motorist on the intersecting street before a turn is made. However, there are also many locations where this is not possible. The addition of an auxiliary sign with the word message DEAD END or NO OUTLET as FHWA proposes in the following paragraphs will provide the motorist with the necessary information as to which streets do not have an outlet.

In regard to the concern about sign proliferation, signs should only be installed based on an engineering study which justifies the need.

The FHWA proposes the following changes be made in the MUTCD:

1. Section 2D–39 Street Name Sign (D3)—Insert the following language between the last two paragraphs of Section 2D–39: An auxiliary warning sign may be used as part of the

intersection street name sign assembly. The auxiliary signs shall be of rectangular design, with black legend and border on a yellow background, indicating either DEAD END or NO OUTLET. An arrow may be used where appropriate. The signs, if used, shall be mounted horizontally below the street name sign and should not exceed the dimensions of the street name sign.

2. Section 2C–37 Dead End Signs (W14–1, W14–2)—Add the following paragraph: Section 2D–39 contains information on the use of DEAD END and NO OUTLET signs used in conjunction with street name sign assemblies

This proposed change would not impose any additional costs on or mandate direct action by highway agencies. It would provide for an alternative and less expensive way of identifying crossing streets that have no outlet.

(i) *Request II–55 (Chng.) Symbolic PUSH BUTTON FOR WALK SIGNAL Sign.* This request from the city of Mesa, Arizona, Transportation Department is for approval of a symbol sign to be used as an alternative to the standard MUTCD word message regulatory sign NO. R10–4, PUSH BUTTON FOR WALK SIGNAL. The proposed sign consists of the standard pedestrian silhouette adopted for use for the WALK indication in pedestrian signals, an arrow, and the word message WALK BUTTON. The sign has a black legend and border on a white background. The standard size for the proposed sign is 9 inches × 12 inches.

Prior to requesting the change, the city of Mesa conducted formal experimentation (Request II–49 (Expr.)) with the proposed symbol sign during April and May, 1980, at three signalized locations in Mesa. Two of the signal locations served primarily junior high school pedestrians and the third served primarily college pedestrians. The experimentation included before and after observations (total of 1233 crossings) and interviews (total of 278). The report of the experimentation [4] stated that overall the pedestrians exhibited better behavior with the symbolic pedestrian push button signs. The percent that pushed the button and crossed on the WALK indication increased by 9.5 percent. The percent of pedestrians that crossed on the red (DON'T WALK) indication decreased 12.5 percent. The interviews indicated that there was awareness and understanding of both types of push-button signs.

Based on the results of this experimentation and the growing preference for symbol signs by both the public and highway agencies, the FHWA proposes to designate the proposed sign as sign no. R10–4b and to amend the MUTCD to permit the use of this sign as an alternate to sign no. R10–4. The third paragraph of Section 2B–37 would be amended by adding an appropriate illustration [5] and the following:

The symbol sign R10–4 may be used as an alternate to sign R10–4.

This change would not impose any additional costs on or mandate any direct action by highway agencies. It would provide highway agencies with an additional voluntary method for improving guidance for pedestrians.

(j) *Request II–56 (Chng.) Symbolic CROSS ON WALK SIGNAL ONLY Sign.* Section 4D–1 of the MUTCD provides that pedestrian signal indications consist of the illuminated words WALK and DON'T WALK or the illuminated symbols of a walking person (symbolizing WALK) and an upraised palm (symbolizing DON'T WALK). Section 2B–37 provides a signal instruction sign, R10–2, applicable to pedestrians with the word legend CROSS ON WALK SIGNAL ONLY, but does not provide a comparable symbol sign for application with the symbolized pedestrian signal indication for WALK (walking person).

The city of Newark, New Jersey, has developed a symbol sign for this purpose and requested that the MUTCD be amended by including the proposed sign as an alternate to sign R10–2. The proposed sign consists of the standard symbolic walking person approved for pedestrian signal indications and the word legend CROSS ON ——— ONLY. The proposed sign has a black legend, symbol and border on a white background. The standard size for the sign is 12 inches × 18 inches.

In recognition of this omission in the MUTCD, the FHWA proposes designating the proposed sign as sign R10–2a and amending the second paragraph of Section 2B–37 of the MUTCD by adding an appropriate illustration and the sentence:

The R10–2a sign is a permissible alternate to the word message sign R10–2.

This change would not impose any additional costs on or mandate any direct action by highway agencies. It would provide highway agencies with an additional voluntary method for improving guidance for pedestrians.

2. Markings (Part III)

(a) *Request III–16 (Chng.) Permissive Use of Wrong-Way Pavement Marking Arrows.* Since 1971 the FHWA has required in each lane of an exit ramp the placement of one or more pavement marking arrows near the crossroad terminal where it would clearly be in sight of a wrong-way driver.

The Ohio Department of Transportation has requested that the MUTCD language be revised from a mandatory requirement to one of permissive usage. This would allow highway agencies to choose those ramps on which to place the arrows.

Of the 21 responders, 16 concurred with the request to make the pavement marking arrows permissive. The use of the arrows has been required since 1971 even though not specifically addressed in the MUTCD until 1978. It is apparent from the comments received that many agencies have not implemented this requirement. From the comments received many agencies believe that blanket use is unnecessary and wasteful, and that engineering judgment should dictate those exit ramps where arrows should be used.

From available accident data, approximately 10 percent of all head-on fatal collisions occur on Interstate or other limited access facilities while one motorist is traveling the wrong way. Approximately 25 percent of all fatalities on these same facilities are the result of head-on collisions. The problem of head-on collisions is significant and must be addressed.

A Highway Research Information Service (HRIS) file search reveals that there has been considerable research performed on the subject of wrong way driving on freeways and ramps. Wrong way movements most frequently occur where ramp terminals have complicated geometrics that confuse motorists. Another identified factor is that wrong way movements tend to take place at times of low visibility. Research results fairly well confirm that signing is effective in preventing wrong-way movements. However, results are mixed about the effectiveness of the wrong way pavement marking arrows.

In light of the foregoing the FHWA proposes that the mandatory use of pavement making arrows be changed to an advisory use and proposes the following revision to item 5 of Section 2E–41:

[4] "Experimentation With a Symbolic Push Button Sign." Transportation Department, Mesa, Arizona, 1980. Copies available from the Federal Highway Administration, Office of Traffic Operations, Room 3419, 400 Seventh Street, SW., Washington, D.C. 20590.

[5] Copies available from the Federal Highway Administration, Office of Traffic Operations, Room 3419, 400 Seventh Street, SW., Washington, D.C. 20590

5. In each lane at an exit ramp one or more pavement marking arrows should be placed near the crossroad terminal to supplement wrong way signing at locations where wrong way usage occurs or there is the likehood of wrong way movement. These markings, which should be clearly in sight of a wrong way driver, may consist of traffic paint, thermoplastic material, bi-directional red and white raised pavement markers, or other units that show red to wrong-way drivers and white to other drivers.

This proposed change would reduce the present requirements of the MUTCD and permit highway agencies to determine those locations where wrong way pavement marking arrows are to be used.

(b) *Request III–18 (Chng.) Mandatory Marking of Interchange Ramps.* Intersections and interchanges are areas where accident potential generally is high. These are locations where drivers are required to make maneuvering decisions and where frequent driver confusion occurs. It is essential that proper and well maintained pavement markings be provided for positive guidance, especially at interchange exit ramps.

Based upon field reviews of completed highway projects by an FHWA sponsored Safety Review Task Force, the FHWA suggested that Section 3b–11 of the MUTCD be revised to require, as a minimum, pavement markings in advance of exit ramps. These markings would include (1) dotted extension of the right edgeline, (2) extension of the dashed line for parallel slow down lanes, and (3) marking the channelizing lines between the main roadway and exiting ramp, as shown in Figure 3–11 of the MUTCD.

Of the 22 comments received on this proposed change, seven concurred, 13 were opposed and two were unclear, of the 13 that were opposed, nine opposed making all three pavement marking configurations mandatory. The other four were only opposed to some aspects of the proposed change.

The majority of those who were opposed questioned the need to require all three pavement marking configurations. That is, the decision to install these markings should remain at the local level and be made on the basis of an engineering study, not by a mandate in the MUTCD. Some pointed out the problem of installing and maintaining the pavement markings, especially the dotted extension of the right edgeline in areas of heavy traffic volumes.

Since locations where drivers are required to make maneuvers have a high accident potential, pavement markings in combination with signs at gore areas would provide the driver with guidance in exiting.

The FHWA proposes the following changes be made in Section 3B–11 of the MUTCD: In the first and second sentences of the second paragraph change the word "should" to "shall."

If adopted this change would require channelizing lines between the main roadway and the exit ramp and an extension of the dashed line for parallel deceleration lanes. The dotted extension of the right edgeline and the transverse line in the neutral area would remain optional.

The requirement for channelizing lines at interchange gore areas would impose virtually no additional cost on highway agencies. Most gore areas are already channelized with markings. This proposed change would have the MUTCD conform to accepted practice. The extension of the dashed line for parallel deceleration lanes would impose some additional costs on highway agencies but the cost can be minimized by applying the dashed lines at the time other stripping is being performed in the vicinity.

3. Traffic Controls for Street and Highway Construction and Maintenence Operations (Part VI)

(a) *Request VI–3 (Chng.) Temporary Markings for Construction and Maintenance Areas.* The MUTCD provides detailed requirements for pavement marking patterns used on completed roads open to unrestricted travel, but provides no guidance for patterns to be used for temporary markings in work zones where road work is in progress. Some States use very short pavement marking stripes with long gaps to save paint or materials in areas where the markings will be used for short periods of time.

This request initiated within FHWA is for a change in the MUTCD to provide guidance on this subject and to achieve uniformity in the use of temporary markings.

Of the 25 comments received on this proposal, 20 concurred, three were opposed and two indicated preference to comment after the specifics were available for review. Those opposing the proposal generally felt that pavement markings in work zones should be the same as those used on permanent roadways. Many who concurred with the proposal recommended that the guidance not be made mandatory.

The FHWA proposes that the title of Section 6D–1 be revised to Pavement Markings—General and that the first paragraph be revised to read:

When construction work necessitates the utilization of vehicle paths other than the lanes normally used, daytime and nighttime drive-through checks should be made to evaluate the path and the possibility that the pavement markings might inadvertently lead drivers from the intended path. Markings no longer applicable which might create confusion in the minds of vehicle operators shall be removed or obliterated as soon as practicable. Inappropriate existing pavement markings shall be removed and the new interim markings placed before opening the affected lane or lanes to traffic. Traffic shifts from one path to another should not be attempted unless there is sufficient time, equipment, materials and personnel available to properly complete it before the end of the workday. The intended vehicle path should be clearly marked at the end of the work day where new surface materials are placed.

It is proposed that the fifth paragraph of Section 6D–1 be deleted and the following two paragraphs added.

Interim pavement markings shall be used in combination with appropriate warning signs, channelizing devices and delineation to clearly indicate the required vehicle paths.

All markings having application at night shall be fully reflectorized. Paint, raised pavement markings, preformed tapes, or other material, as appropriate for local conditions, may be used for interim pavement markings.

The following is proposed as an addition to Part VI–D:

Section 6D–3 Pavement Marking Patterns and Applications. The patterns of interim longitudinal lines applied in construction, maintenance and utility work zones open to public travel desirably should have the same patterns as those used outside of work zones. This is especially true where traffic volumes and speeds are high, and where the duration of the work activity extends beyond more than a few days. Part III contains the standards for pavement marking patterns outside of work zones.

Broken Lines

Less than the full standard marking patterns from that prescribed in Part III are permitted only for broken lines. Broken lines should have 10–foot stripes and 30–foot gaps (or regular module) with an acceptable minimum pattern of 4-foot stripes on 40-foot centers (or regular module). Where raised pavement markers are used to simulate a broken line each stripe should have four nonreflective raised pavement markers on 3⅓ foot centers with a 30-foot gap (or regular module). As a minimum, two nonreflective raised pavement markers on centers no greater than 4 feet may be used to simulate a stripe. Where raised pavement markers are used to supplement a broken line, a reflectorized raised pavement marker should be placed in each gap.

Solid Lines

Edge line markings and no passing barrier markings shall be a solid stripe. A combination raised pavement marker/stripe

system is permitted for left edge lines on multilane roads. Raised pavement markers or combination raised pavement marker/stripe system generally are not permitted for right edge line markings because under certain conditions, the raised pavement markings resemble a lane line pattern.

Raised pavement markers used to simulate a solid line shall clearly appear to the motorist as a solid line. Simulated solid lines should have reflectorized raised pavement markers on 20 foot centers with non-reflectorized raised pavement markers on 4 or 5 foot centers. Simulated double solid lines should have the same pattern as a solid line with the lines separated by 3 to 4 inches.

Raised pavement markers may be used to supplement solid lines. Reflectorized raised pavement markers should be placed on 40 foot centers normally 1½ to 2 inches from the stripe supplemented. Double solid lines should have the same pattern as a solid line with reflectorized raised pavement markers normally placed outside the solid line (both sides). Spacing on transitions, painted islands or medians, and curves 6 degrees or more should be on 20 foot centers.

The type of markings and use of marking patterns less than desirable as contained herein should be made on the basis of an engineering analysis.

This proposed change would impose some additional costs on and require direct action by some highway agencies. Improved highway safety would be a direct result by requiring application of a more uniform delineation of vehicle paths through work zones. The FHWA proposes a 3 year period for compliance to provide time for incorporating these provisions into contracts.

(b) *Request VI–11 (Chng.) Reflectorization of Signs.* This request, which originated within the FHWA, is for an amendment to the MUTCD to require that the entire area of construction and maintenance signs for all colors except black shall be reflectorized with a material that has a smooth, sealed outer surface which will display approximately the same size, shape, and color day and night. This change would, in effect, prohibit the use of an inferior method of obtaining reflectorization (i.e., paint and glass beads).

Of the 20 comments received on this proposed change, 14 concurred and six opposed. Those who were opposed cited such reasons as: local jurisdictions can develop their own materials specifications, this type of requirement should not be included in the MUTCD, and specifying a smooth, sealed outer surface is too restrictive and may eliminate the use of other types of materials that may be just as effective.

It is true that local jurisdictions can develop their own materials specifications. However, a field review of various construction sites by FHWA personnel found many locations were still using paint and glass beads as a means of reflectorizing signs. It is especially important that signs used in work zones show approximately the same shape and color both by day and night.

The other major objection raised was that specifying a "smooth, sealed outer surface" may prohibit the development of equally effective material.

A procedure has been established for the development of new or revised standards to account for advances in technology. This procedure involves the experimentation with new devices or materials and is described in Section 1A–6 of the MUTCD. In brief, any jurisdiction may request permission to experiment with a new device or material. Depending on the results of the experiment, the MUTCD could be changed.

Therefore, the FHWA proposes that the first sentence of Section 6B–2 be revised to read as follows:

All signs intended to be used during the hours of darkness shall be either reflectorized with a material that has a smooth, sealed outer surface, or illuminated, to show approximately the same shape and color day and night.

In addition, so that Section 6B–2 will not be in conflict with Section 2A–18, FHWA proposes that Item 2 in Section 2A–18 be revised to read as follows:

2. A material that has a smooth, sealed outer surface, either on the sign background or where a white legend is used on a black or colored background in the symbol or message and border.

This proposed change would impose some additional costs on and mandate direct action by some highway agencies. The FHWA proposes a 5-year period for compliance to reduce the transition cost.

(c) *Request VI–12 (Chng.) Color of Reflectorized Material for Cones.* The MUTCD provides that cones and tubular markers shall be reflectorized or equipped with lighting devices when used at night. The color of the reflectorization is not specified. This request, which originated within the FHWA, would amend the MUTCD by specifying the color or colors to be used on these devices.

Of the 16 responses received 13 concurred that the MUTCD should specify the color of cone reflectorization. Three responses were in opposition to specifying a color. Only six responders recommended a specific color (four suggested white and two suggested orange).

The FHWA proposes the use of white reflectorized material on cones and tubular markers since white is the most visible color and the reflectorized areas will be relatively small. The following revision to the last paragraph of Section 6C–3 is recommended:

Reflectorization of tubular markers shall be a minimum of two 3-inch white bands placed a maximum of 2 inches from the top with a maximum of 6 inches between the bands. Reflectorization of cones shall be provided by a minimum 6 inch white band placed a maximum of 3 inches from the top.

This proposed change would establish a uniform color for reflectorizing cones and tubes. It will impose some additional costs on highway agencies; however, the FHWA is proposing a 3-year period for compliance to reduce the transition costs to a minimum.

(d) *Request VI–13 (Chng.) Advance Warning Flashing Arrow Panels.* The present standards in Section 6E–7 of the MUTCD are written primarily to define the proper physical characteristics of flashing arrow panels. The FHWA has suggested that the MUTCD provide a better definition of both the proper and improper use of arrow panels in various work zone situations. A recent research study sponsored by FHWA and entitled "Guidelines for the Application of Arrow Boards in Work Zones" (December 1978) [6] has been completed and suggests the following:

(1) Use of the flashing arrow mode should generally be limited to lane closures and moving operations.

(2) Use of the flashing arrow mode should not generally be permitted for roadway diversions where there are no lane closures.

(3) For lane closures, arrow panels should be placed on the shoulder of the roadway adjacent to the start of the closed lane.

(4) For lane closures and moving operations, only the flashing arrow should be used. (Arrow panels are capable of showing other symbols.)

Fifteen responses were received on this request. Seven concurred with a need for a better definition on the use of advance warning flashing panels, five opposed and three suggested a deferral pending review of the research.

Those expressing opposition were concerned that mandatory language would negate the use of engineering judgment; that the proposed placement on the shoulder was questionable; and that other flashing modes should be permitted.

The research study cited above indicates that the flashing arrow is the most effective mode in conveying its message to the driver. Sequencing

[6] This study is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

modes go through four pulses to display their message whereas the flashing arrow only goes through two. Drivers normally interpret the flashing arrow to mean a lane closure is ahead. Thus the flashing arrow is more appropriate for use with lane closure situations. The sequential-chevron mode did not elicit as strong a lane change meaning to drivers and is, therefore, more appropriate for use with detours, crossovers, or bypass roadways where there is no reduction in the number of available lanes.

Placing the flashing arrow on the shoulder at the beginning of the taper or upstream of the taper produced a more effective lane changing pattern than placing the flashing arrows in the closed lane in the middle of the taper. Such placement also offsets the device further from a possible conflict with vehicles.

As with the placement of any traffic control device a review of the site is essential for proper placement and orientation of the device. This philosophy is reflected in the proposed language for flashing or sequencing panels.

The FHWA is proposing that Section 6E–7 be revised as follows:

6E–7 Arrow Boards

Arrow boards are signs with a matrix of lights capable of displaying a flashing arrow and/or a sequential chevron. They provide additional advance warning and directional information to assist in diverting and controlling traffic around construction or maintenance activities being conducted on or adjacent to the traveled way. Arrow boards are intended to supplement necessary signs, barricades, or other traffic control devices.

The arrow board may be used for day or night lane closures, roadway diversions, slow moving activities on the traveled way, or hazardous conditions created by high traffic density and speed.

Arrow boards are effective in encouraging drivers to leave the closed lane sooner than the normal complement of traffic control devices. Arrow boards are more effective in promoting lane changes when placed on the roadway shoulder at the start of the taper or upstream of the start of the taper rather than centered in the closed lane in the middle of the taper.

The flashing arrow mode is to be used only where a lane(s) is being closed. The sequential-chevron mode may be used for roadway diversions (detours, crossovers, or bypass roadways) where there is no need for motorist to change lanes.

The geometrics and conditions at each site where an arrow board is to be used should be studied to determine the best point to begin the transition or taper and the proper orientation of the board.

Arrow boards shall meet the requirements of Table VI–3. Minimum legibility requirements are the distance at which the arrow board message can be comprehended by a driver on a sunny day or a clear night. The color of the light emitted shall be yellow.

TABLE VI–3.—ARROW BOARDS

Type	Minimum Size (inches)	Minimum number of lamps	Minimum legibility distance (miles)
A	24 by 48	12	½
B	30 by 54	13	¾
C	48 by 96	15	1

Type A arrow boards are appropriate for use on low speed urban type streets. Type B is appropriate for intermediate speed facilities and for moving operations on high-speed roadways. Type C arrow boards are intended to be used on high-speed, high-volume roadways.

The most commonly used arrow board face is rectangular in shape, of solid construction, and finished with a nonreflective black surface. The arrow board shall be suitably mounted on a vehicle, trailer, or other support. Vehicle-mounted boards should be provided with remote controls. The minimum mounting height should be 7 feet above the roadway to the bottom of the arrow board face.

Arrow boards should have the capability of the following mode selection: Left Arrow, Right Arrow, Left and Right Arrow, Left or Right Sequential Chevron and Caution. The Caution mode consists of four or more lamps, arranged in a pattern which will not indicate a direction.

Arrow boards shall be capable of minimum 50 percent dimming from rated lamp voltage. The flashing rate of the lamps shall not be less than 25 times per minute.

This proposed change would not impose any additional costs on or mandate direct action by highway agencies. It would provide highway agencies with additional guidance on the use of an optional traffic control device.

(e) *Request VI–15 (Chng.) Use of Street Name Signs with Detour Signs.* The FHWA has suggested that Section 6B–38 of the MUTCD be revised to recommend the use of street name signs with the M4–9 Detour signs for marking a detour from an unnumbered route. It was also requested that Figure 6–4 be modified to show the street name above the M4–9 sign.

Generally, the M4–9 sign is satisfactory for the motorists who wish to remain on the entire detoured route. Some motorists travel a portion of the detour route only because it overlaps their original intended route and there is a need to identify the detoured route with the closed street name.

Of the 17 comments received on this proposed change 14 concurred and three were opposed. Two of the three who were opposed were opposed only if the street name signs were made mandatory. One opposed on the grounds that adding a street name sign to the M4–9 sign would confuse the motorist.

Street name signs have been used in combination with the M4–9 Detour sign in Michigan. A field review of detour signing in Michigan conducted by the FHWA Division Office concluded that the addition of the Street Name sign to the M4–9 sign provided the following benefits:

1. The use of the Street Name sign reduces the possibility that the M4–9 signs will mislead those motorists who are not concerned about the detour.

2. The assembly provides added confirmation to the detouring motorists that they are following the correct detour.

It should also be noted that for marking detours of numbered routes, the MUTCD currently provides a detour marking assembly which includes the route number of the detoured route. This is illustrated in Figure 6–3. The proposed change would simply extend this principle to unnumbered routes.

Therefore, the FHWA proposes that the following paragraph be added at the end of Section 6B–38:

A Street Name sign may be placed above or incorporated in the Detour sign (M4–9) to indicate the name of the roadway for which the detour was established.

Figure 6–4 already has a note that indicates street names may be used when desirable for directing detoured traffic. Therefore, FHWA proposes no change in Figure 6–4.

This proposed change would not impose any additional costs on or mandate direct action by highway agencies. It would provide highway agencies with a voluntary method of identifying the street being detoured through a work zone.

(f) *Request VI–16 (Chng.) Use of Detour Ends Sign.* This request originated within the FHWA to include a Detour Ends sign to Section 6B of the MUTCD.

Recent reviews conducted on various detour routes indicate that motorists traveling detour favor additional detour guidance signs or markers. It was noted that some motorists returned to the origninal route and were not aware of it. The proposed sign is 24 inches by 18 inches with a black message on an orange background.

All of the 17 comments received on this proposed change concurred with the change.

The FHWA proposes the following paragraph be added at the end of Section 6B–38. This new paragraph would follow the paragraph

recommended under Reguest VI–15 (Chng.).

The Detour Ends sign (M4–11) may be used to advise the motorist that the detour has ended. The Detour Ends sign may be used on either numbered highways or unnumbered roadways. If used on a numbered highway, it should be erected above a route marker located near the end of the detour.

The FHWA also recommends that two Detour Ends signs be added as appropriate to Figure 6–4.

This proposed change will not impose any additional costs on or mandate direct action by highway agencies. It will provide a voluntary method to notify motorists of the terminus of a detour.

4. Traffic Control Systems for Railroad-Highway Grade Crossings (Part VIII)

(a) *Reguest VIII–2 (Chng.) Warning Signs on Roads Parrallel to Railroads.* This request, originated by the Railroad Subcommittee of NACUTCD, is for adoption of a railroad crossing warning sign to be used on roads running parallel to a railroad. The sign would warn drivers traveling on the parallel road.

Of the 24 comments received on this proposed change, 16 concurred, six opposed, one commenter indicated a desire for more details and one was unclear.

Those who were opposed to the change offered such reasons as: The present signs are adequate; this type of signing is not needed; and this type of signing could lead to undesirable sign proliferation.

It is true that the existing Railroad Advance Warning sign (W10–1) has been used to warn turning motorists of a downstream railroad crossing. This has been accomplished by installing W10–1 signs, with an appropriate black on yellow Advance Turn Arrow marker mounted below the W10–1 signs.

However, it is believed that a unique symbol sign would be more effective. The States of Washington and Idaho have been using the proposed symbol signs for a number of years with excellent success.

As for the contention that this type of signing is not needed, several of those who concurred indicated there was an accident problem with turning vehicles and some type of signing was needed.

Sign proliferation is a potential problem. However, as indicated in the MUTCD, signs should only be installed when their need has been determined based on an engineering study.

The FHWA propose to revise Section 8B–3 of the MUTCD by adding three new warning signs designated as W10–2, W10–3, and W10–4 (W10–3 and 4 are variations of the W10–2). The proposed wording of Section 8B–3 is as follows:

8B–3 Railroad Advance Warning Signs (W10–1, 2, 3, 4) A railroad advance warning (W10–1) sign shall be used on each roadway in advance of every grade crossing except:

(1) On low-volume, low-speed roadways crossing minor spurs or other tracks that are infrequently used and which are flagged by train crews.

(2) In the business districts of urban areas where active grade crossing traffic control devices are in use.

(3) Where physical conditions do not permit even a partially effective display of the sign.

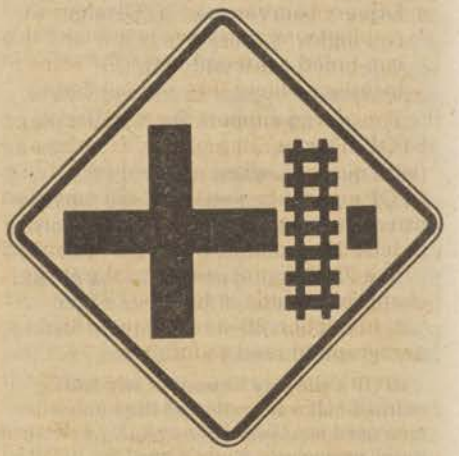
Placement of the sign shall generally be in accordance with Section 2C–3 and Sections 2A–21 to 2A–27, normally 750 feet or more in advance of the crossing in rural areas and 250 feet in advance of the crossing in urban areas, except that in a residential or business district where low speeds are prevalent, the signs may be placed a minimum distance of 100 feet from the crossing. On divided highways and one way roads, it is desirable to erect an additional sign on the left side of the roadway.

The W10–2, 3, and 4 signs may be installed on highways that are parallel to railroads. The purpose of these signs is to warn a motorist making a turn that a railroad crossing is ahead. Where there is 100 feet or more between the railroad and the parallel highway, a W10–1 sign should be installed in advance of the railraod crossing and the W10–2, 3, or 4 signs on the parallel highway would not be necessary.

If this change is approved, a figure showing typical railraod advance warning sign placement will be included in the Traffic Control Device Handbook—Part VIII, presently being developed (see figure below).

Also, if Request II–4 (Chng.) Placement of Warning Signs is approved, changes will be made in Section 8B–3 of the MUTCD. However, the reference to the 100-foot distance between the railroad and the parallel highway will remain unchanged.

This proposed change would impose some additional costs on and require direct action by those highway agencies using different sign formats. It would provide a uniform means to warn turning drivers of a railroad crossing in close proximity to an intersection. The FHWA is proposing a 5-year period for compliance to phase in the new signs and reduce the transition cost.



W10–2

(b) *Request VIII–5 (Chng.) Use of Stop Signs at Railroad-Highway Grade Crossings.* Section 2B–5 of the MUTCD recommends that STOP signs should not be installed indiscriminately at rail-highway grade corssings and also that STOP signs should only be installed as an interim measure while the plans for lights, gates, or other means of traffic control are being prepared.

The advance notice of proposed rulemaking requested comments on the following two questions:

1. Should any changes be made in the MUTCD concerning the use of STOP signs at rail-highway grade crossings?

2. If changes should be made, what should the changes be?

Twenty-two comments were received on this request. Most of those commenting did address the two specific questions. Eleven of those commenting recommeded a change in the MUTCD and 11 recommended no change be made in the MUTCD concerning the use of STOP signs at rail-highway crossings.

The use of STOP signs as a permanemt traffic control device at rail-highway crossings remains a controversial issue.

Those who are opposed to the installation of STOP signs at rail-

highway crossings use the following arguments:

- There is a potential for an increase in rear-end accidents.
- The STOP signs cause unnecessary highway traffic delays with resulting energy consumption.
- Driver observance of STOP signs at rail-highway crossings is low and this can breed contempt for STOP signs at locations where they are needed.

Those who support the installation of STOP signs at rail-highway crossings point out that, when used selectively, STOP signs increase the likelihood of a driver looking for a train and thereby reduce the probability of an accident.

The FHWA proposes the following changes be made in the MUTCD:

1. In Section 2B–5 revise the fifth paragraph to read as follows:

STOP signs may be used at selected railroad-highway grade crossings only after their need has been determined by a detailed traffic engineering study. Use of the STOP sign at railroad-highway grade crossings is described in Section 8B–9.

2. Add a new section, Section 8B–9, as follows:

8B–9 STOP Signs At Grade Crosssing (R1–1, W3–1). The use of the STOP signs at railroad-highway grade crossings shall be limited to those grade crossings selected by detailed traffic engineering study. Such crossings should have the following characteristics:

(1) Highway should be secondary in character with low traffic counts.

(2) Train traffic should be substantial.

(3) Line of sight to an approaching train is restricted by physical features such that approaching traffic is required to reduce speed to 10 miles per hour or less in order to stop safely.

(4) At the stop bar, there must be sufficient sight distance down the track to afford ample time for a vehicle to cross the track before the arrival of the train.

The engineering study may determine other compelling reasons for the need to install a STOP sign, however, this should only be an interim measure until active traffic control signals can be installed. STOP signs should never be used on primary through highways or at grade crossings with active traffic control devices.

Whenever a STOP sign is installed at a grade crossing, a Stop Ahead sign shall be installed in advance of the STOP sign.

If this change is approved, a figure showing a typical traffic control device layout including STOP signs will be included in the Traffic Control Devices Handbook—Part VIII presently being developed.

Since this proposed use of the STOP sign would be voluntary, this proposed change would not impose any additional costs on or mandate direct action by highway agencies. It would provide highway agencies with additional guidance on the characteristics of railroad-highway intersections that may be considered for installation of STOP signs.

5. Traffic Controls for Bicycle Facilities (Part IX) Request IX–3 (Chng.) Hostel Signs

This is a reconsideration of an earlier request from the American Youth Hostels, Inc.

Hosteling is a concept of inexpensive lodging which originated in Europe. In Europe, a sign depicting a pine tree and house is used to direct travelers to hostels.

The requestor believes that with the increase of foreigners touring the United States and the increase in bicycle touring through the development of long-distance bicycle routes, the European symbol sign should be adopted as the United States standard. The proposed sign is similar to the present Camping/Picnicking signs. The similarity is so close that if used in conjunction with roadways shared with bicycles, it could be mistaken for the camping/picnicking sign.

Prior to its termination, the NACUTCD reviewed the initial request on this item. It believed that because of the limited and specialized use of such signs, hostelers' needs could be adequately addressed by use of their organization's handbook which lists all hostels in the United States, fees, special information pertaining to each hostel, and maps of most areas.

Twenty commenters opposed the adoption of a national standard for signing to hostels, 19 commenters in favor of a standard and 1 petition contained 27 names of individuals who were in favor. All of the 20 expressing opposition were from State, county or city governments which would be responsible for erecting and maintaining the proposed sign if adopted. Most of the opposition comments were to the effect that there is little demonstrated need for such signing, other means are available to get such information to bicyclists and other non-motorists, and the similarity with the picnicking sign could create confusion. Those favoring the proposed sign pointed out that this symbol is being used internationally and that the needs of bicyclists and hostelers could be served through the adoption of the sign.

Since these signs are primarily applicable to bicyclists and other non-motorists, the FHWA is proposing the following language for addition to Part IX of the MUTCD:

9B–23 Hostel Signs

Hostel signs are signs designed to provide information on facilities that provide limited overnight accommodations. These signs satisfy an information need on the part of certain travelers but primary information should be in the form of printed literature and strip maps rather than signing. As hostel signs are primarily applicable to bicyclists they are intended for installation only on designated bicycle routes identified by Bicycle Route Signs or Markers. Hostel signs shall have a reflectorized white symbol and border on a blue background.

If adopted as a standard sign an illustration of the sign will be included in the MUTCD.

This proposed change would not impose any additional costs on or mandate direct action by highway agencies. It would provide a voluntary method of identifying hostels.

Part B—No Changes in MUTCDE Proposed

Based upon the review of the comments receive on Docket No. 79–37 and FHWA's own review, no changes in the MUTCD are being proposed for these items.

1. Signs (Part II)

(a) *Request II–23 (Chng.) Signing for Bypass Lanes.* The request was submitted by the Highway Department of Lake County, Illinois, which contends that many States make use of bypass lanes, and since there are no national standards for signing this situation, the States are using a variety of traffic control measures. The requester asks that national standards for signing bypass lanes be adopted and suggests that possible signing could include a regulatory-type sign identifying the bypass lane and its special operational characteristics along with warning signs to advise drivers of possible turning movements of other vehicles.

Of the 22 responses received, 12 were opposed to the adoption of national standards, 7 concurred with the request and 3 commented that additional information or further study was needed. Several of those indicating opposition or concurrence likewise suggested additional research or study.

Some of the opposition comments were to that effect that experience with bypass lanes has shown no problems that exist; signing might cause more confusion than it would resolve; additional signing would create more obstacles for drivers to hit and more information for the driver to comprehend in an area where attention is needed on the driver ahead. Most of those concurring offered no comment. One commented that any sign developed

should not be mandatory and one thought the sign should not be regulatory.

Some States may use bypass lanes quite extensively and there may be many other States that use a limited number of bypass lanes. However, based upon the information available to FHWA, it does not appear that bypass lanes are used extensively in very many States.

FHWA proposes not to adopt this request for the following reasons:

(1) Any paved surface that is improved, designed or ordinarily used for vehicular travel to the right of the left turning vehicles may be used by vehicles to bypass the turning vehicle.

(2) The extent of bypass lane use across the country does not appear to warrant the establishment of a national standard at this time.

(3) Several government agencies which have used bypass lanes without special signs have indicated no operational problems.

(4) A bypass lane constructed to relatively high geometric standards would likely cost only slightly less than a design that would provide for a left turn lane.

Traffic control information pertinent to the operation of bypass lanes will be considered for inclusion in the Traffic Control Devices Handbook.

(b) *Request II–24 (Chng.) Modified Parking Area Sign.* The Clearwater, Florida, Downtown Development Board requested approval for a parking area sign consisting of white legend and arrow, and a white and green automobile symbol on a brown background.

Of the 28 comments received, 21 were opposed to this request. In reviewing these comments, the FHWA proposes that the sign not be adopted as a standard for the following reasons:

(1) The color brown is reserved for use to denote recreational and cultural interest guidance.

(2) The proposed sign provides no improvement over the existing standard parking sign.

(3) It would be difficult to discern the message with the color combinations proposed.

(c) *Request II–28 (Chng.) 911 Emergency Sign.* Pinellas County, Florida, requested adoption of a standard sign to inform the public of the emergency assistance telephone number 911.

All 23 commenters on this request opposed it. The FHWA proposes that this request not be adopted for the following reasons:

(1) Since a motorist seeking aid would have to locate a telephone, the information on emergency assistance could be provided at the telephone.

(2) Such signs would detract from essentially highway information.

(d) *Request II–41 (Chng.) Grooved Pavement Sign.* The Rubber Manufacturers Association, Washington, D.C., requested that the MUTCD require the installation of an advance warning sign to inform drivers that the pavement ahead is grooved. Use of this sign is now optional.

Seventeen of the 19 responders were opposed to this request, but only because the proposal was to mandate use of the sign. Most responders commented that use of the sign should remain optional.

The FHWA proposes that the MUTCD not be changed to mandate the use of grooved pavement signs. The option to use the sign should be the prerogative of the highway agency.

(e) *Request II–42 (Chng.) Use of the Color Coral for Mass Transit Signs.* A private individual proposed that the color coral (one of the reserved colors) be used for the background of mass transit and park-and-ride facility signs.

Seventeen responses were received on this request. Only two responders, one of whom originated the request, favored this proposal. The FHWA propose no change to the MUTCD for the following reasons:

(1) Mass transit and park-and-ride signs do not represent a sufficiently major group of signs to warrant classification as a unique category of signs.

(2) There is insufficient justification for use of a special color.

(3) New standard signing for park-and-ride facilities permits the use of the carpool symbol and bus logo, which provide ready recognition.

(f) *Request II–43 (Chng.) Anti-Litter Symbol Sign.* A private individual suggests adoption of a national symbol to discourage motorists from littering highways and national parks. Two symbols are proposed, one depicting a thumbs down illustration along with the prohibitive highway symbol (red circle-slash) and the other an abstract illustration of a container with an arrow pointing to the opening.

Presently, there are two trash receptacle symbols approved for use along roads and highways. One of these depicts a litter barrel and is approved for use on highways. The other is a more abstract rendering of a trash receptacle and presently is used only on National Park Service roads.

All 20 responders were opposed to the adoption of another sign for use to reduce littering. The FHWA is proposing no changes to the MUTCD for the following reasons:

(1) The existing standard signs are sufficient for the needs.

(2) Stricter enforcement of State and local statutes would appear to have far greater potential for reducing the litter problem.

2. Markings (Part III)

(a) *Request III–14 (Chng.) Marking Bypass Lanes.* This request from the Highway Department of Lake County, Illinois, is a supplement of II–23 (Chng.)—Signing for Bypass Lanes. The requester suggested that standard marking patterns be adopted for bypass lanes.

Essentially the same persons responded to this item as to Request II–23. Of the 20 responding on this request, 11 were opposed and four needed more details before they would provide specific comments. The FHWA proposed no change to the MUTCD for the following reasons:

(1) The use of bypass lanes nationwide is not considered extensive enough to warrant a national standard.

(2) Several government agencies which have used bypass lanes without special markings have indicated no operation problems.

(3) A bypass lane constructed to relatively high geometric standards would likely cost only slightly less than a design that would provided for a left turn lane.

Traffic control information pertinent to the operation of bypass lanes will be considered for inclusion in the Traffic Control Devices Handbook.

(b) *Request III–17 (Chng.) Standard Markings for Angle Parking Spaces.* The FWHA proposed that standard marking patterns for angle parking be included in the MUTCD to supplement Figure 3–16.

Responses on this request were equally divided. Those in opposition to the request felt that angle parking was detrimental to the safety and capacity of streets, and that illustrating it in the MUTCD would only encourage its use. Many believed that the FHWA should not change its position but continue to prohibit angle parking.

Those concurring generally recognized that there may be locations where angle parking could be permitted without hampering the operations along certain streets. They also pointed out that the locations where angle parking could be used are still relatively limited in comparison with parallel parking.

In view of these comments, the FHWA proposed that no change be made to the MUTCD. Information relative to the appropriate locations and

marking patterns for angle parking will be considered for possible incorporation into the Traffic Control Devices Handbook.

3. Signals (Part IV)

(a) *Request IV–13 (Chng.) Dual Circular Indication Traffic Signals on Limited-Use Roadway.* Section 4B–7, Number of Lenses per Signal Face, of the MUTCD states in the first paragraph that each signal face shall have at least three lenses and that the lenses shall be RED, YELLOW or GREEN in color. The section includes four allowable exceptions to this standard. One allowable exception permits the use of a variable indication signal section "where a variable indication signal section is used to display alternately a green arrow and a yellow arrow."

Use of a variable indication signal to display alternately a circular green and a circular yellow indication is not permitted under present standards. However, experimentation with this use has been conducted by five jurisdictions.

A request to allow use of the dual circular indication on limited use roadways was submitted by the city of Madison, Wisconsin, Department of Transportation, based on the rules of an experimental project using the dual circular lens. Other experimental projects not on limited use roadways have been reported by three other agencies.

The results of these experimental projects have been summarized and rated. This summary indicates that operational problems included limited conspicuity of the device during periods of day when the sun is at a low angle. There was also concern with the ability of drivers with color-deficient vision to determine the appropriate color. Best results were at locations where drivers were familiar with the roadway and the traffic control devices. Conclusions of these experimental studies ranged from recommending that the device be permitted for use on limited use roadways to not endorsing its use until the questions of conspicuity for drivers with color deficient vision can be resolved.

Comments were received from 20 responders. Of this group, 12 were from State Departments of Transportation, 5 from municipal transportation agencies, and 3 from individuals or private corporations.

Four responders were in favor of the proposal; however, three of the four suggested that the variable circular indication signal section be used only in limited and/or controlled use locations. The signal was given favorable comments regarding flexibility, weight reduction, cost and performance.

Fifteen responders expressed opposition to the use of the variable circular indication signal section. The National Committee on Uniform Traffic Control Devices (NCUTCD) recommended the proposed standard not be adopted without comment. The National Transportation Safety Board (NTSB) among others, opposed adoption of the standard because of the lack of adequate information on the impact of the device on drivers with color deficient vision. Drivers with color deficient vision tend to rely on the placement of the lens in the signal section to determine signal color and the appropriate movement. Responders also expressed opposition to allowing this exception to the positive approach of uniformity in traffic signal display.

Recognition and observation of traffic signal control devices should occur at a level approaching 100 percent. No conclusive data have been presented that this will occur with drivers with color deficient vision under the change proposed. Present standards provide uniform displays of signal indications which obtain positive response from all drivers.

Considering all of the factors involved in this request FHWA proposes that no change be made in Section 4B–7 that would permit use of a variable indication signal section to display alternately a circular green and a circular yellow under any circumstances. FHWA further proposes that all experimentation currently underway with this experimental signal section be discontinued.

(b) *Request IV–17 (Chng.) Flashing Signal Display for Fire Preemption.* This request from the South Carolina Department of Highways and Public Transportation is for revision of Section 4B–22 of the MUTCD to establish a uniform standard for priority control of traffic control signals for fire emergency vehicles. This request proposes adopting as a standard the use of FLASHING YELLOW traffic lights on the route used by emergency vehicles and FLASHING RED traffic lights for the cross street.

The first paragraph of Section 4B–22 provides for modification of traffic control signals to grant priority control to special classes of vehicles. No standards are presently provided for indicating priority control, nor has there been any distinction placed on the different types of priority control. However, prolonged all-red or flashing signals are to be avoided.

This request for flashing signal display for fire preemption received a total of 22 responses, including the recommendation of the NCUTCD. Of the 22 responses, 18 were opposed to a change in the MUTCD, 3 concurred with the proposed changes and one was neutral. The primary objections to the proposed changes were that: the signals would lack visual confirmation to emergency vehicle operation; there was a potential for unexpected conflicts with use of the flashing mode; the present general usage of green for emergency vehicle and red for cross traffic has not resulted in perceived problems; operation should remain a local option; and proposed operation would pose a safety problem.

This change to the MUTCD is not proposed for the following reasons:

(1) Section 4B–22 provides for priority control of traffic signals without unnecessarily limiting the application of controls.

(2) Section 4B–22 allows sufficient latitude to incorporate local concepts of priority control implementation.

(3) Adoption of a uniform standard would unnecessarily limit flexibility of priority traffic control device uses.

(c) *Request IV–18 (Chng.) No Turn On Walk.* This request from the city of West Hartford, Connecticut, is for the adoption of a "No Turn on Walk" sign at signalized intersections where it is desired to prohibit right turns on red during a signal phase when pedestrians have complete use of the intersection.

Comments were received from 21 responders. Of these comments, 19 were opposed to the adoption of this change and two concurred. In addition to comments received from the NCUTCD and NTSB, comments were received from 14 State Departments of Transportation, four municipal agencies and one individual.

A summary of these comments indicates a majority were opposed because it was a duplication of the standard which requires vehicles to yield to pedestrians in the crosswalk. Additional objections were that the location of the walk signal often makes it impossible to be seen by the driver. The pedestrian signals were designed to provide assistance to the predestrian in crossing the street. It was not intended for driver use. Several of the commentaries indicated they believed there were better alternative ways to handle the problem of right turn movements across a signalized pedestrian crossing.

The State DOT concurring with the request qualified its concurrence with the statement that the requirement may cause some confusion during the phase when there is a concurrent "WALK."

Based on a review of the proposed change and a review of the comments, adoption of this change is not proposed. Where special problems occur, the MUTCD provides for prohibition of turns on red. The existing "NO TURN ON RED" sign should be adequate for these requirements.

4. Traffic Controls for Street and Highway Construction and Maintenance Operations (Part VI)

(a) *Request VI–8 (Chng.) Orange Stop Ahead and Yield Ahead Symbol Signs.* The Alabama Highway Department requested that these symbol signs, when installed in construction and maintenance areas, not have an orange background because of the poor contrast with the red symbols.

The comments on this request were about equally divided. Those concurring with the request pointed out the better contrast of the sign legend with a yellow background. Those in opposition recognized the color contrast problem but believed that identifying the work area with the orange background was significantly important. It was also pointed out that the MUTCD does not mandate the use of symbol legends and, therefore, the use of word legends is still acceptable.

The FHWA proposes no change to the MUTCD because of the permissible use of word legends in lieu of symbols for those agencies which do not choose to use symbols.

(b) *Request VI–9 (Chng.) Prohibit Use of Metal Drums.* The Alabama Highway Department requested that the use of metal drums be prohibited because of the hazard they impose when struck.

Of the 20 responses received on this request, 17 were opposed. The comments generally did not agree that the barrels are a significant hazard when used properly. It was also noted by many that the use of metal drums is not required by the MUTCD.

Those concurring with the request indicated that drums which are improperly filled with heavy materials can become a hazard when struck. Also, secondary collisions can occur with drums that have been struck and knocked into a position in the path of other vehicles.

The FHWA proposes not to change the MUTCD for the following reasons:

(1) Metal drums are used very extensively around the country without noted problems.

(2) Prohibition of the use of metal drums is a local option since the MUTCD does not mandate their use.

(3) There are many other devices available for use in lieu of metal drums.

(c) *Request VI–10 (Chng.) Use of Yellow Background Signs in Work Zones.* The Pennsylvania Department of Transportation (PennDOT) requested that the MUTCD be changed to require work zone warning signs to have a yellow background.

Twenty-four responses were received on this request, 22 of which were opposed. None of these responses argued with the point made by PennDOT about the contrast of a black legend on a yellow background being better than an orange background. However, many pointed out the uniform use of orange and the fact that the public is identifying the color orange with work zones. Those who concur believe that the color orange should not be mandated or that the lower reflectivity of orange does create a problem.

The FHWA is not proposing a change to the MUTCD for the following reasons:

(1) When the color orange was adopted, it was recognized that the color contrast would not be as good. However, it was determined that the benefit to the motorist in being able to associate the color orange with work zones outweighed the poorer color contrast.

(2) To change to yellow background signs would be expensive.

(3) There is no substantial data upon which to base a change.

(4) Where the black on orange color contrast is considered to be a problem, a more highly reflective material may be used.

5. Traffic Control Systems for Railroad-Highway Grade Crossings (Part VIII)

Request VIII–11 (Chng.) Lateral Clearance for Flashing Lights and Gates. The Railroad Subcommittee of the NACUTCD requested that the MUTCD be revised to establish greater lateral clearance for railroad crossing signal supports.

Eighteen of the 19 responders to this request were opposed to changing the current clearance standards. Many agreed with the recommendation made by the NACUTCD. Other commenters noted that an increase in the size of structural supports would be required to handle the longer cantilevers and increased wind resistance. Visibility problems with the narrow cone of vision that flashing lights currently have would likewise be created.

The FHWA agrees with the responses received and the recommendations made by the NACUTCD. No change to the MUTCD is being proposed.

Part C—No Action Recommended at Present Time.

The following requests for changes in the MUTCD are being held pending further review, information or research.

1. Signs (Part II)

(a) *Request II–5 (Chng.) Recreational and Cultural Interest Area Signs.* The purpose of this proposal, which originated within the FHWA, is to include in the MUTCD illustrations and guidelines for the use of certain National Park Service recreation symbols. These symbols were adopted by FHWA as national standards, by reference, in 1974. (Request Sn–84 (Chng.) FHWA, Recreational Symbol Signs, approved August 30, 1974.)

Sixteen responses were received, 11 concurring with the request and five opposing. Those opposing the request expressed concern that Recreational and Cultural Interest Area Signs might be used to replace signs essential to safe driving and also that a proliferation of these signs might occur.

The proposed standards would apply to any conventional road, trail, structure or facility located within recreational and cultural interest areas (RCIA). RCIA symbols are used to inform the public of certain rules and regulations; to direct persons to facilities, structures, and places; and to identify various services available to the general public. These symbols are not to be used at locations where they may be confused with other traffic signs.

Due to the number of changes being proposed for inclusion in the MUTCD on this request, FHWA will be publishing a separate notice of proposed amendments dealing with recreational signing.

(b) *Request II–33 (Chng.) Hazardous Material Routing Sign.* This request, from the Texas State Department of Highways and Public Transportation, states that there is a need for a standard sign to direct operators of vehicles carrying hazardous material along specific designated routes while traversing densely populated areas.

The FHWA has initiated a research study on this subject to determine an appropriate symbol to designate hazardous material routes. A determination will also be made relative to the need for identifying such routes.

2. Markings (Part III)

(a) *Request III–3 (Chng.) Reduce Edgeline Width to 2-Inches.* Section 3A–6 of the MUTCD provides that the minimum width of a line marking the edge of a roadway shall be 4 inches. Sacramento County, California, has

requested a change to reduce the minimum allowable width to 2 inches.

This request originated a number of years ago and has been the subject of considerable study and discussion. In 1978, the NACUTCD did not indicate what these warrants should be. Safety considerations indicate that further study and comment would be beneficial in determining the conditions, if any, under which 2-inch wide edgelines would be warranted.

Of the 24 comments received on this request, 13 were opposed to the use of 2-inch edgelines, three concurred and eight recommended no action pending the results of research.

Efforts by FHWA to elicit field studies by several States on the advantages/disadvantages of 2-inch edgelines have not been successful. A request for research is currently under consideration within FHWA. The request is to determine the optimum width of edgelines for safety and cost-effectiveness.

There will be no change in the edgeline width standards until such time as there is supporting evidence documented through research.

(b) *Request III–9 (Chng.) Use and Spacing of Raised Pavement Markers.* Although the MUTCD provides detailed guidance on the use of pavement marking lines, there is no guidance in the MUTCD on the placement of raised pavement markers used to supplement of simulate marking lines.

The American Corporation of Niles, Illinois, has requested the addition of such guidance to the MUTCD.

Of the 22 comments received on this proposed change, 14 concurred, five were opposed, two recommended action be deferred pending a review of additional information, and one requested an opportunity to review the specific proposal before commenting.

Of the five that were opposed, two did so on the grounds that local agencies could establish their own marking patterns and three on the grounds that there are insufficient data to establish marking patterns.

The local agencies can certainly establish marking patterns. However, national standards are preferred in order to provide the motorist with some uniform pattern of markings.

The FHWA is delaying action on this item pending a review of additional information and refinements to the text currently being developed.

(c) *Request III–12 (Chng.) Mandatory Centerlines.* the MUTCD provides guidelines for the use of pavement marking centerlines but does not mandate their use on any highway.

This request, which originated within the FHWA, is for a change in the MUTCD to require that centerlines be marked on all paved highways:

(1) In rural districts, on two-lane pavements 16 feet or more in width with prevailing speeds of 35 miles per hour or more;

(2) In residential or business districts, on all through highways, and on other highways where there are significant traffic volumes; and

(3) On all undivided pavements of four or more lanes.

Of the 30 responses received, 20 were opposed to mandatory requirements, four concurred with all three items and six concurred with some of the items. Some of the responses in opposition were concerned with the expense of striping highways under the proposed requirements; the fact that a 16-foot wide pavement was too narrow to centerline; and the need to define the term "significant" volume before appropriate comment could be provided.

On the basis of comments received, the FHWA is collecting data that will assist in the determination of more appropriate proposed language for inclusion in the MUTCD. No further action will be taken on this request until the data can be analyzed.

(d) *Request III–13 (Chng.) Mandatory Lane Lines.* The MUTCD requires lane line markings on all Interstate highways but not on any other class of highway. This request, which originated within the FHWA, is for a change in the MUTCD to require lane line markings on all multilane highways.

Twenty-four responses were received on this request. Thirteen were opposed and 11 concurred. Those voicing opposition believe that the requirement should be left up to the agency responsible for installation and that a mandatory requirement involves legal implications that local agencies would have problems coping with. It was also pointed out that it is unlikely that lane lines would not be present on a multilane facility.

Lane lines define to the driver the number and width of lanes available for travel. Highways without lane lines are not multilane facilities.

The FHWA will be analyzing the data collected for Request III–12 to determine appropriate action on the use of lane lines.

3. Signals (Part IV)

Request IV–15 (Chng.) Strobe Light Traffic Control Device. Section 4B–5 provides that a steady RED indication shall mean that all vehicular traffic facing this indication shall stop before entering an intersection and not proceed until an indication is provided. The section also provides that a flashing RED indication shall mean that all vehicular traffic shall stop before entering an intersection and proceed with caution through the intersection.

The request to permit use of the strobe light in combination with the steady RED indication was submitted by the Montgomery County, Maryland, Department of Transportation based on the results of an experimental project with the device. Similar projects have been completed by the District of Columbia; Portland, Oregon; Charleston, South Carolina, the Indiana State Highway Commission; and the Kansas State DOT. Final reports have been submitted by all but one agency. Results were favorable; however, recommendations were either qualified or not made.

Evaluation of the strobe light has primarily been at signalized locations with unusually high accident experience. The accidents were attributed to poor visibility, excessive background conflicts, unexpected signal location and intersection geometrics.

Use of the strobe light traffic signal as an active warning device has raised questions as to whether it would be in substantial conflict with the rules on flashing signals.

Of 19 comments received, 13 were from State Departments of Transportation, four were from municipal agencies, one was from the NTSB and one was from the NCUTCD.

A significant majority of comments expressed opposition to the adoption of this proposed standard. There were 16 comments in opposition: nine from State Departments of Transportation, four from municipal agencies, and one each from the NCUTCD and the NTSB.

The primary objection to this change is that insufficient experimentation has been completed on the strobe device. The experimental results have failed to determine if the improvements in the accident rate could have also been the result of other traffic control improvements done at the same time. Because of this, it was suggested that the results of this experimentation were inconclusive. A recommendation was that the device undergo additional experimentation to collect more data on its use and application.

Concurrences included three of the four States experimenting with the use

of the strobe light signal. Each State found that there was a significant decrease in the accident rate during the experimental period. Agencies concurring in the use of this device recommended that the use of the strobe light should not be a substitute for use of the standard 12-inch lens.

Considering all factors, the adoption of the strobe light as an optional traffic control device with traffic control signals is not proposed at this time. Although results of the experimental projects have shown a significant reduction in accidents, the projects have been limited to single intersections. There is a need for further evaluation of the strobe device and the development of specifications for its design before its standard use might be proposed.

4. Traffic Controls for Street and Highway Construction and Maintenance Operations (Part VI)

(a) *Request VI-1 (Chng.) Spacing of Channelizing Devices.* The MUTCD specifies that the spacing of channelizing devices used to close a lane should be approximately equal in feet to the speed limit (e.g., devices should be 35 feet apart where the speed limit is 35 mph). The MUTCD does not specify an exact spacing of channelizing devices used to separate the open travel lanes from closed lanes or work areas. A request was made by the FHWA to change the MUTCD to specify the spacing of channelizing devices along work areas. This request remains under review pending the completion of a research study on the effectiveness of channelizing devices. The request is for the inclusion of more guidance based upon the travel speed of the motorist and allowance for either curves or straight sections of roadway.

Of the 17 responses on this request, three were opposed, and six concurred with the need to specify the spacing of channelizing devices. Eight suggested holding action until the current research is completed.

The FHWA will withhold processing this request further until the ongoing research by the National Cooperative Highway Research Program is completed and the results analyzed.

(b) *Request VI-14 (Chng.) Two-Way Traffic on a Normally Divided Highway.* On September 17, 1979, FHWA issued an emergency final rule (44 FR 53739) which sets forth certain requirements for handling two-way traffic on a normally divided roadway on Federal-aid construction projects. This rule includes a requirement that where two-way traffic is operated, it shall be separated with either a positive barrier (e.g., a concrete "safety-shape" barrier), vertical panels, cones, or drums. In addition, a positive barrier shall be used in the transition areas. Since this rule applies only to Federal-aid construction projects, the FHWA has suggested the adoption of appropriate standards for inclusion in the MUTCD to apply to all roadway work zones (i.e., Federal-aid and non-Federal-aid).

Of the 22 responses received, 17 were opposed to and five concurred with the proposal to require certain traffic control devices on all roadway work zones when handling two-way traffic on a normally divided roadway.

Most of those opposed were concerned with a mandatory requirement that would negate engineering judgment; the cost of requiring concrete barriers on many more projects; and the possible negative impact barriers could have on slow moving vehicles and in certain situations.

The FHWA is studying a modification to the emergency final rule published in 1979. No further action will be taken to incorporate in the MUTCD language pertaining to the handling of two-way traffic on a normally divided highway until such time as action is resolved on the 1979 emergency final rule.

This notice of proposed amendments to the MUTCD is issued under the authority of 23 U.S.C. 109(d), 315, and 402(a), and the delegation of authority in 49 CFR 1.48(b).

The Federal Highway Administration has determined that this document contains neither a major rule under Executive Order 12291 nor a significant proposal under the regulatory policies and procedures of the Department of Transportation. As stated herein, the expected impact of the actions proposed is so minimal that a full regulatory evaluation is not warranted. For the same reason, under the criteria of the Regulatory Flexibility Act, it is certified that the proposed actions would not have a significant economic impact on a substantial number of small entities.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: January 28, 1982.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 82-2892 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Part 1205

[NHTSA Docket No. 81-12; Notice 2]

Highway Safety Programs; Determination of Effectiveness

AGENCY: National Highway Traffic Safety Administration (NHTSA), Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking and notice of public hearings.

SUMMARY: This notice is being issued to solicit public comments upon an effort by the National Highway Traffic Safety Administration and the Federal Highway Administration to determine those State and local highway safety programs most effective in reducing accidents, injuries and fatalities. It is undertaken at this time as a result of agency level review of funding priorities and in accordance with the Omnibus Budget Reconciliation Act of 1981 (Section 1107(d), Pub. L. 97-35). Pursuant to that Act, final rulemaking by the Department will cause those programs judged to be most effective to continue to be eligible for Federal funding under the State and Community Highway Safety Grant Program (23 U.S.C 402) beyond Fiscal Year 1982. (This program is described in the Catalog of Federal Domestic Assistance at 20.600, State and Community Highway Safety.) The rulemaking will also establish a process for deciding how additional programs may be determined to be eligible for Federal funding in the future. This notice announces three public hearings and invites submission of written comments to the public docket on this subject. After analysis of this information the agencies will issue a final rule not later than April 1, 1982.

DATES: The public hearings will be held February 12, 16, and 18, 1982. All written comments must be received by March 11, 1982.

ADDRESSES: The February 12 hearing will be held in Room 2230 of the Department of Transportation headquarters building, 400 Seventh St., S.W., Washington, D.C; the February 16 hearing will be held in the Marriot Inn (O'Hare Airport), 8535 West Higgins, Chicago, Illinois; and the February 18 hearing will be held in the Room 5039 at 350 McAllister Street, San Francisco, California 94102. For each hearing the schedule will be from 9:00 a.m. to 12:00 p.m. and from 1:30 p.m. to 5:00 p.m.

Written comments should refer to the docket number and the number of this notice and be submitted to: Docket Section, Room 5109, Nassiff Building, 400 Seventh Street, SW., Washington, D.C. 20590. (Docket hours are 8:00 a.m. to 4:00 p.m.)

FOR FURTHER INFORMATION CONTACT:

NHTSA: Mr. Charles Livingston, Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202–426–0837).

FHWA: Mr. Lorenzo Casanova, Associate Administrator for Safety, Federal Highway Administration, 400 Seventh Street SW., Washington D.C. 20590 (202–755–9347) or Mr. Jerry Boone, Office of the Chief Counsel, Federal Highway Administration (202–426–0791).

SUPPLEMENTARY INFORMATION: The issue of the proper role of the Federal Government in funding highway safety programs at the State and local community level has long been one of compelling concern to the Congress, the Executive Branch, and the States and affected smaller political entities. Sharp budgetary constraints necessitated by the serious economic conditions throughout the nation have required both the Congress and the Executive Branch to focus renewed attention on this question, resulting in sharply reduced levels of funding for Fiscal Year 1982 and hereafter.

In order to minimize the adverse effects of such limitations on efforts to improve highway safety, the Administration in early 1981 proposed to focus near-term funding decisionmaking on four generic areas: alcohol countermeasures, police traffic services, emergency medical services and traffic records. These areas were identified as having the greatest historic basis for assurance of high payoff.

As implemented by the Department in its review of proposed State highway safety programs for this fiscal year, this initial determination of high payoff potential was reflected to a large degree in the plans actually submitted by the States. While specific program proposals were approved which did not fall within one or more of these generic areas, the great majority of program proposals were addressed to these areas of concern.

At the same time, in light of the significantly larger number of substantive areas enumerated in section 402(a) of the Highway Safety Act (23 U.S.C. 402(a)), both the Department and Congress clearly recognized the need for further refinement and review of the budgetary and other issues which such a sharp Federal level focus presented.

This sequence of events led to the common concern of the Congress and the Executive Branch reflected in the provisions of the Omnibus Budget Reconciliation Act of 1981 which directed the Secretary of Transportation to undertake a rulemaking process to determine those programs most effective in reducing accidents, injuries and deaths. The legislation provides that a final rule issued by April 1, 1982, subject to legislative veto by either House of Congress, will establish the funding criteria for future implementation of the Highway Safety Act. If a rule is not transmitted by April 1, 1982, it shall not take effect before October 1, 1983. If a rule is transmitted but vetoed, the Secretary shall not apportion or obligate any amount authorized for fiscal year 1983 or thereafter, unless specifically authorized to do so by a statute enacted subsequent to the 1981 Act.

This notice is the second of three notices in a rulemaking process to determine those State and local government highway safety programs which are most effective in reducing vehicle crashes and the resulting deaths and injuries. Programs identified in the rulemaking will be eligible for continued Federal funding under the State and Community Highway Safety Grant Program (section 402 of title 23 of the United States Code). The rule will also establish a process by which additional programs may be determined to be eligible for Federal funding in the future.

On August 31, 1981, the National Highway Traffic Safety Administration and the Federal Highway Administration issued a joint Advance Notice of Proposed Rulemaking requesting written comments. The subjects on which comments were sought included four that are directly related to the directive of the Act: highway safety programs which have demonstrated effectiveness in reducing accidents; highway safety programs which are not yet proven to be effective, but which may have significant potential for reducing accidents; highway safety programs not related to accident reduction, but which may have potential for increasing efficiency or reducing the costs of ongoing efforts; and criteria to justify the selection of projects which will receive Federal funding.

The advance notice also sought comments on three subjects related to the overall management and funding of the highway safety program: the rationale for continuing, discontinuing, limiting, or restructuring Federal funding assistance; the need for a central agency to administer each State's highway safety programs; and the appropriate method for funding such an agency.

Two public hearings were held in October at which oral comments on the above issues were presented to NHTSA and FHWA. A transcript of those proceedings has been placed in the public docket, along with all written comments. As of November 25th, the agencies had received 654 written comments and have taken these comments into consideration in developing this proposed rule.

General Comments

A number of comments were received on the management and funding issues. Most commenters agreed that the Federal government should play a continuing role both in providing financial support and in the adminsitration of highway safety programs. While the commenters differed on the extent and nature of Federal involvement, the majority of those addressing this issue recognized highway safety is a national problem that claims 50,000 lives, results in millions of injuries, and imposes an economic burden of billions of dollars every year. Because of the highly mobile society in which we live and because the consequences of highway accidents have health, economic and welfare aspects which extend beyond individual State boundaries, all comments generally support the view that the Federal government shall continue to promote national levels of highway safety through leadership, technical guidance, coordination and financial assistance to state and local governments.

Specific Comments

Single State Agency

Another area of agreement among those who addressed this issue is in the need for a central state authority to coordinate highway safety programs. While three State police agencies suggested that the State Police Agency in each state could effectively administer the 402 programs as an alternative to the existing State Highway Safety Agency, the vast majority of those commenting on this issue support the existing organizational concept. Many commenters pointed out that without a central authority there would not be any systemwide analysis of program effectiveness, no coordinated local and State activities, no effective conduit for disseminating information and no body to coordinate State or national legislative recommendations. It is therefore not proposed at this time to

alter this aspect of the Federal highway safety program.

Planning and Administration

All but one commenter who addressed the issue of Federal funding assistance for the planning and administration costs of the State Highway Safety Agencies supported the continuation of such finding. That commentator, a state police agency, indicated that it would be unaffected if such funding were discontinued. Three of the commenters requested sufficient lead time to allow states to obtain state appropriations should Federal support be discontinued. The majority of commenters addressing this issue emphasized that the present form of cost sharing arrangement supported the Federal/State partnership approach to highway safety. They also expressed concern over the increasing state budgetary constraints and indicated that a withdrawal of all Federal financial support for planning and administration would result in the existing State Highway Safety Agencies being merged into other State agencies, thus losing their identity, effectiveness and control.

NHTSA and FHWA appreciate the growing concern over State budgetary constraints but must also recognize that similar reductions are underway at the Federal level as well. Because of the net effect of these reductions, it is proposed at this time that the Federal/State share for planning and administration functions of the State Highway Safety Agencies be set at a 50/50 share, with a maximum Federal contribution of not more than 10 percent of each State's 402 funds. This 50/50 share was suggested by a State Office of Highway Safety and is consistent with the general concern and stated needs of the remaining commenters. It should allow both the States and the Federal government to identify and recognize a distinction between these types of expenditures and programmatic funding, and the relatively more significant responsibilities of the States to support necessary management infrastructures, without compromise of the essential partnership approach to the implementation of State highway safety programs.

Because arrangements have for the most part already been made for Fiscal 1983 planning and administration costs, it is proposed that this funding limitation would become applicable only to planning and administration costs for FY 1984 and thereafter.

Determinations of Substantive Effectiveness

The primary function of this rulemaking process is to identify the most effective highway safety program areas and to determine a process for funding additional areas. Such determinations are being made in close cooperation with the States and Congress. In each case, the starting point must necessarily be past records of performance and empirical experience of the States and Federal government with specific programs and program areas.

As a number of States pointed out in their comments, however, there are factors that complicate any such effort to identify effective programs. Direct correlations between an accident prevention program and a reduction in accidents or injury levels are often difficult to document. The actual impact and effect of individual elements of a coordinated program may be hard to identify and distinguish from those of other programs.

Another complicating factor in establishing priority areas which was noted by the commenters is that not all states and localities experience similar accident patterns. Crash reduction efforts in highly urbanized areas may not produce similar results when applied to low population rural areas. Because of the differences in problem areas and the difficulty in evaluating program effectiveness, most State Highway Safety Offices stressed the need for flexibility in determining priority programs.

Despite these difficulties, NHTSA and FHWA have undertaken to identify, in accordance with the Act, those programs which have in the past been most effective. This identification included a review of all docket comments and relevant literature. The process, which identified six priority program areas, involved several interrelated analyses.

First, the comments received in response to the Advance Notice of Proposed Rulemaking were analyzed and categorized into specific program areas. Comments and testimony submitted at the public hearings tended to highlight emergency medical services, police traffic services and alcohol countermeasures. Written comments to the record tended to emphasize single program areas, with the majority focusing on motorcycle safety. Of those written comments addressed to multiple issues, the program areas that were identified as being the most effective were: alcohol countermeasures, police traffic services, occupant protection, pedestrian/cyclist safety, emergency medical services, traffic records and the combined FHWA programs.

The comments received from the State agencies were then analyzed in greater detail, with special attention focused on the comments received from the State Highway Safety Offices. Several State Highway Offices did not identify programs in any of the categories described in the Advance Notice, focusing instead on the general need for flexibility.

Likewise, many of the states did not identify programs by specific categories, but identified only one group of programs encompassing all three categories. Alcohol and police traffic services were the areas of greatest and roughly equal concern to the State Highway Safety Offices. Emergency medical services, occupant protection, pedestrian/cyclist safety, and traffic records, ranked together as a second level of concern to the States. A third group included traffic engineering, driver education and licensing, and highway safety construction planning.

Next, previous 402 program obligations were examined to find correlations between those programs identified as effective in the comments to the docket and those programs on which the funds had actually been spent. This breakdown of past obligation patterns showed a direct correlation between the programs identified as effective by the comments and the programs that have been funded in the recent past. In Fiscal Year 1981, alcohol and police traffic services accounted for over 40 percent of all 402 program obligations. The second largest area of obligations was concentrated on emergency medical services, the combined FHWA programs, and driver education. Traffic records, occupant protection, pedestrian/cyclist safety and driver licensing comprised the third largest group of 402 obligations in Fiscal Year 1981.

The results of the funding survey, the comments to the docket, and all available literature were used by the agencies in evaluating the 18 highway safety program areas and in the preparation papers in each of these areas. In addition, a preliminary regulatory evaluation has been prepared by NHTSA's Office of Plans and Programs that addresses the magnitude of each identified highway safety problem, the national trend or direction of the problem, the impact of existing countermeasures, and the potential for further impact on the specific problem. These evaluations, along with the comments to the docket, pointed to the

programs identified in this notice as being most effective in reducing deaths and injuries. This portion of the current notice is presented in two parts: the first addresses what appear to be the most effective NHTSA safety programs and the second the most effective FHWA safety programs.

Most Effective Program Areas—NHTSA

For each such program area, the size of the target group of fatalities which the countermeasure was designed to prevent was estimated, then the amount of improvements was observed when the countermeasure was actually applied. In this way, the total effectiveness of each highway safety program was estimated.

Upon analysis of docket comments and available literature in each program area, NHTSA has identified five program areas in which a problem exists that is of continuing national concern and for which effective research-based countermeasures have been developed. These areas are alcohol countermeasures, police traffic services, occupant protection, emergency medical services and traffic records. Most commenters to the docket who addressed multiple issues categorized these areas as among their priority concerns.

(1) Alcohol

The problem of driving while under the influence of alcohol is one of major safety concern. Of the 50,000 traffic-related fatalities every year, half involve alcohol impaired operators. Research indicates that the drunk driving problem is growing, rather than receding, as a factor in our national highway fatality problem.

Numerous countermeasures have proved to be highly effective. For example, a series of demonstration programs were begun in 1976 to evaluate the effectiveness of the enforcement and treatment aspects of alcohol projects. One such enforcement project in Stockton, California, reduced the number of nighttime accidents by 16 percent. A treatment program conducted in Sacramento, California, reduced the re-arrest rate of first offenders (social drinkers) by 10 percent. The basic conclusion is that continuous, intensive, well publicized enforcement does create a deterence to drunk driving.

(2) Police Traffic Services

Closely related to the drunk driver problem is the growing need for increased police traffic programs. Traffic services such as the Selective Traffic Enforcement programs have proved to be uniformly effective throughout the nation in reducing accidents related to speeding, alcohol use, and other traffic law violations. These programs achieve their effectiveness by focusing enforcement efforts at the time and place of most traffic accidents. Other police traffic services, such as training and data collection, all work together to increase police efficiency and reduce the costs of traffic enforcement. The comments to the docket indicate that large numbers of police agencies may not have current access to the best available traffic safety methodologies and data, and that the incentive of Federal funding assistance is an ideal mechanism for obtaining improvements in technology and manpower assignment techniques.

(3) Occupant Protection

The third major area of national concern is occupant protection. Statistics unequivocally show that safety belts and child restraints, if used, could prevent half of all deaths and injuries to occupants of passenger cars, light trucks and vans. Unfortunately, only 11 percent of all vehicle occupants and only 20 percent of children under age 5 are protected by use of these restraints. Countermeasures effective in increasing occupant restraint usage have been identified by NHTSA in its research conducted in conjunction with its nationwide educational program.

For each one percent increase in usage on a national basis, NHTSA currently estimates over 180 lives would be saved per year. A savings of 4,400 lives and avoidance of 87,000 moderate to critical injuries could be achieved with only a 35 percent usage rate, well within the range of voluntary usage achieved in other nations. The cost savings at 35 percent usage is estimated at $2.7 billion every year.

(4) Traffic Records

The fourth category identified as being among the most effective NHTSA programs is that of traffic records. A good traffic records system within a State does not alone reduce accidents. However, it is the backbone and basis for informed decision-making for all other highway safety programs. Without an adequate traffic records system, States could not identify intersections and roadways that are particularly hazardous and could not identify groups of drivers or vehicles that experience higher accident rates. Many of the other highway safety programs, especially those in the police traffic services and alcohol countermeasure areas, depend upon the existence of a well developed, continuously updated system of traffic records. In addition, evaluations of program effectiveness could not be conducted without such a system.

(5) Emergency Medical Services

The fifth area identified as being one of major concern is emergency medical services. Recent studies indicate that pre-hospital medical treatment reduced the overall mortality of accident victims by 5.8 percent and that an accident victim receiving medical treatment by an Emergency Medical Technician had a 9.5 percent greater probability of survival than a victim attended by someone with only basic training.

Some State commenters suggested that it is not necessary to spend 402 monies on emergency medical services once and effective system is in place within a State. Others commented that most States, however, do not have such systems. States are generally updating their emergency medical services programs, and may in specific cases have decreased the remaining need for intensive Federal involvement, especially in the area of equipment purchases. Even in such cases, however, emergency medical services programs need to be continuously reviewed and revised as new technologies are developed. There would, therefore, appear to be a potential need for continued Federal funding in this area.

In addition to the proven effectiveness of this program, emergency medical services is being identified because of the possible reductions in overall Federal funding available for this area which could result from changes in legislation and regulations of the Department of Health and Human Services. Specific attention is directed to this issue, and comments are particularly sought on this question.

Most Effective Program Area—FHWA

A parallel review and analysis by FHWA has identified safety construction and operational improvements as the most effective highway-related safety program area. Studies indicate that highway-related factors (geometrics, obstructions, signing, etc.) are the definite cause of up to 10 percent of all traffic accidents and the probable or contributing cause of up to 20 percent of all traffic accidents. State and local highway agencies have developed programs to correct or eliminate hazardous locations and features on their existing streets and highways, but the problems are so pervasive that only limited highway segments and locations can be corrected annually with the available resources.

Evaluations of completed safety projects show that significant reductions

in the number and severity of accidents are being obtained. Recent studies show that these projects account for a 20–30 percent reduction in fatal accidents at project sites and a 5–10 percent reduction in overall accidents. Section 402 funds by law cannot be spent on implementing highway projects (design, construction and maintenance). Consequently, the major contribution of the FHWA 402 program has been in improvements to State and local systems and techniques for the continuous monitoring for hazardous locations and problems, identifying the most cost-effective countermeasures, developing prioritized programs to correct these problems, and evaluating the results when implemented. Such a systematic, technically sound approach has been found to significantly increase the safety efficiency of Federal, State and local highway funds being spent on this type of highway improvement, in terms of accidents and fatalities reduced per available dollar expended. Further improvements in these systems are the most efficient and effective use of FHWA 402 funds by State and local agencies because they address a problem of continuing national concern for which effective research-based countermeasures have been developed.

Proposed Funding Mechanisms

In addition to identifying the most effective programs, NHTSA and FHWA must determine how funds may most appropriately be concentrated on such programs. Several possible proposed funding mechanisms have been reviewed, with varying degrees of latitude available to the states under each.

Alternative One

This alternative would essentially continue the existing funding mechanisms, with the substitution of the national priority program areas identified through this rulemaking process for the more specific funding criteria now enumerated in Section 402(a).[1]

If this proposal were to be adopted, many programs included in the specific language of Section 402(a) could continue to be eligible for funding as programs or countermeasures included under one or more of the national priority program areas. Those not so included would, under this alternative, become the sole financial responsibility of the States in future funding decisions.

Alternative Two

This alternative would involve a two tier approach based upon the character of the areas proposed for funding. Those types of program areas determined to be of national importance and priority would in effect be treated differently when problems and countermeasures are reviewed by the States and Federal government for funding.

National Priority Areas. The first tier would consist of program areas determined through this rulemaking process to be of national importance. Projects proposed by the States in such emphasis areas of national priority could be expected to be approved with minimum Federal review, limited to a review of accurate problem identification and countermeasure selection. The national program priority areas would remain constant for a sufficient time to allow projects to have a measurable impact nationally. The program priorities could then be reviewed by NHTSA and FHWA to determine if they are still appropriate, and appropriate changes recommended for consideration by the Congress and the States.

The States would in effect be given flexibility to spend the Federal 402 funds within these priority areas with wide discretion; that is, they could put all their NHTSA funds into one NHTSA priority area and all FHWA funds into the FHWA priority area or apportion each agency's funds among all its priority areas, in whatever proportion they deem appropriate for the solution of their highway safety problems.

If such an approach were adopted, NHTSA and FHWA believe that a substantial portion of each State's highway safety funds would continue to be devoted to projects in the national priority program areas.

Other Program Areas. The second tier would consist of other programs which a State might consider significant in solving major traffic safety problems. Such programs would receive a more detailed level of Federal review of their potential effectiveness, involving both the problem identification and countermeasure development aspects.

Under this approach, a State could elect to implement either of two alternative mechanisms with respect to proposals to use Federal funds in areas other than the national priority program areas.

First, a State might elect to adopt and submit, as part of its plan for a given year or in a special submission, a proposed formal decision-making process to develop highway safety programs. This process would be designed to ensure that all relevant considerations are taken into account, and that consultation with affected groups and the public would take place.

Once approved and adopted, such a process would thereafter be used by the State to identify highway safety problems and determine effective countermeasures. Such a process would be considered approvable if it met specific criteria designed to insure a systemic, reasonable and balanced review of highway safety issues with provision for public participation. It would rely on the State's traffic records files, and be capable of identifying and responding to the specific problems of that state. In use, such a process would be designed to result in specific factual determinations by the appropriate State agency, from which valid problem and countermeasure identification can be derived. Those could include, for example, findings that:

- The problem addressed contributes heavily to accidents in the State;
- The problem is among the most severe problems in the State;
- The geographical extent of the problem has been reviewed and identified; and
- The causative factors that are most closely associated with the problem have been determined.

In addition, the process would identify those countermeasures which the State has determined would be most effective to stabilize or decrease the specific problem with reference to each above factual determination, and a review of alternative measures considered by the State or proposed by affected groups.

A State which elected to develop such a process would submit a detailed description for approval by the Administrators of NHTSA and FHWA. After approval, the State would be able merely to list and describe in its Highway Safety Plan those programs identified by the State by means of such a process as the most effective countermeasures, set forth its factual determinations as outlined above and certify that the specific programs were developed in accordance with the State's problem identification process. Under this aspect of the proposal, NHTSA and FHWA would thereafter not review in detail individual project proposals, as long as the State's problem identification process satisfied the basic procedural requirements outlined above, and guided the choice of priorities at the State level. Documentation of the

[1] Section 402(a) includes: driver education, driver testing, driver examinations, pedestrian performance, bicycle safety, accident records, accident investigations, vehicle registration, operation and inspection, highway design and maintenance, traffic control, vehicle codes and laws, high accident site identification and emergency services.

process itself would be principally relevant at the evaluation stage of each program.

As an alternative to the adoption of such a decision-making process, a State would be free to continue existing procedures for problem identification and countermeasure development in non-priority program areas. Federal review and approval of such programs would take place according to existing procedures.

Whichever mechanism a State elected to use to justify Federal funds to non-priority program areas, NHTSA and FHWA would be able to assist and guide the States in developing programs through information transfer, consultation, and the publishing of guidelines and technical supporting papers reflecting State and Federal implementation experience.

NHTSA and FHWA particularly invite comment on whether this system for determining projects eligible for future funding is workable, whether it allows sufficient Federal oversight while, at the same time, allowing the State sufficient flexibility to meet its own highway safety needs. Comments are specifically requested on the issue of whether one mechanism for funding non-priority program areas is superior to the other or whether both should be incorporated as alternatives.

Future Reevaluations of Program Effectiveness

If the two-tiered approach is selected as the funding mechanism to be utilized by NHTSA and FHWA, the ability to continue to implement nationally effective safety countermeasures could rest on a continual process of problem identification. As programs mature and new problems emerge, those areas chosen could be reevaluated so that Federal financial assistance would continue to focus on the most effective highway safety programs. This could not be accompllished without State assistance.

In such case, the current rulemaking process would be the first in a series of rulemaking actions or legislation that could take place as needed.

Procedures for Making Comments on Proposal

Interested persons are invited to attend the public hearings and/or submit written comments on this proposal. It is requested but not required that 10 copies be submitted.

Anyone who wishes to make an oral statement at one of the public hearings should notify, Mr. John Krause, at the address or telephone listed above for NHTSA no later than seven days before each hearing. Oral statements should be limited to 5 minutes or less. Oral or written clarification on issues raised in the oral statements or in the docket submissions may also be requested by agency representatives conducting these hearings. As time permits, the formal statements may be followed by an open discussion.

Written comments do the public docket must be received by March 11, 1982. The 30 day comment period established for this notice is necessarily short in order to meet the April 1, 1982 deadline set by Congress for completion of this rulemaking process. In order to expedite the submission of comments, simultaneous with the issuance of this notice NHTSA will mail copies of it to all Governors and Governors' Representatives for Highway Safety.

Comments should not exceed 15 pages in length. Necessary attachments may be added to these submissions without regard to the 15 page limit. This limitation is intended to encourge commenters to detail their primary arguments in a concise manner.

All comments received before the close of business on March 11, 1982, the comment closing date, will be considered and will be available for examination in the docket at the above address before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date. NHTSA will continue to file relevant material in the docket as it becomes available after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Copies of all written statements and comments will be placed in Docket 81–12; Notice 2 of the NHTSA Docket Section in Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

A verbatim transcript of each public hearing will be prepared and placed in the NHTSA docket as soon as possible after the hearing.

The agency has assessed the economic and other impacts of the proposed rule and determined that this is not a major rule within the meaning of Executive Order 12291. This notice has also been evaluated under the Departmental Regulatory Policies and Procedures, 44 FR 11034, and has been determined to be a nonsignificant regulation. The rulemaking will not affect the level of funding available in the highway safety program, or otherwise have a significant economic impact, so that neither a draft Regulatory Analysis nor a Preliminary Evaluation is required. To assist the agencies in the rulemaking process, however, a Preliminary Evaluation has nonetheless been prepared and is available for inspection in the Docket.

We hereby certify that the proposed rule will not have a significant economic impact on a substantial number of small entities and, therefore, preparation of an Initial Flexibility Analysis is not necessary.

In consideration of the foregoing, it is proposed that a new 23 CFR Part 1205 be added which will identify the most effective highway safety programs and which will describe a process by which States will fund additional priority areas.

(Sec. 1107(d), Pub. L. 97–35; 95 Stat. 357 (23 U.S.C. 402); delegations of authority at 49 CFR 1.48 and 1.50)

Issued on February 2, 1982.

Raymond A. Peck, Jr.,

National Highway Traffic Safety Administrator.

Ray A. Barnhart,

Federal Highway Administrator.

[FR Doc. 82-3017 Filed 2-2-82; 11:38 am]

BILLING CODE 4910-59-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket RM 82-1]

Acquisition and Deposit of Unpublished Television Transmission Programs; Proposed Rulemaking and Notice of Public Hearing

AGENCY: Copyright Office, Library of Congress.

ACTION: Proposed rules; notice of public hearing.

SUMMARY: This notice of proposed rulemaking and of a public hearing is issued to inform the public that the Copyright Office of the Library of Congress is considering the adoption of new regulations implementing sections 407(e) and 408(b) of the Copyright Law. Section 407(e) provides the authority for the Library of Congress to obtain copies of fixed, unpublished transmission programs, either by making off-the-air copies or by demanding copies from the owner of the right of transmission in the

United States in the form of a permanent transfer, a loan for copying, or a sale. Section 408(b) permits the off-the-air copies to be used for copyright registration purposes.

The effect of the proposed regulation is to provide mechanisms for making off-the-air copies and for demanding copies of unpublished transmission programs. In addition, requirements are established under which copies so acquired may be used in the registration process.

DATES: The public hearing will be held on March 24, 1982 in Washington, D.C. Anyone desiring to testify should submit a written request to present testimony by March 17, 1982, to the address set forth below. To assist the Copyright Office in scheduling witnesses, we urge the public scrupulously to observe the date for requesting time to testify, even if written statements are submitted later. Ten copies of written statements must be received by the Copyright Office by 4:00 p.m., March 19, 1982. Written comments submitted without a request to testify are welcome; five copies should be received in the Copyright Office on or before April 24, 1982.

ADDRESSES: Hearing location: The hearing will be held on March 24, 1982, at the James Madison Building of the Library of Congress, First and Independence Avenue, S.E., Washington, D.C. in the Assembly Room on the sixth floor, LM–649, beginning at 9:30 a.m.

Written requests to present testimony and ten copies of written statements or of supplemental statements, or five copies of written comments unaccompanied by a request to testify, should be submitted as follows: Library of Congress, Department DS, Washington, D.C. 20540; or, if by hand to: Office of the Copyright General Counsel, Room 407, James Madison Memorial Building, First and Independence Avenue, SE., Washington, D.C.

All requests to testify should clearly identify the individual or group desiring to testify and the amount of time requested. The Copyright Office will try to contact all witnesses to confirm the time of their appearances.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20540 (202) 287–8380.

SUPPLEMENTARY INFORMATION: Section 407(e) of the Copyright Act (Title 17, United States Code) gives the Library of Congress authority to obtain copies of unpublished transmission programs which have been transmitted to the public in the United States. That authority may be exercised in two different ways: by making fixations of transmission programs directly from transmissions to the public (off-the-air copying) and by demanding that copies be supplied by the owner of United States transmission rights.

Section 408(b) of the Copyright Act provides that copies acquired by the Library of Congress, under section 407(e) "otherwise than by deposit" may be used to satisfy the deposit requirement of the registration process.

The Copyright Office proposes to implement these sections by the addition of one new section to the regulations of the Office. Proposed § 202.22 sets out procedures for both means of acquiring copies, states rules for the disposition and use of such copies after their acquisition, and provides methods for using such copies as registration deposits. In addition, it permits the Library of Congress to institutionalize the acquisition of such copies by agreements which might modify the provisions herein. The proposed regulation does not exhaust the authority conferred by section 407(e). For example, it does not cover radio transmissions.

Among the concerns voiced during the drafting and enactment of section 407(e) was one involving the ultimate use to which the copies acquired under the proposed regulation would be put. Subsection (e) of the proposed regulation is designed to guarantee that the acquisition of copies by the Library does not lead either to the proliferation of copies outside the Library or to the public performance of the copyrighted works contained in the transmission programs.

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

We purpose to amend Part 202 of 37 CFR Chapter II by adding a new § 202.22 to read as follows:

§ 202.22 Acquisition and deposit of unpublished television transmission programs.

(a) *General.* This section prescribes rules pertaining to the acquisition of copies of unpublished television transmission programs by the Library of Congress under section 407(e) of Title 17 of the United States Code, as amended by Pub. L. 94–553. It also prescribes rules pertaining to the use of such copies in the registration of claims to copyright, under section 408)(b)(2).

(b) *Definitions.* For the purposes of this section:

(1) The terms "copies," "fixed," "publication," and "transmission program" and their variant forms, have the meanings given to them in section 101 of Title 17.

(2) "Title 17" means Title 17 of the United States Code, as amended by Pub. L. 94–553.

(c) *Off-the-air copying.*

(1) Library of Congress employees acting under the general authority of the Librarian of Congress may make a fixation of an unpublished television transmission program directly from a transmission to the public in the United States, in accordance with section 407(e) (1) and (4) of Title 17 of the United States Code. The choice of programs selected for fixation shall be based on the Library of Congress acquisition policies in effect at the time of fixation. Specific notice of an intent to copy a transmission program off-the-air will ordinarily not be given. In general, the Library of Congress will seek to copy off-the-air a substantial portion of the programming transmitted by noncommercial educational broadcast stations as defined in on section 397 of Title 47 of the United States Code, and will copy off-the-air selected programming transmitted by commercial broadcast stations, both network and independent.

(2) Upon written request addressed to the Chief, Motion Picture, Broadcasting and Recorded Sound Division by a broadcast station or other owner of the right of transmission, the Library of Congress will inform the requestor whether a particular transmission program has been copied off-the-air by the Library.

(3) The Library of Congress will not knowingly copy off-the-air any unfixed or published television transmission program under the copying authority of section 407(e) of Title 17 of the United States Code.

(4) The Library of Congress is entitled under this paragraph (c) to presume that a television program transmitted to the public in the United States by a noncommercial educational broadcast station as defined in section 397 of title 47 of the United States Code, or by a nationwide television network in the United States, has been fixed but not published.

(5) The presumption established by paragraph (c)(4) of this section may be overcome by written declaration and submission of appropriate documentary evidence to the Chief, Motion Picture, Broadcasting and Recorded Sound Division, either before or after off-the-air copying of the particular transmission

program by the Library of Congress. Such written submission shall contain:

(i) The identification, by title and time of broadcast, of the transmission program in question;

(ii) A brief statement declaring either that the program was not fixed or that it was published at the time of transmission;

(iii) If it is declared that the program was published at the time of transmission, a brief statement of the facts of publication, including the date and place thereof, the method of publication, the name of the owner of the right of first publication, and whether the work was published in the United States with notice of copyright; and

(iv) The actual handwritten signature of an officer or other duly authorized agent of the organization which transmitted the program in question.

(6) A declaration that the program was unfixed at the time of transmission shall be accepted by the Library of Congress, unless the Library can cite evidence to the contrary, and the off-the-air copy will either be

(i) Erased; or

(ii) Retained, if requested by the owner of copyright or of any exclusive right, to satisfy the deposit provision of section 408 of Title 17 of the United States Code.

(7) If it is declared that the program was published at the time of transmission, the Library of Congress is entitled under this section to retain the copy to satisfy the deposit requirement of section 407(a) of title 17 of the United States Code, unless the Library is notified in writing by the owner of copyright or of the exclusive right of publication that the work has never been published in the United States with notice of copyright.

(8) The Library of Congress in making fixations of unpublished transmission programs transmitted by independent commercial broadcast stations shall not do so without notifying the transmitting organization that such activity is taking place. Such notice shall, if possible, be given by the Library of Congress prior to the time of broadcast. In every case, the Library of Congress shall transmit such notice no later than fourteen days after such fixation has occurred. Such notice shall contain:

(i) The identification, by title and time of broadcast, of the transmission program in question;

(ii) A brief statement asserting the Library of Congress' belief that the transmission program has been, or will be by the date of transmission, fixed and is unpublished, together with language converting the notice to a demand for deposit under section 407(a) and (b) of Title 17 of the United States Code, if the transmission program has been published in the United States with notice of copyright.

(9) The notice required by paragraph (c)(8) of this section shall not cover more than one transmission program except that the notice may cover up to thirteen episodes of one title if such episodes are generally scheduled to be broadcast at the same time period on a regular basis, or may cover all the episodes comprising the title if they are scheduled to be broadcast within a period of not more than two months.

(d) *Demands for deposit of a television transmission program.* (1) The Register of Copyrights may make a written demand upon the owner of the right of transmission in the United States to deposit a copy of a specific transmission program for the benefit of the Library of Congress under the authority of Section 407(e)(2) of Title 17 of the United States Code.

(2) The Register of Copyrights is entitled to presume, unless clear evidence to the contrary is proffered, that the transmitting organization is the owner of the United States transmission right.

(3) Notices of demand shall be in writing and shall contain:

(i) The identification, by title and time of broadcast, of the work in question;

(ii) An explanation of the optional forms of compliance, including transfer of ownership of a copy to the Library, lending a copy to the Library for reproduction, or selling a copy to the Library at a price not to exceed the cost of reproducing and supplying the copy;

(iii) A ninety-day deadline by which time either compliance or a request for an extension or a request to adjust the scope of the demand or the method for fulfilling it shall have been received by the Register of Copyrights;

(iv) A brief description of the controls which are placed on the copies' use;

(v) A statement concerning the Register's perception of the publication status of the program, together with language converting this demand to a demand for a deposit, under 17 U.S.C. 407 (a) and (c), if the recipient takes the position that the work is published; and

(vi) A statement that a "compliance copy" must be made and retained if the notice is received prior to transmission.

(4) With respect to subsection (3)(ii), the sale of a copy in compliance with a demand of this nature shall be at a price not to exceed the cost to the Library of reproducing and supplying the copy. The notice of demand should therefore inform the recipient of that cost and set that cost, plus reasonable shipping charges, as the maximum price for such a sale.

(5) Copies transferred, lent, or sold under this subsection (d) shall be of sound physical condition as described in Appendix A to this section.

(6) *Special Relief.* In the case of any demand made under paragraph (d) of this section the Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress and upon such conditions as the Register may determine after such consultation:

(i) Extend the time period provided in subparagraph (d)(3)(iii);

(ii) Make adjustments in the scope of the demand; or

(iii) Make adjustments in the method of fulfilling the demand.

Any decision as to whether to allow such extension or adjustments shall be made by the Register of Copyrights after consultation with other appropriate officials of the Library of Congress and shall be made as reasonably warranted by the circumstances. Requests for special relief under paragraph (d) of this section shall be made in writing to the Chief, Acquisitions and Processing Division of the Copyright Office, shall be signed by or on behalf of the owner of the right of transmission in the United States and shall set forth the specific reasons why the request shall be granted.

(e) *Disposition and use of copies.* (1) All copies acquired under this section shall be maintained by the Motion Picture, Broadcasting and Recorded Sound Division of the Library of Congress. The Library may make one archival copy of a program which it has fixed under the provisions of section 497(e)(1) of title 17 of the United States Code and subsection (c) of this section.

(2) All copies acquired or made under this section, except copies of transmission programs consisting of a regularly scheduled newscast or on-the-spot coverage of news events, shall be subject to the restrictions concerning copying and access found in Library of Congress Regulation 818–17, *Policies Governing the Use and Availability of Motion Pictures and Other Audiovisual Works in the Collections of the Library of Congress*, or its successors. Copies of transmission programs consisting of regularly scheduled newcasts or on-the-spot coverage of news events are subject to the provisions of the "American Television and Radio Archives Act" (section 170 of Title 2 of the United States Code) and such regulations as the Librarian of Congress shall prescribe.

(f) *Registration of claims to copyright.* (1) Copies fixed by the Library of Congress under the provisions of paragraph (c) of this section may be used as the deposit for copyright registration provided that:

(i) The application and fee, in a form acceptable for registration, is received by the Copyright Office not later than ninety days after transmission of the program, and

(ii) Correspondence received by the Copyright Office in the envelope containing the application and fee states that a fixation of the instance work was made by the Library of Congress and requests that the copy so fixed be used to satisfy the registration deposit provisions.

(2) Copies transferred, lent, or sold to the Library of Congress under the provisions of paragraph (d) of this section may be used as the deposit for copyright registration purposes only when the application and fee, in a form acceptable for registration, accompany, in the same container, the copy lent, transferred, or sold, and there is an explanation that the copy is intended to satisfy both the demand issued under section 407(e)(2) and the registration deposit provisions.

(g) *Agreements modifying the terms of this section.* (1) The Library of Congress may, at its sole discretion, enter into an agreement whereby the provision of copies of unpublished television transmission programs on terms different from those contained in this section is authorized.

(2) Any such agreement may be terminated without notice by the Library of Congress.

(17 U.S.C. 407, 408)

Dated: January 25, 1982.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

Appendix A—Technical Guidelines Regarding Sound Physical Condition

To be considered a copy "of sound physical condition" within the meaning of 37 CFR 202.22(d)(5), a copy shall conform to all of the technical guidelines set out in this Appendix.

A. *Physical Condition.* All portions of the copy that reproduce the transmission program must be:

1. *Clean:* Free from dirt, marks, spots, fungus, or other smudges, blotches, blemishes, or distortions;

2. *Undamaged:* Free from burns, blisters, tears, cuts, scratches, breaks, erasures, or other physical damage. The copies must also be free from:

(i) Any damage that interferes with performance from the tape or other reproduction, including physical damage resulting from earlier mechanical difficulties such as cassette jamming, breaks, tangles, or tape overflow; and

(ii) Any erasures, damage causing visual or audible defects or distortions or any material remaining from incomplete erasure of previously recorded works.

3. *Unspliced:* Free from splices in any part of the copy reproducing the transmission program, regardless of whether the splice involves the addition or deletion of material or is intended to repair a break or cut.

4. *Undeteriorated:* Free from any visual or aural deterioration resulting from aging or exposure to climatic, atmospheric, or other chemical or physical conditions, including heat, cold, humidity, electromagnetic fields, or radiation. The copy shall also be free from excessive brittleness or stretching, from any visible flaking of oxide from the tape base or other medium, and from other visible signs of physical deterioration or excessive wear.

B. *Physical Appurtenances of Deposit Copy:*

1. *Physical Housing of Video Tape Copy.* (a) In the case of video tape reproduced for reel-to-reel performance, the deposit copy shall consist of reels of uniform size and length. The length of the reels will depend on both the size of the tape and its running time (the last reel may be shorter). (b) In the case of video tape reproduced for cassette, cartridge, or similar performance, the tape drive mechanism shall be fully operable and free from any mechanical defects.

2. *"Leader" or Equivalent.* The copy, whether housed in reels, cassettes, or cartridges, shall have a leader segment both preceding the beginning and following the end of the recording.

C. *Visual and Aural Quality of Copy:*

1. *Visual Quality.* The copy should be equivalent to an evaluated first generation copy from an edited master tape and must reproduce a flawless and consistent electronic signal that meets industry standards for television screening.

2. *Aural Quality.* The sound channels or other portions must reproduce a flawless and consistent electronic signal without any audible defects.

[FR Doc. 82-2864 Filed 2-3-82; 8:45 am]

BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 123, 124, and 146

[W-6-FRL-2041-7]

Louisiana Department of Natural Resources Underground Injection Control Primacy Application; Notice of Comment Period and Hearing

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency has received a complete application from the Louisiana Department of Natural Resources requesting approval of its Underground Injection Control program; (2) the application is available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

This notice is required by the Safe Drinking Water Act as a part of the response to the States complying with the statutory requirement that there be an Underground Injection Control program in designated States.

The proposed comment period and public hearing will provide EPA the breadth of information and public opinion necessary either to approve, disapprove, or approve in part and disapprove in part the application from the Louisiana Department of Natural Resources to regulate Classes I, II, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by March 1, 1982; Public Hearing will be held on March 8, 1982, 10 a.m.–5:30 p.m. Comments must be received by March 15, 1982.

ADDRESSES: Comments and requests to testify may be mailed to Erlece Allen, Ground Water Protection Section, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas, 75270. Copies of the application and pertinent material are available between 8:30 a.m. and 4 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region 6, Library, 28th Floor, 1201 Elm Street, Dallas, Texas 75270, (214) 767–7341

Louisiana Department of Natural Resources, Office of Conservation, Underground Injection Control Division, Room 228, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, (504) 342–5515.

The Hearing will be held at the Conservation Hearing Room, First Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana.

FOR FURTHER INFORMATION CONTACT: Erlece Allen, Ground Water Protection Section, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–2774. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: This application from the Louisiana Department of Natural Resources is for the regulation of all injection wells in

the State. The application includes a description of the State Underground Injection Control program, copies of all applicable regulations and forms, a statement of legal authority, and a memorandum of agreement between the Louisiana Department of Natural Resources and the Region 6 office of the Environmental Protection Agency.

Dated: January 28, 1982.

Bruce R. Barrett,

Acting Assistance Administrator for Water.

[FR Doc. 82-2901 Filed 2-3-82; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Medicare Payment Where Beneficiary Is Not At Fault

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed Rule.

SUMMARY: These proposed regulations would implement section 956 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499). That section permits Medicare payment for inpatient services provided to a beneficiary when payment would be denied solely because he or she is erroneously placed in a part of a participating hospital or skilled nursing facility that is inappropriate to furnish the qualifying level of care needed by the beneficiary. The intent of the new provision is to relieve the beneficiary of liability for payment when these erroneous placements occur. The regulations also specify the conditions that must be met by a provider in order for program payments to be made.

DATE: To assure consideration, comments should be mailed by April 5, 1982.

ADDRESS: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309-G Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPP-143-P. Agencies and organizations are requested to submit their comments in duplicate. Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309-G of the Department's office at 200 Independence Ave., SW., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 to 5:00 p.m. (202-245-7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

FOR FURTHER INFORMATION CONTACT: Jack Wasserman (301) 594-9300.

SUPPLEMENTARY INFORMATION:

Background

General Practice

Under Medicare, a hospital may designate a "distinct part" of its facility (for example, a floor or wing) as a Medicare-certified skilled nursing facility (SNF). Patients placed in this distinct part SNF may qualify for Medicare SNF payment if they require SNF care and all SNF coverage requirements are met (for example, a 3-day prior hospital stay), but they would not qualify for hospital benefits. However, if a patient requiring a hospital level of services is, upon admission, improperly placed in the SNF part of the hospital, the patient will qualify neither for hospital nor SNF benefits. SNF benefits would not be available because the 3-day prior stay requirement (42 CFR 405.120(a)) was not met. Hospital benefits would not be available, even if the patient received a hospital level of care, because the service was provided in a SNF bed, rather than in a certified hospital bed. Similarly, hospital benefits would not be available when a hospital patient requiring and receiving a hospital level of services was transferred, after admission, to a distinct part of the hospital serving as either a SNF or as an intermediate care facility (ICF). Payment would not be made because the services were not provided in a part of the institution certified to provide hospital care.

In addition to hospitals, a nursing facility may similarly designate a "distinct part" that participates as a Medicare-certified SNF, while the remaining part of the institution serves as a nonparticipating intermediate care or domiciliary facility offering a lower level of care for which payment cannot be made under the Medicare statute. Only beneficiaries located in the certificated SNF portion of the facility for Medicare SNF benefits.

Practice Before September 11, 1979

Under rules in effect before September 11, 1979, claims for services furnished in a noncertified or nonqualifying bed were denied solely on the basis of that inappropriate placement, even if the placement was made inadvertently and the beneficiary required and received the equivalent of the appropriate covered level of care.

Section 1879 of the Social Security Act provides, under certain conditions, for wavier of a beneficiary's liability when noncovered care has been furnished. However, this provision was not applied to services excluded from coverage solely because they were furnished in a noncertified or nonqualifying location. Section 1879 had been applied only to services excluded from coverage because they were not reasonable and necessary for diagnosis or treatment of the patient's condition (see 42 CFR 405.310(k)) or because they constituted custodial care (see 42 CFR 405.310(g)).

Court Order

A court ruling that took effect on September 11, 1979 *(Florence Wright et al v. Califano)* (U.S.D.C., C. D.CA., 1979), prohibited the denial of Medicare claims for services solely because of an erroneous placement in a noncertified part of a SNF. As a result of the court ruling, HCFA issued instructions to its fiscal intermediaries requiring them to waive the beneficiary's liability under section 1879 if he or she required and received a level of care equivalent to SNF care, even though the care was provided in a noncertified part of a SNF. We issued this revised policy in Part A Intermediary Letter No. 79-48 dated December, 1979. (Because the ruling did not address an analogous situation in which a beneficiary is erroneously placed in a noncertified bed within a certified hospital, our policy in that situation did not change. In such a case Medicare payment has become denied.)

New Legislation

Section 956 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) was enacted December 5, 1980, and became effective January 1, 1981. It amends section 1879 of the Social Security Act by adding a new paragraph (e), which has the effect of permitting program payment when a beneficiary otherwise qualifies for Medicare coverage, but when payment would have been precluded solely because the beneficiary received the services in a part of an institution not qualified to provide the correct level of care for purposes of Medicare. The provision applies to hospital and SNF levels of

care, and incorporates into law requirements almost identical to those stemming from the *Wright v. Califano* court ruling on SNF claims involving erroneous placement in a noncertified bed. Payment under amended section 1979 is limited to cases in which the inappropriate placement was the result of unintentional, inadvertent, or erroneous action by a provider of services acting in good faith based on the advice of a utilization review committee, Professional Standards Review Organization or fiscal intermediary, or was the result of a clearly erroneous administrative decision by a provider of services.

Regulatory Provisions

We propose to amend 42 CFR Part 405, Subpart C, by adding a new § 405.333 to implement section 1879(e) of the Act. The new section sets forth the criteria we would use in making the determination that a beneficiary or a provider is not liable for payment for services when the beneficiary is erroneously placed in a part of an institution that was not certified to participate in Medicare or was not certified to provide the level of care required by the beneficiary.

Beneficiary Liability

Under these regulations, a beneficiary's liability would routinely be waived when (a) a participating hospital or SNF with a distinct part places the beneficiary in a part of the facility that is inappropriate, and (b) all other conditions for Medicare coverage are met. For purposes of these regulations, "inappropriate" would mean the beneficiary was placed in a bed in a part of a participating hospital or SNF (1) that was not certified to participate in Medicare, or (2) that was not certified to provide the level of care required by the beneficiary.

Provider Liability

Under these regulations, the provider's liability ordinarily would be waived if the provider gave timely written notice to the beneficiary (as required by 42 CFR 405.195) of the implications of receiving care in the inappropriate setting (i.e., that Medicare will not pay for the care).

We would find that a provider had a reasonable basis for placing a beneficiary in an inappropriate bed, and therefore would not be held liable in the following cases:

a. The intermediary or a utilization review committee advised the provider, or a PSRO determined, that the beneficiary did not require the applicable covered level of care.

b. The beneficiary's attending physician specifically advised the provider (verified by documentation in the medical record) that the beneficiary no longer required the applicable level of care.

c. A beneficiary not requiring covered services had a change in his or her condition that resulted in a need for a covered level of care and the provider had no appropriate bed available.

d. The intermediary has sufficient evidence to determine that the provider acted in good faith, but inadvertently placed the beneficiary in an inappropriate bed.

e. The provider itself decided that the beneficiary did not require a covered level of care. However, the provider would be held liable in this situation if it has demonstrated a pattern of excessive erroneous placements. We intend to issue manual instructions that define what we consider to be a pattern of erroneous placements. We would monitor closely to determine if our criteria are equitable and are accomplishing Congressional intent (stated in the House Budget Committee Report, House Report No. 96–1167, pages 377–378) that this provision not be abused, and we would revise these instructions if our experience indicates that this is necessary. (If a provider is found liable because of its excessive erroneous placement decisions, it would still be able to present evidence to the intermediary to show in any individual case that it had a reasonable basis for deciding that covered care was not required.)

We welcome comment not only on this basic strategy in determining provider liability, but also with respect to what the specific criteria should be, how they should be administered, and any related information.

When a provider is held liable because it did not have a reasonable basis for placing the beneficiary in an inappropriate bed, and the provider has been reimbursed by the beneficiary, existing procedures for reimbursing the beneficiary under section 1879 and 42 CFR 405.331 would be followed. Generally, those procedures permit Medicare payment to that beneficiary if he or she files a request for reimbursement. The amount requested would be subject to applicable deductibles and coinsurance.

Conditions for payment

The legislation upon which these regulations are based was enacted to remedy the inequitable situation where a beneficiary had his or her claim for Medicare benefits denied solely because the otherwise covered services were furnished to the beneficiary in a part of an institution not certified by Medicare to provide the necessary level of care. The legislative history of this provision gives no indication that Congress wished any other changes made with respect to the existing conditions required for program payment by Medicare. Therefore, the proposed regulations specify that, in order to qualify for protection under section 1879(e), the beneficiary must meet all other existing conditions for program payment, such as requiring and receiving an otherwise covered level of care.

Additionally, the House Budget Committee Report (House Report No. 96–1167, pages 377–378) accompanying the legislation makes it clear that the legislation is intended to apply to claims for services in institutions that wholly participate or have a distinct part that participates in the Medicare program. It is for this reason that the regulations would limit the application of section 1879(e) to facilities that are participating in the Medicare program.

(Existing provisions in 42 CFR 405.330 and 405.332 for determining provider and beneficiary liability under section 1879 of the Act, when a claim is denied because a beneficiary was furnished custodial care or care found not reasonable and necessary, do not apply to cases subject to section 1879(e) and would not be changed. However, where appropriate, the existing beneficiary indemnification procedures in 42 CFR 405.331 would apply when a provider of services is held liable under the new § 405.333. Those procedures allow Medicare to reimburse a beneficiary who has paid a provider for noncovered services, if the beneficiary did not know that the services where excluded but the provider did know (or should have known).)

Reimbursement Mechanism

Payment for services usually not payable but determined payable under these regulations as a result of an unintentional, inadvertent, or erroneous action, will be made on an average per diem cost based on the reasonable cost of the inpatient routine area where the services were provided (subject to any applicable inpatient routine service cost limitation). The cost will be computed according to standard Medicare reimbursement methodology. Ancillary charges related to such services will be included in total charges and Medicare charges of the hospital or skilled nursing facility component in order to apportion ancillary service costs appropriately with respect to Medicare and other

patients. This methodology has been in use for reimbursement of services payable under the *Wright* v. *Califano* decision (discussed above) and represents no change in HCFA policy.

Impact Analysis

Executive Order 12291

We have determined that this proposed rule does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291. That is, this proposed rule will not have an effect on the economy of $100 million per year; or cause a major increase in costs or prices for consumers, government agencies, industry, or a geographic region; or cause significant adverse effects on business or employment. We base our statement on our experience with SNF claims during fiscal year 1980. During 1980, 521 cases of inappropriate placements were submitted for Medicare payment as a result of the *Wright v. Califano* decision. These were cases that did not qualify for Medicare payment before the court ruling described above. We estimate that the average stay in the noncertified SNF bed that qualified for program payment was 12 days. If we assume an average SNF daily cost to Medicare of $50.00, then program payments made for those 521 cases would be estimated to be $312,600. This figure represents Medicare payments made for inappropriate placements in SNFs. Although these regulations would permit Medicare payment for erroneous placements in certified hospitals, as well as SNFs, we believe, based on our Medicare program experience, that fewer inappropriate hospital placements occur. Although the exact amount of the increase in Medicare expenditures resulting from implementation of the legislation is difficult to estimate, we believe it will not exceed one million dollars in FY 1981. Moreover, we do not have discretion under the legislation to select less costly alternatives. For these reasons, we believe no Regulatory Analysis is required.

The Regulatory Flexibility Act

Section 603(a) of Pub. L. 96–354 (the Regulatory Flexibility Act of 1980) requires Federal agencies to prepare and make public an initial regulatory flexibility analysis (IRFA) when proposed regulations are required and the regulatory changes would have a significant economic impact on a substantial number of small businesses or small governmental jurisdictions. Small governmental jurisdictions are defined by section 3(a) of the Act as cities, counties, towns, townships, villages, school districts, or special districts, with fewer than 50,000 residents. Based on our estimates given above, we do not believe that these regulations will have a significant economic impact on a substantial number of small entities. Providers (hospitals and skilled nursing facilities) may be held liable for the cost of inappropriate placements under these rules. However, we believe that these occasions will be infrequent. Since we estimate that the economic impact on providers will be negligible, we do not believe these proposed regulations require an analysis under this Act. In addition, as noted above, the provisions of these regulations are required by section 956 of Pub. L. 96–499 (the Omnibus Reconciliation Act), which does not give us discretion to select other, less costly alternatives that might be identified by such an analysis.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

42 CFR Part 405 is amended as set forth below:

1. The Table of Contents of Subpart C is amended by adding § 405.333 to read as follows:

Subpart C—Exclusions, Recovery of Overpayment, Liability of a Certifying Officer and Suspension of Payment

Sec.

* * * * *

405.333 Beneficiary and provider liability in erroneous placements.

* * * * *

Authority: Secs. 1102, 1842, 1862, 1870, 1871, 1879, 49 Stat. 647, as amended, 79 Stat. 309, 79 Stat. 325, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq., unless otherwise noted.

2. A new § 405.333 is added to read as follows:

§ 405.333 Beneficiary and provider liability in erroneous placements.

(a) *Basis and scope.* (1) This section implements section 1879(e) of the Social Security Act, which permits Medicare payments for otherwise covered items and services furnished by a participating hospital or skilled nursing facility (SNF) to a beneficiary who required and received the services in an inappropriate setting solely because of an unintentional, inadvertent or erroneous placement by the facility.

(2) For purposes of this section, "inappropriate" means the beneficiary was placed in a bed in a participating hospital or SNF—

(i) That was not certified to participate in Medicare; or

(ii) That was not certified to provide the level of care required by the beneficiary.

(3) Payment may be made under these provisions for Medicare claims filed on or after January 1, 1981.

(b) *When payment may be made: General rule.* Medicare payment may be made when—

(1) A beneficiary has been placed in a part of the facility that is inappropriate to provide the covered level of care he or she required and received; and

(2) The beneficiary and the provider are found not liable for payment as specified in paragraphs (c) and (d) of this section.

(c) *When beneficiary is not liable.* The beneficiary is not liable if he or she required and received, and otherwise qualified for, covered hospital or SNF care, except for his or her erroneous placement in an inappropriate part of the facility.

(d) *When a provider is not liable.* The provider is not liable if—

(1) The provider gave timely written notice to the beneficiary, in accordance with section 405.195, of the implications of receiving care in an inappropriate bed; and

(2) Any of the following conditions is met:

(i) The intermediary or a utilization review committee advised the provider, or a PSRO determined, that the beneficiary did not require the applicable covered level of care.

(ii) The beneficiary's attending physician specifically advised the provider (verified by documentation in the medical record) that the beneficiary no longer required the applicable level of care.

(iii) A beneficiary not requiring covered services had a change in his condition that resulted in a need for a covered level of care and the provider had no appropriate bed available.

(iv) The provider inadvertently placed the beneficiary in an inappropriate bed, and the intermediary has sufficient evidence to determine that the provider acted in good faith.

(v) The provider itself decided that the beneficiary did not require a covered level of care. However, the provider will be held liable in this situation if it demonstrates an excessive pattern of erroneous placements, as determined by the intermediary based on administrative criteria established by HCFA for this purpose. (If a provider is found liable because of its excessive erroneous placement decisions, it may present evidence to the intermediary to show in any individual case that it acted

in good faith in deciding that covered care was not required.)

(e) *Indemnification when a beneficiary pays liable provider.* HCFA will indemnify the beneficiary under § 405.331 when both of the following conditions are met:

(1) The provider is found liable because it did not meet the conditions in paragraph (d) of this section.

(2) The beneficiary pays the provider for services furnished in the inappropriate part of the facility.

(Catalog of Federal Domestic Assistance Program No. 13.733, Medicare—Hospital Insurance)

Dated: October 17, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: January 19, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-2967 Filed 2-3-82; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 42

[CGD 79-153]

Freeboards; Load Line Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend the loadline regulations by revising the subpart concerning the assignment of freeboards (see definition below). This revision is based on an internationally developed equivalent regulation that simplifies the language and format of the requirements. This proposal would not create any substantive changes but would help make the regulations clear and easy to use.

DATE: Comments must be received on or before April 5, 1982.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/24), U.S. Coast Guard, Washington, D.C. 20593. Comments will be available for examination at the Marine Safety Council (G-CMC/24), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 between 7 a.m. and 5 p.m., Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. William Cleary, Office of Merchant Marine Safety (G-MMT-5/12), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-2187.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 79-153) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. The proposal may be changed in light of comments received. All comments received will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons. No public hearing is planned but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Evaluation

The Coast Guard has evaluated this proposal under Executive Order 12291 and finds that it is not a major regulation. The Coast Guard has reviewed this proposal under DOT Order 2100.5 of May 22, 1980, Policies and Procedures for Simplification, Analysis and Review of Regulations and has determined that it is nonsignificant. The impact of this proposal would be minimal since no substantive changes are being made to the regulations; therefore, no economic evaluation has been performed. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant impact on a substantial number of small entities.

Drafting Information

The principal persons involved in drafting this proposal are Mr. Frank Thompson, Regulations Specialist, Office of Merchant Marine Safety, and Lieutenant Walter J. Brudzinski, Project Attorney, Office of the Chief Counsel.

Definition of "Freeboard"

A vessel's "freeboard" is the vertical distance from its waterline to the uppermost watertight deck. The official minimum freeboard is assigned to a vessel on the basis of that vessel's size and relative ability to withstand ocean seaway conditions under various loadings. It may also be assigned on the basis of limiting structure, stability, or flooding protection, when applicable.

Discussion of Proposed Rule

The loadline regulations in Part 42 interpret and apply the International Convention on Loadlines of 1966 (ICLL 1966). Regulation 27 of that convention concerns the assignment of freeboards. The convention agreed that Type "A" vessels, which are vessels that carry only liquid cargo in bulk, must be built to a certain standard of subdivision and would be assigned certain freeboards based on the stability afforded by that subdivision. The convention also established freeboards for all other vessels (Type "B" vessels). The freeboards assigned by the convention to Type "B" vessels are greater than those assigned Type "A" vessels.

Regulation 27 of ICLL 1966 permits a Type "B" vessel to be assigned less than the normally assigned freeboard if the vessel meets specific levels of internal watertight subdivision. The freeboard may be reduced to the freeboard given to a Type "A" vessel. Regulation 27 is currently found in the Code of Federal Regulations at §§ 42.20-5 through 42.20-25.

There was insufficient information in Regulation 27, however, to allow the national administrations to properly apply it. As a result, the Intergovernmental Maritime Consultative Organization (IMCO) published additional guidance concerning the flooding and stability assemptions that must be used in calculating the amount of subdivision required to assign a reduced freeboard. These assumptions were published in the **Federal Register** of June 5 and 24, 1969 (34 FR 9014 and 9753, codified at 46 CFR 42.20-3).

Based on experience with the regulation, IMCO determined that Regulation 27 and the guidance which was published separately should be integrated into a single document. This document was published in 1975 as IMCO Resolution A.320(IX). It clarifies the language in Regulation 27 and was intended to simplify the assignment of freeboards. It is considered an equivalent to Regulation 27.

The IMCO Resolution and this proposed rule differ from the present regulations by adding several clarifications that are needed to perform certain calculations. These interpretations have been determined at IMCO meetings at which the United States participated and they are now standard throughout the world. The following new paragraphs would be added for clarification:

Section 42.20-9(c). This paragraph deals with determining the initial

condition of loading and states that for fluid cargoes "fully loaded" means 98% full.

Section 42.20–9(d). This also concerns the initial condition of loading and states that, if a vessel operates normally with empty compartments at its summer load line, those compartments should be considered empty during certain conditions.

Section 42.20–10(b). This paragraph requires that a certain angle of heel is to be used in computing free surface. This is necessary in order to prevent creating an artificially high amount of free surface.

Section 42.20–11(c)(3). This paragraph explains which compartments are considered flooded following damage to certain stepped or recessed bulkheads, when determining the extent of damage.

Section 42.20–11(c)(4)(i) and (c)(4)(ii). These paragraphs state two arrangements which are exceptions to the present requirement that a side tank and an adjacent compartment must be considered as one compartment if the bulkhead separating them has an opening.

Section 42.20–11(c)(5). This paragraph contains a further exception to § 42.20–11(c)(4).

Section 42.20–12(f). This is a clarification which states that the vessel's stability must be sufficient during the intermediate stages of flooding.

The Coast Guard is not proposing to adopt the IMCO Resolution verbatim, but rather, to change the format and some of the language to further simplify the regulations. However, there is no substantive change to the present regulation.

The principal differences between the proposal and the IMCO Resolution are in §§ 42.20–7, 42.20–8 and 42.20–10.

Sections 42.20–7 and 42.20–8 contain the requirements which a Type "B" vessel must meet to be assigned a reduction in freeboard. The percentage of reduction is in relation to the freeboard granted for a similarly sized Type "A" vessel. Thus, a 100 percent reduction means that the vessel would be assigned the same freeboard as a similarly sized Type "A" vessel. Section 42.20–7 contains the requirement for a 60 percent reduction and § 42.20–8 contains the requirement for a 100 percent reduction.

Section 42.20–10 contains the provisions concerning free surface. These are the same as in the IMCO Resolution, but have been placed in their own section for clarity .

For easy reference, the text of the IMCO Resolution is contained in an appendix that follows the proposed rule. This appendix will not be included in any final rule.

Editorial changes to other sections that reflect the revision of §§ 42.20–3 through 42.20–13 are also proposed.

The following table relates the proposed regulation to the equivalent section in the existing regulations:

Proposed section	Old section
42.20–3(a)	42.20–5(b).
42.20–3(b)	42.20–5(a–1).
42.20–3(c)	42.20–5(c).
42.20–5(a)	42.20–10(b), 42.20–10(g).
42.20–5(b)	42.20–10(b), 42.20–10(g).
42.20–5(c)	42.20–10(c) (1)–(3), (e), (f).
42.20–7(a)	42.20–10(c) (4) and (5).
42.20–7(b)	42.20–10(c) (4) and (5).
42.20–8(a)	42.20–10(f).
42.20–8(b)	42.20–10(f).
42.20–8(c)	42.20–10(f).
42.20–9(a)	42.20–3(b), 42.20–10(c)(4), 42.20–10(f).
42.20–9(b)	42.20–3(f)(1).
42.20–9(c)	42.20–3(f)(1) and clarification.
42.20–9(d)	New-clarification.
42.20–9(e) (1) and (2)	42.20–3(f)(3).
42.20–9(f)	42.20–3(f)(5).
42.20–10(a)(1)	42.20–3(f)(2).
42.20–10(a)(2)	42.20–3(f)(4).
42.20–10(b)	New-clarification.
42.20–11(a)(1)	42.20–10(d)(1).
42.20–11(a)(2)	42.20–3(c)(2).
42.20–11(b)	42.20–3(c)(2).
42.20–11(c)	42.20–3(c)(3).
42.20–11(c)(1)	42.20–3(c)(3)(ii).
42.20–11(c)(2)	42.20–3(c)(3)(ii).
42.20–11(c)(3)	New-clarification.
42.20–11(c)(4)	42.20–3(c)(4).
42.20–11(c)(4)(i)	New-clarification.
42.20–11(c)(4)(ii)	New-clarification.
42.20–11(c)(5)	New-clarification.
42.20–11(d)	42.20–3(d).
42.20–12(a)	42.20–3(e)(1).
42.20–12(b)	42.20–3(e)(2).
42.20–12(c)	42.20–3(e)(3).
42.20–12(d)	42.20–3(e)(5).
42.20–12(e)	42.20–3(e)(4).
42.20–12(f)	New-clarification.
42.20–13	42.20–10(h).

Applicability to Tank Vessels

These regulations reflect an international agreement in the form of an amendment to the International Load Line Convention of 1966 regarding the degree of subdivision expected of a tank vessel (Type A vessel) and the method of calculating that subdivision.

The Load Line Convention of 1966 defines a Type A vessel as a vessel designed to carry only liquid cargoes in bulk. These international regulations have been adopted by many of the nations which have acceded to that convention. Although oil is the most commonly carried liquid cargo, there are other cargoes, including fresh water, wine, edible oils, and slurries loaded as liquids, which could be carried in a Type A vessel.

Oil cargoes, however, have been separately addressed in the Marine Pollution Convention of 1973 (MARPOL '73) and the subsequent Tanker Safety and Pollution Prevention Protocols (TSPP '78). The U.S. Coast Guard has placed these international standards in its Federal Regulations and, in doing so, has stated that "new" tank vessels carrying oil that meet the oil pollution prevention regulations of 33 CFR Part 157 in their entirety are considered to have met the full intent of the subdivision rules of the 1966 International Load Line Convention for Type A vessels. Thus, for oil cargoes only, the oil pollution prevention regulations of Title 33, CFR supersede the load line regulations of 46 CFR Subchapter E. Accordingly, the actual application of these regulations as regards U.S. flag vessels is restricted to tank vessels that are not "new vessels" as defined in 33 CFR 157.03(i), and to tank vessels carrying liquid cargoes other than oil.

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 42 of Title 46, Code of Federal Regulations as follows:

1. The authority citation for Part 42 reads as follows:

Authority: Pub. L. 93–115, 87 Stat. 418 (46 U.S.C. 86); Pub. L. 87–620, 76 Stat. 416 (46 U.S.C. 88a); Pub. L. 89–670, 80 Stat. 938 (49 U.S.C. 1655(b)); 49 CFR 1.46(b).

2. By revising § 42.09–5 to read as follows:

§ 42.09–5 All vessels—division into types.

(a) For the purposes of this Part, each vessel to which this Part applies is either a Type "A" or a Type "B" vessel.

(b) A Type "A" vessel is a vessel that—

(1) Is designed to carry only liquid cargoes in bulk;

(2) Has a high degree of watertight and structural integrity of the deck exposed to the weather, with only small openings to cargo compartments that are closed by watertight gasketed covers of steel or other material considered equivalent by the Commandant; and

(3) Has a low permeability of loaded cargo compartments.

(c) A Type "B" vessel is any vessel that is not a Type "A" vessel.

(d) Requirements governing the assignment of freeboards for Types "A" and "B" vessels are in Subparts 42.20 and 42.25 of this Part.

3. By revising paragraph (a)(2) of § 42.09–10 to read as follows:

§ 42.09–10 Stability, subdivision, and strength.

(a) * * *

(2) Additional stability, subdivision, and strength requirements are in §§ 42.09–1, 42.13–1 (a) and (b), and 42.15–1 (a) and (b). The applicable flooded stability requirements are in §§ 42.20–3 through 42.20–13.

* * * * *

4. By revising paragraph (a) of § 42.15–80 to read as follows:

§ 42.15–80 Special conditions of assignment for type "A" vessels.

(a) *Machinery casings.* Machinery casings on Type "A" vessels as defined in § 42.09–5(b) must be protected by an enclosed poop or bridge of at least standard height, or by a deckhouse of equal height and equivalent strength, except that machinery casings may be exposed if there are no openings giving direct access from the freeboard deck to the machinery space. A door complying with the requirements of § 42.15–10 is permitted in the machinery casing if it leads to a space or passageway which is as strongly constructed as the casing and is separated from the stairway to the engine room by a second weathertight door of steel or equivalent material.

* * * * *

§§ 42.20–1 through 42.20–10 [Removed]

5. By removing existing §§ 42.20–1 through 42.20–10 and adding new §§ 42.20–3, 42.20–5, 42.20–7 through 42.20–13 to read as follows:

§ 42.20–3 Freeboard assignment: Type "A" vessels.

(a) A Type "A" vessel, over 150 meters (492 feet) in length, and designed to have empty compartments when loaded to its summer load waterline, must be able to withstand the flooding of any one of these empty compartments, except the machinery space, with an assumed permeability of 0.95, and remain afloat in a condition of equilibrium considered to be satisfactory by the assigning authority. If the vessel is over 225 meters (738 feet) in length, the machinery space is treated as a floodable compartment with an assumed permeability of 0.85. For guidance, the following limits are regarded as satisfactory:

(1) The final waterline after flooding is below the lower edge of any opening through which progressive flooding may take place.

(2) The maximum angle of heel due to unsymmetrical flooding is approximately 15 degrees.

(3) The metacentric height in the flooded condition is positive.

(b) A vessel that meets the requirements in 33 CFR 157.21, or 46 CFR 153.20, 153.21, 153.22 or 154.210 is considered by the Coast Guard as meeting the requirements in this section.

(c) A Type "A" vessel is assigned a freeboard not less than that based on Table 42.20–15(a)(1).

§ 42.20–5 Freeboard assignment: Type "B" vessels.

(a) Each Type "B" vessel is assigned a freeboard from Table 42.20–15(b)(1) that is increased or decreased by the provisions of this section.

(b) Each Type "B" vessel that has a hatchway in position 1, must have the freeboard assigned in accordance with paragraph (a) of this section increased by the amount given in Table 42.20–5(b) unless the hatch cover complies with—

(1) Section 42.15–25(d); or

(2) Section 42.15–30.

Table 42.20–5(b)

Freeboard increase over tabular freeboard for type "B" vessels, for vessels with hatch covers not complying with § 42.15–25(d) or § 42.15–30.

METRIC

Length of vessel (meters)	Freeboard increase[1] (millimeters)	Length of vessel (meters)	Freeboard increase (millimeters)	Length of vessel (meters)	Freeboard increase (millimeters)
[2]108	50	139	175	170	290
109	52	140	181	171	292
110	55	141	186	172	294
111	57	142	191	173	297
112	59	143	196	174	299
113	62	144	201	175	301
114	64	145	206	176	304
115	68	146	210	177	306
116	70	147	215	178	308
117	73	148	219	179	311
118	76	149	224	180	313
119	80	150	228	181	315
120	84	151	232	182	318
121	87	152	236	183	320
122	91	153	240	184	322
123	95	154	244	185	325
124	99	155	247	186	327
125	103	156	251	187	329
126	108	157	254	188	332
127	112	158	258	189	334
128	116	159	261	190	336
129	121	160	264	191	339
130	126	161	267	192	341
131	131	162	270	193	343
132	136	163	273	194	346
133	142	164	275	195	348
134	147	165	278	196	350
135	153	166	280	197	353
136	159	167	283	197	355
137	164	168	285	199	357
138	170	169	287	[3]200	358

[1] Freeboards at intermediate lengths may be obtained by linear interpolation.
[2] 108 and below.
[3] Vessels above 200 meters in length are subject to individual determinations by the Commandant.

ENGLISH

Length of vessel (feet)	Freeboard increase[1] (inches)	Length of vessel (feet)	Freeboard increase (inches)
[2]350	2.0	510	9.6
360	2.3	520	10.0
370	2.6	530	10.4
380	2.9	540	10.7
390	3.3	550	11.0
400	3.7	560	11.4
410	4.2	570	11.8
420	4.7	580	12.1
430	5.2	590	12.5
440	5.8	600	12.8
450	6.4	610	13.1
460	7.0	620	13.4
470	7.6	630	13.6
480	8.2	640	13.9
490	8.7	650	14.1
500	9.2	[3]660	14.3

[1] Freeboards at intermediate lengths may be obtained by linear interpolation.
[2] 350 and below.
[3] Vessels above 660 feet in length are subject to individual determinations by the Commandant.

(c) A Type "B" vessel that is greater than 100 meters (328 feet) in length may have its freeboard reduced up to the total difference between the freeboard from Table 42.20–15(b)(1) and that from Table 42.20–15(a)(1) if, in relation to the amount of reduction granted, the assigning authority is satisfied that—

(1) The measures provided for the protection of the crew are adequate;

(2) The freeing arrangements are determined to be adequate;

(3) The covers in positions 1 and 2 comply with the provisions of § 42.15–30 and have adequate strength, special care being given to their sealing and securing arrangements; and

(4) The vessel complies with:

(i) Section 42.20–7, for a reduction in freeboard of up to 60 percent of the total difference between the freeboards in Table 42.20–15(b)(1) and Table 42.20–15(a)(1); or

(ii) Section 42.20–8, for a reduction in freeboard of up to the total difference

between the freeboards in Table 42.20–15(b)(1) and Table 42.20–15(a)(1).

§ 42.20–7 Flooding standard; 60 percent reduction.

(a) Design calculations must be submitted for each vessel that demonstrate that the vessel will remain afloat in the condition of equilibrium specified in § 42.20–12 after the damage specified in § 42.20–11 is applied to the following locations:

(1) If the vessel is 225 meters or less in length the damage must be applied in all locations on the length of the vessel except on a main transverse watertight bulkhead, in the machinery space, and on a transverse boundary bulkhead of a wing tank that extends inboard from the shell more than the transverse extent of damage specified in § 42.20–12(b).

(2) If the vessel is over 225 meters (738 feet), the damage must be applied in all locations on the length of the vessel except on a main transverse watertight bulkhead.

(b) When doing the calculations required in paragraph (a) of this section, the following permeabilities must be assumed:

(1) 0.95 in all locations except the machinery space.

(2) 0.85 in the machinery space.

§ 42.20–8 Flooding standard: 100 percent reduction.

(a) Each vessel must—

(1) Comply with § 42.15–80(a)(1), (b)(1), (d)(1), and (d)(2) as if it were a Type "A" vessel; and

(2) Have demonstrated by design calculations that the vessel will remain afloat in the condition of equilibrium specified in § 42.20–12 after the damage in § 42.20–11 is applied to the locations specified in paragraph (b) of this section.

(b) The design calculations must assume that damage is applied to the following locations:

(1) If the vessel is not greater than 225 meters (738 feet) in length, then damage must be applied in all locations on the length of the vessel except that—

(i) No more than one main transverse watertight bulkhead may be damaged at one time; and

(ii) Damage is not applied to a main transverse watertight bulkhead bounding a machinery space.

(2) If the vessel is greater than 225 meters (738 feet) in length, then damage may be assumed to occur on any one main transverse watertight bulkhead at a time.

(c) When doing the calculations required in paragraph (a)(2) of this section, the following permeabilities must be assumed:

(1) 0.95 in all locations except in the machinery space.

(2) 0.85 in the machinery space.

§ 42.20–9 Initial condition of loading.

When doing the calculations required in § 42.20–7(a) and § 42.20–8(a)(2), the initial condition of loading before flooding must be assumed to be as specified in this section:

(a) The vessel is assumed to be loaded to its summer load waterline with no trim.

(b) The cargo is assumed to be homogeneous.

(c) Except as specified in paragraph (d) of this section, all cargo compartments are assumed to be fully loaded. This includes compartments intended to be only partially filled. In the case of fluid cargoes, fully loaded means 98 percent full.

(d) If the vessel is intended to operate at its summer load waterline with empty compartments, these compartments are assumed to be empty rather than fully loaded if the resulting height of the vertical center of gravity is not less than the height determined in accordance with paragraph (c) of this section.

(e) Fifty percent of the total capacity of all tanks and spaces fitted to contain consumable liquids or stores must be assumed to be distributed to accomplish the following:

(1) Except as provided in paragraph (d) of this section, each tank and space fitted to contain consumable liquids or stores must be assumed either completely empty or completely filled.

(2) The consumables must be distributed so as to produce the greatest possible height above the keel for the center of gravity.

(f) Weights are calculated using the following values for specific gravities:

Salt water—1.025
Fresh water—1.000
Oil fuel—0.950
Diesel oil—0.900
Lubricating oil—0.900

§ 42.20–10 Free surface.

(a) When doing the calculations required in § 42.20–7(a) and § 42.20–8(a)(2), the effect of free surface of the following liquids must be included:

(1) For consumable liquids, the maximum free surface of at least one transverse pair of tanks or a single centerline tank must be included. The tank or combination of tanks must be that resulting in the greatest free surface effect.

(2) For cargo liquids, unless the compartment is assumed to be empty as required by § 42.20–9(d), the maximum free surface of each compartment must be included, assuming the compartment to be 70% full. This free surface is included in the calculations even though the initial condition is in accordance with § 42.20–9(c).

(b) The free surface is calculated at an angle of heel of not more than—

(1) 5 degrees for cargo liquids; and

(2) 0 degrees for consumable liquids.

§ 42.20–11 Extent of damage.

(a) When doing the calculations required by § 42.20–7(a) and § 42.20–8(a)(2), the following must be assumed:

(1) The vertical extent of damage in all cases must be assumed to be from the baseline upwards without limit.

(2) The transverse extent of damage is assumed to be equal to B/5 or 11.5 meters (37.7 feet), whichever is less. The transverse extent is measured inboard from the side of the ship perpendicularly to the center line at the level of the summer load waterline.

(b) If damage of a lesser extent than that specified in paragraph (a) of this section results in a more severe condition, the lesser extent must be assumed.

(c) The following assumptions apply to the application of the transverse damage specified in paragraph (a)(2) of this section to a stepped or recessed bulkhead:

(1) A transverse watertight bulkhead that has a step or recess located within the transverse extent of assumed damage may be considered intact if the step or recess is not more than 3.05 meters (10 feet) in length.

(2) Except for the step formed by the after peak bulkhead and the after peak tank top, if there is a step or recess of more than 3.05 meters (10 feet) in length, within the transverse extent of assumed damage, the two compartments adjacent to this bulkhead must be considered as flooded.

(3) If a step or recess is formed by a discontinuity in a transverse watertight bulkhead where it intersects a side tank or a double bottom and the step or recess is more than 3.05 meters (10 feet) long, then only the side tank or double bottom adjacent to the step or recess must be considered to be flooded simultaneously as required in paragraph (c)(2) of this section.

(4) If a side tank has openings into adjacent compartments, the side tanks and adjacent compartments must be considered as one compartment. This provision applies even where these openings are fitted with closing appliances except—

(i) Sluice valves in bulkheads between tanks; and

(ii) Valves controlled from above the bulkhead deck.

(5) A manhole cover with closely spaced bolts is considered equivalent to an unpierced bulkhead except when the manhole connects a topside tank to a hold.

(d) In the calculations required by § 42.20–8, only transverse watertight bulkheads that are spaced apart at least $1/3L^{2/3}$ or 14.5 meters ($0.495L^{2/3}$ or 46.6 feet), whichever is less, may be considered effective. If transverse bulkheads are closer together, then one or more of these bulkheads must be assumed to be non-existent in order to achieve the minimum spacing between bulkheads.

§ 46.20–12 Conditions of equilibrium.

The following conditions of equilibrium after flooding are regarded as satisfactory:

(a) *Downflooding.* The final waterline after flooding, taking into account sinkage, heel, and trim, is below the lower edge of any opening through which progressive flooding can take place. Such openings include air pipes, ventilators, and openings which are closed by means of weathertight doors (even if they comply with § 42.15–10) or covers (even if they comply with § 42.15–30 or § 42.15–45(d)) but may exclude those openings closed by means of—

(1) Manhole covers and flush scuttles which comply with § 42.15–40;

(2) Cargo hatch covers which comply with § 42.09–5(b).

(3) Hinged watertight doors in an approved position which are secured closed while at sea and so logged; and

(4) Remotely operated sliding watertight doors, and side scuttles of the non-opening type which comply with § 42.15–65.

(b) *Progressive flooding.* If pipes, ducts, or tunnels are situated within the assumed extent of damage penetration as defined in § 42.20–11(a), arrangements must be made so that progressive flooding cannot extend to compartments other than those assumed to be floodable in the calculation for each case of damage.

(c) *Final angle of heel.* The angle of heel due to unsymmetrical flooding does not exceed 15 degrees. If no part of the deck is immersed, an angle of heel of up to 17 degrees may be accepted.

(d) *Metacentric height.* The metacentric height of the damaged vessel, in the upright condition, is positive.

(e) *Residual stability.* When any part of the deck outside the compartment assumed flooded in a particular case of damage is immersed, or if the margin of stability in the flooded condition is considered doubtful by the Commandant, the vessel stability must be positive for a minimum range of 20 degrees beyond the position of equilibrium with a maximum righting level of at least 0.1 meter (4 inches) within this range. The area under the righting level curve within this range must not be less than 0.0175 meter-radians (0.689 inch-radans). The Commandant gives consideration to the potential hazard presented by protected or unprotected openings which may become temporarily immersed within the range of residual stability.

(f) *Intermediate stages of flooding.* The Commandant is satisfied that the stability is sufficient during intermediate stages of flooding.

§ 42.20–13 Vessels without means of propulsion.

(a) A lighter, barge, or other vessel without independent means of propulsion is assigned a freeboard in accordance with the provisions of this subpart as modified by paragraphs (b), (c), and (d) of this section.

(b) A barge that meets the requirements of § 42.20–3 may be assigned Type "A" freeboard if the barge does not carry deck cargo.

(c) An unmanned barge is not required to comply with § 42.15–75, § 42.15–80(b), or § 42.20–70.

(d) An unmanned barge that has only small access openings closed by watertight gasketed covers of steel or equivalent material on the freeboard deck, may be assigned a freeboard 25 percent less than that calculated in accordance with this subpart.

6. By revising § 42.20–25 to read as follows:

§ 42.20–25 Correction for block coefficient.

If the block coefficient (C_b) exceeds 0.68, the tabular freeboard specified in § 42.20–15 as modified, if applicable, by §§ 42.20–5(b) and (c)(4), and 42.20–20(a) must be multiplied by the factor $(C_b + 0.68)/1.36$.

7. By revising § 42.20–75(a)(1) to read as follows:

§ 42.20–75 Minimum freeboard.

(a) *Summer freeboard.* (1) The minimum freeboard in summer must be the freeboard derived from the tables in § 42.20–15 as modified by the corrections in § 42.20–3 or 42.20–5, as applicable, and §§ 42.20–20, 42.20–25, 42.20–30, 42.30–35, 42.20–60, 42.20–65 and, if applicable, § 42.20–70.

* * * * *

8. By revising paragraph (a) of § 42.25–20 as follows:

§ 42.25–20 Computation for freeboard.

(a) The minimum summer freeboards must be computed in accordance with §§ 42.20–5(a), 42.20–13, 42.20–15, 42.20–20, 42.20–25, 42.20–30, 42.20–35, 42.20–60, and 42.20–65, except that § 42.20–60 is modified by substituting the percentages in Table 42.25–20(a) for those given in § 42.20–60.

* * * * *

Dated: January 28, 1982.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 82–2963 Filed 2–3–82; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[BC Docket No. 81–742]

Formulation of Policies Relating to the Broadcast Renewal Applicant Stemming From the Comparative Hearing Process; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry; Extension of reply comment period.

SUMMARY: This action, by the General Counsel pursuant to delegated authority, grants request by McKenna, Wilkinson & Kittner on behalf of a number of broadcast licensees to extend the time for filing of reply comments in response to the Commission's Notice of Inquiry in BC Docket No. 81–742, Formulation of Policies Relating to the Broadcast Renewal Applicant Stemming From the Comparative Hearing Process.

DATES: The deadline for filing reply comments has been extended from February 5, 1982 to February 15, 1982.

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

FOR FURTHER INFORMATION CONTACT: Sheldon Guttmann, Office of General Counsel, (202) 632–6990.

Order

Adopted: January 29, 1982.

Released: February 2, 1982.

In the matter of formulation of policies relating to the broadcast renewal applicant stemming from the comparative hearing process, BC Docket No. 81–742.

1. The Commission has before it a request for extension of time in which to file reply comments in response to the Commission's Notice of Inquiry in BC

Docket No. 81–742, Formulation of Policies Relating to the Broadcast Renewal Applicant Stemming From the Comparative Hearing Process, FCC 81–499, 46 FR 55279 (Nov. 9, 1981). The extension request was filed by McKenna, Wilkinson & Kittner on behalf of a number of broadcast licensees, and asks that the Commission extend the time for filing reply comments from February 5, 1982 to February 15, 1982. The licensees assert that the additional time is needed because the Commission extended the date for filing initial comments to January 18, 1982, due to the weather; because of difficulty in obtaining copies of the comments; and because such additional time will permit the licensees to fully address the questions raised in the Commission's Notice of Inquiry.

2. Good cause having been shown, the request for extension of time will be granted pursuant to authority delegated to the General Counsel. *See* 47 CFR 0.251(b) (1980).

3. Accordingly, it is hereby ordered that the Request for Extension of Time filed by McKenna, Wilkinson & Kittner is hereby granted; and that the time for filing reply comments is extended to and including February 15, 1982.

Stephen A. Sharp,

General Counsel.

[FR Doc. 82–2932 Filed 2–3–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–433; RM–3803]

FM Broadcast Stations in College and Fairbanks, Alaska; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving a proposed FM channel assignment to College, Alaska, in response to a request from Interior Broadcasting Corporation.

DATE: Reply comments must be filed on or before February 17, 1982.

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

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

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Reply Comments

Adopted: January 26, 1982.

Released: January 29, 1982.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (College and Fairbanks, Alaska); BC Docket No. 81–433 RM–3803.

1. On December 10, 1981, the Commission adopted a *Further Notice of Proposed Rule Making*, 46 FR 60478, published December 10, 1981, in the above-captioned proceeding. Comments have been filed and reply comments are presently due February 2, 1982.

2. On January 22, 1982, counsel for Interior Broadcasting Corporation ("Interior"), licensee of Station KAYY–FM, Fairbanks, Alaska, filed a motion for extension of time in which to file reply comments herein, to and including February 17, 1982. Counsel states that additional time is needed to fully explore the numerous factual allegations set forth in the comments of petitioner, Associated Students of the University of Alaska ("ASUA"), and to allow for the customary mailing delays between Washington, D.C. and Fairbanks, Alaska.

3. Counsel states that counsel for ASUA has consented to the extension request.

4. In view of the foregoing, we believe that additional time is warranted. Such extension will assure development of a sound and comprehensive record on which to base a decision in this proceeding.

5. Accordingly, it is ordered, That the motion for extension of time filed on behalf of Interior Broadcasting Corporation, IS GRANTED, and the time for filing reply comments is extended to and including February 17, 1982.

6. This action is taken pursuant to sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 82–2950 Filed 2–3–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82–33; RM–3967]

FM Broadcast Station in St. Marys, Pennsylvania; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

SUMMARY: Proposed rule.

SUMMARY: This action proposes two optional assignment plans regarding the allocation of an FM channel to St. Marys, Pennsylvania, in response to a petition filed by Robert S. Bayko. The proposal could provide St. Marys with its first FM service. Additionally, this action proposes to reassign Channel 232A from St. Marys to Ridgeway, Pennsylvania, to reflect its actual usage there as a first local aural broadcast service.

DATES: Comments must be filed on or before March 18, 1982, and reply comments must be filed on or before April 2, 1982.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: January 21, 1982.

Released: February 1, 1982.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (St. Marys, Pennsylvania); BC Docket No. 82–33 RM–3967.

1. Robert S. Bayko ("petitioner"), has filed a petition for rule making[1] seeking the assignment of Class B Channel 248 to St. Marys, Pennsylvania, as its first FM assignment. Petitioner states that he will apply for the channel, if assigned as proposed. An opposition to the proposal was filed by Elk Cameron Broadcasting Co.[2] ("Elk"), to which the petitioner responded. The assignment could be made with a site restriction, as noted *infra*, to conform with the minimum distance separation requirements of § 73.207 of the Commission's rules.

2. St. Marys (population 6,417),[3] in Elk County (population 38,338), is located approximately 152 kilometers (95 miles northeast of Pittsburgh, Pennsylvania. It is currently served by full-time AM Station WKBI. Although St. Marys is assigned Channel 232A, that channel is presently being used at Ridgeway, Pennsylvania, pursuant to § 73.203(b) of the Commission's rules. Therefore, we are proposing herein to reassign Channel 232A to Ridgeway to reflect its actual usage there.

[1] Public Notice of the petition was given September 9, 1981, Report No. 1308.

[2] Elk Cameron Broadcasting Co. is the licensee of AM Station WKBI in St. Marys, and co-owned Station WIMX (FM, Channel 232A), in Ridgeway, Pennsylvania.

[3] Population figures are derived from the 1980 U.S. Census, Advance Reports.

3. Petitioner states that St. Marys has its own government unit, municipal services, a post office, churches, schools, transportation facilities, cultural institutions, recreational facilities, and civic, fraternal and charitable groups and organizations. According to petitioner, St. Marys' economic base is derived from manufacturing and retailing, although agriculture and mining also contribute to its economy.

4. Petitioner states that the assignment of Channel 248 to St. Marys will cause preclusion on the co-channel and on Channel 249A, in a small area. Further, it appears from petitioner's engineering study that there are no communities containing a population in excess of 1,000 and that are without an FM assignment in the precluded area.

5. In its opposition, Elk states that it does not object to an assignment to St. Marys, *per se*, but does object to the request for a Class B assignment, asserting that no site is available within the permissible area which would not be shadowed by the intervening mountainous terrain. Therefore, it claims that direct line-of-sight to St. Marys could not be provided. It adds that, as an alternative, Channel 257A or 292A could be assigned consistent with the Commission's Rules, to provide city-grade service.

6. In its reply, petitioner supports its proposal basically on the grounds that allocation of Channel 248 would have little preclusive effect and that it could provide all of Elk County and surrounding areas with another diverse voice to serve its needs and interests. Additionally, petitioner submitted information in an attempt to refute Elk's claim regarding shadowing problems. It states that a full-power Class B facility could provide a 70 dBu field strength contour to an average distance of 21 miles, and that the permissible area herein, which is approximately 13 miles north of St. Marys, is well within the distance to which a Class B facility can provide such service in compliance with § 73.315(a) of the rules.

7. Further, it states that Elk's suggestion that a Class A allocation be assigned to St. Marys instead of the proposed Class B proposal, would impact very differently on the Ridgeway and Coudersport, Pennsylvania market, the location of Elk's FM station, WIMX, and its parent (Allegheny Mountain Network) station, WFRM (AM), respectively. Petitioner states that, assuming a transmitter site in St. Marys for the Class A channel, 70 dBu (3.16 mV/m) service would be provided to part of Ridgeway and 60 dBu (1mV/m) over the remainder of Ridgeway. The proposed Class B facility would provide 70 dBu service to all of the Ridgeway and 60 dBu service to Coudersport, Pennsylvania, less than 100 miles away. Thus, only the Class B station would provide competition in the Coudersport market.

8. It appears that Elk's concern is with the possible economic impact that a potentially competitive assignment could have on its station. If so, it must be pointed out that such an issue is misplaced at this stage of the proceeding. Such matters may be more appropriately considered at the application stage where it would be feasible to investigate and consider the merits of such allegations rather than in a rule making proceeding. See *Beaverton, Michigan*, 44 R.R. 2d 55 (Broadcast Bureau, 1978).

9. However, Elk also argues that a Class B channel is not generally appropriate for small communities. Section 73.206(b)(2) of the Commission's rules states that Class B channels be assigned only to larger communities.[4] Exceptions to this policy are made, however, where a Class B channel could provide a significant amount of first or second FM or aural service to surrounding areas and populations or there is otherwise a need for wide coverage area service. Therefore, petitioner should submit a *Roanoke Rapids/Anamosa*[5] study to indicate whether its proposal would cover any unserved and underserved areas. We also wish to look further into the shadowing problems suggested by Elk. Although petitioner claims it could provide a 70 dBu signal over the entire community of St. Marys from a restricted transmitter location, and under our prediction method, such coverage clearly should be obtained, petitioner should demonstrate that the terrain would not inhibit a 70 dBu signal over all of St. Marys.

10. Absent justification for the proposed Class B assignment, a Class A channel may be more appropriate for assignment and, therefore, we are proposing an alternate assignment to St. Marys. Petitioner, or any other interested party, should indicate whether it would be interested in applying for a Class A channel in St. Marys in the event that the Commission determines that a Class B assignment is inappropriate.

11. A staff engineering study indicates that there are no other drop-in Class B channels available to St. Marys. However, Channels 257A and 292A are available for assignment. Of the two, we have chosen Channel 292A as an alternate assignment in the event justification for the Class B proposal is not established.

12. For Channel 248, a site restriction of 19 kilometers (11.8 miles) north of St. Marys is required to avoid short-spacing on the co-channel to Station WESM, Martinsburg, West Virginia. Additionally, Canadian concurrence in the proposal must be obtained.

13. As previously indicated, we are proposing to reassign Channel 232A to Ridgeway, Pennsylvania. The public interest would be served by this action since it would provide that community with its first local aural broadcast service. Additionally, comments are invited on the proposal to amend the FM Table of Assignments, §73.202(b) of the Commission's rules, as follows:

ALTERNATIVE I

City	Channel No.	
	Present	Proposed
St. Marys, Pa.	232A	248
Ridgeway, Pa.		232A

ALTERNATIVE II

St. Marys, Pa.	232A	292A
Ridgeway, Pa.		232A

14. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

15. Interested parties may file comments on or before March 18, 1982, and reply comments on or before April 2, 1982.

16. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not apply to rule making to amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

17. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel

[4] See *Cabool, Missouri*, 52 F.C.C. 2d 240 (1975).
[5] 9 F.C.C. 2d 672 (1967); 46 F.C.C. 2d 520 (1974).

assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, It is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel that was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street N.W., Washington, D.C.

[FR Doc. 82-2951 Filed 2-3-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Adminstration

49 CFR Parts 390 through 399

[BMCS Docket No. MC-98; Notice No. 82-1]

Exemption—Operations Involving Retail Fertilizer Distribution to Farms

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Comments and information are solicited on a petition filed by Fertilized Institute to provide an exemption from the requirements of the Federal Motor Carrier Safety Regulations for operations involving direct retail sale and delivery of fertilizer to the farmer.

DATE: Comments must be received on or before April 5, 1982.

ADDRESS: Submit comments, preferably in triplicate, to BMCS Docket No. MC-98; Notice No. 82-1, Room 3402, Bureau of Motor Carrier Safety (BMCS), 400 Seventh Street, SW, Washington, D.C. 20590. All comments received will be available for examination at the above address from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph J. Fulnecky, Bureau of Motor Carrier Safety, (202) 426-0033; or Mr. Gerald M. Tierney, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Fertilizer Institute (Institute) whose membership includes the producers of approximately 95 percent of the fertilizer used domestically, as well as farm supply distributors, farm equipment manufacturers, retailers, and others interested in the fertilizer industry, filed a petition with the Federal Highway Administration's Bureau of Motor Carrier Safety to amend the Federal Motor Carrier Safety Regulations (FMCSR) to:

1. Establish a category of equipment to be known as "fertilizer distribution and application equipment."

2. Provide for exemptions from the rules of Part 391, Qualifications of Drivers; Part 394, Notification, Reporting, and Recording of Accidents; Part 395, Hours of Service of Drivers; Part 396, Inspection, Repair, and Maintenance; and from certain provisions of Parts 392, 393, and 397 as they presently apply to direct retail sale and delivery of fertilizer to farmers.

The specific revisions requested by the petitioner are as follows:

Definition

The definition of "fertilizer distribution and application equipment," as proposed by the Institute to be added to Part 390, includes nurse tanks, dry and liquid nurse equipment, dry spreaders, and dry and liquid applicators, operated at speeds no greater than 30 m.p.h., primarily during day light hours and within a 30 mile radius of the origin point.

The key aspects of the proposed definition, according to the Institute, are that:

1. The equipment is adapted exclusively for fertilizer distribution and application operations;

2. During the limited time it is operated over the road, the equipment is restricted to a speed of no greater than 30 m.p.h.;

3. The equipment is operated within a 30 mile radius of its origin point; and

4. The equipment is operated primarily during day light hours.

Driver Qualification

Petitioner requests total exemption from Part 391, Qualifications of Drivers, for drivers who operate fertilizer distribution and application equipment. The proposed exemption is based on the premise that the operations are dealing with farming operations in the farming community for the benefit of the farmer. Petitioner states that the operational limitations proposed on this equipment (i.e., speed, range, daylight operation), and the fact that the operators of the equipment must comply with the laws, ordinances, and regulations of the local jurisdiction in which it is operated, clearly obviate the need for applications of this Part.

Driving of Motor Vehicles, Part 392

Petitioner requests that Part 392 continue to apply except insofar as the rules are rendered inapplicable due to the configuration of fertilizer distribution and application equipment.

Parts and Accessories, Part 393

The Institute has requested an exemption from the requirements of Part 393, Parts and Accessories Necessary for Safe Operation, for fertilizer distribution and application equipment, except that the rules in Subpart B, Lighting Devices, Reflectors and Electrical Equipment apply when such equipment is operated over the roads during hours of darkness. The Institute contends that certain of the regulations are inappropriate (e.g., Subpart D, Glazing and Window Construction and certain parts of Subpart G, Parts and Accessories), and that other requirements, such as the braking requirements, are simply not adaptable to such equipment, due to the configuration of the equipment and the nature of its operations.

Accident Reporting, Part 394

Except for the transportation of hazardous materials, the Institute requests a similar exemption as now provided for farm to market operations of a farmer in § 394.5. The Institute contends that during the minimal time period when this equipment is operated over the road, it presents an operational situation quite analogous to the situation presented in the "exempt intracity operation/commmercial zone" operations identified in § 390.16. Coupling the foregoing factors and the requirement that the equipment must be operated in accordance with the laws, ordinances, and regulations of the local jurisdiction, leads them to the conclusion that no useful purpose is served by the application of the accident Federal reporting requirements.

Hours of Service, Part 395

The Institute requests a total exemption from Part 395, Hours of Service of Drivers, for drivers operating fertilizer distribution and application equipment. They contend that the operational limitations proposed on the use of this equipment and the safety record compiled in its operation (accident frequency rate of 3.04 for pull type fertilizer distribution equipment and 4.2 for itself propelled fertilizer distribution equipment—accidents per million miles) supports the request for total exemption. They point out that the regulations have provided certain exemptions from the driver's log requirements of § 395.8 for operations conducted within a 50-mile radius for the past decade. This was recently expended to a 100-mile radius where a carrier maintains certain records concerning hours of service for drivers. In addition, the Institute states that the proposed definition to be added to Part 390 would impose an operational limitation of a 30-mile radius, well below the earlier 50-mile radius. These factors, according to the Institute, together with the highly seasonal nature of the operations of fertilizer distribution and application equipment obviate the need for application of the rules in this part.

Inspection, Repair, and Maintenance, Part 396

The petitioner requests total exemption from the requirements of Part 396, Inspection, Repair, and Maintenance, to the operations of fertilizer distribution and application equipment. The proposed exemption, according to the Institute, is based on the fact that the rules in Part 396 are simply not adaptable to such equipment. They contend that the inspection and reporting requirements are designed specifically for over-the-road vehicles, and as such, do not lend themselves to application to this equipment. In addition, they point out that this equipment incorporates a significant number of features which distinguish it from typical over-the-road equipment. These manufacturing differences are dictated primarily because of the field operations which this equipment is required to perform and substantial changes would have to be made, at great expense to both the operators and to the farmer, to modify this equipment to fully conform to the Federal requirements for highway operations.

Transportation of Hazardous Materials; Driving and Parking Rules, Part 397

An exemption from § 397.2 is requested by the Institute, with the balance of Part 397 being applicable to the operation of this equipment.

Design Characteristics

In support of their petition, the Institute contends that because of the operational requirements imposed on fertilizer distribution and application equipment, the present equipment has several features which distinguish it from the typical highway motor vehicle. They point out that the hub, wheel, and bearing combination on most fertilizer distribution equipment are not designed to be operated at highway speeds. Tires recommended and offered for sale are of the farm implement type. This is normally a special make of tire, of rugged construction, built to withstand an encounter with sharp objects in the fields. The heavy-duty springs, axles, and frames incorporated in fertilizer distribution and application equipment provide further indications that the vehicle is designed primarily for farm use. Consistent with the design of the equipment for use primarily on the farm, fertilizer distribution equipment has only limited use on public highways.

Need for Clarification of the Regulations

The Institute has received numerous inquiries from its membership concerning the applicability of the FMCSR to various types of fertilizer distribution and application equipment which they operate. The Institute states, "these questions have been concerned primarily with such matters as insurance costs for various classifications of equipment, unbalanced or sporadic federal enforcement of the FMCSR and the hazardous materials regulations, and concern with possible inadvertent noncompliance with FMCSR during their farming operations. The main source of confusion and uncertainty, however, centers around the lack of a specifically defined category or class of equipment in the FMCSR denominated as 'fertilizer distribution and application equipment.' Many of our members complain that while virtually every agricultural-intensive state has promulgated rules and regulations which specifically address 'fertilizer distribution and application equipment,' the FMCSR are totally silent in that regard. In some States the definition applies specifically to fertilizer equipment; in others, fertilizer equipment is encompassed within an equipment category identified as 'implements of husbandry.'

Nevertheless, the category of equipment as defined by the States usually includes equipment specifically designed for agricultural or horticultural purposes, which is used exclusively for agricultural operations, and is used principally off the highway.

"To some extent, the FMCSR have accorded recognition to the unique status of the farming community and have delineated regulatory categories such as 'farm vehicle drivers' and 'farm custom operations' for special treatment. However, even these special agricultural categories fail to recognize and take special cognizance of equipment identified as 'fertilizer distribution and application equipment' and, therefore, petitioner is seeking to include that category of equipment within the regulations."

Those desiring to comment on this rulemaking action are asked to submit their views, data, and arguments to the docket at the above address. Comments need not be limited to the area specifically mentioned in the ANPRM. All comments received will be considered before any proposals for rulemaking are developed.

All comments submitted, will be available, both before and after the closing date, for examination by interested persons in the Docket Room of the BMCS, Room 3402, 400 Seventh Street, SW., Washington, D.C. 20590.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation.

A draft regulatory evaluation has been prepared and is available for review in the public docket. A copy may be obtained by contacting Mr. Joseph J. Fulnecky at the address provided above under the heading "For Further Information Contact." The FHWA specifically requests information upon which to determine whether such action would have a significant economic impact on a substantial number of small entities.

(49 U.S.C. 304, 1655, 49 CFR 1.48(b) and 301.60)

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

Issued on: January 28, 1982.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 82-2896 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-22-M

Notices

Federal Register
Vol. 47, No. 24
Thursday, February 4, 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.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

Rich Prairie Livestock Exchange, Inc., Pierz, Minn., et al.; Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., name, and location of stockyard	Date of posting
MN-175 Rich Prairie Livestock Exchange, Inc. Pierz, Minnesota.	Nov. 3, 1981.
MN-177 Tri-County Livestock Auction, Inc. Motley, Minnesota.	Jan. 10, 1982.
SC-133 Homewood Stockyard, Inc. Conway, South Carolina.	Nov. 16, 1981.
TN-179 Lewisburg Feeder Pig Market. Lewisburg, Tennessee.	Jan. 18, 1982.
VA-154 Mountain Empire Feeder Pig Association. Seven Mile Ford, Virginia.	Dec. 9, 1981.

Done at Washington, this 29th day of January 1982.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 82-2872 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-02-M

Sparr Farm & Home Auction, Sparr, Fla., et al.; Proposed Posting of Stockyards

The Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

FL-130 Sparr Farm & Home Auction
Sparr, Florida
SC-134 Circle "C" Auction
Cambobello, South Carolina

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by February 19, 1982.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Chief of the Financial Protection Branch during normal business hours.

Done at Washington, D.C., this 29th day of January 1982.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 82-2873 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

Privacy Act of 1974; Systems of Records; Annual Publication

Pursuant to 5 U.S.C. 552a(e)(4), the Department of Agriculture hereby republishes its annual notice of the existence and character of the systems of records currently maintained pursuant to the Privacy Act of 1974. The last such annual republication for the Department of Agriculture can be found at 46 FR 2659 (January 12, 1981). That republication updated the earlier complete publications found at 44 FR 69694 (December 4, 1979) and 43 FR 51268 (November 2, 1978). In addition, the systems of records published by this Department as of December 31, 1980 may be viewed in *Volume 1, Privacy Act Issuance, 1980* Compilation of the **Federal Register**, in depository libraries and Federal Information Centers nationwide.

Since the last annual republication, the following systems of records have been published:

46 FR 44206 (9/3/81)—Publication of APHIS-6-Veterinary Services—Brucellosis Information System
46 FR 40544 (8/10/81)—Publication of FGIS-5—Occupational injury/illness and motor vehicle accident case files for U.S. Department of Agriculture (USDA), Federal Grain Inspection Service (FGIS)
46 FR 14908 (3/3/81)—Publication of ESS-6, Farm Production Expenditure Survey, Family Living Expense Section(s)

The above-cited **Federal Register** notices are printed in full below.

Dated: February 1, 1982.

John R. Block,

Secretary of Agriculture.

USDA/APHIS-6

SYSTEM NAME:

Veterinary Services—Brucellosis Information System.

SYSTEM LOCATION:

U.S. Department of Agriculture, Fort Collins Computer Center, Colorado, and each of the various States.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Herd owners whose animals or herds are tested, studied, or restricted because of brucellosis; livestock markets, slaughter establishments; and livestock dealers (including agents and brokers) handling livestock covered by the program; milk processing plants receiving milk or cream from dairy farms; laboratories conducting brucellosis program tests or procedures; State, Federal, and contractual personnal engaged in program activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on herds and individual animals tested, studies, or restricted under the brucellosis program; epidemiologic studies; animals, specimens, or premises sampled, identified, inspected, tested, handled, or restricted under the brucellosis program by State, Federal or contractual personnel; animal identification, health,

and movement data of animals covered under program activities for traceback of disease from livestock markets, slaughter plants, and livestock dealers or livestock brokers or commission firms; milk and cream samples and related identification data for brucellosis testing from milk processing plants receiving fresh farm milk; and brucellosis test data from laboratories approved to do brucellosis program testing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 111, 112, 114, 114a–1, 115, 120, 121, 125, 134a–134f and Title 9, Code of Federal Regulations, Part 51 and Part 78.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records maintained in the computer system will be routinely used by the Federal and State government personnel for: (1) detecting the foci of infection to reduce the rate of spread of infection to new herds; (2) evaluating brucellosis program activities of State, Federal, and contractual personnel; (3) preparing mailing labels and preaddressed forms to enhance field activities; (4) evaluating program effectiveness; (5) detecting factors of epidemiologic importance in containing or eliminating foci of infected herds; (6) assuring that brucellosis indemnities are promptly and properly paid; (7) notification of livestock owners with the animals at high risk of exposure to brucellosis because of livestock movements or an outbreak of disease or presence of quarantined premises in a community; (8) referral to the appropriate agency, whether Federal, State, local, or foreign, charged with responsibility of investigating or prosecuting a violation of law concerning animal disease control and eradication, or of enforcing or implementing a statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law concerning animal disease control and eradication, whether civil, criminal, or regulatory in nature, and either arising by general statute or particular program statute, or by rule, regulation, or court order issued pursuant thereto; (9) presentation or disclosure to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (10) presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate, or administrative tribunal; (11) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records will be maintained on two mediums depending on how current they are. These are: (1) On-line disk storage and (2) Magnetic Tape.

RETRIEVABILITY:

Under the new system, it will be possible to retrieve and organize data by any of the categories which have been recorded. This will greatly improve the ability to retrieve existing records and to serve the livestock industry in the eradication of brucellosis.

SAFEGUARDS:

The only individuals with access to this system will be Federal and State government employees with a need to know. The data base will be secured on a State-by-State basis. The brucellosis national planning staff will have access to all information in the computerized system without restrictions. The computed files and tapes will be kept in a safeguarded environment with access only by authorized personnel.

RETENTION AND DISPOSAL:

(1) Herd records will be maintained in the data base as follows: (a) Infected herds not depopulated or sold out will always be on-line. (b) Depopulated or sold out herds will be archived. (c) Tested herds but not infected will be kept on-line for 6 months after testing, and then archived on a fiscal year basis. Archived data will be kept for 6 years.

(2) Records pertaining to animals, specimens or premises sampled, identified, inspected, tested, handled, or restricted by State, Federal, or contractual personnel will be kept on-line as long as the individual is working in brucellosis programs. Once employment or accreditation is terminated, the information will be archived by fiscal year for 6 years.

(3) Livestock market, slaughter establishment, livestock dealer, milk processing plant and laboratory records pertaining to animal or herd information will be retained as described under (1) above.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator, Veterinary Services, USDA/APHIS, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

All inquiries should be addressed to: APHIS Privacy Act Coordinator, Administrative Services Division, USDA/APHIS, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

RECORD ACCESS PROCEDURE:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

CONTESTING RECORD PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

RECORD SOURCE CATEGORIES:

(1) Epidemiologic information for herds and animals is obtained from documents and reports completed by Federal and State employees or contractual personnel as a part of testing a herd or animal(s) or as a part of investigating the source and spread of brucellosis within the livestock population.

(2) Information for work related activities is made available by the appropriate State or Federal office for personnel and contractual employees paid from their funds.

(3) Livestock market, slaughter establishment, livestock dealer, milk processing plant, and laboratory information is acquired in the course of obtaining other program activity information such as where samples were collected, where animal identification was applied, where samples were tested, and how the samples or animals were handled or processed prior to or following collection or testing.

USDA/FGIS–5

SYSTEM NAME:

Occupational injury/illness and motor vehicle accident case files for U.S. Department of Agriculture (USDA), Federal Grain Inspection Service (FGIS) employees.

SYSTEM LOCATION:

USDA, FGIS, Safety and Health Office, Kansas City, Missouri.

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:

Any FGIS employee who suffers an occupational injury/illness or is

involved in a motor vehicle accident while in performance of official duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

All forms, correspondence and other data pertinent to processing of illness/injury claims and motor vehicle accident reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Occupational Safety and Health Act of 1970, Pub. L. 91–596, Sec. 19, E.O. 11807 and E.O. 12196, Federal Employees Compensation Act, as amended (5 U.S.C. 8101 et seq.) and 29 CFR 1960.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Use of records will be limited to FGIS employees authorized to assist employees with processing claims for occupational injury and illness under the Federal Employees Compensation Act as amended; submit, in accordance with the Occupational Safety and Health Act of 1970, an annual report of all occupational injury and illnesses which occur within the Agency to the Department of Labor for them to evaluate incidence of injuries and the incidence and nature of illnesses occurring in the Federal Sector; and to develop statistics for analysis of accident and injury rates in the agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in individual file folders at address listed above.

RETRIEVABILITY:

Records are indexed alphabetically by last name of individual, by FGIS Regional Office, and by calendar year.

SAFEGUARDS:

Records are maintained in government office building, in locked office or locked file cabinet.

RETENTION AND DISPOSAL:

Records are maintained in conformance with appropriate General Services Administration disposal schedules as implemented by AMS/FGIS Instruction 270–1, Records Management Program.

SYSTEM MANAGER(S) ADDRESS:

Director, Safety and Health Office, USDA, FGIS, Kansas City, Missouri.

NOTIFICATION PROCEDURE:

Any individual may request information concerning their records by contacting the system manager.

RECORD ACCESS PROCEDURES:

Any individual may obtain information as to the procedure for gaining access to a record in the system that pertains to him/her from the system manager.

CONTESTING RECORD PROCEDURES:

Any individual may obtain information as to the procedure for contesting a record in the system that pertains to him/her from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from employees, their supervisors, physicians, and U.S. Department of Labor, Office of Workers' Compensation Programs (OWCP) claim forms and correspondence.

USDA/ESS–6

SYSTEM NAME:

Farm Production Expenditure Survey, Family Living Expense Sections(s), USDA/ESS.

SYSTEM LOCATION

Survey Questionnaires and raw data in machine readable media are located in State Statistical Offices at the Following locations:

Montgomery, AL	Lincoln, NE
Phoneix, AZ	Reno, NV
Little Rock, AR	Concord, NH
Sacramento, CA	Trenton, NJ
Denver, CO	Las Cruces, NM
Washington, DC	Albany, NY
Orlando, FL	Raleigh, NC
Athens, GA	Fargo, ND
Boise, ID	Columbus, OH
Springfield, IL	Oklahoma City, OK
West Lafeyette, IN	Portland, OR
Des Moines, IA	Harrisburg, PA
Topeka, KS	Columbia, SC
Louisville, KY	Sioux Falls, SD
Alexandria, LA	Nashville, TN
College Park, MD	Austin, TX
Lansing, MI	Salt Lake City, UT
St. Paul, MN	Richmond, VA
Jackson, MS	Charleston, WV
Columbia, MO	Madison, WI
Helena, MT	Cheyenne, WY

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Economics and Statistics Service" or "Crop and Livestock Reporting Service."

Magnetic tapes and list frame codes that identify individuals are located in the Martin Marietta Data System (MMDS) file, Orlando, Florida.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A samplle of farmers and ranchers residing in continental United States.

CATEGORY OF RECORDS IN THE SYSTEM:

Questionnaires and machine readable media containing information as listed under the "Category of Individuals" reported by farmers and ranchers who are interviewed in the survey and who voluntarily report family living expenditures on the Farm Production Expenditure Survey for: (1) Food and household supplies; (2) housing-rent, mortgage payments, maintenance on appliances and furnishings, repairs, utilities purchased; (3) non-farm auto transportation purchases, maintenance and operating expenses of motor vehicles, insurance, public transportation; (4) other family living expenses not reported above (clothing, health insurance, medical and dental care, education, personal insurance, hobbies, recreation, gifts and contributions and magazines); and (5) total expenditure for family living expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

7 U.S.C. 2204.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The family living expenses data is used to update the Index of Prices Paid by Farmers for Commodities and Services, Interest, Taxes and Farm Wage Rates to the current base weight period. Summary data as published do not identify specific data with individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Questionnaires packed in boxes and raw data machine readable media are stored in State Statistical Offices at the locations referred to in the paragraph entitled "Systems Locations."

Magnetic tapes and list frame codes that identify individuals are stored in the tape library on MMDS Network.

RETRIEVABILITY:

Questionnaires, machine readable media and magnetic tapes are indexed by reporter identification numbers and/or location of selected small land areas.

SAFEGUARDS:

Questionnaires and raw data machine readable media are retained in locked storage rooms. Magnetic tapes are stored in an area to which access in limited to authorized personnel of MMDS.

RETENTION AND DISPOSAL:

Questionnaires are retained for a minimum of 30 days after primary data have been summarized. Machine readable raw data media is kept a munimum period of 14 months after satisfactory completion of the summary.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Crop Reporting Board, Economics and Statistics Service, Statistics, USDA, Washington, D.C. 20250, telephone (202–447–4415) or the appropriate Statistician in Charge, State Statistical Office at the address specified above.

NOTIFICATION PROCEDURE:

Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to the individual from the Chairman, Crop Reporting Board, Economics and Statistics Service, USDA, Washington, D.C., telephone (202–447–4415) or the appropriate Statistician in Charge at the address listed above. If the specific location of the record is not known, the individual should address the request to the Chairman, Corp Reporting Board, who, if necessary, will refer it to the appropriate State Statistical Office. A request for information pertaining to an individual should contain name, address and date (month and year) that questionnaire was completed and name of survey.

RECORD ACCESS PROCEDURES:

Any farmer or rancher who was inteviewed in the survey may obtain information as to the procedures for gaining access to a record in the system which pertains to the individuals by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification Procedure."

CONTESTING RECORD PROCEDURES:

Any farmer or rancher who was interviewed in the survey may obtain information as to the procedures for contesting a record in the system which pertains to the individual by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification Procedure."

RECORD SOURCE CATEGORIES:

Information in this system comes solely from farmers and ranchers who were inteviewed in this survey.

[FR Doc. 82-2954 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Refrigerators, Freezers, Other Refrigerating Equipment and Parts From Italy; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of revocation of countervailing duty order.

SUMMARY: The Department of Commerce is revoking the countervailing duty order on refrigerators, freezers, other refrigerating equipment and parts from Italy because of the termination of an injury investigation by the International Trade Commission. All entries of this merchandise made on or after April 3, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1167).

SUPPLEMENTARY INFORMATION: On March 28, 1973, a final countervailing duty determination on refrigerators, freezers, other refrigerating equipment and parts from Italy, T.D. 73–85, was published in the **Federal Register** (38 FR 8057).

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of refrigerators, freezers, other refrigerating equipment and parts from Italy entered, or withdrawn from warehouse, for consumption on or after that date.

On July 17, 1981, the Department published the final results of its administrative review of this order as required by section 751 of the Tariff Act of 1930 (46 FR 37067). The Department determined that a net subsidy on refrigerators, freezers, other refrigerating equipment and parts from Italy, ranging from 20 to 45 lire per kilogram of this merchandise, was being conferred during the period of review and reported that rate to the ITC.

On January 13, 1982, the ITC published its termination of the countervailing duty investigation under section 104(b) of the TAA due to the original petitioner's withdrawal of its petition. The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports from Italy of refrigerators, freezers, other refrigerating equipment and parts covered by the countervailing duty order if the order were revoked (47 FR 1449). As a result, the Department is revoking the countervailing duty order concerning refrigerators, freezers, other refrigerating equipment and parts from Italy (T.D. 73–85) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise made on or after April 3, 1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries. Entries, or withdrawals from warehouse, for consumption made prior to April 3, 1980, are subject to countervailing duties as set forth in the final results of the administrative review.

This revocation is in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 28, 1982.

[FR Doc. 82-2855 Filed 2-3-82; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Finland; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

SUMMARY: On November 19, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on pig iron from Finland. The review covered the one known exporter for the period July 1, 1980, through June 30, 1981.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Brian Kelly or David Chapman, Office of Compliance, International Trade Administration, U.S. Department of

Commerce, Washington, D.C. 20230 (202–377–2923/2657).

SUPPLEMENTARY INFORMATION:

Background

On July 24, 1971, an antidumping finding with respect to pig iron from Finland was published in the **Federal Register** as Treasury Decision 71–194 (36 FR 13781). On November 19, 1981, the Department of Commerce (" the Department") published in the **Federal Register** the preliminary results of its administrative review of the finding (46 FR 56839). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the one known exporter of Finnish pig iron to the United States, OVAKO Oy Ab, for the period July 1, 1980, through June 30, 1981.

Final Results of the Review

Interested parties were invited to coment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results are the same as those presented in the preliminary results of review. There were no known shipments to the United States during this time period and there are no known unliquidated entries.

As provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated duties based on the most recent margin calculated shall be required on all shipments of pig iron from Finland entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Since the most recent margin calculated is zero, the Department waives the deposit requirement for Finnish exports of pig iron. The waiver of deposit shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of July 1983.

This administrative reviw and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 29, 1982.

[FR Doc. 82–2891 Filed 2–3–82; 8:45 am]

BILLING CODE 3510–25–M

Pig Iron From West Germany; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On November 16, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on pig iron from West Germany. The review covered the period July 1, 1980, through June 30, 1981.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Brian Kelly or David Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2923/2657).

SUPPLEMENTARY INFORMATION:

Background

On July 24, 1971, an antidumping finding with respect to pig iron from West Germany was published in the **Federal Register** as Treasury Decision 71–192 (36 FR 13780). On November 16, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the finding (46 FR 56228). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the tariff Schedules of the United States Annotated (TSUSA).

The review covers the 3 known exporters of West German pig iron to the United States, Metallhuttanwerke G.m.b.H., Rheinstahl A.G., and Duisburger Kupferhutte, for the period July 1, 1980, through June 30, 1981.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results are the same as those presented in the preliminary results of review. There were no known shipments to the United States during this time period and there are no known unliquidated entries.

As provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated duties based on the most recent margin calculated shall be required on all shipments of pig iron from West Germany entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Since the most recent margin calculated is zero, the Department waives the deposit requirement for West German exports of pig iron. The waiver of deposit shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of July 1983.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 28, 1982.

[FR Doc. 82–2888 Filed 2–3–82; 8:45 am]

BILLING CODE 3510–25–M

Spun Acrylic Yarn From Italy; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Duty Order.

SUMMARY: On July 30, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on spun acrylic yarn from Italy. The review covers the eight known manufacturers/exporters of this merchandise to the United States, and generally the period April 1, 1980 through March 31, 1981. Interested parties were given an opportunity to submit written comments or request a hearing.

Comments were submitted by the petitioner in this proceeding. Also, subsequent to pblication of the preliminary resuts, the Department requested and obtained additional information and conducted verifications for three firms. Based on the additional information and on verification, the Department made adjustments which result in reduced weighted-average margins for two of the yarn exporters. We have also extended the reviewed period for two companies.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Larry T. Hampel or David R. Chapman, Office of Compliance, International

Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3058)

SUPPLEMENTARY INFORMATION:

Background

On April 8, 1980, an antidumping duty order with respect to spun acrylic yarn from Italy was published in the **Federal Register** (45 FR 23684). On July 30, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review of the order (46 FR 38945–6). The Department has not completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of spun acrylic plied yarn primarily for machine-knitting, currently classifiable under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated ("TSUSA").

The review does not include shipments of 2/4 count novelty brushed Michel yarn and 2/14 count two-ply spun acrylic brushed yarn. After consideration of comments submitted by interested parties, the Department has concluded that such brushed yarn is not within the scope of this order.

The review covers the eight known firms engaged in the manufacture and exportation of Italian spun acrylic yarn to the United States. The Department reviewed one additional company and found it exported only 2/14 count two-ply spun acrylic brushed yarn during the period. As mentioned, that product is not within the scope of this order.

For five firms, the review covered the period April 1, 1980 through March 31, 1981, and disclosed no shipments of spun acrylic yarn to the Untied States. As stated in the preliminary results, the rate of deposits of estimated duties for these firms shall be based upon the most recent information for each firm.

For Gaston Investments, Inc., the Department extended the review period to include sales made to unrelated U.S. purchasers through April 7, 1981. For Lanificio Fratelli Morganti S.p.A. we extended the review period to include sales through May 6, 1981. For Manifattura Erre-Effe S.p.A. the review period is through June 30, 1981, as stated in the preliminary results.

Analysis of Petitioner's Comments

The Department received comments submitted on behalf of the American Yarn Spinners Association ("AYSA"), the petitioner in this proceeding.

(1) *Comment:* AYSA alleges the Department acted prejudicially by initiating this review before the normal review would have commenced, and by considering information untimely submitted by respondents.

Position: We disagree. The Department routinely commenced this review during April 1981, the anniversary month of the publication of the order. We have completed the review well in advance of the statutory deadline of the end of the April, 1982. Such timely action by the Department has not prejudiced the petitioner. Furthermore, the Department's request for additional information after the publication of the preliminary results was a request for information unavailable at the time of the preliminary results and consideration did not jeopardize our completion of this review on schedule. We therefore accepted and considered the information.

(2) *Comment:* AYSA objected to the Department's examination of profit realized by Manifattura Erre-Effe S.p.A. ("Erre-Effe") on home market sales of fabric and yarn in the calculation of constructed value specifically for spun acrylic yarn. In determining an amount of profit to be added in calculating constructed value, the Department considers: First, the profit realized by the manufacturer on sales of comparable merchandise in the home market; second, the profit realized by that manufacturer on sales of comparable merchandise to third countries; and third, the average profit realized by the foreign industry as a whole on sales of comparable merchandise in the home market. AYSA claimed that a grouping of all fabic and yarn should not be considered comparable to the reprocessed acrylic yarn exported by Erre-Effe.

Position: We agree. However, we found that Erre-Effe had no sales of reprocessed acrylic yarn in the home market or to third countries; nor did Lanificio Fratelli Morganti S.p.A. ("Morganti"), the other producer of reprocessed acrylic yarn examined in this review, have such sales. The Department examined the accounting records of both firms and found expenses and sales recorded in such a manner that profit realized on home market sales of acrylic yarn could not be distinguished from that realized on sales of other products except by allocation. A comparison of the aggregated profit experience of both firms indicated comparable profit margins, and for each firm the profit margin was found to be less than the statutory minimum. In calculating the constructed value of shipments from these manufacturers, the Department properly added an amount for profit equivalent to 8 percent of the sum of materials, fabrication and general selling and administrative expenses.

(3) *Comment:* AYSA's final comment concerns a loss of material experienced by Err-Effe during he winding process, and considered by the Department as a cost of material in calculating constructed value. AYSA suggested that, given the similarity in the production processes of Erre-Effe and Morganti, an equivalent winding loss should be taken into account in calculating Morganti's constructed value.

Position: We agree. Based upon this comment we reviewed our calculation of constructed value for Morganti, and found a twisting and winding shrinkage factor as a cost of material in this calculation also. Erre-Effe acknowledges the loss as a percentage of sales price, while Morganti records it as a pecentage of the cost of spinning, twisting and winding. While the amounts for such loss were not equivalent in the two calculations, we conclude we have appropriately considered such loss on the basis of the exprience of each manufacturer.

Analysis of Additional Information

As a result of information submitted in response to our request and verification subsequent to publication of the preliminary results, we have adjusted the margins cited in the preliminary results for Morganti and Erre-Effe. For Morganti we recalculated constructed value to account for a lower cost of fabrication due to a renegotiated subcontract price for the cost of twisting and winding and a cash discount granted by the subcontractor to Morganti. This resulted in a reduction of the amount by which constructed value exceeded purchase price on the one transaction where a margin was found. We examined a second transaction in the extended review period, and found no margin on that sale. This resulted in a reduction of the final weighted-average margin. For Erre-Effe our preliminary results reflected a margin based upon prospective information estimated by the manufacturer. Since publication of that notice, we obtained and verified data unavailable to Erre-Effe at the time of publication of the preliminary results regarding an actual transaction. We recalculated constructed value based upon verified cost data and corrected our calculation to eliminate erroneous use of an amount for profit realized on sales to the United States. As mentioned above, we were unable to ascertain an amount for profit usually reflected in sales of comparable merchandise by this producer in the

country of exportation, or in sales to third countries. Since the most specific information available regarding the profit included profit realized on sales of non-comparable merchandise, and this amount did not meet the statutory minimum, we have added the statutory minimum of 8 percent of the sum of the costs of materials, fabrication and general selling and administrative expenses. We also recalculated purchase price on this transaction to reflect a deduction for foreign inland freight in the amount actually incurred on the shipment examined. These recalculations resulted in a reduction of the final margin found on this shipment.

Final Results of the Review

After consideration of comments received and as a result of adjustments and corrections made based on the additional information, verification, and our subsequent analysis, we determine the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Fantafil S.p.A.	4/1/80-3/31/81	[1] 48.05
Fratelli Razzoli S.p.A.	4/1/80-3/31/81	48.05
Fraver S.p.A.	4/1/80-3/31/81	[1] 48.05
Lanificio Di Nervesa Della Battaglia S.p.A./Gaston Investments, Inc.	4/1/80-4/7/81	0
Lanificio Fratelli Morganti S.p.A.	4/1/80-5/6/81	0.34
Maglificio Varianini S.p.A.	4/1/80-3/31/81	[1] 48.05
Manifattura Erre-Effe S.p.A.	4/1/80-6/30/81	4.91
Orlandi Filatura S.p.A.	4/1/80-3/31/81	[1] 48.05

[1] No shipments during period.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries, where appropriate, with purchase dates during the periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each manufacturer/exporter directly to the Customs Service.

Further, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit based on the margins calculated above shall be required on all shipments by these firms of spun acrylic yarn entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. Because the weighted-average margin for Lanificio Fratelli Morganti S.p.A. is less than 0.5 percent and therefore *de minimis*, the Department waives the deposit requirement on shipments from this manufacturer. For any shipment from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for respondents with shipments during the review periods. These deposit requirements, and waiver of deposit, shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of April, 1983.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 29, 1982.

[FR Doc. 82-2890 Filed 2-3-82; 8:45 am]

BILLING CODE 3510-25-M

Steel Reinforcing Bars From Canada; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administattion, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On April 9, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on steel reinforcing bars from Canada. The review covered the only manufacturer named in the finding, Western Canada Steel Limited, for consecutive periods throught December 21, 1979.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. Based on written comments received from the respondent, the Department has made adjustments which result in new weighted average margins for certain periods and also has limited the review to direct shipments from Western Canada Steel Limited.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4794/2496).

SUPPLEMENTARY INFORMATION:

Background

On April 24, 1964, a dumping finding with respect to steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited ("WCS") through its subsidiary, Vancouver Rolling Mills Limited of Vancouver, Canada, was published in the **Federal Register** as Treasury Decision 56150 (29 FR 5341-42). On April 9, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review of the finding (46 FR 21218-19). The Department has now completed that administrative review.

Scope of the Review

Imports covered by this review are shipments of steel reinforcing bars, currently classifiable under items 606.7900 and 606.8100 of the Tariff Schedules of the United States Annotated (TSUSA).

Analysis of Respondent's Comments

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received written comments from WCS.

(1) *Comment:* It is WCS's position that steel reinforcing bars produced by Western Canada Steel Limited at its facilities in Vancouver, B.C. and Calgary, Alberta are outside the scope of T.D. 56150. WCS contends that the wording of the finding in this case, "steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited through its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada", delimits the scope WCS is now owned by Cominco, Ltd. and WCS argues that Cominco, Ltd. is the producer at these two plants. Steel reinforcing bars manufactured by Cominco, Ltd. therefore are not of the class or kind of merchandise to which T.D. 56150 applies.

Position: The merchandise produced has not changed with the change in ownership of the manufacturing facilities.

(2) *Comment:* Steel reinforcing bars produced by Cominco Ltd's subsidiary, Western Canada Steel Limited, at its Calgary plant are not within the class or kind of merchandise described in T.D. 56150.

Position: WCS requested the Commissioner of Customs to confirm that steel reinforcing bars produced at the Calgary plant were not subject to T.D. 56150. No record of a ruling by the Commissioner can be found. It is our opinion that all facilities of Western Canada Steel Limited (and its present owner Cominco, Ltd.) are included in the scope of T.D. 56150.

We believe that the original wording of the finding, "* * * through its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada * * *" was a mere factual description of WCS's operations at the time of the finding and not a limitation on the scope of the order.

(3) *Comment:* Comparison of the following sizes of reinforcing bars shipped to the United States in December 1973 to certain home market sizes is not appropriate due to differences in the merchandise: bar numbers 4, 5 and 6, all grade 40, sold ot the U.S. were compared to bar numbers 4, 5 and 6, all grade 60, sold to the home market. WCS suggests that the correct comparisons are sales in the home market of "intermediate grade" bars, number 4, 5, and 6.

Position: Respondent's report of sales states that "intermediate grade" bars are off grade, not guaranteed to meet strength requirements. The American Society for Testing and Materials' 1978 Annual Book of Standards listing for steel reinforcing bars, ANSI/ASTM–A615–76A, does not list "intermediate grade" as a graded class of reinforcing bars. Grade 60 reinforcing bars in comparable sizes, are more similar to grade 40 reinforcing bars than "intermediate grade" reinforcing bars.

(4) *Comment:* The Department neglected to consider reported deductions for "competitive allowances" on domestic sales in determining margins for shipments to the United States of intermediate grade bars during February 1974.

Position: The Department has reviewed the margin computations and made adjustments where applicable.

(5) *Comment:* The Department lacks factual knowledge of entry of shipments of reinforcing bars from WCS to its Canadian customers in 1977 and known to be destined for exportation to the United States, and therefore such sales cannot be considered as sales to United States customers.

Position: In their response to our questionnaire, WCS provided information on sales to domestic customers which WCS believes were destined for delivery to the United States. However, they were uncertain whether these shipments ultimately were shipped to the U.S. Therefore, this review is limited to direct shipments of Western Canada Steel during the periods of review. Shipments by Western Canada Steel's domestic customers will be covered in our next administrative review. However, we have performed a preliminary analysis of these indirect sales and established a 4 percent margin for purposes of cash deposits of estimated dumping duties.

Final Results of the Review:

As a result of adjustments made based on comments received and our subsequent analysis, we determine that the following weighted average margins exist for direct shipments of reinforcing bars to the United States:

Time period	Margin (percent)
10/1/72 to 9/30/73	0
10/1/73 to 9/30/74	6.40
10/1/74 to 12/31/79	[1]6.40

[1] No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. Individual diferences between purchase price and foreign market value may vary from the perccentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit of 6.40 percent, based upon information provided by the respondent covering all direct shipments to the United States for the latest period of this review during which there were shipments, shall be required on all direct shipments by WCS of steel reinforcing bars entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For shipments of steel reinforcing bars produced by Western Canada Steel but shipped by another firm, a cash deposit of 4 percent shall be required. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of April 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 28, 1982.

[FR Doc. 82-2889 Filed 2-3-82; 8:45 am]

BLLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Mammal Permit; Modification

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) the Scientific Research Permit No. 288 issued to Craig N. McLean, 352 Riverside Avenue, Rutherford, New Jersey 07070, and Steven R. Morello, 182 Michigan Avenue, Paterson, New Jersey 07503 on July 24, 1980 (45 FR 50621) as modified on Decmeber 22, 1980 (45 FR 86524) is further modified as follows:

1. Section B–5 is deleted and replaced by the following new Section:

"5. This Permit is valid with respect to the taking authorized herein until December 31, 1982."

2. The name and address of the Permit Holder as listed in the face of the Permit is changed to read: "Mr. Steven R. Morello, 60 Kip Avenue, Rutherford, New Jersey 07070."

This modification becomes effective on January 28, 1982.

The Permit as modified and documentation pertaining to the modification is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: January 28, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-2982 Filed 2-3-82; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammal Permit; Receipt of Application

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:

a. Name: Southwest Fisheries Center (P77Y).

b. Address: National Marine Fisheries Service, NOAA, P.O. Box 271, La Jolla, California 92038.

2. Type of Permit: Scientific Research/Scientific Purposes.

3. Name and Number of Animals: Hawaiian monk seal *(Monachus schaunislandi).* Up to 490 captured, tagged, and released. Unknown number inadvertently harassed.

4. Type of Take: Capture, tag, and release. Potential harassment.

5. Location of Activity: Northwestern Hawaiian Islands.

6. Period of Activity: 5 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before March 8, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 29, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-2983 Filed 2-3-82; 8:45 am]

BILLING CODE 3510-22-M

Fishermen's Contingency Fund; Notification of Claims Received Under Title IV Program

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notification of claims pursuant to Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV). Notification 03-82.

SUMMARY: 50 CFR 296.6 requires that the Chief, Financial Services Division (FSD), publish in the **Federal Register** a notice of claims received under the Title IV Program. Any interested person may, on or before March 8, 1982, submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to be admitted as a party to any hearing concerning the claim.

IMPORTANT DATE: Any evidence concerning any claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before March 8, 1982.

ADDRESS: Send evidence and any request to be admitted as a party to any hearing to: Mr. Michael L. Grable, Chief, Financial Service Division, Attention: Charles L. Cooper, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Washington, D.C. 20235 (telephone 202-634-4688).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (FCF) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of, fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require that upon receipt of a timely-filed claim which is not clearly ineligible because of statutory exemptions from eligibility, the Chief, FSD, publish a 30-day notice of the claim in the **Federal Register**. Upon expiration of the 30-day period following publication of the **Federal Register** notice, the claim will be referred to the Administrative Law Judge (ALJ). (50 CFR 296.6(a)(1)(iii).)

Dated: January 29, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

The following claims have been received:

Claim No.	Nature of loss and location	Amount	
FCF-25-81	On 5-11-81 claimant damaged his shaft while trawling for shrimp at the following coordinates: 29°16.5' N., 91°25.5' W	$1,347.13	Gear loss.
		0	Economic loss.
		0	Consequential loss.
		1,347.13	Total.
FCF-29-81	On 9-16-81 claimant lost 2-60 ft. nets, 1-pair 11 x 42 trawl boards, 7 x 42 sled, chain, lazyline, tickler chain, shackles, and bridles while trawling for shrimp at the following coordinates: 29°10'18.61" N., 88°40'36.52" W.	5,227.37	Gear loss.
		0	Economic loss.
		1,198.40	Consequential loss.
		6,425.77	Total.
FCF-01-82	On 9-3-81 claimant damaged his vessel while trawling for shrimp at the following coordinates: 29°19'12.40" N., 91°53'37.12" W.	[1] Unknown	Gear loss.
		[1] Unknown	Economic loss.
		[1] Unknown	Consequential loss.
		[1] Unknown	Total.
FCF-05-82	On 8-20-81 claimant lost his vessel while trawling for shrimp at the following coordinates: 30 nautical miles south of Freeport, Texas.[2].	[1] Unknown	Gear loss.
		[1] Unknown	Economic loss.
		[1] Unknown	Consequential loss.
		[1] Unknown	Total.
FCF-06-82	On 8-20-81 claimant lost 2-nets while trawling for shrimp at the following coordinates: 7980X27961.5 7980Y46739.4	[1] Unknown	Gear loss.
		[1] Unknown	Economic loss.
		[1] Unknown	Consequential loss.
		[1] Unknown	Total.
FCF-08-82	On 10-26-81 claimant lost 2-70 ft. trawl nets while trawling for shrimp at the following coordinates: 29°45'08.36" N., 93°39'33.69" W.	2,825.00	Gear loss.
		0	Economic loss.
		0	Consequential loss.
		2,825.00	Total.
FCF-09-82	On 11-17-81 claimant lost a net, door, and bridles and damaged a net and door, while trawling for shrimp at the following coordinates: 26°45'58.68" N., 97°10'07.06" W.	[1] Unknown	Gear loss.
		[1] Unknown	Economic loss.
		[1] Unknown	Consequential loss.
		[1] Unknown	Total.

Claim No.	Nature of loss and location	Amount	
FCF-10-82	On 11-18-81 claimant lost a 43 ft. net and accessories while trawling for shrimp at the following coordinates: 28°37'24.12" N., 92°19'43.64" W.	867.92	Gear loss.
		0	Economic loss.
		0	Consequential loss.
		967.92	Total.
FCF-11-82	On 11-4-81 claimant lost a pair of 18 x 30 trynet doors, 8 x 40 dummy sled, 16 ft. trynet, 8 x 40 door, chain, rope, cable, and webbing while trawling for shrimp at the following coordinates: 28°50'05.43" N., 90°03'52.94" W.	5,998.63	Gear loss.
		0	Economic loss.
		0	Consequential loss.
		5,998.63	Total.
FCF-12-82	On 11-29-81 claimant lost a net while trawling for shrimp at the following coordinates: 28°51'28.50" N., 89°55'29.44" W	[1] Unknown	Gear loss.
		[1] Unknown	Economic loss.
		[1] Unknown	Consequential loss.
		[1] Unknown	Total.
FCF-14-82	On 12-28-81 claimant lost one complete rig while trawling for shrimp at the following coordinates: 7980X11109.2 7980Y23978.8.	[1] Unknown	Gear loss.
		[1] Unknown	Economic loss.
		[1] Unknown	Consequential loss.
		[1] Unknown	Total.
FCF-15-82	On 11-5-81 claimant lost 2-50 ft. nets, 8 x 40 sled, 11 x 44 trawl doors, tickler chain, rope, shackles, and drop back chain and 53 hours fishing time while trawling for shrimp at the following coordinates: 7980X29219.6 7980Y46814.0.	[1] Unknown	Gear loss.
		[1] Unknown	Economic loss.
		[1] Unknown	Consequential loss.
		[1] Unknown	Total.
FCF-16-82	On 12-21-81 claimant lost 2-40 ft. nets, trawl boards, sled, bridles, main cable, and chains while trawling for shrimp at the following coordinates: 7980X29166.8 7980Y46815.5.	[1] Unknown	Gear loss.
		[1] Unknown	Economic loss.
		[1] Unknown	Consequential loss.
		[1] Unknown	Total.
FCF-17-82	On 12-18-81 claimant lost 1-65 ft. net and damaged another while trawling for shrimp at the following coordinates: 7980X26764.0 7980Y46963.8.	[1] Unknown	Gear loss.
		[1] Unknown	Economic loss.
		[1] Unknown	Consequential loss.
		[1] Unknown	Total.

[1] Amounts not yet reported at this publishing.
[2] Although claimant was asked to supply the specific location of the casualty and no response has been received, this notification is made as required by the interim final rule published on December 8, 1981, FEDERAL REGISTER Vol. 46, No. 235.

[FR Doc. 82-2959 Filed 2-3-82; 8:45 am]
BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Amended Privacy Act of 1974; Systems of Records

AGENCY: Department of the Air Force,; DOD.

ACTION: Notice of altered systems of records.

SUMMARY: The Air Force proposes to alter four systems of records subject to the Privacy Act of 1974. The system notices for these altered systems of records are published below.

DATES: These alterations shall be effective as proposed without further notice on March 8, 1982, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments including written data, views or arguments concerning the proposed alterations should be addressed to the system manager identified in the notice.

FOR FURTHER INFORMATION CONTACT: Mr. Jon E. Updike, HQ USAF/DAAD, Room 4A1088I, The Pentagon, Washington, DC 20330, telephone 202/694-3431.

SUPPLEMENTARY INFORMATION: The Air Force systems of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 have been published to date in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6443) January 21, 1981

FR Doc. 82-674 (46 FR 2544) January 18, 1982

The Department of the Air Force has submitted an alterered system report December 18, 1981 under the provision of 5 U.S.C. 552a(o) as implemented by Office of Management and Budget (OMB) Circular A-108, Transmittal Memoranda, No. 1 and No. 3, dated September 30, 1975 and May 17, 1976 respectively. The OMB guidance was set forth in the **Federal Register** (40 FR 45877) on October 3, 1975.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 1, 1982.

Changes

F12501 SPO E

System name:

Registration Records (Excluding Private Vehicle Records).

F12501 SPO G

System name:

Complaint/Incident Reports.

F12501 SPO J

System name:

Traffic Accident and Violation Reports.

F12501 SPO A

System name:

Vehicle Administration Records.

Change:

Storage:

Change to read, " Maintained in file folders, card files and at selected activities on computer magnetic media and printouts."

F12501 SPO E

SYSTEM NAME:

Registration Records (Excluding Private Vehicle Records).

SYSTEM LOCATION:

Kept by the Chief of Security Police at the installation where an individual registers personal property. Official mailing addresses are in the Department of Defense Directory in the appendix to the Air Forces' system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who register firearms, pets, certain types of personal property, bicycles, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes the registration forms for each particular item registered with the security police activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S C. 8012, Title 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to record information on make, model, type, kind, etc., of property. Information is necessary for identifying lost or stolen property and to insure proper control of privately owned firearms maintained on an Air Force installation. The firearm registration form is also used to maintain accountability (logging weapons in/out) of those privately owned firearms stored in government firearm storage facilities. Routine use could include disclosure to law enforcement or investigatory authorities for investigation and possible criminal prosecution or civil court action. Any individual record or part thereof can be transferred to any component of the Department of Defense and the Department of Justice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, card files and at selected activities on computer magnetic media and printouts.

RETRIEVABILITY:

Filed by Name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Records are kept in the Office of the Chief of Security Police for one year after departure of owner and then destroyed by tearing into pieces.

SYSTEM MANAGER AND ADDRESS:

Chief of Security Police, Headquarters United States Air Force.

Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

The appropriate installation Chief of Security Police should be contacted for information concerning requesting information in writing, individual should include full name, social security account number, military status, and home address. During a personal visit, individual will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense director in the appendix to the Air Force's systems notice.

Contact the Chief of Security Police at the appropriate installation.

CONTESTING RECORD PROCEDURES.

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F12501 SPO G

SYSTEM NAME:

Complaint/Incident Reports.

SYSTEM LOCATION:

Kept by the Chief of Security Police at the installation where an individual becomes involved in an incident or complaint, and by the Chief of Security Police at the installation where an individual is assigned if the incident occurs at a different location. Information copies of a report are kept at the individual's organization to which she/he is assigned duty and other organizations which have an interest in a particular incident. Official mailing addresses are in the Department of Defense Directory in the appendix to the Air Forces' system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who become involved in complaints or incidents on Air Force installations or Air Force active duty personnel who become involved in incidents regardless of the location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes the incident or complaint report, statements by the subject or witness, information on seized or acquired property, if applicable, copies of forms referring cases to other agencies for final disposition, and other forms of reports required to complete basic report. Also includes an individual incident reference record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C. 8012, Title 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to record information on individual involvement in incidents or criminal activity. Reports are used to provide information to the appropriate individual within an organization who insures corrective action is taken. Routine use could include disclosure to law enforcement or investigatory authorities for investigation and possible criminal prosecution or civil court action. Any individual record or part thereof can be transferred to any component of the Department of Defense, the Department of Justice, and The Staff Judge Advocate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, card files and at selected activities on computer magnetic media and printouts.

RETRIEVABILITY:

Filed by Name. Filed by other identification number or system identifier.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their offical duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

The individual incident record is retained in the office of the Chief of Security Police and destroyed three years after close of year in which last entry was made. Destroyed by tearing into pieces. Incident and complaint reports and parts thereto are retained in office files for one year after annual cutoff. transferred to a staging area for two years, and then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Information copies at interested agencies are destroyed one year after annual cutoff by tearing into pieces.

SYSTEM MANAGER AND ADDRESS:

Chief of Security Police, Headquarters. United States Air Force. Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

The appropriate installation Chief of Security Police should be contacted for information. When requesting information in writing, individual should include full name, social security account number, military status, home address, and the letter will be notarized. During a personal visit, individual be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. Contact the Chief of Security Police at the appropriate installation.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers. Information obtained from witnesses. Information may also come from person registering complaints or from those who become victims of a crime.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F12501 SPO J

SYSTEM NAME:

Traffic Accident and Violation Reports.

SYSTEM LOCATION:

Kept by the Chief of Security Police at the installation where an individual becomes involved in a traffic violation or accident. Information copies of traffic accident reports are kept at the Ground Safety, Staff Judge Advocate, and Transportation offices (when a government vehicle is involved). Official mailing addresses are in the Department of Defense Directory in the appendix to the Air Forces' system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who become involved in traffic violations or accidents on an Air Force installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes the traffic accident investigation report, statement of witnesses, alcohol influence reports, and reports of traffic violations to include notices or summons.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C. 8012, Title 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to record information on traffic accidents and violations. Reports are forwarded to the appropriate individual within an organization who insures corrective action is taken, or to US Magistrate as applicable. Routine use could include disclosure to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or statisticial use. Any individual record or part thereof can be transferred to any component of the Department of Defense or to The Staff Judge Advocate. Additionally, accident reports may be provided to private attorneys, representatives of insurance companies and private citizens.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, cards files and at selected activities on computer magnetic media and printouts.

RETRIEVABILITY:

Filed by Name. Filed by other indentification number or system identifier.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained for one year after end of year in which the case was closed, transferred to a staging area for one additional year, then destroying by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER AND ADDRESS:

Chief of Security Police, Headquarters Untied States Air Force. Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

The appropriate installation Chief of Security Police should be contacted for information. When requesting information in writing, individual should include full name, social security account number, military status, home address, and the letter will be notarized. During a personal visit, individual will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. Contact the Chief of Security Police at the appropriate installation.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

RECORD SOURCE CATEORGIES:

Information obtained from police and investigating officers. Information obtained from witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FI2503 SPO A

SYSTEM NAME:

Vehicle Administration Records.

SYSTEM LOCATION:

Kept by the Chief of Security Police at the installation where an individual registers or frequently operates a vehicle thereon. Information copies of some portions of this system may be kept at an individual's assigned unit. Official mailing addresses are in the Department of Defense Directory in the appendix to the Air Forces' system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who freguently drive or register vehicles on an Air Force installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes vehicle registration records, driver records, letters of suspension or revocation as applicable, and forms or letters which are necessary in the vehicle administration program for driver improvement actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C. 8012, Title 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to record an individual's statement of understanding on financial responsibilities with regard to operation of a vehicle on an Air Force installation. Driver records are maintained to record information about motor vehicle accidents and moving traffic violations that are used to provide for traffic point assessment, suspension, or revocation, or other driver improvement actions affecting driving privileges on Air Force installations. Routine use could include disclosure to law enforcement or investigatory authorities (Divisison of Motor Vehicles) for possible reciprocal action on driver license suspension or revocation. Any individual record or part thereof can be transferred to any component of the Department of Defense or to the Staff Judge Advocate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, card files and at selected activities on computer magnetic media and printouts.

RETRIEVABILITY:

Filed by Name. Filed by Vehicle Registration Number. Filed by Vehicle License Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Private vehicle registration documentation is destroyed after departure of the registrant to a new duty station, upon termination of an individual vehicle registration, or at the end of the particular registration period. Driver records on employees are transferred to gaining installations when an individual is reassigned or transferred. These are destroyed on permanent separation from active service, termination of employment, or upon deletion of all entries. Destruction of these forms is done by tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Security Police, Headquarters United States Air Force, Washington, D.C. 20330.

NOTIFICATION PROCEDURE:

The appropriate installation Chief of Security Police should be contacted for information. When requesting information in writing, individual should include full name, social security account number, military status, home address, and the letter will be notarized. During a personal visit, individual will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. Contact the Chief of Security Police at the appropriate installation.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers. Information obtained from the bureau of motor vehicles.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-2886 Filed 2-3-82; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Water Resources Support Center; Notice of Intent

AGENCY: U.S. Army, Corps of Engineers DOD.

ACTION: Notice of intent to print documents in microfiche form and solicitation of comments.

SUMMARY: This notice announces the U.S. Army Corps of Engineers Water Resources Support Center, Waterborne Commerce Statistics Center proposal to print the "Waterborne Commerce of the United States" (WCUS) and the "Transportation Series" (TS) in microfiche form. The WCUS is a five-part series of waterborne commerce statistics collected, compiled, and published by the center. The TS, an inventory of American commercial shipping vessels used in ocean trade on inland waterways, is published in a three-part series. The annual publications will be available beginning with the 1980 WCUS and the 1981 TS editions. Significantly reduced costs and accelerated distribution will result with this change. Microfiche copies would be available to everyone from the U.S. Army Corps of Engineers sales offices in Waltham, Massachusetts, New Orleans, Louisiana, and San Francisco, California, for approximately $.40 per volume. Hard copies of the microfiche pages, if desired, will be available through the National Technical Information Service for $16.50 per volume. All DOD personnel may obtain hard copies from the Defense Technical Information Center for $3.00 per volume. If this procedure is adopted, an implementation announcement will appear in a later edition of the **Federal Register.**

DATE: Comments must be received by 26 February 1982.

ADDRESS: Comments may be addressed to: Chief, Waterborne Commerce Statistics Center, P.O. Box 61280, New Orleans, LA 70161.

Dated: February 1, 1982.

John O. Roach II

Army Liaison Officer with the Federal Register.

[FR Doc. 82-2976 Filed 2-3-82; 8:45 am]

BILLING CODE 3710-08-M

Department of the Army

Army Medical Research and Development Advisory Committee, Subcommittee on Blood Preservation and Substitutes; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee Blood on Preservation and Substitutes.

Date of Meeting: March 26, 1982.

Time and Place: 0900 hrs, Conference Room AS 3102, Letterman Army Institute of Research, Presidio of San Francisco, CA.

Proposed Agenda

This meeting will be open to the public on 26 March from 0900 to 1300 hrs for the administrative review and discussion of the scientific research program of the Blood Research Division, Letterman Army Institute of Research. Attendance by the public at open session will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on 26 March from 1300–1615 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. J. Ryan Neville, Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129 [415/561–4367], will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 82–2843 Filed 2–3–82; 8:45 am]

BILLING CODE 3710–08–M

Army Medical Research and Development Advisory Committee, Subcommittee on Medical Defense Against Chemical Agents; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Medical Defense Against Chemical Agents
Date of Meeting: March 22 and 23, 1982
Time and Place: 0900 hrs, Room 14, US Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD

Proposed Agenda

This meeting will be open to the public on 22 March from 0900 to 1300 hrs for the administrative review and discussion of the scientific research program of the U.S. Army Medical Research Institute of Chemical Defense and from 1630 to 1700 on 23 March 1982 for the summation of the meeting. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on 22 March from 1300–1630 and on 23 March from 0900–1630 for the review, discussion and evluation of individual programs and projects conducted by the U.S. Army Medical research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Richard Lindstrom, US Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010 (301/671–2833) will furnish summary minutes, roster of Subcommitte members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 82–2842 Filed 2–3–82; 8:45 am]

BILLING CODE 3710–08–M

Army Medical Research and Development Advisory Committee, Subcommittee on Parasitic Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee Subcommittee on Parasitic Diseases
Date of Meeting: March 17, 1982
Time and Place: 0900 hrs., Room 3092, Walter Reed Army Institute of Research, Washington, DC

Proposed Agenda:

This meeting will be open to the public on March 17, 1982 from 0900 to 1000 hrs. for the administrative review and discussion of the scientific research program of the Parasitic Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 17, from 1000 to 1630 hrs. for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg. 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/587–3061) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 82–2841 Filed 2–3–82; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Education Statistics Advisory Council; Meeting

AGENCY: Advisory Council on Education Statistics, ED.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forth-coming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the council. Notice of this meeting is required under Section 10(a) (2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: February 25 and 26, 1982; 9 a.m. on Feb. 25 to 4 p.m. and 9 a.m. on Feb. 26 to 1 p.m.

ADDRESS: Room 3000, 400 Maryland Ave., SW, Washington, D.C. 20202

FOR FURTHER INFORMATION CONTACT: Theodore H. Drews, Executive Director, 400 Maryland Avenue SW, (Presidential Bldg. 205), Washington, D.C. 20202. Telephone—(301) 436–7876.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics is established under section 406(c) (1) of the Education Amendments of 1974, Pub. L. 93–380. The Council is established to review general policies for the operation of the National Center for Education Statistics and is responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

The meeting of the Council is open to the public. The proposed agenda includes:

A report by the Administrator, National Center for Education Statistics, on recent activities of the National Center.

The review by the Council of the first draft of the Council's Seventh Annual Report.

A continuation of the discussion among the Council members and Center administrative staff on Center policies and practices in the setting of Center program priorities.

A continuation of the discussion among the Council members and Center administrative staff on Center policies and practices in the recruitment and hiring of Center staff.

Such new business as the chairman or the membership may put before the Council.

Records are kept of all Council proceedings, and are available for public inspection at the office of the Executive Director, Advisory Council on Education Statistics, 6525 Belcrest Rd., (Presidential Building, Room 205), Hyattsville, Maryland.

Dated: January 29, 1982.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 82–2876 Filed 2–3–82; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket Nos. 50653-2490-01, 02-82]

Consolidated Edison Company of New York, Inc; Acceptance of Certification and Issuance of Proposed Prohibition Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of certification and issuance of proposed prohibition orders to Consolidated Edison Company of New York, Inc.

SUMMARY: The Economic Regulatory Administration (ERA) is giving notice of its acceptance of a certification from Consolidated Edison Company of New York, Inc. (Con Edison) concerning its Arthur Kill powerplants 20 and 30 pursuant to section 301 of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620 (FUA), as amended by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA). ERA has reviewed and proposes to concur in Con Edison's certification, filed with ERA on December 29, 1981, which addressed the technical capability and financial feasibility of the powerplants to use an alternate fuel, coal as a primary energy source. Accordingly, pursuant to the authorities contained in FUA, as amended, ERA is issuing proposed prohibition orders to these powerplants. If finalized, these prohibition orders will limit the amount of oil and natural gas which may be consumed in these units.

DATE: Written comments and/or requests for a public hearing are due on or before March 22, 1982.

ADDRESS: All comments and/or requests for a public hearing on individual cases should be directed to the Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Room 6114, 2000 M Street, N.W., Washington, D.C. 20461. Correspondence should clearly indicate the ERA docket number for the case in question.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 12th & Pennsylvania Ave., N.W., Room 7120, Washington, D.C. 20461 (202) 633-9451.

Robert L. Davies, Fuels Conversion Division, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 6128 Washington, D.C. 20461 (202) 653-3372.

Edward L. Lublin, Esq., Office of General Counsel, Department of Energy, 1000 Independence Ave., S.W., Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

SUPPLEMENTARY INFORMATION: Section 1021 of OBRA amended section 301 of FUA to limit the authority of the Secretary of Energy to prohibit oil or natural gas use only where the owner or operator of an existing powerplant has voluntarily certified to the unit's technical capability and financial feasibility to use an alternate fuel.

On December 29, 1981, Con Edison filed a certification and a request for issuance of prohibition orders in accordance with section 1021 of OBRA for Arthur Kill 20 and 30. ERA has examined the basis for the certification and the documentation submitted for each powerplant and believes that it will be able to concur in such certification resulting in the ultimate issuance of final prohibition orders.

ERA published in the **Federal Register** on November 27, 1981 (46 FR 58051) its proposed regulations reflecting the changes required by section 1021 of OBRA. In accordance with section 501.52 of these proposed regulations, the following procedure for the processing of these proposed orders will be followed:

(1) Pursuant to § 501.52(b)(2) of the proposed regulations, ERA is issuing proposed orders to Arthur Kill 20 and 30. This decision is based on ERA's review of the certification and its supporting information submitted pursuant to section 1021 of OBRA and the information contained in the record of a prior prohibition order proceeding under former section 301 of FUA under Dockets Nos. 50653-2490-01,02-82. ERA is hereby publishing its proposed findings, as required by section 701(b) of FUA.

(2) In accordance with § 501.52(b)(3) of the proposed regulations, the publication of this Notice of Acceptance commences a period of 45 days during which interested persons may submit written comments or request a public hearing. During this period, the recipient of the proposed orders and any other interested person may submit any evidence that they have available relating to the proposed orders, the certification, or the concurrence that ERA must make. A request for an extension of the 45 day period may be granted at ERA's discretion.

(3) If a hearing has been requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of 10 CFR Part 501. The hearing may consider, among other matters, the sufficiency of the certification that Con Edison, the owner and operator of Arthur Kill 20 and 30, submitted pursuant to § 1021 of OBRA and §§ 504.5, 504.6, and 504.8 of the proposed regulations.

(4) No final prohibition orders may be issued until any necessary environmental review conducted pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA) has been completed. Upon completion of the NEPA review and unless ERA determines on the basis of the information contained in the record of the proceeding that the certification fails to meet the requirements of § 504.4, 504.6, and 504.8 of the proposed regulations, ERA may issue final prohibition orders.

Proposed Prohibition Orders

Subject to the further findings that ERA may make, ERA hereby proposes to prohibit the Con Edison's powerplants listed in the table below from burning petroleum or natural gas as a primary energy source. In accordance with section 1021 of OBRA, and § 504.6(c), (e) and (f) of the proposed regulations, the proposed prohibition orders are based on proposed findings by ERA that each of the powerplants (1) has the technical capability to use coal or another alternate fuel as a priminary energy source without having (A) substantial physical modification of the powerplant, or (B) substantial reduction in the rated capacity of the powerplant, and (2) that it is financially feasible to use coal or another alternate fuel as a primary energy source in such powerplants. These findings are based on the certification submitted by the proposed order recipient, on data furnished to ERA in support of this certification, and on information contained in the record of the previous proceedings under former section 301 of FUA.

ERA Docket No.	Generating station	Powerplant No.	Megawatt capacity	Location
50653-2490-01-82	Arthur Kill	20	335	Staten Island, N.Y.
50653-2490-02-82	do	30	491	Do.

Issued in Washington, D.C., January 29, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-2906 Filed 2-3-82; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. 50653-2500-01, 02-82]

Consolidated Edison Company of New York, Inc.; Acceptance of Certification and Issuance of Proposed Prohibition Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of certification and issuance of proposed prohibition orders to Consolidated Edison Company of New York, Inc. [Docket Nos. 50653-2500-01, 02-82].

SUMMARY: The Economic Regulatory Administration (ERA) is giving notice of its acceptance of a certification from Consolidated Edison Company of New York, Inc. (Con Edison) concerning its Ravenswood powerplants 30N and 30S pursuant to section 301 of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620 (FUA), as amended by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA). ERA has reviewed and proposes to concur in Con Edison's certification, filed with ERA on December 29, 1981, which addressed the technical capability and financial feasibility of the powerplants to use an alternate fuel, coal, as a primary energy source. Accordingly, pursuant to the authorities contained in FUA, as amended, ERA is issuing proposed prohibition orders to these powerplants. If finalized, these prohibition orders will limit the amount of oil and natural gas which may be consumed in these units.

DATE: Written comments and/or requests for a public hearing are due on or before March 22, 1982.

ADDRESS: All comments and/or requests for a public hearing on individual cases should be directed to the Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Room 6114, 2000 M Street, NW, Washington, D.C. 20461. Correspondence should clearly indicate the ERA docket number for the case in question.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 12th & Pennsylvania Ave., NW, Room 7120, Washington, D.C. 20461, (202) 633-9451

Robert L. Davies, Fuels Conversion Division, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 6128, Washington, D.C. 20461, (202) 653-3372

Edward L. Lublin, Esq., Office of General Counsel, Department of Energy, 1000 Independence Ave., SW, Room 6B-178, Washington, D.C. 20585, (202) 252-2967

SUPPLEMENTARY INFORMATION: Section 1021 of OBRA amended section 301 of FUA to limit the authority of the Secretary of Energy to prohibit oil or natural gas use only where the owner or operator of an existing powerplant has voluntarily certified to the unit's technical capability and financial feasibility to use an alternate fuel.

On December 29, 1981, Con Edison filed a certification and a request for issuance of prohibition orders in accordance with section 1021 of OBRA for Ravenswood 30N and 30S. ERA has examined the basis for the certification and the documentation submitted for each powerplant and believes that it will be able to concur in such certification resulting in the ultimate issuance of final prohibition orders.

ERA published in the **Federal Register** on November 27, 1981 (46 FR 58051) its proposed regulations reflecting the changes required by section 1021 of OBRA. In accordance with § 501.52 of these proposed regulations, the following procedure for the processing of these proposed orders will be followed:

(1) Pursuant to § 501.52(b)(2) of the proposed regulations, ERA is issuing proposed prohibition orders to Ravenswood 30N and 30S. This decision is based on ERA's review of the certification and its supporting information submitted pursuant to section 1021 of OBRA and the information contained in the record of a prior prohibition order proceeding under former section 301 of FUA under Docket Nos. 50653-2500-01,02-82. ERA is hereby publishing its proposed findings, as required by section 701(b) of FUA.

(2) In accordance with § 501.52(b)(3) of the proposed regulations, the publication of this Notice of Acceptance commences a period of 45 days during which interested persons may submit written comments or request a public hearing. During this period, the recipient of the proposed orders and any other interested person may submit any evidence that they have available relating to the proposed orders, the certification, or the concurrence that ERA must make. A request for an extension of the 45 day period may be granted at ERA's discretion.

(3) If a hearing has been requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of 10 CFR Part 501. The hearing may consider, among other matters, the sufficiency of the certification that Con Edison, the owner and operator of Ravenswood 30N and 30S, submitted pursuant to section 1021 of OBRA and §§ 504.5, 504.6, and 504.8 of the proposed regulations.

(4) No final prohibition orders may be issued until any necessary environmental review conducted pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA) has been completed. Upon completion of the NEPA review and unless ERA determines on the basis of the information contained in the record of the proceeding that the certification fails to meet the requirements of §§ 504.4, 504.6, and 504.8 of the proposed regulations, ERA may issue final prohibition orders.

Proposed Prohibition Orders

Subject to any further findings that ERA may make, ERA hereby proposes to prohibit the Con Edison's powerplants listed in the table below from burning petroleum or natural gas as a primary energy source. In accordance with section 1021 of OBRA, and § 504.6(c), (e) and (f) of the proposed regulations, the proposed prohibition orders are based on proposed findings by ERA that each of the powerplants (1) has the technical capability to use coal or another alternate fuel as a primary energy source without having (A) substantial physical modification of the powerplant, or (B) substantial reduction in the rated capacity of the powerplant, and (2) that it is financially feasible to use coal or another alternate fuel as a primary energy source in such powerplants. These findings are based on the certification submitted by the proposed order recipient, on data furnished to ERA in support of this certification, and on information contained in the record of the previous proceedings under former section 301 of FUA.

ERA Docket No.	Generating station	Power-plant No.	Megawatt capacity	Location
50653-2500-01-82	Ravenswood	30N	464	Queens, N.Y.
50653-2500-02-82	do	30S	464	Do.

Issued in Washington, D.C., January 29, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 2907 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-01-M

Universal Resources Corp.; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Universal Resources Corporation (Universal) of Dallas, Texas. This Proposed Remedial Order charges Universal with pricing violations in the amount of $426,948.97 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period September 1, 1973 through December 31, 1977.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Special Advisor for Compliance, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7745. On or before February 19, 1982, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 13th day of January, 1982.

Herbert F. Buchanan,

Deputy Special Advisor for Compliance, Economic Regulatory Administration.

[FR Doc. 82-2940 Filed 2-3-82; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 29, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALL STATES OIL & PRODUCING CO INC		RECEIVED: 12/24/81		JA: OH					
8212866		3410322331		107-TF		CROCKER #1	GRANGER	7.5	COLUMBIA GAS TRAN
8212867		3410322332		107-TF		CROCKER #2	GRANGER	8.0	COLUMBIA GAS TRAN
8212868		3410322388		107-TF		CROCKER #3	GRANGER	9.0	COLUMBIA GAS TRAN
8212869		3410322389		107-TF		CROCKER #4	GRANGER	9.5	COLUMBIA GAS TRAN
8212870		3410322390		107-TF		HERRMANN #3	GRANGER	10.5	COLUMBIA GAS TRAN
8212871		3410322556		107-TF		HERRMANN #5	GRANGER	10.0	COLUMBIA GAS TRAN
-AMERICAN EXPLORATION CO		RECEIVED: 12/24/81		JA: OH					
8212876		3411923946		108		BEDNARCZUK #1A		10.0	TIMKEN CO
8212878		3411924069		108		ETHEL STOTTS #1		10.0	TIMKEN CO
8212880		3415722646		108		F EMIG #1		10.0	LIBBEY OWENS FORD
8212872		3405921947		108		G MYERS #2		10.0	LIBBEY OWENS FORD
8212875		3411923885		108		JACK KREAGER #1		0.0	TIMKEN CO
8212877		3411924068		108		MORRISON #1		10.0	TIMKEN CO
8212873		3411923602		108		MURRAY #1		10.0	NATIONAL GAS & OI
8212874		3411923840		108		PAT LIVELY #1		10.0	LIBBEY OWENS FORD
8212879		3411924070		108		SHRIVER #1		10.0	TIMKEN CO
-APPALACHIAN EXPLORATION INC		RECEIVED: 12/24/81		JA: OH					
8212921		3415320760		103	107-TF	A WALENT #1	COPLEY	6.2	AMERICAN ENERGY S
8212931		3415320854		103	107-TF	B WILLIAMS #1	COPLEY	13.1	AMERICAN ENERGY S
8212932		3415320855		103	107-TF	B WILLIAMS #2	COPLEY	5.2	AMERICAN ENERGY S
8212915		3415320751		103	107-TF	BEATY-PETTY UNIT #1	COPLEY	4.2	AMERICAN ENERGY S
8212909		3415123045		103	107-TF	BRUGGER-BRODZINSKI UNIT #1	WASHINGTON	3.0	AMERICAN ENERGY S
8212883		3408520264		103	107-TF	CLAPACS UNIT #1	KIRTLAND	24.7	CONSOLIDATED ALUM
8212918		3415320757		103	107-TF	D FOUSE #1	COPLEY	1.6	AMERICAN ENERGY S
8212920		3415320759		103	107-TF	D FOUSE #2	COPLEY	1.6	AMERICAN ENERGY S
8212919		3415320758		103	107-TF	D FOUSE #3	COPLEY	1.6	AMERICAN ENERGY S
8212924		3415320791		103	107-TF	FABBRO #1	NORTON	242.0	AMERICAN ENERGY S
8212923		3415320773		103	107-TF	FRANKLIN #1	COPLEY	10.2	AMERICAN ENERGY S
8212917		3415320756		103	107-TF	FRASHURE #1	COPLEY	38.0	AMERICAN ENERGY S
8212916		3415320753		103	107-TF	FRASHURE #2	COPLEY	5.5	AMERICAN ENERGY S
8212911		3415123137		103	107-TF	FUNK 2A	OSNABURG	31.2	AMERICAN ENERGY S
8212890		3410322267		103	107-TF	H FIX #3	WADSWORTH	6.9	AMERICAN ENERGY S
8212896		3410322366		103	107-TF	H FIX #5	WADSWORTH	3.7	AMERICAN ENERGY S
8212884		3410322185		103	107-TF	HAMMOND #4	SHARON	5.2	AMERICAN ENERGY S
8212887		3410322208		103	107-TF	J HAHN #1	WADSWORTH	2.6	AMERICAN ENERGY S
8212889		3410322215		103	107-TF	J HAHN #2	WADSWORTH	12.5	AMERICAN ENERGY S
8212895		3410322346		103	107-TF	J HARRISON #1	SHARON	1.6	AMERICAN ENERGY S
8212903		3410322403		103	107-TF	J SOURS #1	WADSWORTH	8.0	AMERICAN ENERGY S
8212926		3415320803		103	107-TF	JACOBY CO #1	COPLEY	31.4	AMERICAN ENERGY S
8212925		3415320802		103	107-TF	K BOSS #2	COPLEY	49.0	AMERICAN ENERGY S

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212913		3415320742		103	107-TF	KOCSIS #1	COPLEY	5.1	AMERICAN ENERGY S
8212922		3415320771		103	107-TF	L GABLE #1	COPLEY	5.2	AMERICAN ENERGY S
8212912		3415320672		103	107-TF	L WEAVER #1	COPLEY	26.0	AMERICAN ENERGY S
8212882		3408520263		103	107-TF	LUKEZ #1	KIRTLAND	36.5	CONSOLIDATED ALUM
8212881		3405520298		103	107-TF	MAYER #1	CHESTER	43.8	CONSOLIDATED ALUM
8212900		3410322396		103	107-TF	MIKLOS #1	SHARON	9.1	AMERICAN ENERGY S
8212927		3415320814		103	107-TF	MILLS-HARTZ #1	COPLEY	20.5	AMERICAN ENERGY S
8212928		3415320820		103	107-TF	MILLS-HARTZ #2	COPLEY	20.5	AMERICAN ENERGY S
8212934		3415320884		103	107-TF	PANZNER #2	COPLEY	8.8	AMERICAN ENERGY S
8212907		3415122861		103	107-TF	PARRISH #1	WASHINGTON	11.0	AMERICAN ENERGY S
8212929		3415320831		103	107-TF	R BENDER #2	COPLEY	82.0	AMERICAN ENERGY S
8212905		3410322411		103	107-TF	R HARTMAN #2	SHARON	11.3	AMERICAN ENERGY S
8212914		3415320765		103	107-TF	R HEMPHILL #2	COPLEY	9.5	AMERICAN ENERGY S
8212897		3410322391		103	107-TF	R SCHENDEL #2	SHARON	17.8	AMERICAN ENERGY S
8212899		3410322395		103	107-TF	R SCHENDEL UNIT #1	SHARON	3.7	AMERICAN ENERGY S
8212908		3415122967		103	107-TF	RITSCHARD #1	WASHINGTON	67.5	AMERICAN ENERGY S
8212885		3410322200		103	107-TF	ROTILI #1	SHARON	18.2	AMERICAN ENERGY S
8212891		3410322309		103	107-TF	S FARKAS #1	SHARON	2.8	AMERICAN ENERGY S
8212892		3410322310		103	107-TF	S FARKAS #2	SHARON	0.9	AMERICAN ENERGY S
8212893		3410322311		103	107-TF	S FARKAS #3	SHARON	1.3	AMERICAN ENERGY S
8212894		3410322345		103	107-TF	SAVAGE #1	SHARON	0.3	AMERICAN ENERGY S
8212904		3410322408		103	107-TF	SEXAUR #1	SHARON	20.1	AMERICAN ENERGY S
8212898		3410322394		103	107-TF	SHANAFELT #4	SHARON	66.4	AMERICAN ENERGY S
8212902		3410322400		103	107-TF	SHANAFELT #5	SHARON	9.1	AMERICAN ENERGY S
8212906		3410322429		103	107-TF	SMITH UNIT #2	SHARON	5.8	AMERICAN ENERGY S
8212930		3415320835		103	107-TF	SPROUSE UNIT #1	COPLEY	2.8	AMERICAN ENERGY S
8212901		3410322398		103	107-TF	VORIS #1	SHARON	7.3	AMERICAN ENERGY S
8212886		3410322206		103	107-TF	W BROWN #2	SHARON	4.2	AMERICAN ENERGY S
8212888		3410322209		103	107-TF	W BROWN #3	SHARON	0.5	AMERICAN ENERGY S
8212933		3415320858		103	107-TF	W ZANDER UNIT #1	COPLEY	16.9	AMERICAN ENERGY S
8212910		3415123114		103	107-TF	ZELLER #1	WASHINGTON	6.6	AMERICAN ENERGY S
-BANDS COMPANY INC				RECEIVED: 12/24/81 JA: OH					
8212937		3411122243		107-DV		F CHRISTMAN #2	MALAGE	2.0	COLUMBIA GAS TRAN
8212936		3411122091		107-DV		HAYES #1	SENECA	20.0	COLUMBIA GAS TRAN
8212935		3401320322		107-DV		LUTHER HOTHEM #2	SOMERSET	20.0	COLUMBIA GAS TRAN
-BARTLO OIL AND GAS COMPANY				RECEIVED: 12/24/81 JA: OH					
8212938		3410322589		103	107-TF	V EVERHARD #1	SHARON	18.0	
-BEREA OIL AND GAS CORPORATION				RECEIVED: 12/24/81 JA: OH					
8212943		3415521456		103	107-TF	BROBST #1	MECCA	0.0	COLUMBIA GAS TRAN
8212941		3415520729		108		D & M BUTLER #2	VIENNA	10.0	EAST OHIO GAS CO
8212942		3415521453		103	107-TF	J GOVERNOR #3	MECCA	0.0	COLUMBIA GAS TRAN
8212945		3415521788		103	107-TF	PHILLIPS #1	HARTFORD	0.0	COLUMBIA GAS TRAN
8212944		3415521785		103	107-TF	PUCAK-JOHNSON #1	HARTFORD	0.0	COLUMBIA GAS TRAN
8212939		3411925741		103	107-TF	W BARNA #1	RICH HILL	0.0	COLUMBIA GAS TRAN
8212940		3411925742		103	107-TF	W BARNA #2	RICH HILL	0.0	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO				RECEIVED: 12/24/81 JA: OH					
8212954		3411122468		107-DV		AUSTIN WHEELER #1	MALAGA	12.0	TEXAS EASTERN
8212951		3411122390		107-DV		DONALD & DALE WALTERS #1	MALAGA	9.0	TEXAS EASTERN
8212950		3411122389		107-DV		GARY DAVIS #1	MALAGA	0.0	TEXAS EASTERN
8212953		3411122461		107-DV		GARY RUBEL #1	SUMMIT	9.0	COLUMBIA GAS TRAN
8212949		3411122372		107-DV		HAROLD CHRISTMAN #1	MALAGA	14.0	TEXAS EASTERN
8212948		3407523244		103	107-TF	L & C DONLEY #1	PRAIRIE	13.0	COLUMBIA GAS TRAN
8212952		3411122412		107-DV		PAUL LANDEFELD #1	MALAGA	11.0	TEXAS EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212955A		3411122473		103		RAYMOND SNYDER #1	SENECA	9.0	COLUMBIA GAS TRAN
8212955B		3411122473	D	107-TF		RAYMOND SNYDER #1	SENECA	9.0	COLUMBIA GAS TRAN
8212956		3416922824		103	107-TF	WALTER STEINER #1	SUGAR CREEK	16.0	COLUMBIA GAS TRAN
-C J WARREN OIL COMPANY				RECEIVED: 12/24/81 JA: OH					
8213185		3403124290		103		T NASH #1	PIKE	0.0	NATIONAL GAS & OI
-CAMERON BROS				RECEIVED: 12/24/81 JA: OH					
8212957		3411925758		103	107-TF	BERNARD BISSETT #1-A	ADAMS	12.0	
-CARL E SMITH INC				RECEIVED: 12/24/81 JA: OH					
8213150		3410522103		103		DAVID W DODDERER #221	OLIVE	17.0	COLUMBIA GAS TRAN
8213149		3410522101		103		STATE OF OHIO #226	OLIVE	20.0	COLUMBIA GAS TRAN
-CARL E SMITH PETROLEUM INC				RECEIVED: 12/24/81 JA: OH					
8213148		3400922184		103		BARTON UNIT #2	CARTHAGE	24.0	COLUMBIA GAS TRAN
-CARLTON OIL CORP				RECEIVED: 12/24/81 JA: OH					
8212958		3411122090		107-DV		JOHNSON #1	BENTON	50.0	
8212961		3412122480		103		OHIO POWER COMPANY #1	JACKSON	50.0	
8212959		3411122096		107-DV		PIATT #1-K	WASHINGTON	50.0	
8212960		3412122476		103		WICKENS #1	JACKSON	50.0	
-CAVALIER OIL CORP				RECEIVED: 12/24/81 JA: OH					
8212963		3412122610		107-DV		CAVALIER-SINGER #1	ELK	14.6	COLUMBIA GAS TRAN
8212962		3411121926		107-DV		F L SULSBERGER #1	MALAGA	14.6	
-CLAY COUNTY PRODUCTION CO INC				RECEIVED: 12/24/81 JA: OH					
8212968		3416724967		108		KERMIT LANE #3		12.8	COLUMBIA GAS TRAN
8212967		3412724544		108		LUCILLE HURSEY #1		18.3	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED: 12/24/81 JA: OH					
8212969		3411924154		108		CARL MILNER #1		10.0	NATIONAL GAS OIL
8212970		3411924649		108		J-YOST #1		0.0	COLUMBIA GAS TRAN
-CONVEST ENERGY CORP				RECEIVED: 12/24/81 JA: OH					
8212971		3411925831		102-2		LEEDOM #6R	PERRY	35.0	EAST OHIO GAS CO
-DART OIL COMPANY				RECEIVED: 12/24/81 JA: OH					
8212985		3415721168		108		BORY #1		3.3	BUCKEYE-FRANKLIN
8212986		3415721213		108		BORY #2		3.8	BUCKEYE-FRANKLIN
8212988		3415721308		108		BORY-KUGLER #1		3.9	BUCKEYE-FRANKLIN
8212978		3413320120		108		BUNCE #1		7.4	EAST OHIO GAS CO
8212975		3407523146		103	107-TF	C HOXWORTH #10	KILLBUCK	35.0	COLUMBIA GAS TRAN
8212979		3413320133		108		HYLBERT #1		3.9	EAST OHIO GAS CO
8212974		3407523135		103	107-TF	J HOXWORTH #1	KILLBUCK	35.0	COLUMBIA GAS TRAN
8212983		3413322508		103	107-TF	KORAS #1	DEERFIELD	45.0	
8212984		3413322509		103	107-TF	KORAS NO 2	DEERFIELD	45.0	
8212987		3415721307		108		KUGLER #1		3.2	BUCKEYE-FRANKLIN
8212977		3409921322		103	107-TF	OAKRIDGE DEVELOPMENT #1	ALLIANCE	40.0	
8212982		3413322189		107-TF		RICE UNIT #1	DEERFIELD	31.9	VESCORP INDUSTRIE
8212981		3413320375		108		SMITH-POLACK #1		6.6	EAST OHIO GAS CO
8212989		3415721591		108		SUTTLER #1		9.3	BUCKEYE-FRANKLIN
8212976		3409921225		107-TF		WOOLMAN #1	SMITH	7.1	VESCORP INDUSTRIE
8212980		3413320163		108		ZICKEPOOSE #1		0.9	EAST OHIO GAS CO
-DERBY OIL & GAS CORP				RECEIVED: 12/24/81 JA: OH					
8212991		3407523309		103	107-TF	JONAS MILLER #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
8212990		3407523300		103	107-TF	MELVIN WEAVER #1	HARDY	12.0	COLUMBIA GAS TRAN
-DERRICK PETROLEUM INC				RECEIVED: 12/24/81 JA: OH					
8212992		3411925813		103		MYRTLE FRAZIER #1	JACKSON	0.0	COLUMBUS GAS TRAN
-DIAMOND OIL CO				RECEIVED: 12/24/81 JA: OH					
8212993		3407322512		103		PARKIN-STARR #1	FALLS GORE	3.0	COLUMBIA GAS TRAN
-DORFMAN PRODUCTION CO				RECEIVED: 12/24/81 JA: OH					

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212995		3409921343		103	107-TF	BEHRINGER UNIT #1	DAMASCUS	11.0	COLUMBIA GAS TRAN
8212996		3409921355		103	107-TF	GRIFFITHS UNIT #1	DAMASCUS	0.0	COLUMBIA GAS TRAN
8212994		3409921334		103	107-TF	STANLEY #1	DAMASCUS	12.0	
-ELKHEAD GAS & OIL COMPANY				RECEIVED:	12/24/81	JA: OH			
8212997		3408322255		108		J BEATTY #1		0.0	COLUMBIA GAS TRAN
8213003		3408322470		108		J BEATTY #2		0.0	COLUMBIA GAS TRAN
8213004		3408322482		108		J BEATTY #3		0.0	COLUMBIA GAS TRAN
8212998		3408322267		108		SCOTT #1		2.0	COLUMBIA GAS TRAN
8213001		3408322334		108		SCOTT #2		2.0	COLUMBIA GAS TRAN
8213002		3408322433		108		SCOTT #3		2.0	COLUMBIA GAS TRAN
8213005		3408322610		108		STUMBO #1		4.0	COLUMBIA GAS TRAN
8212999		3408322274		108		W C BEATTY #1		3.0	COLUMBIA GAS TRAN
8213000		3408322282		108		W C BEATTY #2		3.0	COLUMBIA GAS TRAN
-EMERALD EXPLORATION ASSOCIATES II				RECEIVED:	12/24/81	JA: OH			
8213006		3411122084		107-DV		PAUL & BERNICE MARSHALL #4	BETHEL	20.0	
-ENERGY UNLIMITED INC				RECEIVED:	12/24/81	JA: OH			
8213007		3400922406		103		BOBO #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
8213009		3400922407		103		CARTER #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
8213008		3400922409		103		WINNER #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
-EVERFLOW EASTERN INC				RECEIVED:	12/24/81	JA: OH			
8213012		3415723619		103	107-TF	CAPPEL FARMS LTD #1	CLAY	0.0	
8213010		3409920744		108		CENTOFANI #1	ELLSWORTH	0.0	AMERICAN ENERGY S
8213011		3409920758		108		CLINGERMAN #1	ELLSWORTH	11.0	AMERICAN ENERGY S
8213013		3415723629		103	107-TF	WHITE UNIT #1	CLAY	0.0	
-EXCELSIOR OIL INVESTORS LTD				RECEIVED:	12/24/81	JA: OH			
8213014		3416724958		107-DV		CECIL & KATHRYN BARNHOUSE #1	LUDLOW	62.0	
-FRANK A CSAPO JR				RECEIVED:	12/24/81	JA: OH			
8212973		3416922243		107-TF		GLEN A TISHER #1	GUILFORD	0.0	COLUMBIA GAS TRAN
8212972		3416922137		107-TF		ROBERT & WANDA LENGACHER #1	MILTON	8.0	COLUMBIA GAS TRAN
-FRONTIER PETROLEUM LTD				RECEIVED:	12/24/81	JA: OH			
8213015		3416725433		107-DV		WALLS #1	LUDLOW	25.0	COLUMBIA GAS T*MI
-FUTURE ENERGY CORPORATION				RECEIVED:	12/24/81	JA: OH			
8213016		3411521964		107-TF		R CAMPBELL #1	WINDSOR	45.0	COLUMBIA GAS TRAN
-GASEARCH INC				RECEIVED:	12/24/81	JA: OH			
8213017		3413322466		103	107-TF	NICHOLAS UNIT #1	WINDHAM	20.0	EAST OHIO GAS CO
8213018		3413322497		103	107-TF	RUBINO #1	WINDHAM	20.0	EAST OHIO GAS CO
-GENERAL ELECTRIC CO				RECEIVED:	12/24/81	JA: OH			
8213019		3415521930		107-TF		CONSUMER #1	FOWLER	20.0	COLUMBIA GAS TRAN
8213020		3415521931		107-TF		CONSUMER #2	JOHNSTON	20.0	COLUMBIA GAS TRAN
-GLACIER ENERGY CORP				RECEIVED:	12/24/81	JA: OH			
8213022		3410522264		103		PAULINE ATKINS #1	SCIPIO	6.0	COLUMBIA GAS TRAN
-GREEN GAS COMPANY				RECEIVED:	12/24/81	JA: OH			
8213023		3416922232	D	107-DV		EUGENE FETZER #1	CANAAN	2.0	COLUMBIA GAS TRAN
-GREENLAND/PERRY 81-1				RECEIVED:	12/24/81	JA: OH			
8213024		3412725305		107-TF		MORTON #2	MADISON	10.0	COLUMBIA GAS TRAN
-GUERNSEY PETROLEUM CORPORATION				RECEIVED:	12/24/81	JA: OH			
8213025		3411923056		108		C WATSON 1-G		11.5	COLUMBIA GAS TRAN
8213028		3411923626		108		HOWARD DICKSON 2-M		14.0	EAST OHIO GAS
8213033		3412121585		108		HUPP 1-C		15.0	EAST OHIO GAS
8213035		3412121819		108		OHIO POWER 3-MB		12.0	EAST OHIO GAS
8213030		3411924243		108		OHIO POWER 36-ME		10.0	EAST OHIO GAS
8213029		3411924235		108		OHIO POWER 37-ME		8.0	EAST OHIO GAS
8213031		3411924925		108		OHIO POWER 49-MH		10.0	EAST OHIO GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213036		3412122218		108		OHIO POWER 51-MH		7.0	EAST OHIO GAS
8213032		3411925039		108		OHIO POWER 54-MH		15.0	EAST OHIO GAS
8213034		3412121598		108		SLATER-JENNINGS 1-C		7.0	EAST OHIO GAS
8213026		3411923217		108		THOMAS DRAKE 1-G		7.0	EAST OHIO GAS
8213027		3411923620		108		WICKHAM-PAISLEY 1-M		14.0	EAST OHIO GAS
-GULL LAKE ENERGY RESOURCES C/O IRD				RECEIVED: 12/24/81		JA: OH			
8213021		3407522249		107-TF		ROMAN AND EVELYN STUTZMAN #1-78	PRAIRIE	2.0	COLUMBIA GAS TRAN
-HOPCO RESOURCES INC				RECEIVED: 12/24/81		JA: OH			
8213045A		3412725203		103		SHELLY #1	HOPEWELL	12.0	COLUMBIA GAS TRAN
8213045B		3412725203		107-TF		SHELLY #1	HOPEWELL	12.0	COLUMBIA GAS TRAN
8213044		3403124488		103	107-TF	WILLIAM HUNTER #1	KEENE	12.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED: 12/24/81		JA: OH			
8213048		3411925580		107-TF		ANNA HIGHFIELD WOOD #1	PERRY	10.0	COLUMBIA GAS TRAN
8213046		3411925063		107-TF		JOHN SHAW #2	JACKSON	10.0	COLUMBIA GAS TRAN
8213047		3411925561		103	107-TF	LESTER VANDERBARK #1	MUSKINGUM	12.0	COLUMBIA GAS TRAN
-INTEGRATED PETROLEUM COMPANY INC				RECEIVED: 12/24/81		JA: OH			
8213049		3415521916		103	107-TF	SHEW #1	BLOOMFIELD	70.0	
-JADOIL INC				RECEIVED: 12/24/81		JA: OH			
8213054		3411923031		108		ED HILDEBRAND #2		2.5	COLUMBIA GAS TRAN
8213050		3403122545		108		HUBERT & JOY LANGDON #1		0.5	COLUMBIA GAS TRAN
8213055		3411923777		108		L W & B C WISECARVER #1		7.0	COLUMBIA GAS TRAN
8213052		3408322152		108		MAURICE & ALICE MELICK #1		1.5	COLUMBIA GAS TRAN
8213053		3408322157		108		RAY S & CATHERINE GALLWITZ #1		1.5	COLUMBIA GAS TRAN
8213056		3411923824		108		RAYMOND FLUHARTY #1		3.5	COLUMBIA GAS TRAN
8213057		3411923887		108		RICHARD & RUTH WILLIAMS #4		10.0	COLUMBIA GAS TRAN
8213051		3408322140		108		WILLIAM COAKLEY #2		1.5	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC				RECEIVED: 12/24/81		JA: OH			
8213061		3415320964		103	107-TF	BOWERS UNIT #1	BLOOMFIELD	0.0	
8213062		3415521838		103	107-TF	BREWSTER-WALTON #1	BLOOMFIELD	125.0	
8213059		3415320736		103	107-TF	CUYAHOGA VALLEY CHRISTIAN ACAD #1	BOSTON	0.0	LIBBY OWENS FORD
8213060		3415320962		103	107-TF	HENDROCK #1	NORTHAMPTON	0.0	LIBBY OWENS FORD
8213058		3415320770		103	107-TF	QUICK #1	NORTHAMPTON	0.0	LIBBY OWENS FORD
-KING DRILLING CO				RECEIVED: 12/24/81		JA: OH			
8213064		3416922982		107-TF		NORMA BYLER #1	GREEN	10.0	COLUMBIA GAS TRAN
8213063		3416922773		107-TF		WAYNE HORST #1	GREEN	10.0	COLUMBIA GAS TRAN
-KRAMER EXPLORATION CO				RECEIVED: 12/24/81		JA: OH			
8213065		3410522182		103		FERRELL #1	BEDFORD	15.0	COLUMBIA GAS TRAN
-L & M OPERATING INC				RECEIVED: 12/24/81		JA: OH			
8213067		3416724438		108		CARL HOFFMANN #2		12.8	GAS TRANSPORT INC
8213066		3416724083		108		EARL TORNES #1		12.8	GAS TRANSPORT INC
-L & M PETROLEUM INC				RECEIVED: 12/24/81		JA: OH			
8213070		3416724441		108		BERNARD STRAHLER 8		12.8	GAS TRANSPORT INC
8213068		3412725301		107-TF		LEWIS/PEABODY/FLOWERS #2	CLAYTON	10.0	COLUMBIA GAS TRAN
8213071		3416724703		108		LLOYD LANKFORD #2		12.8	COLUMBIA GAS TRAN
8213072		3416725019		108		RICHARD HARTLINE #1		12.8	COLUMBIA GAS TRAN
8213069		3412725311		103		ROBERT JENKINS #2	READING	12.5	COLUMBIA GAS TRAN
8213073		3416725381		107-TF		WILBUR BOHLEN UNIT #2	LAWRENCE	12.8	COLUMBIA GAS TRAN
-LANDPROVEST INC				RECEIVED: 12/24/81		JA: OH			
8213074		3405922984		107-TF		BAY #2	BUCKEYEVILLE	50.0	
-LIBERTY OIL & GAS CORP				RECEIVED: 12/24/81		JA: OH			
8213075		3410521607		108		ADDIE BAKER #1		0.0	COLUMBIA GAS TRAN
8213076		3410521608		108		ELMER BIBBEE #1		0.0	COLUMBIA GAS TRAN
8213077		3410521675		108		LORA & O C GILPIN #1		0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-LUC SUPPLY CO				RECEIVED: 12/24/81		JA: OH			
8213079		3408322184		108		CHAPIN #2		1.0	COLUMBIA GAS TRAN
8213080		3408322219		108		CHAPIN #3		1.0	COLUMBIA GAS TRAN
8213081		3408322234		108		CHAPIN #4		1.0	COLUMBIA GAS TRAN
8213082		3408322700		108		CHAPIN #5		1.0	COLUMBIA GAS TRAN
8213078		3408320075		108		CHAPIN #6		1.0	COLUMBIA GAS TRAN
-M C F OIL CO				RECEIVED: 12/24/81		JA: OH			
8213083		3407522451		103		PEARL MANSBURGER #1	MONROE	5.0	COLUMBIA GAS TRAN
-MARAM ENERGY CO				RECEIVED: 12/24/81		JA: OH			
8213084		3408322516		108		WORKMAN #1		7.0	COLUMBIA GAS TRAN
-MARJAC ENERGY CO				RECEIVED: 12/24/81		JA: OH			
8213085		3412724089		103		ASHBAUGH 2		0.7	NATIONAL GAS & OI
-MILLER OIL & GAS CO				RECEIVED: 12/24/81		JA: OH			
8213087		3407523093		103	107-TF	MAST #1	MECHANIC	25.6	COLUMBIA GAS TRAN
-MOHAWK OIL & GAS CORP				RECEIVED: 12/24/81		JA: OH			
8213089		3412122413		107-DV		NOVA CHRISTMAN #2	HARRIETTSVILLE	0.0	COLUMBIA GAS OF O
8213090		3412122482		107-DV		NOVA CHRISTMAN #4	HARRIETSVILLE	0.0	COLUMBIA GAS OF O
-MURPHY OIL CO				RECEIVED: 12/24/81		JA: OH			
8213091		3410521999		107-DV		JOHN HOUDASHELT #1	SUTTON	10.0	
-NICOFIBERS INC				RECEIVED: 12/24/81		JA: OH			
8213097		3412725010		103		NICOFIBERS #2	SALT CREEK TWP	9.0	
8213098		3412725254		103		PATTON #2	READING TWP	8.0	FORAKER GAS CO IN
-NOBLE OIL CORP				RECEIVED: 12/24/81		JA: OH			
8213100		3413321958		108		BRUGMANN #2		21.0	AMERICAN ENERGY S
8213101		3413322428		107-TF		KURZ #2		20.0	AMERICAN ENERGY S
8213102		3413322537		107-TF		MARIK #2	PALMYRA	20.0	GENERAL ELECTRIC
8213099		3413321091		108		RANKIN #1		8.0	AMERICAN ENERGY S
-NORTHEASTERN ENERGY				RECEIVED: 12/24/81		JA: OH			
8213103		3410322226		103	107-TF	GRAFF #1	WADSWORTH	21.0	EAST OHIO GAS CO
-OHIO ASSOCIATES				RECEIVED: 12/24/81		JA: OH			
8213104		3403124450		103	107-TF	J R K SUPPLY CO #2	BEDFORD TOWNSHIP	20.0	COLUMBIA GAS TRAN
-OHIO NATURAL FUEL CO				RECEIVED: 12/24/81		JA: OH			
8213106		3416922102		107-TF 108		EICK #2	PLAIN	14.0	COLUMBIA GAS TRAN
8213105		3416922095		108		HODGEN #1		14.0	COLUMBIA GAS TRAN
-OHIO OIL & GAS CO				RECEIVED: 12/24/81		JA: OH			
8213107	1912	3415520000		107-TF		POWELL #3	FOWLER	20.0	COLUMBIA GAS TRAN
-OMNI PETROLEUM				RECEIVED: 12/24/81		JA: OH			
8213108		3411723394		102-2		GARVERICK #1	NORTH BLOOMFIELD	100.0	COLUMBIA GAS TRAN
-ONEAL PETROLEUM INC				RECEIVED: 12/24/81		JA: OH			
8213109		3412122484		107-TF		ALBERT H SPURRIER #1	BUFFALO	300.0	EAST OHIO GAS CO
-ORION ENERGY CORP				RECEIVED: 12/24/81		JA: OH			
8213110		3415123079	D	107-TF		FRY #1	PIKE	8.0	COLUMBIA GAS TRAN
8213111		3415123538		107-TF		RUEGG #4	TUSCARAWAS	15.0	
8213112		3415723610		107-TF		SLANKARD UNIT #1	LAWRENCE	20.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED: 12/24/81		JA: OH			
8213119		3412122667		107-DV		CHARLES WICKENS #1-B	JACKSON	10.0	
8213115		3411122180		107-DV		ELEANOR MIRACLE #1	FRANKLIN	10.0	
8213114		3411122169		107-DV		IRENE HUPP #1	FRANKLIN	10.0	
8213116		3411122182		107-DV		IVIN MIRACLE #1	FRANKLIN	10.0	
8213118		3411122558		107-DV		KAYLEE MCCONNELL #1	FRANKLIN	12.0	
8213120		3416726828		107-DV		LESLIE FULTON #1	SALEM	10.0	
8213113		3411122149		107-DV		LOWELL MIRACLE #1	FRANKLIN	10.0	
8213117		3411122536		107-DV		RALPH BACH #1	FRANKLIN	12.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PAROCO DRLG FUNDS INC				RECEIVED: 12/24/81		JA: OH			
8213122		3415521999		103	107-TF	ANDERSON #1	MECCA	20.0	
8213121		3415521996		103	107-TF	CALLOW #1	MECCA	20.0	
-PAUL A WEBER				RECEIVED: 12/24/81		JA: OH			
8213186		3415123595		103		PAUL WEBER #3	PLAIN	25.0	EAST OHIO GAS CO
-POI ENERGY INC				RECEIVED: 12/24/81		JA: OH			
8213126		3413322566		103	107-TF	CHAPMAN UNIT #1	AURORA	15.0	
8213125		3413322514		103	107-TF	GOLFWORLD #2	FRANKLIN	20.0	
8213123		3400721653		103	107-TF	PODEMSKI #1	ROME	22.0	
8213124		3400721574		103	107-TF	POPOWICH #1	COLEBROOK	11.0	
-R D MILLER				RECEIVED: 12/24/81		JA: OH			
8213088		3411925713		103	107-TF	CHESTER C FINK #1	HOPEWELL	10.0	NATIONAL GAS & OI
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED: 12/24/81		JA: OH			
8212946		3405320204		108		JOHN E HALLIDAY #1		6.0	COLUMBIA GAS TRAN
8212947		3405320243		108		M COEN #1		2.0	COLUMBIA GAS TRAN
-RELIABLE EXPLORATION & DRILLING CO				RECEIVED: 12/24/81		JA: OH			
8213129		3412122670		103		BIG C RANCH WELL #1	ENOCK TOWNSHIP	50.0	COLUMBIA GAS TRAN
8213127		3411122525		103		CLYDE YOCKEY #1	FRANKLIN TOWNSHIP	0.0	
8213128		3412122659		103		HEISLER WELL #1	ELK TOWNSHIP	50.0	COLUMBIA GAS TRAN
8213130		3412122672		103		ORANGE COAL #1	ENOCH TOWNSHIP	50.0	COLUMBIA GAS TRAN
-REPUBLIC STEEL CORP				RECEIVED: 12/24/81		JA: OH			
8213131		3411925952		103	107-TF	CONSOLIDATION COAL CO CR #21	ADAMSVILLE	10.0	COLUMBIA GAS TRAN
-RESOURCE EXPLORATION INC				RECEIVED: 12/24/81		JA: OH			
8213135		3406720463		107-TF		E BRAINERD #3	FRANKLIN TWP	20.0	COLUMBIA GAS TRAN
8213134		3406720458		107-TF		RAYMOND ALBAUGH #2	FRANKLIN TWP	20.0	COLUMBIA GAS TRAN
8213132		3406720265		107-TF		WILBERT DUNLAP #4	WASHINGTON TWP	20.0	COLUMBIA GAS TRAN
8213133		3406720408		107-TF		WILLIAM DUDGEON #1	FRANKLIN TWP	20.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED: 12/24/81		JA: OH			
8213147		3416726754		107-DV		CHARLES ALLOWAY #1	GRANDVIEW	10.0	
8213144		3416726474		107-DV		GLENDA MICHAELS #1	GRANDVIEW	10.0	
8213145		3416726475		107-DV		GLENDA MICHAELS #2	GRANDVIEW	8.8	
8213137		3416726083		107-DV		JOSEPH CRAIG #1	LUDLOW	18.0	
8213146		3416726609		107-DV		KENNETH JACKSON #1	NEWPORT	21.0	
8213142		3416726397		107-DV		LLOYD MILLER #3	SALEM	19.5	
8213143		3416726398		107-DV		LLOYD MILLER #5	SALEM	21.0	
8213140		3416726325		107-DV		NORMAN RIDGEWAY #2	GRANDVIEW	9.1	
8213139		3416726267		107-DV		NORMAN RIDGEWAY #5	GRANDVIEW	7.8	
8213141		3416726368		107-DV		NORMAN RIDGEWAY #6	GRANDVIEW	11.2	
8213136		3411122449		107-DV		PATTSY DANNER #2	BENTON	19.0	
8213138		3416726168		107-DV		WILLIAM CLEGG #1B	GRANDVIEW	10.4	
-SOUTHERN OHIO PETROLEUM CO INC				RECEIVED: 12/24/81		JA: OH			
8213151		3411122312		107-DV		W P MORRISON #1	BETHEL	50.0	COLUMBIA GAS TRAN
-STARCHER LEONARD				RECEIVED: 12/24/81		JA: OH			
8213152		3413320378		108		BATERS COMM #1	PORTAGE	2.0	EAST OHIO GAS CO
-SUMMA OIL INVESTORS LTD				RECEIVED: 12/24/81		JA: OH			
8213153		3416725468		107-DV		GEORGE EDGAR #3	INDEPENDENCE	70.0	
8213154		3416725620		107-DV		JOHN M EDGAR #2A	INDEPENDENCE	60.0	
-SUNSET PETROLEUM INC				RECEIVED: 12/24/81		JA: OH			
8213156		3410522041		107-DV		DALE HILL #1	SUTTON	10.0	COLUMBIA GAS TRAN
8213155		3410522036		107-DV		ROBERT RIEBER #1	CHESTER	10.0	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC				RECEIVED: 12/24/81		JA: OH			
8213157		3411122352	D	107-TF		WARD #3	MALAGA	0.0	TEXAS EASTERN TRA
-SUSIE JANE GAS CO				RECEIVED: 12/24/81		JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213158		3408720254		107-DV		JOHN PRATT #1	UNION	11.5	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED:	12/24/81	JA: OH			
8213095		3411122521		107-DV		CHRISTMAN #1-M	SENECA	5.0	COLUMBIA GAS TRAN
8213093		3411122386		107-DV		G BAKER #3M	FRANKLIN	10.0	COLUMBIA GAS TRAN
8213092		3411122378		107-DV		M BAKER #2-M	FRANKLIN	10.0	COLUMBIA GAS TRAN
8213094		3411122387		107-DV		M BAKER #3-M	FRANKLIN	10.0	COLUMBIA GAS TRAN
8213096		3411122524		107-DV		ROSSI #3M	SENECA	0.0	COLUMBIA GAS TRAN
-THUNDERBIRD PETROLEUM DEVELOP CO				RECEIVED:	12/24/81	JA: OH			
8213160		3416726568		107-DV		HASKEL SWAIN #1	LUDLOW	40.0	
8213159		3416725717		107-DV		REX & EVELYN SAGER #1	LUDLOW	50.0	
-TIGER OIL INC				RECEIVED:	12/24/81	JA: OH			
8213161		3412122404		107-DV		BECKER SCHRAMM HEIRS #4	ELK	0.0	COLUMBIA GAS TRAN
-TIPKA - BARTLO OIL & GAS CO				RECEIVED:	12/24/81	JA: OH			
8213162		3405922662		102-3		H HOLDERBAUM #1	WILLS	50.0	LIBBEY-OWENS-FORD
-TITAN ENERGY CORP				RECEIVED:	12/24/81	JA: OH			
8213167		3415521676		103	107-TF	BROOKFIELD TRI-CO CONS CLUB-UNIT-#1	BROOKFIELD	20.0	
8213166		3405923028		103	107-TF	GEORGE & VIVAN MARTIN #1A	SPENCER	20.0	EAST OHIO GAS CO
8213168		3415521701		103	107-TF	P & V JURKO - #3	BROOKFIELD	20.0	
8213165		3405922994		103	107-TF	RICHARD L SHAW #1	WESTLAND	20.0	EAST OHIO GAS CO
-TOWNER PETROLEUM CO				RECEIVED:	12/24/81	JA: OH			
8213169		3405923066		103		WINN #1	GUERNSEY	0.0	TENNESSEE GAS PIP
-UNIVERSAL EXPLORATION				RECEIVED:	12/24/81	JA: OH			
8213170		3410322539		103	107-TF	SMITH UNIT #1	GUILFORD	75.0	
-VESCORP INDUSTRIES INC				RECEIVED:	12/24/81	JA: OH			
8213174		3413321269		108		ELY #1		0.0	TIMKEN CO
8213171		3400720772		108		HEWITT #1		10.0	TIMKEN CO
8213173		3400720776		108		JACKSON #1		10.0	TIMKEN CO
8213172		3400720775		108		LUCE #1		10.0	TIMKEN CO
8213176		3413321751		108		RIDDLE #2		0.0	TIMKEN CO
8213175		3413321326		108		SHUTWAY #1		10.0	TIMKEN CO
-VICTOR MCKENZIE				RECEIVED:	12/24/81	JA: OH			
8213086		3404520708		103		MILDRED GRIFFIN #2	RUSHCREEK	4.0	NATIONAL GAS & OI
-VIKING RESOURCES CORP				RECEIVED:	12/24/81	JA: OH			
8213184		3415123577		103	107-TF	BAUMBERGER #2	PARIS	30.0	
8213177		3409921403		103	107-TF	R & G BROWN UNIT #1	BERLIN	30.0	
8213178		3409921404		103	107-TF	R & G BROWN UNIT #2	BERLIN	30.0	
8213179		3409921405		103	107-TF	R & G BROWN UNIT #3	BERLIN	30.0	
8213182		3413322695		103	107-TF	THOMAS #12	PALMYRA	30.0	NOT YET DETERMINE
8213183		3413322696		103	107-TF	THOMAS #13	PALMYRA	30.0	
8213180		3413322613		103	107-TF	THOMAS #6	EDINBURGH	30.0	
8213181		3413322614		103	107-TF	THOMAS #7	EDINBURG	30.0	
-WALTER L CHRISTMAN				RECEIVED:	12/24/81	JA: OH			
8212964		3412121905		108		OHIO POWER #1	OHIO POWER	13.2	COLUMBIA GAS TRAN
8212965		3416723843		108		WILBERT SLOTER #1	WILBERT SLOTER	5.0	COLUMBIA GAS TRAN
8212966		3416723889		108		WILBERT SLOTER #2	WILBERT SLOTER FARM	5.0	COLUMBIA GAS TRAN
-WILLIAM N TIPKA				RECEIVED:	12/24/81	JA: OH			
8213164		3416922758		103	107-TF	CLYDE FILES #3	CHIPPEWA	0.0	EAST OHIO GAS CO
8213163		3416922757		103	107-TF	FILES-LOCKHART #2	CHIPPEWA	0.0	EAST OHIO GAS CO
-WILOCK INC				RECEIVED:	12/24/81	JA: OH			
8213187		3413322668		103	107-TF	AURORA INDUSTRIAL PARK #1	AURORA	20.0	
-WM PAUL HAMBLETON				RECEIVED:	12/24/81	JA: OH			
8213041		3413320350		108		BRANNEN COMM #1	PORTAGE	5.5	EAST OHIO GAS CO
8213038		3413320178		108		BRESKY COMM #1	PORTAGE	2.5	EAST OHIO GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213040		3413320349		108		DUKE COMM #1	PORTAGE	5.5	EAST OHIO GAS CO
8213042		3413320397		108		FOX COMMUNITY #1	PORTAGE	6.5	EAST OHIO GAS CO
8213039		3413320234		108		LULI COMMUNITY #1	PORTAGE	4.5	EAST OHIO GAS CO
8213037		3413320100		108		MAUTZ #1	PORTAGE	4.0	EAST OHIO GAS CO
8213043		3416921339		108		WENGERD #1	PAINT TWP-WAYNE	2.8	OHIO FUEL GAS CO
-WRAY PETROLEUM CORP OF OHIO				RECEIVED: 12/24/81		JA: OH			
8213188		3413322422		103	107-LF	FINNEY #4	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jursidictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission by February 19, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–2949 Filed 2–3–81; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 29, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-MOBIL OIL CORP			RECEIVED: 12/31/81		JA: KS				
8213224	K 81-0787	1518920541	103			HERSHY-LEONARD UNIT #1	PANOMA COUNCIL GROVE	70.0	NORTHERN NATURAL
8213227	K 81-0677	1509320721	103			ORRA DEAN UNIT #2	PANOMA COUNCIL GROVE	70.0	CITIES SERVICE GA
-NORTHERN NATURAL GAS PRODUCING CO			RECEIVED: 12/31/81		JA: KS				
8213225	K 81-0721	1518920539	103			COMBES #1B UNIT #2	PANOMA COUNCIL GROVE	70.0	NORTHERN NATURAL
8213226	K 81-0680	1505520451	103			MCCOY #3 UNIT #4	PANOMA COUNCIL GROVE	70.0	NORTHERN NATURAL
LOUISIANA OFFICE OF CONSERVATION									
-AMINOIL OF LOUISIANA INC			RECEIVED: 12/31/81		JA: LA				
8213237	81-2749	1707522711	102-4			SL 2028 #17	LAKE WASHINGTON	365.0	SOUTHERN NATURAL
8213239	81-2750	1707522794	102-4			SL 2028 #18	LAKE WASHINGTON	400.0	SOUTHERN NATURAL
8213238	81-2811	1707522794	102-4			STATE LEASE 2028 #18-D	LAKE WASHINGTON	219.0	SOUTHERN NATURAL
MISSISSIPPI OIL & GAS BOARD									
-AMERICAN NAT GAS PROD CO			RECEIVED: 01/04/82		JA: MS				
*8213355	102-81-9	2306520143	107-DP			GWINVILLE GAS UNIT #203	GWINVILLE	172.0	SOUTHERN NATURAL
8213350	86-81-147	2314720126	107-DP			MC CAIN #1-24	S E KNOXO	1080.0	
-BROWNING & WELCH			RECEIVED: 01/04/82		JA: MS				
8213362	65-81-117	2302520024	107-TF			J R HAWKINS #1	SILOAM	18.2	TEXAS EASTERN TRA
-CALLON PETROLEUM COMPANY			RECEIVED: 01/04/82		JA: MS				
8213361	67-81-372	2312720057	102-2	103		ESTELLE BERRY #1	OAK GROVE	500.0	SYSTEM FUELS INC
-CARDELL-TLAPEK COMPANY			RECEIVED: 01/04/82		JA: MS				
8213347	80-81-496	2316320149	102-4			WILLIAMS ESTATE #2	MECHANICSBURG	420.0	SOUTHERN NATURAL
-EXXON CORPORATION			RECEIVED: 01/04/82		JA: MS				
8213351	81-81-15	2309120093	102-4	103		HUB GAS UNIT 13 #1	HUB	300.0	SOUTHERN NATURAL
-GETTY OIL COMPANY			RECEIVED: 01/04/82		JA: MS				
8213348	84-81-217	2313120010	102-4			ENERGY MINERALS 8-7 #1	BLACK CREEK	546.0	TRANSCONTINENTAL
8213344	98-81-517	2309520313	102-4			SCHLICHT 4-5 #1	NETTLETON	641.0	TEXAS EASTERN TRA
8213343	95-81-517	2309520301	102-4			SCHLICHT 4-8 #1	NETTLETON	340.0	TEXAS EASTERN TRA
8213357	91-81-418	2309120147	107-DP			SIPP 20-9 #2	GREENS CREEK	2257.0	TRANSCONTINENTAL
8213341	97-81-517	2309520319	102-4			STOVALL 3-11 #1	NETTLETON	395.0	TEXAS EASTERN TRA
8213342	96-81-517	2309520327	102-4			STOVALL 5-1 #1	NETTLETON	183.0	TEXAS EASTERN TRA
-GRACE PETROLEUM CORPORATION			RECEIVED: 01/04/82		JA: MS				
8213352	79-81-363	2309520287	103			SIMMONS-BOYD 22-13	MCKINLEY CREEK	0.0	
8213346	85-81-351	2309520202	108-ER			W L PICKENS 1-7	CORINNE	8.5	SOUTHERN NATURAL
-GULF OIL CORPORATION			RECEIVED: 01/04/82		JA: MS				
8213349	87-81-11	2307320226	103			W J HOWARD #13	BAXTERVILLE	15.0	UNITED GAS PIPE L
-LOUISIANA LAND & EXPLORATION CO			RECEIVED: 01/04/82		JA: MS				
8213359	88-81-476-1	2309120136	107-DP			FERNWOOD LUMBER CO #1-A	MORGANTOWN	465.0	TENNESSEE GAS PIP

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213354	104-81-527-1	2309520305		102-2		H J MURFF #1	COWPENNA CREEK	550.0	TEXAS EASTERN TRA
8213360	88-81-476-2	2309120075		107-DP		JOHN H HAUBERG #1	MORGANTOWN	320.0	TENNESSEE GAS PIP
-MARION CORPORATION				RECEIVED:	01/04/82	JA: MS			
8213358	94-81-418	2306520175		107-DP		W E HATHORN #1	GREENS CREEK	3.3	TRANSCONTINENTAL
-MWJ PRODUCING CO				RECEIVED:	01/04/82	JA: MS			
8213345	92-81-56	2309520314		102-4	103	HARRINGTON #1	ABERDEEN	500.0	
-SYSTEM FUELS INC				RECEIVED:	01/04/82	JA: MS			
8213353	105-81-549	2309120150		102-4	103	COLUMBIA TRAINING SCHOOL WELL NO	TRAINING SCHOOL FIELD	730.0	
-TOMLINSON INTERESTS INC				RECEIVED:	01/04/82	JA: MS			
8213356	100-81-486	2306520183		102-2		JEFF AULTMAN EST 30-13 #1	WEST OAKVALE	495.0	TRANSCONTINENTAL
**********									
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
**********									
-AMERICAN PENN ENERGY INC				RECEIVED:	12/30/81	JA: NY			
8213198	2010	3101315757		103		F M ROSE UNIT #1 (1330)	DEWITTVILLE	25.0	COLUMBIA GAS TRAN
8213201	2071	3101315758		103		M M RICHARDSON #1 (#1331)	DEWITTVILLE	25.0	COLUMBIA GAS TRAN
-ARLINGTON EXPLORATION CO				RECEIVED:	12/30/81	JA: NY			
8213221	1555	3105115480		107-TF		METER KENNEDY & HOWE UNIT #1	DANSVILLE PROSPECT	27.4	
8213222	1557	3110115268		107-TF		VALLEY VISTA VIEW INC #1	RATHBONE PROSPECT	36.5	
-BEREA OIL AND GAS CORPORATION				RECEIVED:	12/30/81	JA: NY			
8213205	2047	3101316058		103		ERIC REED UNIT #1	GERRY	25.0	COLUMBIA GAS TRAN
8213204	2046	3101316279		103		H RISLEY UNIT #1	GERRY	25.0	COLUMBIA GAS TRAN
8213190	2049	3101316217		103		N Y S REF AREA #10 - #4	GERRY	30.0	COLUMBIA GAS TRAN
8213194	2308	3101316219		103		NYS REF #10 - #10	GERRY	30.0	COLUMBIA GAS TRAN
8213191	2309	3101316297		103		NYS REF AREA #10 - #9	GERRY	30.0	COLUMBIA GAS TRAN
-CUMBERLAND OIL CORP				RECEIVED:	12/30/81	JA: NY			
8213212	2038	3101315637		103		C POPIELARZ #1	FORESTVILLE	20.0	NATIONAL FUEL GAS
8213211	2037	3101316312		103		DALLAS ZAHM #2	LAKESHORE	20.0	NATIONAL FUEL GAS
8213192	2313	3101315910		103		DOUGLAS FAIRBANKS #2	FORESTVILLE	20.0	NATIONAL FUEL GAS
8213208	2039	3101315819		103		O HALL #1	FORESTVILLE	20.0	NATIONAL FUEL GAS
8213209	2040	3101315820		103		ORREN HALL #2	FORESTVILLE	20.0	NATIONAL FUEL GAS
-ECLIPSE MANAGEMENT ASSOCIATES INC				RECEIVED:	12/30/81	JA: NY			
8213199	2087	3101314341		103		WARNSHIUS #2 #3107	LAKE SHORE	0.0	NATURAL FUEL GAS
-EMPEX NATURAL GAS CORP				RECEIVED:	12/30/81	JA: NY			
8213217	2036	3101312864		108		WILLOWBROOK #1	LAKESHORE	24.0	NATIONAL FUEL GAS
-ENERGY OIL INC				RECEIVED:	12/30/81	JA: NY			
8213197	2331	3102914840		103		KLINGENMEIR #1	BUFFALO CREEK	25.0	
8213195	2328	3102916095		103		SCHULTZ #1	ORCHARD PARK	15.0	
-FEA GAS CO				RECEIVED:	12/30/81	JA: NY			
8213200	2045	3101313810		108		STEBBINS 1023	LAKE SHORE	9.5	NATIONAL FUEL GAS
-GO GAS DRILLING CO				RECEIVED:	12/30/81	JA: NY			
8213202	2044	3101315832		103		SAUNDERS 3173	LAKE SHORE	18.0	NATIONAL FUEL GAS
-J & L WELL SERVICE CO				RECEIVED:	12/30/81	JA: NY			
8213216	1912	3101313958		103		HOLY CROSS #1	LAKESHORE	20.0	NATIONAL FUEL GAS
-J G & A CO-VENTURE				RECEIVED:	12/30/81	JA: NY			
8213220	2007	3100315949		103		JOSEPH & RAYMOND JOYCE #1	INDEPENDENCE	25.0	NATIONAL FUEL GAS
-OILMARK & CO INC				RECEIVED:	12/30/81	JA: NY			
8213214	2041	3101316035		103		G WINCH #1	LAKESHORE	20.0	COLUMBIA GAS TRAN
8213213	2042	3101315837		103		GROVER WINCH #2	LAKESHORE	20.0	COLUMBIA GAS TRAN
8213207	2054	3101314830		103		H JOHNSON #1	GERRY	20.0	COLUMBIA GAS TRAN
8213215	1806	3101313794		103		NOCEK #1	LAKESHORE	5.0	NATIONAL FUEL GAS
8213206	2053	3101314828		103		P PETERSON #2	GERRY	20.0	COLUMBIA GAS TRAN
-P & S DRILLING INC				RECEIVED:	12/30/81	JA: NY			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213219	2001	3102914650		108		ZIEZUILA #3	ELMA	66.0	NATIONAL FUEL GAS
-SEIS-EX GEOPHYSICAL LTD				RECEIVED:	12/30/81	JA: NY			
8213196	2325	3101313788		108		SEIS-EX MILLER #1	WILDCAT	13.0	NATIONAL FUEL GAS
-TRISON PETROLEUM				RECEIVED:	12/30/81	JA: NY			
8213193	2349	3102915831		103		BIXBY #1	WEST SENECA	18.0	NATIONAL FUEL DIS
-US ENERGY DEVELOPMENT CORP				RECEIVED:	12/30/81	JA: NY			
8213223	2031	3101315415		103		C OLSON #1	GERRY	20.0	COLUMBIA GAS TRAN
8213210	2030	3101315418		103		H OLMSTEAD #1	GERRY	20.0	COLUMBIA GAS TRAN
8213218	1999	3101314463		103		MARKHAM #2	LAKESHORE	20.0	COLUMBIA GAS TRAN
8213203	2055	3101314827		103		P PETERSON #1	GERRY	15.0	COLUMBIA GAS TRAN
OHIO DEPARTMENT OF NATURAL RESOURCES									
-I R D CORP				RECEIVED:	12/24/81	JA: OH			
8213281A		3400721798		103		STANFORD #1	WILLIAMSFIELD	45.0	
8213281B		3400721798	D	107-TF		STANFORD #1	WILLIAMSFIELD	45.0	
OKLAHOMA CORPORATION COMMISSION									
-JONES & PELLOW OIL CO				RECEIVED:	12/21/81	JA: OK			
8213189	11783	3508720590		103		MCGREW #13-1	DIBBLE NORTH	36.5	SUN GAS CO
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	01/04/82	JA: VA			
8213371		4502720338		107-TF		J L ELSWICK ESTATE 820686	HAYSI FIELD VIRGINIA	80.0	COLUMBIA GAS TRAN
8213370		4502720426		107-TF		OPAL C & H M THOMAS 820224		102.5	COLUMBIA GAS TRAN
8213372		4502720326		107-TF		PITTSTON CO 820687	HAYSI FIELD VIRGINIA	4.0	COLUMBIA GAS TRAN
-PHILADELPHIA OIL COMPANY				RECEIVED:	01/04/82	JA: VA			
8213363		4505120322		107-TF		ELEXIUS SMITH-P-96	NORA	39.0	KENTUCKY WEST VIR
8213364		4505120358		107-TF		J H COCHRAN-P-106	NORA	67.5	KENTUCKY WEST VIR
8213365		4505120376		107-TF		SAMUEL HENSLEY-P-113	NORA	15.0	KENTUCKY WEST VIR
8213369		4505120331		107-TF		STEINMAN DEVELOPMENT # P-99	NORA	45.4	KENTUCKY WEST VIR
8213367		4505120339		107-TF		TARPON COAL & COKE-P-101	NORA	78.7	KENTUCKY WEST VIR
8213368		4505120334		107-TF		W L F WRIGHT # P-100	NORA	49.2	KENTUCKY WEST VIR
8213366		4505120405		107-TF		WILSON ROSE-P-128	NORA	313.0	KENTUCKY WEST VIR
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	01/04/82	JA: WV			
8213289		4708320437		103		A - 962	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
-APEX DRILLING FUND 1979 LTD				RECEIVED:	12/30/81	JA: WV			
8213246		4708524391		103		RUFUS TAYLOR H-849	UNION DISTRICT	20.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC				RECEIVED:	01/04/82	JA: WV			
8213303		4710920846		103		PARDEE LAND COMPANY #70 - 91251	LOGAN-WYOMING	15.5	CONSOLIDATED GAS
8213302		4704521079		103		W M RITTER #220 - 091611	LOGAN-WYOMING	15.0	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	01/04/82	JA: WV			
8213287		4710721093		107-DV		CREELA DAVIS #1	UNION	4.4	CONSOLIDATED GAS
*8213285		4700121525		103		E NEIL PROUDFOOT #1	VALLEY	730.4	CONSOLIDATED GAS
*8213292		4700121523		102-4		E NEIL PROUDFOOT #1	VALLEY	730.4	CONSOLIDATED GAS
*8213286		4700121524		102-4		H S FITZWATER #1	VALLEY	108.4	CONSOLIDATED GAS
*8213304		4700121524		103		H S FITZWATER #1	VALLEY	108.4	CONSOLIDATED GAS
-BKK PROSPECTING LTD				RECEIVED:	01/04/82	JA: WV			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213284		4707321040		107-DV		CARL MOORE #1	CARL MOORE #1	5.5	COLUMBIA GAS TRAN
-C W RIGGS INC				RECEIVED:	01/04/82	JA: WV			
8213290		4707320906		107-DV		DILLON #R-167	PLEASANTS FIELD	7.3	COLUMBIA GAS TRAN
8213288		4707321177		107-DV		F SMITH #R-179	PLEASANTS FIELD	12.8	COLUMBIA GAS TRAN
8213291		4707321126		107-DV		SCADDEN #R-176	PLEASANTS	9.1	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	01/04/82	JA: WV			
8213336		4708120519		103		WESTMORELAND #2	SLAB FORK	25.0	COLUMBIA GAS TRAN
8213335		4708120531		103		WESTMORELAND #6	SLAB FORK	20.0	COLUMBIA GAS TRAN
-CARBONIT EXPLORATION INC				RECEIVED:	01/04/82	JA: WV			
8213296		4710720963		107-DV		RALPH M RYMER #2	WILLIAMS	0.0	COLUMBIA GAS TRAN
8213317		4710720963		103		RALPH M RYMER #2	WILLIAMS	0.0	COLUMBIA GAS TRAN
8213316		4710720988		103		RALPH M RYMER #3	WILLIAMS	0.0	COLUMBIA GAS TRAN
-CARDINAL DRILLING FUND 79-1				RECEIVED:	12/30/81	JA: WV			
8213254		4708524386		108		D COX H-845	CLAY DISTRICT	0.5	CARNEGIE NATURAL
8213255		4708524399		108		D MULLENIX H-858	UNION DISTRICT	1.0	CARNEGIE NATURAL
8213279		4708524372		108		J HOWARD H-817	UNION DISTRICT	3.0	CARNEGIE NATURAL
8213252		4708524373		108		J HOWARD H-818	UNION DISTRICT	3.0	CARNEGIE NATURAL
8213253		4708524374		108		J HOWARD H-819	UNION DISTRICT	3.0	CARNEGIE NATURAL
-CARSON PETROLEUM CORP				RECEIVED:	01/04/82	JA: WV			
8213293		4701722781		107-DV		DROPPLEMAN #4	ST CLAIR	35.0	CONSOLIDATED GAS
8213283		4701722864		107-DV		SHAVER #1	ST CLAIR	55.0	CONSOLIDATED GAS
8213295		4704123023		103		TUNING #2	INDIAN FORK	20.0	CONSOLIDATED GAS
8213340		4701722955		103		VANWERTH #1	ST CLAIR	20.0	CONSOLIDATED GAS
8213294		4701722846		107-DV		WYSONG #1	ST CLAIR	35.0	CONSOLIDATED GAS
8213282		4701722848		107-DV		WYSONG #2	ST CLAIR	45.0	CONSOLIDATED GAS
-CHASE PETROLEUM				RECEIVED:	12/29/81	JA: WV			
8213229		4701727960	D	107-DV		BURGESS #2	CENTRAL DISTRICT	145.8	COLUMBIA GAS TRAN
8213228		4708524838	D	107-DV		COOL #1	UNION DISTRICT	1.0	COLUMBIA GAS TRAN
-CHASE PETROLEUM				RECEIVED:	01/04/82	JA: WV			
8213305		4708524922		107-DV		GREGG #1	UNION DISTRICT	56.4	COLUMBIA GAS TRAN
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	01/04/82	JA: WV			
8213319		4709901416		108		TCO MINERAL TRACT NO 1 809203	WEST VIRGINIA FIELD A	53.0	COLUMBIA GAS TRAN
-EDNA WASS GAS CO				RECEIVED:	12/30/81	JA: WV			
8213244		4708524902		103		EDNA WASS H-1047	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
-EDWIN DEEM GAS CO				RECEIVED:	12/30/81	JA: WV			
8213245		4708525078		103		EDWIN DEEM H-1217	MURPHY DISTRICT	15.0	CONSOLIDATED GAS
-EVANS-MOATS GAS CO				RECEIVED:	12/30/81	JA: WV			
8213263		4708524274		108		EVANS-MOATS H-754	MURPHY DISTRICT	3.5	CONSOLIDATED GAS
-FMF OIL & GAS PROPERTIES				RECEIVED:	12/29/81	JA: WV			
8213235		4708320894		102-4		ARMAND #4 M-2	ROARING CREEK DISTRIC	63.0	COLUMBIA GAS TRAN
8213232		4708320294		102-4		KING #1A ARMAND #1	ROARING CREEK	55.0	COLUMBIA GAS TRAN
8213233		4708320295		102-4		KING #1B ARMAND #2	ROARING CREEK DISTRIC	55.0	COLUMBIA GAS TRAN
8213236		4708320326		102-4		KING #2A	ROARING CREEK	68.0	COLUMBIA GAS TRAN
8213231		4708320328	D	102-4		KING #2B	ROARING CREEK DISTRIC	70.0	COLUMBIA GAS TRAN
8213230		4708320349	D	102-4		KING #2C	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8213234		4708320303		102-4		M-1 ARMAND #3	ROARING CREEK DISTRIC	52.0	COLUMBIA GAS TRAN
-GLENN L HAUGHT & SONS				RECEIVED:	12/30/81	JA: WV			
8213259		4707321142		107-DV		BENSON D WARD H-1237	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN
8213258		4707320945		107-DV		DON WILSON H-1086	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN
8213257		4707320871		107-DV		JESSIE TAYLOR H-1009	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN
8213256		4707320870		107-DV		JESSIE TAYLOR H-1010	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN
-HAUGHT INC				RECEIVED:	12/30/81	JA: WV			
8213247		4708524392		103		RUFUS TAYLOR H-850	UNION DISTRICT	20.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HUNTINGTON OIL & GAS				RECEIVED:	01/04/82	JA: WV			
8213312		4708523000		108		HARDBARGER #1	UNION	6.5	CARNEGIE NATURAL
8213310		4708522981		108		HARDBARGER #2	UNION	15.0	CARNEGIE NATURAL
8213313		4708523091		108		HARDBARGER #3	UNION	5.5	CARNEGIE NATURAL
8213309		4708522942		108		RADCLIFF 106 ACRE	UNION	4.0	CARNEGIE NATURAL
8213308		4708522930		108		RADCLIFF 32 ACRE #1	UNION	2.3	CARNEGIE NATURAL
8213311		4708522983		108		RADCLIFF 32 ACRE #2	UNION	2.3	CARNEGIE NATURAL
-J & J ENTERPRISES INC				RECEIVED:	01/04/82	JA: WV			
8213338		4701722945		103		J-32	NEW MILTON	30.0	CONSOLIDATED GAS
8213337		4701722946		103		J-33	NEW MILTON	30.0	CONSOLIDATED GAS
8213339		4703322174		108		J-59 (S-551-#1)	SARDIS	0.0	CONSOLIDATED GAS
-M STANLEY GAS CO				RECEIVED:	12/30/81	JA: WV			
8213274		4708524478		108		M STANLEY H-923	GRANT DISTRICT	4.0	CONSOLIDATED GAS
-MID-EASTERN GAS CO INC				RECEIVED:	01/04/82	JA: WV			
8213321		4704920696		108		A J TALKINGTON #1976	GRANT TOWN PAW PAW	0.0	OWENS ILLINOIS GL
8213322		4704920697		108		F J TOOTHMAN #1251	MANNINGTON	7.2	OWENS ILLINOIS GL
8213320		4704920695		108		ROBERT DAVIS #2050	PAW-PAW	7.2	OWENS ILLINOIS GL
-MOUNTAINEER 1979-B				RECEIVED:	12/30/81	JA: WV			
8213240		4708524479		107-DV		ANDERSON-VANCAMPEN H-519	CLAY DISTRICT	35.0	CONSOLIDATED GAS
8213241		4708524482		107-DV		ANDERSON-VANCAMPEN H-924	CLAY DISTRICT	33.0	CONSOLIDATED GAS
-MOUNTAINEER 79-A				RECEIVED:	12/30/81	JA: WV			
8213251		4708524411		107-DV		VANCAMPEN H-879	CLAY DISTRICT	35.0	CONSOLIDATED GAS
-OCTAGON PETROLEUM CORP				RECEIVED:	12/30/81	JA: WV			
8213262		4709500892		103		MELVIN WILEY H-843	CENTERVILLE	30.0	INDUSTRIAL ENERGY
8213261		4709500893		103		O K HESS H-977	CENTERVILLE	30.0	INDUSTRIAL ENERGY
8213260		4709500894		103		O K HESS H-978	CENTERVILLE	30.0	INDUSTRIAL ENERGY
-R & R ASSOCIATES LTD				RECEIVED:	12/30/81	JA: WV			
8213275		4708524368		108		D BETTS H-813	UNION DISTRICT	5.5	CARNEGIE NATURAL
8213276		4708524369		108		D BETTS H-814	UNION DISTRICT	5.5	CARNEGIE NATURAL
8213277		4708524370		108		D BETTS H-815	UNION DISTRICT	5.5	CARNEGIE NATURAL
8213278		4708524371		108		D BETTS H-816	UNION DISTRICT	5.5	CARNEGIE NATURAL
8213266		4708524349		108		DEWILSON LAW H-795	UNION DISTRICT	1.8	CONSOLIDATED GAS
8213267		4708524350		108		DEWILSON LAW H-796	UNION DISTRICT	1.8	CONSOLIDATED GAS
8213268		4708524362		108		L S KEITH H-635	UNION DISTRICT	10.0	CONSOLIDATED GAS
8213264		4708524347		108		THOMAS DUERR H-793	UNION DISTRICT	4.0	CONSOLIDATED GAS
8213265		4708524348		108		THOMAS DUERR H-794	UNION DISTRICT	4.0	CONSOLIDATED GAS
-RAINBOW 1 2 & 3-1979				RECEIVED:	12/30/81	JA: WV			
8213243		4708524519		103		CLIFF WILSON H-930	CLAY DISTRICT	30.0	CONSOLIDATED GAS
8213248		4701722640		103		HENRY STAARMAN H-971	COVE DISTRICT	30.0	CONSOLIDATED GAS
-RAINBOW 4 5 & 6-1980				RECEIVED:	12/30/81	JA: WV			
8213249		4701722641		103		HENRY STAARMAN H-972	COVE DISTRICT	30.0	CONSOLIDATED GAS
8213250		4701722642		103		HENRY STAARMAN H-973	COVE DISTRICT	30.0	CONSOLIDATED GAS
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	01/04/82	JA: WV			
8213324		4705920954		107-DV		C-2	HARDEE	30.0	COLUMBIA GAS TRAN
8213306		4708320448		102-4		J M HUBER #72	MIDDLE FORK	0.0	EQUITABLE GAS CO
-SWIFT ENERGY CO				RECEIVED:	01/04/82	JA: WV			
8213318		4702123785		103		MICK #1-A	GLENVILLE NORTH	50.0	
-UNION DRILLING INC				RECEIVED:	01/04/82	JA: WV			
8213327		4708320412		103		FLOYD WILSON #1 - 1653	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8213330		4709722175		103		GORE CORP #2 - 1619	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8213334		4709722191		103		HARPER-MEARNS #1 - 1635	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8213331		4709722225		103		JAMES E BENNETT #1 - 1639	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8213307		4709722192		103		LOUISE T JEFFRIES #2 - 1636	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213332		4709722220		103		PASCHAL BRAKE #1 - 1644	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8213329		4709722161		103		W H ASPINALL #3 - 1648	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8213328		4709722152		103		WARREN HOSAFLOOK #1 - 1620	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8213333		4709722190		103		WILSON HARPER #1 1652	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
-WARREN ASSOCIATES INC				RECEIVED:	12/30/81	JA: WV			
8213271		4708524410		108		CHESTER LEMON H-860	MURPHY DISTRICT	6.0	CONSOLIDATED GAS
8213270		4708524401		108		CHESTER LEMON H-861	MURPHY DISTRICT	6.0	CONSOLIDATED GAS
8213273		4708524466		108		CHESTER LEMON H-863	MURPHY DISTRICT	6.0	CONSOLIDATED GAS
8213272		4708524465		108		LEMON H-859	MURPHY DISTRICT	6.0	CONSOLIDATED GAS
-WARREN R HAUGHT AGENT				RECEIVED:	12/30/81	JA: WV			
8213242		4708525136		107-DV		BUNNER-GARRISON H-1250	GRANT DISTRICT	18.0	CONSOLIDATED GAS
8213269		4708524367		108		VIRGIL WILSON H-792	UNION DISTRICT	8.0	CONSOLIDATED GAS
-WARREN R HAUGHT AGENT				RECEIVED:	01/04/82	JA: WV			
8213298		4708524909		107-DV		LUCY BOESHAR H-1083	GRANT DISTRICT	8.0	CONSOLIDATED GAS
8213325		4708524909		103		LUCY BOESHAR H-1083	GRANT DISTRICT	8.0	CONSOLIDATED GAS
8213299		4708524910		107-DV		LUCY BOESHAR H-1084	GRANT DISTRICT	8.0	CONSOLIDATED GAS
8213300		4708524911		107-DV		LUCY BOESHAR H-1085	GRANT DISTRICT	8.0	CONSOLIDATED GAS
8213301		4708524915		107-DV		LUCY BOESHAR H-1091	GRANT DISTRICT	8.0	CONSOLIDATED GAS
8213326		4708524915		103		LUCY BOESHAR H-1091	GRANT DISTRICT	8.0	CONSOLIDATED GAS
8213314		4708524916		107-DV		LUCY BOESHAR H-1092	GRANT DISTRICT	8.0	CONSOLIDATED GAS
8213315		4708524917		107-DV		LUCY BOESHAR H-1093	GRANT DISTRICT	8.0	CONSOLIDATED GAS
8213323		4708524917		103		LUCY BOESHAR H-1093	GRANT DISTRICT	8.0	CONSOLIDATED GAS
8213297		4708524918		107-DV		LUCY BOESHAR H-1094	GRANT DISTRICT	8.0	CONSOLIDATED GAS
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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM									
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-AAA OPERATING CO INC				RECEIVED:	01/05/82	JA: NM 4			
8213421	NM-1558-81	3004520317		108		FEDERAL M #1	MESAVERDE	13.0	EL PASO NATURAL G
-ALPHA TWENTY-ONE PRODUCTION CO				RECEIVED:	01/05/82	JA: NM 4			
8213520	NM-1658-81	3002527355		103		JUSTIS B FEDERAL #1	LANGLIE MATTIX	70.0	EL PASO NATURAL G
-AMERADA HESS CORPORATION				RECEIVED:	01/05/82	JA: NM 4			
8213411	NM-1483-81	3002504289		108		H W ANDREWS #9	EUMONT	6.6	PHILLIPS PETROLEU
-AMOCO PRODUCTION CO				RECEIVED:	01/05/82	JA: NM 4			
8213392	NM-1380-81	3004523990		103		J F DAY D #1E	BLOOMFIELD-CHACRA	30.0	SOUTERN UNION GAT
8213479	NM 1612-81	3004524372		103		JACK FROST B #2E (DAKOTA)	BASIN-DAKOTA	236.0	EL PASO NATURAL G
8213439	NM-1607-81	3004524372		103		JACK FROST B #2E (GALLUP)	ANGELS PEAK-GALLUP	65.0	EL PASO NATURAL G
8213461	NM-0792-81	3003906084		108		JICARILLA CONTRACT 146 #4 (2ND)	SOUTH BLANCO	21.0	NORTHWEST PIPE LI
8213469	NM-1302-81	3004521715		108		VAN HOOK FEDERAL #1 (2ND)	BLANCO-PICTURED CLIFF	22.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	01/05/82	JA: NM 4			
8213500	NM-1536-81	3002527265		103		R S CROSBY A #4	LANGLIE MATTIX (7 R Q	12.0	EL PASO NATURAL G
-BLACKWOOD & NICHOLS CO LTD				RECEIVED:	01/05/82	JA: NM 4			
8213412	NM-1484-81	3004523484		107-TF		NORTHEAST BLANCO UNIT #202	SOUTH LOS PINOS FRUIT	200.0	EL PASO NATURAL G
8213410	NM-1482-81	3004523485		107-TF		NORTHEAST BLANCO UNIT #203	SOUTH LOS PINOS FRUIT	100.0	EL PASO NATURAL G
8213413	NM 1485-81	3004523601		107-TF		NORTHEAST BLANCO UNIT #205	SOUTH LOS PINOS FRUIT	50.0	EL PASO NATURAL G
-BRAZOS PETROLEUM CO				RECEIVED:	01/05/82	JA: NM 4			
8213476	NM-1573-81	3002527437		103		FERDERBER FEDERAL COM #2	SAWYER (SAN ANDRES)	100.0	WARREN PETROLEUM
-CHEVRON U S A INC				RECEIVED:	01/05/82	JA: NM 4			
8213477	NM-1605-81	3002527120		103		MALJAMAR (GRAYBURG) UNIT 78	MALJAMAR (GRAYBURG)	3.0	PHILLIPS PETROLEU
-CONOCO INC				RECEIVED:	01/05/82	JA: NM 4			
8213503	NM-1641-81	3003905343		108		AXI APACHE D #2	AXI APACHE AREA-BALLA	17.1	EL PASO NATURAL G
8213504	NM-1642-81	3003921041		108		AXI APACHE F #6	AXI APACHE AREA-BALLA	19.4	GAS CO OF NEW MEX
8213509	NM-1647-81	3002506496		108		HAWK B-3 #19	NMFU - BLINEBRY	7.7	GETTY OIL CO
8213505	NM-1643-81	3003920422		108		JICARILLA 28 #12	WEST LINDRETH GALLUP	10.6	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213506	NM-1644-81	3003920136		108		JICARILLA 28 #4	WEST LINDRETH GALLUP	7.4	EL PASO NATURAL G
8213507	NM-1645-81	3002504852		108		LOCKHART B-31 #4	NMFU-JALMAT YATES GAS	15.6	EL PASO NATURAL G
8213510	NM-7648-81	3002509427		108		LYNN B-1 #3	NMFU - JALMAT YATES G	16.0	EL PASO NATURAL G
8213508	NM-1646-81	3002509428		108		LYNN B-1 #4	NMFU - JALMAT YATES	7.2	EL PASO NATURAL G
8213501	NM-1639-81	3002509420		108		LYNN B-25 #1	NMFU-JALMAT YATES GAS	16.8	EL PASO NATURAL G
8213502	NM-1640-81	3001505891		108		RUSSELL 35 FEDERAL #2	NORTH MASON DELAWARE	5.8	PHILLIPS PETROLEU
-COTTON PETROLEUM CORPORATION				RECEIVED:	01/05/82	JA: NM 4			
8213381	NM 0652-81	3003922217		103		APACHE #26	S BLANCO	47.0	NORTHWEST PIPELIN
-DAVID FASKEN				RECEIVED:	01/05/82	JA: NM 4			
8213478	NM-1608-81	3001523748		103		MARALO FEDERAL #2	AVALON (MORROW)	219.0	EL PASO NATURAL G
-DEPCO INC				RECEIVED:	01/05/82	JA: NM 4			
8213495	NM-1631-81	3004524767		103		FEDERAL 29 #22	WEST KUTZ PICTURED CL	37.0	GAS CO OF NEW MEX
8213496	NM-1632-81	3004524768		103		FEDERAL 29 #23	WEST KUTZ PICTURED CL	86.0	GAS CO OF NEW MEX
8213486	NM 1620-81	3004524792		103		FEDERAL 29 #33	WEST KUTZ PICTURED CL	147.0	GAS CO OF NEW MEX
8213487	NM 1621-81	3004524997		103		FEDERAL 30 #11	WEST KUTZ PICTURED CL	0.0	GAS CO OF NEW MEX
8213491	NM-1625-81	3004524813		103		FEDERAL 30 #23	WEST KUTZ PICTURED CL	37.0	GAS CO OF NEW MEX
8213497	NM-1633-81	3004524769		103		FEDERAL 30 #41	WEST KUTZ PICTURED CL	142.0	GAS CO OF NEW MEX
8213498	NM-1634-81	3004524814		103		FEDERAL 30 #44	WEST KUTZ PICTURED CL	42.0	GAS CO OF NEW MEX
8213494	NM-1630-81	3004524793		103		FEDERAL 32 #21	WEST KUTZ PICTURED CL	191.0	GAS CO OF NEW MEX
8213488	NM 1622-81	3004524795		103		FEDERAL 33 #11	WEST KUTZ PICTURED CL	51.0	GAS CO OF NEW MEX
8213490	NM-1624-81	3004524978		103		FEDERAL 33 #24	WEST KUTZ PICTURED CL	43.8	GAS CO OF NEW MEX
8213489	NM 1623-81	3004524794		103		FEDERAL 33 #31	WEST KUTZ PICTURED CL	43.8	GAS CO OF NEW MEX
8213492	NM-1626-81	3004524967		103		FEDERAL 33 #44	WEST KUTZ PICTURED CL	43.8	GAS CO OF NEW MEX
8213482	NM-1615-81	3003906574		108		MKL #12	S BLANCO - PICTURED C	19.3	EL PASO NATURAL G
-DUGAN PRODUCTION CORP				RECEIVED:	01/05/82	JA: NM 4			
8213493	NM-1627-81	3004524797		103		REDFERN #7	UNDESIGNATED FARMINGT	18.0	EL PASO NATURAL G
8213396	NM-1436-81	3004524560		103		SIXTEEN G'S #3	BISTI LOWER GALLUP	15.0	NORTHWEST PIPELIN
-EL PASO EXPLORATION CO				RECEIVED:	01/05/82	JA: NM 4			
8213373	NM-0029-81-P	3003906725		108		JICARILLA 119 N #12	TAPACITO-PICTURED CLI	20.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY				RECEIVED:	12/30/81	JA: NM 4			
8213280	NM 0734-81	3003906786		108		SAN JUAN 27-5 UNIT #35 PC & MV	SOUTH BLANCO PICTURED	18.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	01/05/82	JA: NM 4			
8213499	NM-1635-81	3004524859		103		ALLISON UNIT #44	BLANCO MESAVERDE	200.0	EL PASO NATURAL G
8213473	NM-1473-81	3003982340		108		CANYON LARGO UNIT #107	OTERO-CHACRA GAS	21.0	EL PASO NATURAL G
8213462	NM-0825-81	3003920073		108		CANYON LARGO UNIT #137 PC & CH	BLANCO SOUTH-PICTURED	20.0	EL PASO NATURAL G
8213379	NM-0087-81	3003920766		108		CANYON LARGO UNIT #219	BALLARD PICTURED CLIF	13.0	EL PASO NATURAL G
8213383	NM-0823-81	3003920900		108		CANYON LARGO UNIT #244	BALLARD-PICTURED CLIF	20.0	EL PASO NATURAL G
8213398	NM-1456-81	3003905867		108		CANYON LARGO UNIT #56	BALLARD-PICTURED CLIF	22.0	EL PASO NATURAL G
8213523	NM-1665-81	3004521140		108		CASE #17	BLANCO PICTURED CLIFF	20.0	EL PASO NATURAL G
8213522	NM-1663-81	3004520864		108		DAUM #8	AZTEC - PICTURED CLIF	14.0	EL PASO NATURAL G
8213463	NM-0838-81	3004520444		108		DRYDEN #5	SOUTH BLANCO-PICTURED	20.0	EL PASO NATURAL G
8213399	NM-1459-81	3004523563		108		FEUILLE A #1R	AZTEC-PICTURED CLIFFS	16.0	EL PASO NATURAL G
8213405	NM-1472-81	3004500000		108		FLORANCE C #9	BASIN-DAKOTA	20.0	EL PASO NATURAL G
8213386	NM-1072-81	3004509442		108		GRAMBLING C #2	BLANCO-MESAVERDE	20.0	EL PASO NATURAL G
8213402	NM-1467-81	3003906851		108		HARRINGTON #2	SOUTH BLANCO-PICTURED	22.0	EL PASO NATURAL G
8213403	NM-1468-81	3004506030		108		HUERFANITO UNIT #24	BALLARD-PICTURED CLIF	22.0	EL PASO NATURAL G
8213471	NM-1457-81	3004521191		108		JONES #4	BLANCO - PICTURED CLI	22.0	EL PASO NATURAL G
8213387	NM-1090-81	3003920651		108		KLEIN #20	OTERO-CHACRA	22.0	EL PASO NATURAL G
8213407	NM-1477-81	3004500000		108		LODEWICK #6	FULCHER KUTZ-PICTURED	20.0	EL PASO NATURAL G
8213468	NM-1297-81	3004506418		108		LODEWICK #9	BASIN DAKOTA	16.0	EL PASO NATURAL G
8213404	NM-1471-81	3004522727		108		LUCERNE A #8	BLANCO-PICTURED CLIFF	20.0	EL PASO NATURAL G
8213406	NM-1474-81	3045056960		108		MCCONNELL #6	BALLARD-PICTURED CLIF	18.0	EL PASO NATURAL G
8213467	NM-1289-81	3004510764		108		MUDGE #12	BLANCO MESAVERDE	19.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213459	NM-0629-81	3004513208		108		MUDGE #20	BASIN - DAKOTA	19.0	EL PASO NATURAL G
8213401	NM-1466-81	3003906927		108		RINCON UNIT #16	SOUTH BLANCO-PICTURED	22.0	EL PASO NATURAL G
8213397	NM-1442-81	3003922642		103		RINCON UNIT #238	LARGO CHACRA	10.0	EL PASO NATURAL G
8213384	NM-0843-81	3004521263		108		RUSSELL #9	SOUTH BLANCO - PICTUR	19.0	EL PASO NATURAL G
8213450	NM0035-81PB	3003920383		108-PB		S J 27-4 UNIT #57	BASIN-DAKOTA GAS	20.0	EL PASO NATURAL G
8213375	NM0630-81	3003920127		108		SAN JUAN 27-4 UNIT #47	BASIN-DAKOTA	16.0	EL PASO NATURAL G
8213385	NM-0865-81	3003920723		108		SAN JUAN 27-4 UNIT #69	BASIN DAKOTA	16.0	EL PASO NATURAL G
8213451	NM0966-81	3003920955		108-PB		SAN JUAN 27-4 UNIT #90	TAPACITO PICTURED CLI	20.0	EL PASO NATURAL G
8213426	NM-1590-81-B	3003922224		103		SAN JUAN 27-5 UNIT #59M	BLANCO MESAVERDE	160.0	EL PASO NATURAL G
8213427	NM 1591-81-A	3003922640		103		SAN JUAN 27-5 UNIT #98E	BASIN DAKOTA	50.0	EL PASO NATURAL G
8213428	NM1591-81-B	3003922640		103		SAN JUAN 27-5 UNIT #98E	BLANCO MESAVERDE	160.0	EL PASO NATURAL G
8213454	NM0041-81-PB	3003920175		108-PB		SAN JUAN 28-4 UNIT #33	BASIN - DAKOTA	6.0	EL PASO NATURAL G
8213465	NM-1085-81	3003920574		108		SAN JUAN 28-6 UNIT #130	BASIN - DAKOTA	20.0	EL PASO NATURAL G
8213470	NM-1336-81	3003907452		108		SAN JUAN 28-6 UNIT #15	BLANCO - MESAVERDE	15.0	EL PASO NATURAL G
8213460	NM-0666-81	3003920607		108		SAN JUAN 28-6 UNIT #178	BLANCO SOUTH - PICTUR	22.0	EL PASO NATURAL G
8213425	NM 1589-81	3003922761		103		SAN JUAN 28-6 UNIT #223	UNDESIGNATED PICTURED	80.0	EL PASO NATURAL G
8213456	NM0043-81-PB	3003907145		108-PB		SAN JUAN 28-6 UNIT #66 PC & MV	SOUTH BLANCO PICTURED	23.0	EL PASO NATURAL G
8213464	NM-1067-81	3003907449		108		SAN JUAN 28-7 UNIT #21	BLANCO - MESAVERDE	20.0	EL PASO NATURAL G
8213400	NM-1462-81	3003907425		108		SAN JUAN 28-7 UNIT #24	BLANCO-MESA VERDE	13.0	EL PASO NATURAL G
8213457	NM0044-81-PB	3003907886		108-PB		SAN JUAN 30-6 UNIT #36	BLANCO-MESAVERDE	17.0	EL PASO NATURAL G
8213440	NM-1609-81	3003907876		108		SAN JUAN 30-6 UNIT #40X	BLANCO-MESAVERDE GAS	16.0	EL PASO NATURAL G
8213472	NM-1465-81	3004521819		108		SCOTT #8	BLANCO - PICTURED CLI	20.0	EL PASO NATURAL G
8213455	NM004281PB	3003920723		108-PB		SJ 27-4 UNIT #69 S/11352-01	BASIN DAKOTA	0.0	EL PASO NATURAL G
8213449	NM0034-81PB	3003920176		108-PB		SJ 28-4 UNIT #32	BASIN-DAKOTA GAS	8.4	EL PASO NATURAL G
8213452	NM0039-81PB	3003907130		108-PB		SJ 28-6 UNIT #80 MV & PC	BLANCO-MESAVERDE AND	23.0	EL PASO NATURAL G
8213453	NM0040-81-PB	3003907902		108-PB		SJ 30-4 UNIT #23	BLANCO EAST-PICTURED	14.6	EL PASO NATURAL G
8213374	NM0614-81	3003922081		108		VALDEZ #4	CHOZA MESA PICTURED C	18.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED:	01/05/82	JA: NM 4			
8213480	NM-1613-81	3004523653		108		GALLEGOS CANYON UNIT P C #282	KUTZ WEST PICTURED CL	12.2	EL PASO NATURAL G
8213430	NM1593-81	3004507420		108		GALLEGOS CANYON UNIT PC #21	KUTZ WEST PICTURED CL	8.3	EL PASO NATURAL G
8213436	NM 1602-81	3004522238		108		GALLEGOS CANYON UNIT PC #273	KUTZ WEST PICTURED CL	15.9	EL PASO NATURAL G
8213431	NM-1595-81	3004522236		108		GALLEGOS CANYON UNIT PC #276	KUTZ WEST PICTURED CL	20.3	EL PASO NATURAL G
8213438	NM 1604-81	3004507268		108		GALLEGOS CANYON UNIT PC #33	KUTZ WEST PICTURED CL	13.6	EL PASO NATURAL G
8213435	NM 1600-81	3004507293		108		GALLEGOS CANYON UNIT PC #35	KUTZ WEST PICTURED CL	9.4	EL PASO NATURAL G
8213434	NM-1599-81	3004507330		108		GALLEGOS CANYON UNIT PC #36	KUTZ WEST PICTURED CL	5.6	EL PASO NATURAL G
8213432	NM-1597-81	3004507557		108		GALLEGOS CANYON UNIT PC #42	KUTZ WEST PICTURED CL	7.2	EL PASO NATURAL G
8213429	NM-1592-81	3004506920		108		GALLEGOS CANYON UNIT PC #62	KUTZ WEST PICTURED CL	11.2	EL PASO NATURAL G
8213433	NM-1598-81	3004506837		108		GALLEGOS CANYON UNIT PC #64	KUTZ WEST PICTURED CL	6.7	EL PASO NATURAL G
8213437	NM 1603-81	3004506938		108		GALLEGOS CANYON UNIT PC #80	KUTZ WEST PICTURED CL	6.7	EL PASO NATURAL G
8213484	NM-1617-81	3003921304		108		JICARILLA 35 #3	OTERO CHACRA AND SOUT	15.6	NORTHWEST PIPELIN
8213485	NM-1618-81	3003921301		108		JICARILLA 35 #4	OTERO CHACRA AND SOUT	17.3	NORTHWEST PIPELIN
-ENSERCH EXPLORATION INC				RECEIVED:	01/05/82	JA: OK 4			
8213521	NM-1659-81	3593223170		103		PAUL EARLY A FEDERAL #1	WILDCAT	105.0	
-ESTORIL PRODUCING CORP				RECEIVED:	01/05/82	JA: NM 4			
8213445	NM 1779-80	3002526675		102-4		UNION FEDERAL #1-A NM 14799	LEA (PENN)	91.2	LLANO INC
-GRACE PETROLEUM CORPORATION				RECEIVED:	01/05/82	JA: NM 4			
8213466	NM 1217-81	3003922335		103		FEDERAL 1-1	LYBROOK (GALLUP)	0.0	GAS CO OF NEW MEX
8213388	NM-1216-81	3003922324		103		FEDERAL 12-1	LYBROOK (GALLUP)	0.0	GAS CO OF NEW MEX
8213391	NM-1356-81	3003922263		103		MESA A-3	ESCRITO (GALLUP)	0.0	GAS CO OF NEW MEX
-GULF OIL CORPORATION				RECEIVED:	01/05/82	JA: NM 4			
8213416	NM 1511-81	3004524550		103		SCOTT E FEDERAL COM #16	WEST KUTZ PICTURED CL	0.0	GAS CO OF NEW MEX
8213415	NM 1510-81	3004524569		103		SCOTT E FEDERAL COM #18	WEST KUTZ PICTURED CL	0.0	GAS CO OF NEW MEX
8213414	NM 1509-81	3004524567		103		SCOTT E FEDERAL COM #19	WEST KUTZ PICTURED CL	0.0	GAS CO OF NEW MEX

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HARVEY E YATES COMPANY				RECEIVED:	01/05/82	JA: NM 4			
8213377	NM-0056-81	3002526813		102-4		YOUNG DEEP UNIT #1	WILDCAT	120.0	
8213378	NM-0057-81	3002527121		102-4		YOUNG DEEP UNIT #2	UND BONE SPRINGS	120.0	
-M J BRANNON				RECEIVED:	01/05/82	JA: NM 4			
8213519	NM-1657-81	3004525012		103		FEDERAL 20 #1-R	BASIN DAKOTA	175.0	EL PASO NATURAL G
8213518	NM-1656-81	3004525052		103		FEDERAL 29 #1	BASIN DAKOTA	175.0	EL PASO NATURAL G
-MONSANTO COMPANY				RECEIVED:	01/05/82	JA: NM 4			
8213424	NM 1588-81	3002527051		103		BACK BASIN UNIT #1	ANTELOPE RIDGE ATOKA	182.0	COLORADO INTERSTA
8213446	NM0002-81-SA	3004509408		108-SA		VIERSON FEDERAL #1	BASIN DAKOTA	16.0	EL PASO NATURAL G
-MESA PETROLEUM CORP				RECEIVED:	01/05/82	JA: NM 4			
8213515	NM-165381107	3000560970		107-TF		BARN FEDERAL #4	UNDESIGNATED ABO	30.0	TRANSWESTERN PIPE
8213514	NM 1652-81	3000560791		107-TF		BEDFORD FEDERAL #2	UNDESIGNATED ABO	30.0	TRANSWESTERN PIPE
8213516	NM-165481107	3000560677		107-TF		ROCK FEDERAL #3	UNDESIGNATED ABO	170.0	TRANSWESTERN PIPE
-MTS LTD PARTNERSHIP				RECEIVED:	01/05/82	JA: NM 4			
8213441	NM 1610-81	3004524844		103		SOUTH BLANCO FEDERAL 26 #1	LYBROOK GALLUP EXT	44.0	GAS CO OF NEW MEX
8213517	NM-1655-81	3004525098		103		SOUTH BLANCO NAVAJO 25 #2	LYBROOK GALLUP EXT	37.0	GAS CO OF NEW MEX
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	01/05/82	JA: NM 4			
8213395	NM-1424-81-B	3003922484		103		SAN JUAN 29-5 #101	GOBERNADOR PICTURED C	23.0	NORTHWEST PIPELIN
8213394	NM-1424-81A	3003922484		103		SAN JUAN 29-5 #101 MV	BLANCO MESAVERDE	101.0	NORTHWEST PIPELIN
8213458	NM0048-81PB	3003907567		108-PB		SAN JUAN 29-5 #16	BLANCO MESAVERDE	22.0	EL PASO NATURAL G
8213376	NM0768-81	3004521289		108		SAN JUAN 32-7 #32	BLANCO MESAVERDE	18.0	EL PASO NATURAL G
-OKLAHOMA OIL COMPANY				RECEIVED:	01/05/82	JA: NM 4			
8213408	NM 1479-81-A	3004500000		103		NICKLES #1-M (SEC 11-31-13W)	BLANCO MESA VERDE	100.0	EL PASO NATURAL G
8213409	NM 1479-81-B	3004524076		103		NICKLES #1-M (SEC 11-31N-13W)	BASIN DAKOTA	100.0	EL PASO NATURAL G
-PERRY R BASS				RECEIVED:	01/05/82	JA: NM 4			
8213513	NM 1650-81	3001523629		102-4		BIG EDDY UNIT #85	GOLDEN LANE (MORROW)	182.5	NATURAL GAS PIPEL
-PETRO-LEWIS CORPORATION				RECEIVED:	01/05/82	JA: NM 4			
8213417	NM-1514-81	3003906178		108		FLORANCE #2	TAPACITO	16.5	EL PASO NATURAL G
8213418	NM-1515-81	3003906137		108		FLORANCE #4	TAPACITO	7.1	EL PASO NATURAL G
-PIONEER PRODUCTION CORPORATION				RECEIVED:	01/05/82	JA: NM 4			
8213390	NM-1324-81	3004524773		103		DUSTIN #1-E	CHACRA (UNDESIGNATED)	0.0	PIONEER NATURAL G
-SHELL OIL CO				RECEIVED:	01/05/82	JA: NM 4			
8213382	NM-0737-81	3000520119		108		BROWN A FEDERAL #1	CATO SAN ANDRES	2.4	CITIES SERVICE CO
-SOUTHLAND ROYALTY CO				RECEIVED:	01/05/82	JA: NM 4			
8213447	NM0018-81-ER	3004513041		108-ER		A D HUDSON #5	BASIN DAKOTA	0.1	SOUTHERN UNION GA
8213474	NM 1513-81	3001523690		103		DALE H PARKE A TR 1 #11	GRAYBURG-JACKSON	10.0	CONTINENTAL OIL C
8213419	NM 1536-81	3001523557		103		DALE H PARKE C #1	GRAYBURG-JACKSON	10.0	CONTINENTAL OIL C
8213442	NM 1611-81	3001523708		103		F M ROBINSON B TR 2 #2	GRAYBURG-JACKSON	4.3	PHILLIPS PETROLEU
8213511	NM-1649-81-A	3004524996		103		FEDERAL #12-14	BASIN	51.0	EL PASO NATURAL G
8213512	NM-1649-81-B	3004524996		103		FEDERAL #12-14	GALLEGOS	23.0	EL PASO NATURAL G
8213448	NM0019-81ER	3004506644		108-ER		WHITLEY 7	BASIN	12.0	SOUTHERN UNION GA
-SUPERIOR OIL CO				RECEIVED:	01/05/82	JA: NM 4			
8213380	NM 0523-81	3002526844		102-3		TRISTE DRAW FED #1	TRISTE DRAW	0.0	
-SUPRON ENERGY CORPORATION				RECEIVED:	01/05/82	JA: NM 4			
8213475	NM 1566-81	3004524998		103		RICHARDSON #5	BASIN DAKOTA	480.0	EL PASO NATURAL G
-THELMA FORD SIMMONS				RECEIVED:	01/05/82	JA: NM 4			
8213423	NM-1585-81	3004524771		103		SIMMONS E # 3 R	BLANCO MESAVERDE	192.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	01/05/82	JA: NM 4			
8213422	NM 1582-81	3001523643		103		FEDERAL AB #9	PENASCO DRAW SA-YESO	0.0	TRANSWESTERN PIPE
8213483	NM-1616-81	3004525087		103		KINBETO RG FEDERAL #1	UNDES GALLUP	0.0	
8213444	NM-1777-80	3000560666		102-4		LONG ARROYO MQ FED #1	WILDCAT	0.0	TRANSWESTERN PIPE
8213443	NM 1773-80	3001522908		102-4		SUPERIOR "KJ" FEDERAL COM #1	WILDCAT	0.0	TRANSWESTERN PIPE
-HARPER OIL COMPANY				RECEIVED:	01/05/82	JA: OK 4			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213393	OKA-1400-81	3501520993		107-DP		CHAORISTAH #1	WILDCAT	365.0	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	01/05/82	JA: OK 4			
8213420	VA-1541-81	3513700000		108		DOYLE #10-05	DOYLE	0.0	AMINOIL USA INC
-R E YARBROUGH				RECEIVED:	01/05/82	JA: OK 4			
8213481	OK-1614-81	3503320521		102-2		PAHKEKUMAH #1	WEST DUNCAN	73.0	NATURAL GAS OPERA
-SUPERIOR OIL CO				RECEIVED:	01/05/82	JA: UT 4			
8213389	UA-1282-81	4303730662		103		MCELMO CREEK UNIT 0-21	GREATER ANETH	0.0	EL PASO NATURAL G

OTHER PURCHASERS VOLUME NO :586

8213285	BROOKLYN UNION GAS CO
8213286	BROOKLYN UNION GAS CO
8213292	BROOKLYN UNION GAS CO
8213304	BROOKLYN UNION GAS CO
8213355	UNITED GAS PL CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission by February 19, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–2948 Filed 2–3–82; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 29, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-AURELIUS GAS CO INC			RECEIVED:	01/06/82		JA: NY			
8213720	2095	3101115962	103			AUGUST AND JOSEPH STAEHR #3	WEST AUBURN	40.0	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION			RECEIVED:	01/06/82		JA: NY			
8213570	2102	3101316218	103			NYS REF #10-#7	GERRY	25.0	COLUMBIA GAS TRAN
-BORALDON & CO			RECEIVED:	01/06/82		JA: NY			
8213716	2075	3101312045	108			PLANK #1 20	LAKESHORE	9.9	NATIONAL FUEL GAS
8213573	2076	3101311612	108			WHITE INN #1 21	LAKESHORE	9.9	NATIONAL FUEL GAS
-EBENEZER OIL CO INC			RECEIVED:	01/06/82		JA: NY			
8213560	1228	3100314694	108			HOYT #1-31-003 14664	BOLIVAR	0.0	NATIONAL FUEL GAS
8213559	1469	3100314858	108			HOYT #2-31-00314858	BOLIVAR	1.5	NATL FUEL GAS
8213562	1230	3100314897	108			HOYT #3-31-003-14897	BOLIVAR	1.5	NATL FUEL GAS
8213561	1229	3100315055	108			HOYT #4 31-003-15055	BOLIVAR	1.5	NATL FUEL GAS
8213564	1231	3100315311	108			HOYT #5 31-003-15311	BOLIVAR	1.5	NATL FUEL GAS
8213563	1232	3100315444	108			HOYT #6 31-003-15444	BOLIVAR	1.5	NATL FUEL GAS
8213566	1233	3100315508	108			HOYT #7-31-003-15508	BOLIVAR	1.5	NATL FUEL GAS
8213565	1959	3100315562	108			HOYT #8 31-003-15562	BOLIVAR	1.5	NATL FUEL GAS
-ECLIPSE MANAGEMENT ASSOCIATES INC			RECEIVED:	01/06/82		JA: NY			
8213549	2086	3101314395	108			BESCH II #3126	LAKE SHORE	9.1	NATIONAL FUEL GAS
8213558	2085	3101314390	108			FERRO #3 #3120	LAKE SHORE	7.4	NATIONAL GAS FUEL
8213547	2083	3101314387	108			FERRO ALLOY #3117	LAKE SHORE	11.2	NATIONAL FUEL GAS
8213548	2084	3101314389	108			FERRO II #3119	LAKE SHORE	8.2	NATIONAL FUEL GAS
8213554	1768	3101314345	108			FRANKS #1 #3111	LAKE SHORE	17.4	NATIONAL FUEL GAS
8213553	2059	3101314347	108			FRANKS III #3113	LAKE SHORE	9.9	NATIONAL FUEL GAS
8213551	1785	3101315000	103			LOWE #3164	LAKE SHORE	0.0	NATIONAL FUEL GAS
8213557	2090	3101314402	108			MASON #3133	LAKE SHORE	14.1	NATIONAL FUEL GAS
8213556	2061	3101314406	108			MEANEY II #3136	LAKE SHORE	10.0	NATIONAL FUEL GAS
8213575	2067	3101314330	103			THOMPSON #2 #3101	LAKE SHORE	25.8	NATIONAL FUEL GAS
8213544	2065	3101314338	108			THOMPSON #5 #3104	LAKE SHORE	9.9	NATIONAL FUEL GAS
8213552	1767	3101314614	108			THOMPSON IV #3103	LAKE SHORE	16.4	NATIONAL FUEL GAS
8213543	2064	3101314400	108			THOMPSON VII #3131	LAKE SHORE	10.6	NATIONAL FUEL GAS
8213555	2063	3101314401	108			THOMPSON VIII #3132	LAKE SHORE	7.5	NATIONAL FUEL GAS
8213545	2081	3101314391	108			WARNSHIUS #10 #3122	LAKE SHORE	8.1	NATIONAL FUEL GAS
8213542	1769	3101314340	108			WARNSHIUS #3106	LAKE SHORE	9.7	NATIONAL FUEL GAS
8213541	1420	3101314344	108			WARNSHIUS #5 #3110	LAKE SHORE	5.3	NATIONAL FUEL GAS
8213574	2069	3101314343	103			WARNSHIUS III #3109	LAKE SHORE	24.8	NATIONAL FUEL GAS
8213546	2082	3101314392	108			WARNSHIUS XI #3123	LAKE SHORE	10.0	NATIONAL FUEL GAS
8213550	2080	3101314393	108			WARNSHIUS XII #3124	LAKE SHORE	9.5	NATIONAL FUEL GAS
-ENERGY OIL INC			RECEIVED:	01/06/82		JA: NY			
8213567	1835	3103716085	103			FENTON #1	ALDEN-LANCASTER	20.0	NATIONAL FUEL GAS
-ESCOLARITE & CO			RECEIVED:	01/06/82		JA: NY			
8213718	2073	3101311984	108			JOY #1 17	LAKESHORE	9.9	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213717	2074	3101311985		108		JOY #2 18	LAKESHORE	9.9	NATIONAL FUEL GAS
-KETCHURIAN & CO				RECEIVED:	01/06/82	JA: NY			
8213572	2077	3101312837		108		ST JOSEPH'S #1 23	LAKESHORE	9.9	NATIONAL FUEL GAS
-MAYNARD OIL COMPANY				RECEIVED:	01/06/82	JA: NY			
8213719	2043	3102916337		103		NORDBLUM #1	EVANS	15.0	NATIONAL FUEL SUP
-RESOURCE EXPLORATION INC				RECEIVED:	01/06/82	JA: NY			
8213576	2113	3101312122		108		B J CARPENTER ETAL #3	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8213723	2119	3101311865		108		B SCHRUISE ET AL #1	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8213725	2114	3101311797		108		COWELS #1	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8213722	2118	3101312124		108		D A & M C LYON #2	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8213726	2115	3101312434		108		G D COWLES #2	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8213727	2116	3101312435		108		G H COWLES #4	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
8213724	2117	3101312123		108		S & C GLEASON #2	NORTH HARMONY	20.0	COLUMBIA GAS TRAN
-SOBRIETTO & CO				RECEIVED:	01/06/82	JA: NY			
8213721	2072	3101312152		108		JOHN WALKER 16	LAKESHORE	9.9	NATIONAL FUEL GAS
-US ENERGY DEVELOPMENT CORP				RECEIVED:	01/06/82	JA: NY			
8213568	2034	3101314464		103		WESTFIELD FISH & GAME #1	LAKESHORE	20.0	COLUMBIA GAS TRAN
8213569	2032	3101315364		103		WESTFIELD FISH & GAME #3	LAKESHORE	20.0	COLUMBIA GAS TRAN
-21 WEST GREEN ST ASSOCIATES				RECEIVED:	01/06/82	JA: NY			
8213571	2078	3101313642		108		SWANSON 29	LAKESHORE	9.9	NATIONAL FUEL GAS
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OHIO DEPARTMENT OF NATURAL RESOURCES									
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-AMERICAN EXPLORATION CO				RECEIVED:	01/06/82	JA: OH			
8213577		3415722620		108		C JOHN #1		10.0	LIBBEY OWENS FORD
-AMTEX OIL AND GAS INC				RECEIVED:	01/06/82	JA: OH			
8213579		3416922178		103	107-TF	EDNA WEAVER #1	SUGARCREEK	300.0	COLUMBIA GAS TRAN
8213578		3416922173		103	107-TF	H C & A H WENGERD #1	PAINT	300.0	COLUMBIA GAS TRAN
-ATWOOD RESOURCES INC				RECEIVED:	01/06/82	JA: OH			
8213580		3416923039		103	107-TF	OPPLINGER #1	RITTMAN	12.0	
-BAY STATE EXPLORATION CO				RECEIVED:	01/06/82	JA: OH			
8213583		3416329499		103	107-TF	C & G GRAY #2	VINTON	36.0	COLUMBIA GAS TRAN
-BELDEN & BLAKE & CO. 78				RECEIVED:	01/06/82	JA: OH			
8213584		3401921416		103	107-TF	HENRICH #2 341072	BROWN	36.5	EAST OHIO GAS CO
8213586		3401921469		103	107-TF	JACOB #1 341117	BROWN	36.5	EAST OHIO GAS CO
8213585		3401921460		103	107-TF	M & M COY #1 341111	BROWN	36.5	EAST OHIO GAS CO
-BEREA OIL AND GAS CORPORATION				RECEIVED:	01/06/82	JA: OH			
8213589		3405923068		103	107-TF	H CONATI #1	WESTLAND	0.0	COLUMBIA GAS TRAN
8213590		3415521441		103	107-TF	O BOWDEN #1	MECCA	0.0	COLUMBIA GAS TRAN
-BILL BLAIR INCORPORATED				RECEIVED:	01/06/82	JA: OH			
8213591		3402920825		103	107-TF	MILLER #1	HOMEWORTH	14.0	EAST OHIO GAS CO
8213595		3402920862		103	107-TF	SMITH #1	HOMEWORTH	22.0	EAST OHIO GAS CO
8213592		3402920830		103	107-TF	STOFFER #1	HOMEWORTH	14.0	EAST OHIO GAS CO
8213593		3402920831		103	107-TF	STOFFER #2	HOMEWORTH	14.0	EAST OHIO GAS CO
8213594		3402920832		103	107-TF	STOFFER #3	HOMEWORTH	17.0	EAST OHIO GAS CO
-BKK PROSPECTING LTD				RECEIVED:	01/06/82	JA: OH			
8213581		3411119780		107-DV		EMERSON SMITH #3	WAYNE	30.0	COLUMBIA GAS TRAN
8213582		3412122330		107-DV		RALPH & RUTH BETTINGER #2	ELK	30.0	COLUMBIA GAS TRAN
-CARL E SMITH PETROLEUM INC				RECEIVED:	01/06/82	JA: OH			
8213702		3410522144		107-DV		ROBERT ELBERFELD #231	ORANGE	24.0	COLUMBIA GAS TRAN
-CLARENCE SHERMAN				RECEIVED:	01/06/82	JA: OH			
8213701		3415723633		103	107-TF	MABEL TROYER #1	RAGERSVILLE	20.0	EAST OHIO GAS CO
-CLAY COUNTY PRODUCTION CO INC				RECEIVED:	01/06/82	JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213596		3412724506		108		EVANS #1		18.3	COLUMBIA GAS TRAN
8213597		3412724630		108		EVANS #3		17.0	COLUMBIA GAS TRAN
8213598		3412724723		108		LARGE #2		7.3	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED: 01/06/82 JA: OH					
8213599		3411521473		108		HANCHER #1		10.0	COLUMBIA GAS TRAN
8213600		3411521497		108		HANCHER #2		10.0	COLUMBIA GAS TRAN
8213601		3411923982		108		PHILLIP MILLER #1		10.0	NEWZANE GAS CO
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED: 01/06/82 JA: OH					
8213602		3405520318		103	107-TF	HESS #1	CLARIDON	15.0	EAST OHIO GAS CO
-CONSOLIDATED RESOURCES OF AMERICA				RECEIVED: 01/06/82 JA: OH					
8213603		3405922793		107-DV		MIRIAM L HAWES #1	CLAYSVILLE	10.0	EAST OHIO GAS CO
-DART OIL COMPANY				RECEIVED: 01/06/82 JA: OH					
8213604		3413320115		108		BASTEDO #1		8.9	EAST OHIO GAS CO
8213609		3413320330		108		BELLO #1		6.7	EAST OHIO GAS CO
8213617		3415722772		103		C MUTTI #1		4.1	VESCORP INDUSTRIE
8213607		3413320179		108		EARLEY #1		3.4	EAST OHIO GAS CO
8213616		3415722770		108		ELFVIN #1		13.1	VESCORP INDUSTRIE
8213611		3413320362		108		FAUSMAUGHT #1		3.7	EAST OHIO GAS CO
8213615		3415722769		108		HUFF #1		7.9	VESCORP INDUSTRIE
8213608		3413320187		108		KING #1		3.1	EAST OHIO GAS CO
8213612		3413320363		108		L SEKEL EST #1		2.3	EAST OHIO GAS CO
8213613		3413320401		108		RUSSELL #1		1.1	EAST OHIO GAS CO
8213610		3413320337		108		SCOTT HEIRS #1		7.1	EAST OHIO GAS CO
8213606		3413320177		108		SHILLIDAY #1		2.3	EAST OHIO GAS CO
8213605		3413320144		108		TAYLOR #1		6.3	EAST OHIO GAS CO
8213614		3415722748		108		WEIGAND #1		19.6	VESCORP INDUSTRIE
8213618		3415722773		108		WEIGAND #2		19.6	VESCORP INDUSTRIE
-EDCO DRILLING & PRODUCING INC				RECEIVED: 01/06/82 JA: OH					
8213619		3403124205		103	107-TF	BL-2A KAMM FARMS	CLARK	18.0	
8213620		3415723577		103	107-TF	KB-1A MCDONNELL	OXFORD	18.0	
-ENERGY DEVELOPMENT CORP				RECEIVED: 01/06/82 JA: OH					
8213623		3400721791		103	107-TF	ASHTABULA COUNTY AIRPORT AUTH #9	DENMARK	15.0	
8213622		3400721744		103	107-TF	CHELCIU #1	ROME	17.0	PARK OHIO INDUSTR
8213621		3400721479		103	107-TF	CLEVELAND CAMPFIRE GIRLS #2	AUSTINBURG	0.0	
8213624		3400721801		103	107-TF	FORRISTAL #2	NEW LYME	15.0	SHALE ENERGY - OH
-ENTERPRISE ENERGY CORP				RECEIVED: 01/06/82 JA: OH					
8213625		3405923016		107-TF		MID-OHIO COAL #7	JACKSON	36.5	COLUMBIA GAS TRAN
-GASEARCH INC				RECEIVED: 01/06/82 JA: OH					
8213626		3415521761		103	107-TF	SHOFF #1	VIENNA	20.0	EAST OHIO GAS CO
-GORMLEY & JOHNSON				RECEIVED: 01/06/82 JA: OH					
8213627		3405320293		108		PAULINE RIFE #1		8.0	COLUMBIA GAS TRAN
8213628		3405320461		108		PAULINE RIFE #2		8.0	COLUMBIA GAS TRAN
8213629		3405320554		108		PAULINE RIFE #3		8.0	COLUMBIA GAS TRAN
8213630		3410521705		108		RAMSBURG #1		7.0	COLUMBIA GAS TRAN
8213631		3410521826		108		RAMSBURG #2		7.0	COLUMBIA GAS TRAN
8213632		3410521963		108		RAMSBURG #3		7.0	COLUMBIA GAS TRAN
-H & S OPERATING COMPANY				RECEIVED: 01/06/82 JA: OH					
8213633		3403123761		107-TF		STURTZ #1 34-031-2-3761-1L##11-14	LINTON	15.0	COLUMBIA GAS TRAN
-I R D CORP				RECEIVED: 01/06/82 JA: OH					
8213634		3400721809		103	107-TF	EASTLAKE #1	WILLIAMSFIELD	45.0	
-JOHN C MASON				RECEIVED: 01/06/82 JA: OH					
8213645		3403140890		107-TF		JOHN MASON #3	CLARK	12.0	NATIONAL GAS & OI
-K S T OIL & GAS CO INC				RECEIVED: 01/06/82 JA: OH					

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213635		3415723397		103	107-TF	HUMMELL-BREYER UNIT #1	YORK	0.0	LIBBY OWENS FORD
8213638		3415320899		103	107-TF	KORBA UNIT #1	BOSTON	0.0	LIBBY OWENS FORD
8213636		3415320662		103	107-TF	SEASONS PROPERTY INVESTORS #1	STOW	0.0	LIBBY OWENS FORD
8213637		3415320769		103	107-TF	SIRPILLA #1	BOSTON	0.0	LIBBY OWENS FORD
8213639		3415320900		103	107-TF	WEBER UNIT #1	NORTHAMPTON	0.0	LIBBY OWENS FORD
8213640		3415320901		103	107-TF	WHARTON #1	BOSTON	0.0	LIBBY OWENS FORD
-L & M PETROLEUM INC				RECEIVED:	01/06/82	JA: OH			
8213641		3412724507		108		EVANS #2		16.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC				RECEIVED:	01/06/82	JA: OH			
8213642		3402920884		103	107-TF	CHARLES W BANDY #1	HANOVETON	15.0	COLUMBIA GAS TRAN
-LEADER EQUITIES INC				RECEIVED:	01/06/82	JA: OH			
8213643		3403124263		103	107-TF	MOORE #2	WASHINGTON	0.0	
-LIBERTY OIL & GAS CORP				RECEIVED:	01/06/82	JA: OH			
8213644		3410521766		107-DV		VERNON R MAXEY 1	OLIVE	18.0	COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC				RECEIVED:	01/06/82	JA: OH			
8213649		3403124363		103	107-TF	JAMES SIEGRIST #2	WASHINGTON	18.0	COLUMBIA GAS TRAN
8213650		3403124367		103	107-TF	JAMES SIEGRIST #6	WASHINGTON	20.0	COLUMBIA GAS TRAN
8213651		3405923032		103	107-TF	ROBERT COOK #1	LIBERTY	22.0	COLUMBIA GAS TRAN
8213648		3403124150		107-TF		ROBERT DIXON #3	BEDFORD	20.0	
-NUCORP ENERGY COMPANY				RECEIVED:	01/06/82	JA: OH			
8213652		3400721348		103	107-TF	C W STOKES #1	NEW LYME	310.0	OHIO GAS CO
8213654		3400721528		103	107-TF	KARPINSKI #1	NEW LYME	45.6	OHIO GAS CO
8213653		3400721444		103	107-TF	REEVE #1	NEW LYME	146.0	OHIO GAS CO
8213655		3400721549		103	107-TF	REEVE #2	NEW LYME	109.5	OHIO GAS CO
-OHIO OIL & GAS CO				RECEIVED:	01/06/82	JA: OH			
8213666		3415521540		107-TF		ALLEN #2	JOHNSTON	20.0	COLUMBIA GAS TRAN
8213661		3415521222		107-RT		BENNING #1	FOWLER	20.0	COLUMBIA GAS TRAN
8213663		3415521254		107-TF		BIECWORTH 1	FOWLER	20.0	COLUMBIA GAS TRAN
8213660		3415521126		107-RT		CADONIC #1	FOWLER	25.0	COLUMBIA GAS TRAN
8213658		3415520964		107-RT		CLELAND #1	FOWLER	25.0	COLUMBIA GAS TRAN
8213657		3415520956		107-RT		CLUTE #1	FOWLER	25.0	COLUMBIA GAS TRAN
8213668		3415521565		107-TF		DUFF #1	FOWLES	20.0	COLUMBIA GAS TRAN
8213667		3415521550		107-TF		JACOUSON #1	JOHNSTON	20.0	COLUMBIA GAS TRAN
8213664		3415521401		107-TF		KINLEYSIDE #2	FOWLER	25.0	COLUMBIA GAS TRAN
8213665		3415521517		107-TF		SIEMBIEDA #1	FOWLER	20.0	COLUMBIA GAS TRAN
8213662		3415521530		107-TF		STEIN #2	FOWLER	20.0	COLUMBIA GAS TRAN
8213656		3415520909		107-RT		YUNGBLUTH #1	FOWLER	20.0	COLUMBIA GAS TRAN
8213659		3415521083		107-RT		YUNGBLUTH #2	FOWLER	25.0	COLUMBIA GAS TRAN
-ORION ENERGY CORP				RECEIVED:	01/06/82	JA: OH			
8213670		3415723491		107-TF		FLICKINGER #1	FRANKLIN	10.0	COLUMBIA GAS TRAN
8213669		3415723490		107-TF		HIMES #1	FRANKLIN	15.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED:	01/06/82	JA: OH			
8213676		3411923986		108		CLARA ALEXANDER #1		21.0	NATIONAL GAS & OI
8213671		3408322426		108		ETHEL BAILEY #2 (7)		2.0	NATIONAL GAS & OI
8213673		3411521807		108		JOHN DEAVER #1		1.5	NATIONAL GAS & OI
8213672		3411122140		107-DV		LOWELL MIRACLE #1	FRANKLIN	10.0	
8213674		3411920399		108		ROBERT ELLERMAN #1		2.5	NATIONAL GAS & OI
8213677		3411924690		108		ROBERT ELLERMAN #2		2.5	NATIONAL GAS & OI
8213675		3411923331		108		WALTER CHERRY #1		13.0	NATIONAL GAS & OI
-POI ENERGY INC				RECEIVED:	01/06/82	JA: OH			
8213678		3400721302		107-TF		KAMPF #5	ROME	30.0	
-RELIABLE EXPLORATION & DRILLING CO				RECEIVED:	01/06/82	JA: OH			
8213681		3416726333		107-DV		ALMA SHNEIDER #2 16726333	INDEPENDENCE	50.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213682		3416726796		107-DV		AMOS #1 GRANDVIEW TWP 16726796	GRANDVIEW	54.8	RIVER GAS CO
8213680		3412122669		107-DV		PABST #2	ELK	50.0	COLUMBIA GAS TRAN
8213679		3411122526		107-DV		YOCKEY #2 111 2 2526	FRANKLIN	50.0	COLUMBIA GAS TRAN
-REPUBLIC MINERAL CORP				RECEIVED:	01/06/82	JA: OH			
8213683		3416754200		107-DV		LINSCOTT #2	SIMMONS	3254.0	COLUMBIA GAS OF O
-RESOURCE EXPLORATION INC				RECEIVED:	01/06/82	JA: OH			
8213684		3406720198		108		FORREST PYLE #2		4.0	COLUMBIA GAS TRAN
8213685		3406720207		108		MARIE SNYDER #1		3.0	COLUMBIA GAS TRAN
8213686		3407521569		108		NEAL B MILLER #3		2.0	COLUMBIA GAS TRAN
8213687		3407521606		108		ROBERT SCHLABACH #3		2.0	
-RIMCO OPERATING INC				RECEIVED:	01/06/82	JA: OH			
8213693		3416922845		103	107-TF	AMSTUTZ #3	CHESTER	12.0	COLUMBIA GAS TRAN
8213689		3416922610		103	107-TF	L SIGLER #2	CHESTER	12.0	COLUMBIA GAS TRAN
8213691		3416922644		103	107-TF	MCCLURE #1	CHESTER	12.0	COLUMBIA GAS TRAN
8213688		3416922582		103	107-TF	MORRISON #1	GREEN	12.0	COLUMBIA GAS TRAN
8213690		3416922613		103	107-TF	MORRISON #3	GREEN	12.0	COLUMBIA GAS TRAN
8213694		3416922861		103	107-TF	PEACOCK #4	CHESTER	12.0	COLUMBIA GAS TRAN
8213695		3416922862		103	107-TF	PEACOCK #5	CHESTER	12.0	COLUMBIA GAS TRAN
8213696		3416922863		103	107-TF	PEACOCK #6	CHESTER	12.0	COLUMBIA GAS TRAN
8213692		3416922679		103	107-TF	TEGTMEIER #9	CONGRESS	12.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED:	01/06/82	JA: OH			
8213697		3411122392		107-DV		KENNETH TAYLOR #1	BENTON	10.0	
8213698		3416726536		107-DV		ROAM ADKINS #2	RINARD MILLS	12.5	
-SANTA FE DRILLING CO INC				RECEIVED:	01/06/82	JA: OH			
8213699		3416726311		107-DV		ERNEST BURKHART #1		50.0	
8213700		3416726314		107-DV		GALE & FREDA HENDERSHOT #1	LIBERTY	50.0	
-STOCKER&SITLER INC				RECEIVED:	01/06/82	JA: OH			
8213703		3415723387		107-TF		HOFFMAN UNIT #4	CLAY	146.0	COLUMBIA GAS TRAN
8213705		3415723389		107-TF		SHULL UNIT #2	CLAY	173.0	COLUMBIA GAS TRAN
8213706		3415723390		107-TF		SHULL UNIT #3	CLAY	235.0	COLUMBIA GAS TRAN
8213704		3415723388		107-TF		SHULL UNIT #4	CLAY	213.0	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC				RECEIVED:	01/06/82	JA: OH			
8213707		3401320391	D	107-TF		HAGAN #1	SOMERSET	0.0	TEXAS EASTERN TRA
-THE BENATTY CORPORATION				RECEIVED:	01/06/82	JA: OH			
8213588		3405930950		103	107-TF	REID-SHINGARY #1	VALLEY	30.0	COLUMBIA GAS TRAN
8213587		3400922220		107-DV		W PAE #1	ATHENS	40.0	COLUMBIA GAS TRAN
-THE MIDWEST OIL AND GAS CO				RECEIVED:	01/06/82	JA: OH			
8213646		3403124436		103	107-TF	GEORGE GAMERTSFELDER 4	CLARK	6.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED:	01/06/82	JA: OH			
8213647		3411122523		107-DV		ROSSI #2M	SENECA	0.0	COLUMBIA GAS TRAN
-TIGER OIL INC				RECEIVED:	01/06/82	JA: OH			
8213708		3412122447		107-DV		EMILENE SCHRAMM #2	ELK	0.0	COLUMBIA GAS TRAN
8213709		3412122650		107-DV		RAY BAKER #1	ELK	0.0	COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO				RECEIVED:	01/06/82	JA: OH			
8213710		3405922073		108		A MURRAY #2	RICHLAND	21.7	COLUMBIA GAS TRAN
8213711		3405922453		108		PARRY #2	GUERNSEY	12.7	EAST OHIO GAS CO
8213712		3405923087		107-TF		WRIGHT/MAPLES #1	GUERNSEY	0.0	TENNESSEE GAS PIP
-VIKING RESOURCES CORP				RECEIVED:	01/06/82	JA: OH			
8213714A		3401320433		103		WM JAY FARSON #1	WAYNE	30.0	
8213714B		3401320433	D	107-TF		WM JAY FARSON #1	WAYNE	30.0	
8213713A		3401320432		103		WM TRUEX #1	WAYNE	30.0	
8213713B		3401320432	D	107-TF		WM TRUEX #1	WAYNE	30.0	
-WEBSTER MYERS				RECEIVED:	01/06/82	JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213715		3408720269		107-DV		ELIZABETH TROUT #1	UNION	7.5	COLUMBIA GAS TRAN
SOUTH DAKOTA DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT									
-JERRY A MCCUTCHIN JR				RECEIVED: 01/04/82		JA: SD			
8213540		4006320308		102-4		FEDERAL 2-16	WEST SHORT PINE HILLS	63.9	MONTANA-DAKOTA UT
8213539		4006320307		102-4		FEDERAL 2-21	WEST SHORT PINE HILLS	63.9	MONTANA-DAKOTA UT
8213526		4006320218		102-4		FOX 1-14	CADY CREEK	27.4	MONTANA-DAKOTA UT
8213531		4006320302		102-4		FOX 2-15	CADY CREEK	36.5	MONTANA-DAKOTA UT
8213528		4006320220		102-4		HARRISON STATE 2-16	CADY CREEK	36.5	MONTANA-DAKOTA UT
8213533		4006320298		102-4		HEIKKILA 2-17	WEST SHORT PINE HILLS	63.9	MONTANA-DAKOTA UT
8213538		4006320306		102-4		HEIKKILA 2-8	WEST SHORT PINE HILLS	36.5	MONTANA-DAKOTA UT
8213537		4006320305		102-4		HEIKKILA-CARVER 2-19	WEST SHORT PINE HILLS	91.3	MONTANA-DAKOTA UT
8213534		4006320299		102-4		OLESON 2-18	WEST SHORT PINE HILLS	91.3	MONTANA-DAKOTA UT
8213525		4006320068		102-4		STATE PLACID 1-16	CADY CREEK	36.5	MONTANA-DAKOTA UT
8213530		4006320311		102-4		STATE 1-10	CADY CREEK	27.4	MONTANA-DAKOTA UT
8213535		4006320303		102-4		STATE 2-32	WEST SHORT PINE HILLS	54.0	MONTANA-DAKOTA UT
8213536		4006320304		102-4		STATE 2-5	WEST SHORT PINE HILLS	63.9	MONTANA-DAKOTA UT
8213532		4006320297		102-4		STATE 2-6	WEST SHORT PINE HILLS	365.0	MONTANA-DAKOTA UT
8213529		4006320222		102-4		TRUMAN 1-17	CADY CREEK	18.3	MONTANA-DAKOTA UT
8213527		4006320219		102-4		TRUMAN 1-18	CADY CREEK	27.4	MONTANA-DAKOTA UT
UTAH DIVISION OF OIL,GAS, & MINING									
-COASTAL OIL & GAS CORP				RECEIVED: 01/04/82		JA: UT			
8213524	K-136-5	4304730909		107-TF		NATURAL BUTTES UNIT #62	NATURAL BUTTES	164.0	COLORADO INTERSTA

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission by February 19, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–2947 Filed 2–3–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP80–83 and RP80–111]

ANR Storage Co.; Filing

February 1, 1982.

Take notice that on December 30, 1981, ANR Storage Company (ANR), in accordance with the Stipulation and Agreement in the above-captioned dockets approved by the Commission in a letter order dated April 3, 1981, tendered for fiing a description of the calculation and cost of debt upon which ANR's rates will be based.

The calculation reflects an average cost of debt for the subject six months, June 1, 1981 to November 30, 1981, of 18.7456%. The Stipulation and Agreement, at Section II, provides that ANR's rates are to reflect only an average cost of debt for the subject six months of 18%. Therefore, ANR's rates will not be adjusted for the succeeding six month period. ANR will utilize the currently effective tariff sheets, which reflect 18% for the cost of debt capital, that were approved by Commission Order dated June 22, 1981.

Copies of the filing were served on all of ANR's customers in Docket Nos. RP80–83 and RP80–111.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 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. 82–2933 Filed 2–3–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–233–000]

Consolidated Edison Company of New York, Inc.; Filing

January 29, 1982.

The filing Company submits the following:

Take notice that on January 19, 1982, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing proposed changes in its rate schedule for transmission and distribution service to the Power Authority of the State of New York (PASNY), Con Edison Electric Rate Schedule FPC No. 42. The proposed supplement No. 9 would increase revenues from jurisdictional service to PASNY by $516,700 annually.

The proposed increase represents PASNY's proportionate share of additional revenues required by Con Edison to normalize the tax effects of use of the accelerated cost recovery system authorized by the Economic Recovery Tax Act of 1981.

Con Edison proposes an effective date of March 5, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon PASNY, the New York Public Service Commission and the Port Authority of New York and New Jersey.

Any person desiring to be heard or to protect 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 February 16, 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. 82–2934 Filed 2–3–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF82–44–000]

Ernest L. Copley; Application for Commission Certification of Qualifying Status of Small Power Production Facility

January 28, 1982.

On December 17, 1981, Ernest L. Copley (Applicant) of 526 King Street Suite 401, P.O. Box 1416, Alexandria, Virginia filed with the Federal Energy Regulatory Commission (Commission), an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will generate electricity by means of a solar collector system. The facility will be located at Tilghman's Neck, on Maryland's Eastern Shore. The plant capacity of the facility will be 50 kilowatts. The facility will not use any natural gas, oil or coal. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed by March 8, 1982 and must be served on the applicant. 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. 82-2935 Filed 2-3-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-97-001]

Great Lakes Gas Transmission Co.; Proposed Change in FERC Gas Tariff

February 1, 1982.

Take notice that on Jan. 20, 1982, Great Lakes Gas Transmission Company (Great Lakes) filed the following revised tariff sheets with the Commission to reflect a general rate increase:

First Revised Volume No. 1

Eleventh Revised Sheet No. 4
Substitute Fortieth Revised Sheet No. 57

Original Volume No. 2

Seventeenth Revised Sheet No. 53
Eighth Revised Sheet No. 77
Second Revised Sheet No. 183
Second Revised Sheet No. 223
Second Revised Sheet No. 245
First Revised Sheet No. 294

On August 31, 1981, the Commission issued an order which *inter alia*, suspended the effective date of the proposed tariff sheets until February 1, 1982. Ordering Paragraph (F) of the suspension order required Great Lakes to file revisions to the filed tariff sheets to be effective February 1, 1982, that reflect the elimination of all costs associated with certificated facilities not placed in service by January 31, 1982. Great Lakes states that all of the certificated facilities should be in service by January 31, 1982, therefore revised tariff sheets should not be necessary.

Furthermore, Great Lakes states that Fortieth Revised Sheet No. 57, First Revised Volume No. 1 included above reflects the following changes that have occurred during the suspension period:

(i) PGA adjustments to reflect Great Lakes' present gas purchased cost of $4.89603 per Mcf, which was approved by the Commission on October 22, 1981, in Docket No. TA82-1-51-001;

(ii) Surcharge rate adjustment, which became effective November 1, 1981, as approved by the Commission on October 22, 1981, in Docket No. TA82-1-51-001;

(iii) GRI funding unit, which became effective January 1, 1982, as approved by the Commission on December 28, 1981, in Docket No. TA82-1-51-002.

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., 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 February 19, 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. 82-2936 Filed 2-3-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-34-000]

ITT Continental Baking Co.; Application for Commission Certification of Qualifying Status of Cogeneration Facility

January 28, 1982.

On December 21, 1981, ITT Continental Baking Co. of Rye, New York filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility will be a topping-cycle cogeneration facility located at the DiCarlo Bakery, P.O. Box 711, 1701 North Gaffey Street, San Pedro, California 90733. The primary energy source will be natural gas which will fuel two generating units. Combined capacity of the units will be 894 kilowatts. Exhaust heat from one turbine will be used in a waste heat boiler to generate 4,000 to 4,200 lbs. per hour of 15 psi steam. The second turbine will supply process heat to four baking ovens at a rate of approximately 4.92 million Btu per hour. Installation of the facility will begin in the summer of 1982. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed by March 8, 1982 and must be served on the applicant. 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. 82-2937 Filed 2-3-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-123-000]

Kansas City Power and Light Co.; Order Accepting for Filing and Suspending Revised Fuel Adjustment Clause, Denying Request for Summary Rejection, Granting Interventions, and Consolidating Dockets

January 29, 1982.

On December 2, 1981, Kansas City Power and Light Company (KCPL) filed a revised fuel adjustment clause applicable to its sixteen firm power customers. [1] The company has proposed an effective date of December 3, 1981. The revised fuel adjustment clause provides for the recovery of estimated land reclamation expense associated with coal purchases from an unaffiliated coal supplier.

The instant submittal is in response to the Commission's finding in *Kansas Municipal and Cooperative Electric Systems*, Docket No. EL81-11-000 (September 24, 1981) that although reclamation expenses would be considered appropriate for fuel clause treatment, KCPL had failed to file a fuel adjustment clause that provided for recovery of estimated reclamation costs and had failed to establish an appropriate mechanism to compensate for differences between billed and actual costs. Therefore, the Commission ordered KCPL to cease billing estimated coal reclamation expenses through its existing fuel adjustment clause. Such action, however, was without prejudice to filing a revised fuel clause which properly would account for actual expenditures and reflect changes in reclamation costs in relation to an approved base amount.

Notice of KCPL's filing was issued on December 10, 1981, with response due on or before December 29, 1981. The Kansas and Missouri Municipal

[1] *See* Attachment A for rate schedule designations.

Customers (Cities) [2] filed a timely protest, petition to intervene, request for summary rejection, and alternatively, request for hearing and a five month suspension. Cities seek rejection of KCPL's filing on three grounds: (1) That the submittal does not comply with section 35.13 of the Commission's regulations inasmuch as it fails to include sufficient cost support; (2) that the adjustment mechanism for differences between estimates and actual reclamation costs does not conform to the requirements of the Commission's earlier order because the mechanism only provides for adjustments to reflect updated estimated, not for adjustments to reconcile estimates with actually incurred costs; and (3) that estimated reclamation expenses are not appropriate for fuel clause treatment.

Absent rejection, Cities request that the revised fuel clause be suspended for the maximum period and that a hearing be convened. Cities assert that no circumstances exist to warrant less than a five month suspension and that due to the unusual nature of the filing and the Commission's orders of September 24, 1981, and November 18, 1981,[3] serious doubt exists as to the justness and reasonableness of the revised fuel clause. Cities further objects to consolidation of this filing with the ongoing proceedings in Docket Nos. ER80–315, ER80–450, and EL81–11–000 on the grounds that those proceedings involve the treatment of past accruals for reclamation expenses, whereas the instant submittal concerns the recovery of future expenses.

On January 7, 1982, the Missouri Public Service Commission filed an untimely notice of intervention. The Missouri Commission has raised no substantive issued but requests intervention on the grounds that it has an interest in representing Missouri consumers that will not be represented by any other party. According to the Missouri Commission, its filing was delayed as a result of the holiday season.

On January 18, 1982, KCPL filed an untimely answer to the protests and requests of Cities. KCPL contends among other things, that the Commission's order of September 24 did not require a true-up to actual costs.

[2] Cities consist of Baldwin City, Gardner, Garnett, Osawatomie, Ottawa, and Pomona, Kansas, and Higginsville, Salisbury, Slater, and Marshall, Missouri.

[3] On November 18, 1981, the Commission denied rehearing of the September 24, 1981, order in Docket No. EL81–11–000.

Discussion

The Commission finds that participation in this proceeding by Cities and the Missouri Commission is in the public interest and that good cause exists to permit the Missouri Commission to intervene out of time. Therefore, the petitions to intervene will be granted.

Despite Cities' allegation that KCPL's submittal fails to conform to § 35.13 of the Commission's regulations, our review indicates substantial compliance with the Commission's filing requirements. Accordingly, Cities' motion to reject will be denied.[4] We note that KCPL has not changed the base cost of fuel from that included in its currently effective rates; that base cost reflects fuel costs for a test period ending June 30, 1975. Separate billing for estimated reclamation costs from Arch Mineral Company, however, did not commence until 1978. Because the base cost of fuel proposed by KCPL does not reflect any reclamation expenses, the estimated reclamation costs would be recovered only through the monthly fuel adjustment factor. KCPL has indicated that current estimates of reclamation costs approximate 0.05 mills/kwh.

Our analysis indicates that there may be merit to Cities' contention that the adjustment mechanism proposed by KCPL fails to reconcile differences between billed and actual costs. KCPL's revised fuel clause states that estimates are adjusted on a regular basis to reflect current information on reclamation costs. Review of KCPL's Reclamation Cost Estimation and Adjustment Procedures, which accompany the revised fuel clause, indicates that current information includes updated estimates and actual reclamation costs ultimately billed by the coal supplier. While the adjustment mechanism provides for both upward and downward revisions to the accrual rate to reflect currently available information, it is not clear that billed costs will ultimately be reconciled with actual costs as called for in our September 24 order, contrary to KCPL's argument.

Our analysis indicates that KCPL's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

[4] *See, Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period would lead to harsh and inequitable results. Such circumstances are presented here. The adjustment mechanism reflected in KCPL's filing represents an attempt by the company to recover actual coal-related costs. While we are not satisfied that the proposal is totally acceptable, it does contemplate both upward and downward adjustments thereby minimizing the likelihood of substantial overrecovery of costs over time. We believe that it would be unfair to require KCPL to forego all legitimate coal reclamation costs pending a full five month suspension. It appears that a nominal suspension and a refund obligation should adequately protect KCPL's affected customers without unduly jeopardizing the company's rights. Accordingly, we shall exercise our discretion to suspend the rates for only one day. However, while KCPL requests an effective date of December 3, 1981, one day after filing, it has neither requested nor shown good cause for waiver of the statutory notice requirement. Accordingly, the revised fuel adjustment clause will become effective, subject to refund, one day from sixty days after filing, on February 2, 1982.

With respect to Cities' argument that estimated reclamation expenses are not appropriately recovered through a fuel clause, the Commission has already addressed these arguments in the September 24, 1981 order and the subsequent order denying rehearing in Docket No. EL81–11–000. A further attempt to seek rehearing of the September 24 order does not lie and, in any event, Cities have raised no new arguments that would cause us to reconsider the conclusions expressed in that order.

[5] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

We find that common questions of law and fact may be presented in this docket and in Docket Nos. ER80–315, *et al.* As a result, we will consolidate these dockets for purposes of hearing and decision. We note, however, that the presiding administrative law judge may determine that this portion of the proceeding should be phased in order not to delay the ongoing proceedings.

The Commission orders:

(A) Cities' motion to reject KCPL's submittal in this docket is hereby denied.

(B) KCPL's revised fuel adjustment clause is hereby accepted for filing, and suspended for one day, to become effective on February 2, 1982, subject to refund.

(C) The petitions and untimely notice to intervene are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation shall be limited to the matters set forth in the petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(D) The proceedings in Docket No. ER82–123–000 are hereby consolidated with those in Docket Nos. ER80–315, *et al.,* for purposes of hearing and decision.

(E) The administrative law judge designated to preside in Docket No. ER80–315, *et al.,* shall convene a conference in this proceeding to be held at the earliest convenience of the parties for purposes of establishing the most appropriate means of consolidation of these cases, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–2938 Filed 2–3–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP81–61–002]

Michigan Wisconsin Pipe Line Co.; Corrected Tariff Filing

February 1, 1982.

Take notice that on January 21, 1982, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing under Rate Schedules X–72, X–73, and X–92 of its F.E.R.C. Gas Tariff, First Revised Volume No. 2 certain revised tariff sheets with proposed modifications as follows:

Reference	Proposed modification
X–72	Because of inadvertent duplication, replace First Revised Sheet No. 789, Superseding Original Sheet No. 789, issued on April 30, 1981, with an effective date of November 1, 1981, as approved by the Commission's letter of acceptance dated November 6, 1981, with First Revised Sheet No. 789, Superseding Original Sheet No. 789, issued on May 29, 1981, with an effective date of May 27, 1981, as approved by the Commission's letter of acceptance dated June 30, 1981;
X–73	Because of incorrect chronological order, replace Second Revised Sheet No. 803, Superseding First Revised Sheet No. 803, issued on April 30, 1981, with an effective date of November 1, 1981, as approved by the Commission's letter of acceptance dated November 6, 1981, with Third Revised Sheet No. 803, Superseding Second Revised Sheet No. 803;
X–92	Because of inadvertent duplication, replace First Revised Sheet No. 1249, Superseding Original Sheet No. 1249 issued on April 30, 1981, with an effective date of November 1, 1981, as approved by the Commission's letter of acceptance dated November 6, 1981, with First Revised Sheet No. 1249, Superseding Original Sheet No. 1249 issued on July 16, 1981, with an effective date of June 19, 1981, as approved by the Commission's letter of acceptance dated August 28, 1981;
X–92	Because of inadvertent duplication, replace First Revised Sheet No. 1250, Superseding Original Sheet No. 1250 issued on April 30, 1981, with an effective date of November 1, 1981, as approved by the Commission's letter of acceptance dated November 6, 1981, with First Revised Sheet No. 1250, Superseding Original Sheet No. 1250, issued on July 16, 1981, with an effective date of June 19, 1981, as approved by the Commission's letter of acceptance dated August 28, 1981.

Michigan Wisconsin states that the aforementioned tariff sheets were filed with the Commission during the year 1981 under Rate Schedules X–72, X–73, and X–92 of its F.E.R.C. Gas Tariff, First Revised Volume No. 2 and now require corrections which will not materially affect the context of the subject rate schedules.

Michigan Wisconsin states that certain of the aforementioned tariff sheets to be replaced under its F.E.R.C. Gas Tariff, First Revised Volume No. 2 were originally filed with the Commission pursuant to Michigan Wisconsin's General Rate Increase Filing at Docket No. RP81–61. Because of the suspension period associated with the filing of such tariff sheets, at Docket No. RP81–61, and subsequent tariff revisions at the captioned dockets involving the aforementioned rate schedules, misfiling of the subject tariff sheets has occurred.

Michigan Wisconsin states further, that, the purpose of the subject filing is to replace those tariff sheets, as proposed herein, under Rate Schedules X–72, X–73, and X–92 to its F.E.R.C. Gas Tariff, First Revised Volume No. 2 and to substitute corrected tariff sheets which reflect the proper context and chronological order of Rate Schedules X–72, X–73, and X–92.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 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 proceedings. 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. 82–2939 Filed 2–3–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP80–107–006 & TA80–2–26–003 (AP80–2)]

Natural Gas Pipeline Co.; Proposed Change in FERC Gas Tariff

February 1, 1982.

Take notice that on January 15, 1982, Natural Gas Pipeline Company (Natural) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following:

Second Substitute Fourth Revised Sheet No. 118, effective December 1, 1980; and

Sixth Revised Sheet No. 118, effective May 31, 1981.

Natural states that these revised sheets are being filed in compliance with Article IX of the subject settlement agreement to effectuate a revision to Natural's Purchase Gas Cost Adjustment (PGA) gas tariff provision which allows it to track variations in gas used and unaccounted for and in the Btu content of gas sold.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make portestants 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. 82-2940 Filed 2-3-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-95-001]

Pacific Interstate Transmission Co.; Tariff Filing Substitute First Revised Sheet No. 9

February 1, 1982.

Take notice that on January 13, 1982, Pacific Interstate Transmission Company ("Pacific Interstate") tendered for filing a substitute revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1, in accordance with the Commission's order of June 13, 1980 in Northwest Alaskan Pipeline Co., *et al.*, Docket Nos. CP78-123, *et al.*

Pacific Interstate states that on July 27, 1981, Pacific Interstate filed First Revised Sheet No. 9 to its FERC Gas Tariff, Original Volume No. 1, designed to increase its rate of return on equity from 13.75 percent to 20 percent, resulting in an overall estimated rate of return of 17.94 percent based on the estimated debt cost of 16.62 percent.

Pacific Interstate states that at the time of its filing of the First Revised Sheet No. 9 on July 27, 1981, Pacific Interstate indicated that it would file a Substitute First Revised Sheet when it acquired permanent debt.

Pacific Interstate states that on August 28, 1981, the Commission issued its order in Docket No. RP81-95 accepting for filing the proposed First Revised Sheet No. 9 and that in so doing the Commission noted that the overall rate of return depicted in the First Revised Sheet No. 9 was based on an estimated debt cost of 16.62 percent. The Commission suspended the effectiveness of said sheet until March 1, 1982 when it will become effective subject to refund, in the manner provided by Section 4 of the Natural Gas Act.

Pacific Interstate states that it has obtained commitments for the acquisition of the necessary permanent debt. Pacific Interstate states that its actual cost of debt is different from the estimate utilized in the July 27, 1981 filing. Therefore, pursuant to Part 154 of the Commission's Regulations under the Natural Gas Act and the Commission's order of June 13, 1980 in Docket Nos. CP78-123, *et al.*, Pacific Interstate tenders for filing and acceptance a Substitute First Revised Sheet No. 9 of its FERC Gas Tariff Original Volume No. 1 to reflect the actual cost of debt. Pacific Interstate requests that this Substitute First Revised Sheet No. 9 become effective on the date designated by the Commission for the First Revised Sheet No. 9, namely March 1, 1982.

Pacific Interstate requests a waiver of Section 154.22 of the Commission's Regulations, and also requests that the Commission grant any waivers of its regulations it may deem necessary for the acceptance of this filing to become effective March 1, 1982.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before February 19, 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. 82-2941 Filed 2-3-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP80-78-008]

Panhandle Eastern Pipe Line Co.; Change In Tariff

February 1, 1982.

Take notice that on January 15, 1982 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Forty-Second Revised Sheet No. 3-A
Nineteenth Revised Sheet No. 3-B
Sixth Revised Sheet No. 3-C.1
Sixth Revised Sheet No. 3-C.2
Sixth Revised Sheet No. 3-C.3

An effective date of March 1, 1982 is proposed.

Panhandle states that these revised tariff sheets reflect rate adjustments as follows:

(1) A DCA Commodity Surcharge Adjustment pursuant to Section 16.6(e) of the General Terms and Conditions; and

(2) A Rate Adjustment pursuant to Section 18.4 of the General Terms and Conditions, such adjustment reflecting a proposed Pipeline Supplier rate adjustment to be effective concurrently herewith; and

(3) A PGA Rate Adjustment pursuant to Section 18.2 of the General Terms and Conditions, such adjustment reflecting the current cost of gas and recovery of amounts in the deferred purchased gas cost account; and

(4) A "Reduced PGA" rate, and projected incremental pricing surcharges for each direct sale non-exempt industrial boiler fuel facility and each sale-for-resale customer in accordance with Section 21 of the General Terms and Conditions; and

(5) A Purchased Gas Transmission and Compression and Transportation Revenue tracking adjustment pursuant to Article VI of the Stipulation and Agreement dated November 21, 1980 and the Commission's Order of January 27, 1981 in Docket No. RP80-78.

Panhandle states that the PGA Rate Adjustment filed herewith reflects payments to Panhandle's applicable gas suppliers pursuant to the Commission's Order Nos. 93 and 93-A issued in Docket No. RM80-33. Panhandle commenced paying its affected gas suppliers on the basis of Order Nos. 93 and 93-A for purchases made during the month of December, 1981.

On December 24, 1981 the Commission issued an order in Docket No. RM80-33 which vacated the partial stay previously granted in these proceedings. The Commission's order of December 24, 1981 reaffirmed the December 1, 1978 effective date of the so-called "Btu rule" (18 C.F.R. § 270.204) which prescribes the standard for determining the Btu content of natural gas in calculating maximum lawful prices under the Natural Gas Policy Act of 1978. Panhandle has not yet completed the calculations necessary to determine its additional obligation to its affected gas suppliers as a result of the application of Section 270.204 retroactive to December 1, 1978. Therefore, Panhandle has not included

in the instant filing any amounts associated with these retroactive payments. Panhandle will reflect in subsequent PGA filings the appropriate amounts associated with these retroactive payments pursuant to the Commission's order dated December 24, 1981 in Docket No. RM80–33.

In addition, on December 18, 1981, the Commission issued an order in Panhandle's pipeline supplier's, Trunkline Gas Company (Trunkline) pending general rate proceeding, Docket No. RP80–106, which order, with certain modifications, approved the Stipulation and Agreement therein dated August 26, 1981.

Trunkline's rate settlement would impact Panhandle's proposed rate adjustment. However, the 30-day period for filing petitions for rehearing in Trunkline's proceeding has not yet expired. Therefore, Panhandle submits herewith for filing six (6) copies each of the following Alternate Revised sheets to its FERC Gas Tariff Original Volume No. 1:

Alternate Forty-Second Revised Sheet No. 3–A
Alternate Nineteenth Revised Sheet No. 3–B
Alternate Sixth Revised Sheet No. 3–C.1
Alternate Sixth Revised Sheet No. 3–C.2
Alternate Sixth Revised Sheet No. 3–C.3

An effective date of March 1, 1982 is proposed. These alternate tariff sheets reflect Trunkline's settlement rates which incorporate the provisions of the Stipulation and Agreement in Docket No. RP80–106.

Supporting computation sheets are enclosed and copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 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. 82–2942 Filed 2–3–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP82–36–000]

Penn-York Energy Corp.; Application

February 1, 1982.

Take notice that on January 19, 1982 Penn-York Corporation (Penn-York"), 10 Lafayette Square, Buffalo, New York 14202, tendered for filing First Revised Sheet No. 29 to its FERC Gas Tariff, Original Volume No. 1, superseding Original Sheet No. 29. Penn-York states that the purpose of this filing is to change the interest rate on late payments by customers of monthly bills to conform to the interest rate specified in § 154.67 of the Commission's Regulations under the Natural Gas Act.

Penn-York states that since the prime rate has escalated to well over the 10 percent rate presently provided in Penn-York's tariff for customers' late payments of bills, Penn-York has noticed that certain of its customers are paying their bills late. The company states that raising the 10 percent interest rate to the level of the prime rate, as provided in Section 154.67 of the Commission's Regulations, will discourage customers delaying payment of their bills.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 19, 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 Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–2943 Filed 2–3–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TC81–64–000]

Southern Natural Gas Co.; Tariff Filing

January 28, 1982.

Take notice that on January 21, 1982, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, tendered for filing pursuant to Order No. 29 and Section 281.204 of the Commission's Regulations (18 CFR 281.204) in Docket No. TC81–64–000, the following sheets to its FERC Gas Tariff, Sixth Revised Volume No. 1:

Tenth Revised Sheet No. 65
Fifth Revised Sheet No. 65A
Eleventh Revised Sheet No. 66
Fifth Revised Sheet No. 66A
Thirteenth Revised Sheet No. 67
Fifth Revised Sheet No. 67A
Thirteenth Revised Sheet No. 71
Fifth Revised Sheet No. 71A
Tenth Revised Sheet No. 76
Fifth Revised Sheet No. 76A
Twelfth Revised Sheet No. 77
Fifth Revised Sheet No. 77A
Thirteenth Revised Sheet No. 78
Fifth Revised Sheet No. 78A
Thirteenth Revised Sheet No. 82
Fifth Revised Sheet No. 82A

The sheets are proposed to be effective February 1, 1982, and reflect further revisions to the Index of Requirements of Southern's curtailment plan on file with the Commission.

Southern states that the filing reflects an increase of 800 Mcf of gas per day in Priority of Service Category 2.1, Essential Agricultural Use Requirements, in Southern's Index of Requirements for Atlanta Gas Light Company (Atlanta), attributable to Archer-Daniels-Midland Company (ADM), a customer of Atlanta. Southern also states that the net increase in requirements in the Index for Atlanta is 170 Mcf per day in total because of reductions in requirements presently in the Index which are attributable to ADM's predecessor company.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before February 17, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2945 Filed 2-3-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-10-001 (PGA82-1, IPR82-1)]

Tennessee Natural Gas Lines, Inc.; Proposed Change in FERC Gas Tariff

February 1, 1982.

Take notice that on January 20, 1982, Tennessee Natural Gas Lines, Inc. (Tennessee Gas) tendered for filing the following reduced rates:

Substitute Thirty-Seventh Revised Sheet No. PGA-1
Fourth Revised Sheet No. PGA-1-A

Tennessee Gas states that the rates reflect:

(1) The proper supplier rates of Tennessee Gas Pipeline Company used in calculating the over/under-collected amounts;

(2) The use of actual monthly Btu adjustments to convert Tennessee Gas' rates from dth's to Mcf's when calculating the over/under-collected amounts.

Copies of this filing were mailed to Nashville Gas Company and the affected state commission, the Tennessee Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 February 19, 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. 82-2944 Filed 2-3-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CS71-677-000, et al.]

Total Petroleum, Inc. et al.; Applications for "Small Producer" Certificates [1]

January 28, 1982.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 16, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS71-677-000	Dec. 15, 1981 [1]	Total Petroleum, Inc. (Hanover Petroleum Corporation), Suite 2950, One Allen Center, Houston, Texas 77002.
CS75-470-001	Dec. 21, 1981 [2]	TXO Production Corp. (Texas Oil & Gas Corp.), 2700 Fidelity Union Tower, Dallas, Texas 75201.
CS78-543-001	Jan. 6, 1982 [3]	Rockwood Resources, Inc. (Rockwood Oil and Gas), 108 Carillon Tower East, Dallas, Texas 75240.
CS80-207	Dec. 4, 1981 [4]	Energy Capital Development Corporation (Harris Energy Corporation) 1700 Broadway, Suite 1420, Denver, Colorado 80290.
CS71-656-000	Dec. 7, 1981 [5]	A. R. Dillard, Jr. and Cobra Oil & Gas Corporation (A. R. Dillard, Jr.), 1600 Tenth Street, Wichita Falls, Texas 76301.
CS82-13-000	Dec. 23, 1981	Kappa 1981 ST Joint Venture, P.O. Box 5061, Westport, Connecticut 06881.
CS82-14-000	Jan. 19, 1982	The First National Bank and Trust Co. of Tulsa, Successor Trustee of the Francis Lebow Trust, Trust Dept., P.O. Box One, Tulsa, Oklahoma 74193.
CS82-15-000	Jan. 19, 1982	The First National Bank & Trust Co. of Tulsa, Successor Trustee of The General H. Franklin Gregory Trust, Trust Dept., P.O. Box One, Tulsa, Oklahoma 74193.
CS82-16-000	Jan. 26, 1982	Dorothy L. Fisher, First City National Bank Building, Paris, Texas, 75460.

[1] Applicant is filing to change its name from Hanover Petroleum Corporation to Total Petroleum, Inc.
[2] Applicant is filing to change its name from Texas Oil & Gas Corp. to TXO Production Corp.
[3] Applicant is filing to change its name from Rockwood Oil and Gas to Rockwood Resources, Inc.
[4] Applicant is filing to change its name from Harris Energy Corporation to Energy Capital Development Corporation.
[5] Applicant is filing to change its name from A. R. Dillard, Jr. to A. R. Dillard Jr. and Cobra Oil & Gas Corporation.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[FR Doc. 82-2946 Filed 2-3-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed Week of January 8 through January 15, 1982

During the week of January 8 through January 15, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 29, 1982.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Jan. 8 through Jan. 15, 1982]

Date	Name and location of applicant	Case No.	Type of Submission
Jan. 11, 1982	Collier, Shannon, Rill, & Scott, Washington, D.C.	HFA-0011	Appeal of an Information Request Denial. If granted: The December 10, 1982, Information Request Denial issued by the Disclosure Officer, Office of Special Counsel would be rescinded and Collier, Shannon, Rill, & Scott would receive access to certain DOE information.
Jan. 11, 1982	Glen Martin Heller, d.b.a. Beacon Hill Gulf, Washington, D.C.	HCX-0011	Supplemental Order. If granted: The July 10, 1979, Remedial Order (Case No. DRO-0184) issued to Glen Martin Heller by the Office of Hearings and Appeals would be modified in connection with the December 30, 1981, Order issued by the Federal Energy Regulatory Commission.
Jan. 8, 1982	Kentucky Oil and Refining Company, Inc., Betsy Lane, Kentucky.	HYX-0010	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Kentucky Oil and Refining Comapny, Inc. during its fiscal year ended January, 1981 to determine whether the level of relief accorded the firm was appropriate.
Jan. 12, 1982	National Roofing Company, Albuquerque, New Mexico	HFA-0028	Appeal of an Information Request Denial. If granted: The November 18, 1981 Information Request Denial issued by the Albuquerque Operations Office would be rescinded and National Roofing Company would receive access to certain DOE information.
Jan. 12, 1982	Planning Research Corporation, Washington, D.C.	HFA-0027	Appeal of Information Request Denial. If granted: The January 5, 1982 Information Request Denial issued by the Office of Procurement Operations would be rescinded, and Planning Research Corporation would receive access to certain information relating to RFP No. DE-R001 EI-11847.
Jan. 12, 1982	The Crude Company, Washington, D.C.	HER-0018	Request for Modification/Rescission. If granted: The December 16, 1981 Decision and Order (Case No. BEE-1015) issued to The Crude Company by the Office of Hearings and Appeals would be modified regarding substitute certification, or the firm's obligation to file reports FEA-P-124-M-O would be stayed until the conclusion of criminal proceedings pending against the firm.
Jan. 15, 1982	Vinson & Elkins, Washington, D.C.	HFA-0021	Appeal of An Information Request Denial. If granted: The December 9, 1981, Information Request Denial issued by the Office of Oil & Gas, Energy Information Administration would be rescinded, and Vinson & Elkins would receive access to documents relating to the prices charged by resellers for regular gasoline in the month of June, 1978.

[FR Doc. 81-2908 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Floodplain/Wetlands Involvement Determination; Brookings-White Proposed 230-kV Transmission Line Brookings County, South Dakota

AGENCY: Western Area Power Administration, DOE.

ACTION: Floodplain/Wetlands involvement and opportunity for comment.

SUMMARY: The Western Area Power Administration (Western) proposes to construct 13 miles of 230-kV electrical transmission line from Western's existing Brookings Substation east to the proposed White Substation to interconnect with the existing Watertown-Sioux City 345-kV line in Brookings County, South Dakota. The Brookings-White line would be constructed between May and December 1982. The White Substation would not be constructed until the fiscal year 1983-1985 time frame. In the interim, the line would be interconnected in the vicinity of the White Substation with a proposed East River Electric Power Cooperative 115-kV line.

The proposed transmission line would be constructed to 230-kV specifications, but operated initially at 115-kV with the excess capacity being reserved for projected future demand. The proposed design is single concrete poles with an average height of 79 feet. Angles in the line would be accomplished with single-pole guyed structures. The average span between structures would be approximately 700 feet. The facility would be constructed within a 125-foot wide right-of-way easement with additional right-of-way necessary at angle structures to accommodate guy wires.

The proposed transmission line would cross the 100-year floodplain of Sixmile Creek for a distance of approximately 3,550 feet and would cross six reverine and one palustrine wetland types. The riverine wetland types are intermittent stream beds and the palustrine type is an artificial impoundment.

All wetlands would be spanned by the proposed transmission line; and, although structures would be unavoidably located in floodplain areas, no structures would be constructed in "high hazard areas" as defined by the U.S. Department of Energy's "Compliance with Floodplain/Wetlands Environmental Review Requirements" (10 CFR Part 494.1022).

As required by these regulations, Western is preparing a floodplain/wetlands assessment. Maps and further information are available from Western at the address shown below. Public comments or suggestions regarding Western's activities in these particular floodplain/wetlands are invited.

DATE: Any comments are due immediately. Due to overriding considerations of project effectiveness, the 15-day minimum time period for comments is waived, in accordance with DOE Regulations 10 CFR 1022.18(c).

ADDRESS: Send comments or suggestions to: Mr. James D. Davies, Area Manager, Billings Area Office Attn: B2000, Western Area Power Administration, P.O. Box EGY, Billings, MT 59101.

Issued at Golden, Colorado, January 28, 1982.

William H. Clagett,

Deputy Administrator.

[FR Doc. 82-2909 Filed 2-3-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51390; TSH-FRL-2041-3]

Premanufacture Notices; Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMNs and provides a summary of each. (PMN 82-46, 82-47, 82-49, & 82-50.)

DATE: Written comments by: March 27, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51390]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTRY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 82-46

Close of Review Period. April 26, 1982.

Importer's Identity. American Hoechst Corportion, Route 202/206 North, Somerville, NJ 08876.

Specific Chemical Identity. Polymer from 1-propanesulfonic acid, 2-methyl-2-((1-oxo-2-propenyl)amino), formamide, N-ethenyl, 2-propenamide.

Use. Claimed confidential business information.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Molecular weight—1.2 million

Resignal monomer—About 2 parts per million (ppm)

Toxicity Data. No data were submitted.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

PMN 82-47

Close of Review Period. April 26, 1982.

Importer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—Over $500 million.

Manufacturing site—Northeastern region.

Standard Industrial Classification Code—2865.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Alkyl, alkanol derivative of ammonia, chloride salt.

Use. The importer states that the PMN substance will be used as a site limited chemical intermediate.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	3,000	5,000
2d year	4,000	6,000
3d year	5,000	7,000

Physical/Chemical Properties

Appearance—Brown cast solid

Melting point—72-73°C

Decomposition temperature—240°C

Solubility:

water—Soluble

ethanol—Soluble

methanol—Soluble

Density—1.01 gm/cm^3

Toxicity Data. Oral toxicity LD_{50} (rat)—>3 g/kg

Exposure. The importer states that during processing and disposal 18 workers may experience dermal exposure 2 hrs/day, 70 days/yr.

Environmental Release/Disposal. The importer states that 10-100 kg/yr will be released to water 2 hrs/day. Disposal is to a plant treatment works.

PMN 82-49

Close of Review Period. April 26, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Modified polyester polyurethane.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	17,500	25,000
2d year	25,000	30,000
3d year	30,000	41,000

Physical/Chemical Properties

Flash point—193°F

Viscosity—V+

Isocyanate equivalent—Infinite

Density—1.09

Color—2 (max.)

Total solids—80%

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing and use a total of 99 workers may experience dermal and occular exposure up to 7 hrs/day, up to 240 days/yr during extracting, analysing, filling, cleaning, charging, sampling, equipment cleanup and performing.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water with 10-1,000 kg/yr released to land. Disposal is by landfill, incineration or sold as fuel.

PMN 82-50

Close of Review Period. April 26, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Polyester from an alkanedioic acid and polyetherdiols.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that

the PMN substance will be used in an open use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Flash point—>200°F
Viscosity—P
Density—1.126
Acid value—0.75 mg KOH/g
Percent total solids @ 105°C—100

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 108 workers may experience dermal and occular exposure up to 6 hrs/day, up to 6 days/yr during charging, sampling, testing, directing, shipping and cleanup operations.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water with 10–1,000 kg/yr released to land. Disposal is by landfill, incineration or sold as fuel.

Dated: January 27, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-2745 Filed 2-3-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51392; TSH-FRL-2042]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 74378). This notice announces receipt of seven PMNs and provides a summary of each.

DATES: Written comments by: PMN 82–53, 82–54, 82–55, 82–56, 82–57, and 82–58—March 28, 1982. PMN 82–59—March 29, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51392]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460 (202–382–3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460 (202–382–3729).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs rceived by EPA:

PMN 82–53

Close of Review Period. March 27, 1982.

Manufactuer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Ethoxylated ethanol, fatty acid ester.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Liquid.
Flash point, Setaflash—>230° F.
Solubility: water—Soluble.

Toxicity Data. No data were available.

Exposure. The manufacturer states that exposure is negligible.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Disposal is to a publicly owned treatment works (POTW).

PMN 82–54

Close of Review Period. April 27, 1982.

Manufacturer's Identity. American Cyanamid Company, One Cyanamid Plaza, Wayne, NJ 07470.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted amine polymer.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Actue oral toxicity LD_{50} (rat)—1,080 mg/kg.

Acute dermal toxicity LD_{50} (rat)—>2,000 mg/kg.

Primary skin irritation (rabbit)—Moderate irritation.

Primary eye irritation (rabbit)—Marked irritation without washout.

Ames salmonella—Non-mutagenic.

Exposure. The manufacturer states that during manufacture and use a total of 40 workers may experience dermal and inhalation exposure up to 24 hrs/day, up to 130 days/yr.

Environmental Release/disposal. The manufacturer states that release to the environment will be negligible. Disposal is to an approved landfill.

PMN 82–55

Close of Review Period. April 27, 1982.

Importer's Identity. American Cyanamid Company, One Cyanamid Plaza, Wayne, NJ 07470.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Organo phosphorus—containing acid.

Use. The importer states that the PMN substance will be used in separation of cobalt from cobalt/nickel solution.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—4,900 mg/kg.

Acute dermal toxicity LD_{50} (rat)—>2,000 mg/kg.

Primary skin irritation (rabbit)—Mild irritation.

Primary eye irritation (rabbit)—Minor irritation without washout.

Ames salmonella—Non-mutagenic.

Environmental Test Data

LD_{50} 96 hr. (bluegill sunfish)—46 parts per million (ppm).

LD_{50} 96 hr (rainbow trout)—22 ppm.

Exposure. The importer states that during use 6 workers may experience dermal and inhalation exposure 3 shifts/day, 250 days/yr.

Environmental Release/Disposal. The importer states that release to the environment will be negligible. Disposal is to an approved landfill.

PMN 82–56

Close of Review Period. April 27, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$500 million.
Manufacturing site—Midwest region.
Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified alkyd polymer.

Use. Claimed confidential business information. Generic use information

provided: The manufacturer states that the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal exposure 1 hr/day, 30 days/yr during accidental spill.

Environmental Release/disposal. The manufacturer states that 10-100 kg/yr will be released to land. Disposal is by an approved landfill or by incineration.

PMN 82-57

Close of Review Period. April 27, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$500 million.

Manufacturing site—Midwest region.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified alkyd polymer.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal exposure 1 hr/day, 30 days/yr during accidental spill.

Environmental Release/Disposal. The manufacturer states that 10-100 kg/yr will be released to land. Disposal is by an approved landfill or by incineration.

PMN 82-58

Close of Review Period. April 27, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$500 million.

Manufacturing site—Midwest region.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyd resin.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as an intermediate in the manufacture of a polymer.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal exposure 1 hr/day, 30 days/yr during accidental spill.

Environmental Release/Disposal. The manufacturer states that 10-100 kg/yr will be released to land. Disposal is by an approved landfill or by incineration.

PMN 82-59

Close of Review Period. April 28, 1982.

Importer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million.

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—2865.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aromatic disazo dye.

Use. The importer states that the PMN substance will be used as a site limited dyestuff for fibers and fabrics.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	400	600
2nd year	1,200	2,000
3d year	2,000	5,000

Physical/Chemical Properties

Appearance—Odorless, deep red powder.

pH (5 g/1)—7-8.

Solubility: water @ 20°C—6 g/1.

Toxicity Data

Oral toxicity LD_{50}(rat)—>5 g/kg.

Skin irritation (rabbit)—Non-irritating.

Eye irritation (rabbit)—Non-irritating.

Exposure. The importer states that during processing 1-3 workers may experience dermal and inhalation exposure 2-3 hrs/day, 70-100 days/yr during weighing and transfer.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to air and 100-1,000 kg/yr to water 2-3 hrs/day, 75-100 days/yr. Disposal is to a POTW or waste treatment plant.

Dated: January 28, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-2884 Filed 2-3-82; 8:45 am]

BILLING CODE 6550-31-M

[OPTS-51391; TSH-FRL-2041-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMNs and provides a summary of each.

DATES: Written comments by: PMN 82-43, March 23, 1982. PMN 82-48, March 27, 1982. PMN 82-51 & 82-52, March 28, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51391]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St. SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office Toxic Substances, Environmental Protection Agency, Rm. E-416, 401 M St. SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 82-43

Close of Review Period. April 22, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Organic acid, lead salt.

Use. The manufacturer states that the PMN substance will be used as a minor

ingredient in the manufacture of articles for industrial use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity @ 25° C—1.374.
Flash point, closed cup—150° C (302° F).
Viscosity, Gardner—1,000,000 cps.
Color, Gardner—9–10.

Toxicity Data

Oral toxicity LD_{50}—3,700 to 6,000 mg/kg.
Skin irritation—Toxic.
Inahalation toxicity—Toxic.
Ingestion toxicity—Toxic.

Exposure. The manufacturer states that during manufacture 3 workers may experience exposure 24 hrs/daily, 200 days/yr during loading and transferring.

Environmental Release/Disposal. The manufacturer states that release to the environment is nil.

PMN 82–48

Close of Review Period. April 26, 1982.

Importer's Identity. Huels Corporation, 750 Third Avenue, New York, NY 10017.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of cycloalkene.

Use. The importer states that the PMN substance will be used as a polymer component for blends with other rubbers.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—55° C.
Solubility: hydrocarbons—Soluble; halogenated hydrocarbons—Soluble.
Density @ 20° C—0.91 g/ml.
Decomposition temperature—250° C.
Ignition temperature, DIN 51794—>400° C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>12.5.
Skin irritation (rabbit)—Non-irritant.
Eye irritation (rabbit)—Non-irritant.

Exposure. The importer states that during processing no exposure occurs.

Environmental Release/Disposal. The importer states that no release to the environment is anticipated.

PMN 82–51

Close of Review Period. April 27, 1982.

Manufacturer's Identity. Minnesota Mining & Manufacturing Company, 3M Center, St. Paul, MN 55144.

Specific Chemical Identity. Trimethyladipolydichloride.

Use. The manufacturer states that the PMN substance will be used as an intermediate for chemical manufacture of a curing agent.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—yellow liquid, acidic odor.
Specific gravity—1.15.
Boiling point—>300° F.
Flash point—>200° F.
Viscosity—14 cps.
Solubility: water—Reacts.
% volatile @ room temperature—Negligible.

Toxicity Data. No data were available.

Exposure. The manufacturer states that during manufacture and processing a total of 18 workers may experience dermal exposure up to 12hrs/day, up to 15 days/yr.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Disposal is by approved landfill and incineration.

PMN 82–52

Close of Review Period. April 27, 1982.

Manufacturer's Identity. Minnesota Mining & Manufacturing Company, 3M Center, St. Paul, MN 55144.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Perfluoroalkane sulfonic acid, diethanolamine salt.

Use. The manufacture states that the PMN substance will be used as an additive for formulators of plating bath chemicals and as a surfactant for plating.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, light yellow liquid.
Melting point—75° C.
Solubility: water—soluble. n-octanol—soluble. ethanol—soluble. Acetone—soluble. Methanol—soluble.
Octanol/water partition coefficient—0.65.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5,000 mg/kg.
Acute dermal toxicity LD_{50} (rat)—Slightly irritating.
Skin irritation (rabbit)—Slightly irritating.
Eye irritation (rabbit)—Severely irritating.
Ames salmonella—Non-mutagenic.
Skin sensitization (guinea pig)—Weak sensitizer.

Environmental Test Data

COD mg/1—307,000 mg/kg.
BOD_{20}—278,000 mg/kg.
LC_{50} 96 hr. (fathead minnow)—43 mg/1.
LC_{50} 48 hr. (daphnia magna)—18 mg/1.

Exposure. The manufacturer states that exposure will be negligible.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water with 100–1,000 kg/yr released to land. Disposal is by approved landfill and incineration.

Dated: January 28, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82–2885 Filed 2–3–82; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1331]

Petitions for Reconsideration of Actions in Rule Making Proceedings

January 28, 1982.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before February 19, 1982. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: ITT World Communications, Inc. Required Rate of Return (CC Docket No. 80–633).

Filed by: John M. Scorce, Attorney for Western Union International, Inc., on 1–11–82.

Alexander P. Humphrey, IV, for RCA Global Communications, Inc., on 1–18–82.

Lloyd D. Young, Attorney for TRT Telecommunications Corporation on 1–18–82.

Joseph J. Jacobs, Peter M. Andersen & Richard J. Heitmann, Attorneys for ITT World Communications, Inc., on 1–18–82.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Beaumont, Lake Jackson and Port Lavaca, Texas) (RM's 3744 & 3774) (BC Docket No. 81–234)

Filed by: John R. Feore, Jr. & Noel C. R. Gunther, Attorneys for Turner Broadcasting Corporation (KBUC–FM), on 1–22–82.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–2913 Filed 2–3–82; 8:45 am]

BILLING CODE 6712–01–M

Telecommunications Industry Advisory Group Steering Committee Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group's Steering Committee scheduled to meet on Thursday, February 11, 1982, at 9:30 a.m., in Room 650 of the Commission's offices at 1919 M Street, N.W., Washington, D.C. The meeting will be open to the public. The preliminary agenda is as follows:

I. General Administrative Matters
II. By-Law Proposals
III. Mission Statement Refinement
IV. Environmental Study Issues
V. Definitional Problems and Questions
VI. Recommendations on General Approach
VII. Other Business
VIII. Presentation of Oral Statements
IX. Adjournment

With prior approval of the Group Chairman, Gerald P. Vaughan, oral statements, while not favored or encouraged, may be allowed if time permits and if the Group Chairman determines that an oral presentation is conducive to the effective attainment of the Committee's objectives. Anyone wishing to make an oral presentation should contact Stephen T. Duffy, Group Vice-Chairman (202 634–1509), at least five days prior to the meeting date.

The Commission's Advisory Committee Management Officer has reviewed the need for this abbreviated Notice. Due to the need for the Steering Committee to establish definitive direction and approaches for discussion at the general membership meeting already scheduled for February 26, 1982, this Notice has been approved.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-2912 Filed 2-3-82; 8:45 am]

BILLING CODE 6712-01M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 76

"Maritime Advisory Committee in Preparation for the 1982 Mobile Services World Administrative Radio Conference (1983 Mobile Services WARC)"

Notice of 12th Meeting, Tuesday, February 9, 1982—9:30 a.m., 1st Floor Auditorium, Comsat Building, 940 L'Enfant Plaza, SW, Washington, DC

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Consideration of Draft Comments concerning the FCC Fourth Notice of Inquiry.
4. Establishment of future meeting schedule.

Charles Dorian, Chairman, SC–76, Comsat Corporation, Washington, DC, Phone: (202) 554–6756

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are referred, but by provious arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

Justification for Less Than Two Weeks Notice in Federal Register

This purpose of this meeting is to consider a proposed response to FCC Docket 81–413. The deadline for filing of comments is February 12, 1982.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-2910 Filed 2-3-82; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 79

"Universal Marine Radiotelephone Compatibility"

Notice of 5th Meeting, Wednesday, February 17, 1982—9:30 a.m., Conference Room A–106, FCC Annex, 1229 20th Street, NW., Washington, D.C.

Agenda

1. Administrative Matters.
2. Consideration of Working Papers.

T. B. Miller, Chairman SC–79, WJG Telephone Company, P.O. BOx 9363, Memphis, TN 38109, Phone: (901) 789–3800

Special Committee No. 80

"FCC Rules Review as Required by Regulatory Flexibility Act of 1980"

Notice of 3rd Meeting, Wednesday, February 17, 1982—1:30 p.m., Conference Room A–106, FCC Annex, 1229 20th Street, NW., Washington, D.C.

Agenda

1. Administrative Matters.
2. Consideration of Working Papers.

Charles S. Carney, Chairman SC–80, Nav-Com, Inc., 711 Grand Blvd., Deer Park, NY 11729, Phone: (516) 667–7710

Executive Committee Meeting

Notice of February Meeting, Thursday, February 18, 1982—9:30 a.m., Conference Room A–110, 1229 20th Street, NW., Washington, D.C.

Agenda

1. Administrative Matters.
2. Consideration of Draft Comments on FCC Docket 81–413 concerning Spread Spectrum Techniques.

Special Committee No. 81

"Review of FCC Rules Applicable to VHF–FM Maritime Frequencies"

Notice of 4th Meeting, Wednesday, February 18, 1982—1:30 p.m., Room A–213, FCC Annex, 1229 20th Street, NW., Washington, DC

Agenda

1. Administrative matters.
2. Review of FCC Rules, Parts 81 and 83.

Carl Gray, Chairman SC–81, Consultant, American Waterways Operators, Inc., 1055 Dalebrook Drive, Alexandria, VA 22308, Phone: (703) 360–4625

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-2911 Filed 2-3-82; 8:45 am]

BILLING CODE 6712-01-M

[FCC 82-39]

American Telephone and Telegraph Co.; et al.

AGENCY: Federal Communications Commission.

ACTION: Depreciation rate prescription order.

SUMMARY: The Federal Communications Commission has ordered AT&T and the Bell system operating companies to apply the percentages of depreciation which are set forth in Appendix 4 of the Order. AT&T and the twenty-four Bell companies filed for revised depreciation rates for various accounts and submitted studies and data to substantiate their request. The intended effect of this action is to charge, as accurately as circumstances will allow, the cost of the consumption of depreciable assets to the periods in which the assets are useful in the production of revenues.

EFFECTIVE DATE: The Companies are to apply the depreciation rates as of the date or dates set forth in Appendix 4 of the Order. In no case is an effective date prior to January 1, 1981.

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

FOR FURTHER INFORMATION CONTACT: Kenneth P. Morgan, Chief, Depreciation Rates Branch, (202) 634-1730.

Order

Adopted: January 21, 1982.

Released: January 28, 1982.

In the matter of the prescription of revised percentages of depreciation pursuant to Section 220(b) of the Communications Act of 1934, as amended for:

American Telephone and Telegraph Company, Long Lines Department
Bell Telephone Company of Nevada
The Bell Telephone Company of Pennsylvania
The Chesapeake and Potomac Telephone Company
The Chesapeake and Potomac Telephone Company of Maryland
The Chesapeake and Potomac Telephone Company of Virginia
The Chesapeake and Potomac Telephone Company of West Virginia
Cincinnati Bell, Incorporated
The Diamond State Telephone Company
Illinois Bell Telephone Company
Indiana Bell Telephone Company, Incorporated
Michigan Bell Telephone Company
The Mountain States Telephone and Telegraph Company
New England Telephone and Telegraph Company
New Jersey Bell Telephone Company
New York Telephone Company
Northwestern Bell Telephone Company
The Ohio Bell Telephone Company
Pacific Northwest Bell Telephone Company
The Pacific Telephone and Telegraph Company
South Central Bell Telephone Company
Southern Bell Telephone and Telegraph Company
The Southern New England Telephone Company
Southwestern Bell Telephone Company
Wisconsin Telephone Company

I. Introduction

1. Section 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 220(b), states that the Commission shall, as soon as practicable, prescribe classes of property for which depreciation charges may be included in operating expenses and the percentages of depreciation which shall be charged to each of the classes. It also states that the Commission may, when it deems necessary, modify the classes and percentages so prescribed.

2. By this order we prescribe revised percentages of depreciation (depreciation rates) for the companies listed in the following tables in accordance with our rules. Table A lists those companies whose rates had been regularly scheduled for review in 1981. For these companies we have considered revisions in depreciation rates for virtually all plant accounts. Table B lists those companies which had not been regularly scheduled for review in 1981, but which had filed special requests for revised depreciation rates applicable to terminal equipment, digital data systems (DDS) equipment, and station connections. For these companies we have considered revisions in depreciation rates for only the accounts covered in the special filings.

Table A

American Telephone and Telegraph Company, Long Lines Department
The Chesapeake and Potomac Telephone Company
The Chesapeake and Potomac Telephone Company of Maryland
The Chesapeake and Potomac Telephone Company of Virginia
The Chesapeake and Potomac Telephone Company of West Virginia
Illinois Bell Telephone Company
Indiana Bell Telephone Company, Incorporated
New England Telephone and Telegraph Company
South Central Bell Telephone Company
The Southern New England Telephone Company

Table B

Bell Telephone Company of Nevada
The Bell Telephone Company of Pennsylvania
Cincinnati Bell, Incorporated
The Diamond State Telephone Company
Michigan Bell Telephone Company
The Mountain States Telephone and Telegraph Company
New Jersey Bell Telephone Company
New York Telephone Company
Northwestern Bell Telephone Company
The Ohio Bell Telephone Company
Pacific Northwest Bell Telephone Company
The Pacific Telephone and Telegraph Company
Southern Bell Telephone and Telegraph Company
Southwestern Bell Telephone Company
Wisconsin Telephone Company

II. Background

3. Since the late 1940's, the Commission staff has reviewed depreciation rates of approximately one-third of the larger FCC-subject telephone carriers each year. Each year it has arrived at its recommendations for the prescription of depreciation rates only after the following actions have been completed:

(1) A staff review of the carrier's filings and underlying studies.

(2) Independent staff analysis of such information as plant mortality data and carrier equipment retirement plans.

(3) Preparation of preliminary staff recommendations.

(4) Discussion of the carrier's filings and the preliminary proposals of the FCC and state commissions at a conference in which representatives of the carriers and the staffs of the respective state commissions and the FCC participate (i.e., a three-way meeting).

4. This year, however, several complications arose which caused the represcription of rates undertaken in this order to be more extensive than had been the case in prior years and which required, at least in some instances, a departure from the traditional procedures described above. Thus, there was a need this year to consider a special blanket request by AT&T for the

represcription of terminal equipment accounts for all companies; there was a need to consider a blanket request by AT&T for the represcription of two DDS subaccounts; there was a need to implement remaining-life procedures for the first time; and, finally, there was a need to review the new station connections filings required by our decision in CC Docket No. 79–105, 85 FCC 2d 818 (1981).

A. Terminal Equipment Blanket Filing

5. On September 22, 1980, all of the AT&T companies (the Table A companies scheduled for review in 1981, as well as the Table B companies scheduled for review in later years) jointly filed for a blanket represcription of depreciation rates for terminal equipment (accounts 231 and 234). This blanket filing was apparently prompted by the perception that continuing changes in the terminal equipment market had reduced lives for such equipment to the point where they were substantially shorter than those underlying current rates and had thereby created a situation which if left uncorrected, could result in serious reserve deficiencies.[1]

6. In its blanket filing AT&T proposed to: (1) Reduce service lives for most accounts below those underlying currently prescribed depreciation rates; (2) allocate portions of the overall book reserve (account 171) to reserve subaccounts corresponding to accounts 231 and 234; and (3) calculate depreciation rates using the remaining-life method, effective January 1, 1981. Upon review of the AT&T studies, the staff found that the basis for these studies was primarily marketing analysis rather than the traditional life and salvage analysis (i.e., statistical mortality studies) normally used to support such requests. For this reason, these requested revisions could neither be compared with earlier studies nor verified using generally accepted life and salvage analysis techniques. The staff concluded that there was insufficient supporting detail to justify the rates AT&T was requesting and therefore requested additional data and studies including updated mortality and salvage data. Subsequently, on January 8, 1981, the staff issued a public notice (entitled "AT&T Filing for Revised Depreciation Rates for Terminal Equipment") inviting both the states and the general public to comment either in support of or in opposition to the relief sought by AT&T. Although the issuance of a public notice prior to the staff's recommendation of new depreciation rates to the Commission was a departure from the usual practice, it was deemed advisable given the magnitude of the changes requested in the blanket filing and given the fact that the filing was somewhat out of the ordinary (since it involved companies not scheduled for review in 1981). By issuing a public notice and allowing for comments prior to the three-way meeting, public participation in this very important matter could be enhanced. There was also the recognition, at the outset, that time and resource constraints would very likely make it impossible to hold three-way meetings for non-1981 carriers and that, as a consequence, alternative means would have to be found to assure the opportunity for active involvement by the various state jurisdictions.

B. DDS Blanket Filing

7. On November 21, 1980, AT&T, on behalf of the Bell Operating Telephone Companies (BOTC's) and its Long Lines Department, filed for new depreciation rates for the DDS subaccounts, DDS-Circuit 221.157 and Large PBX–DDS 234.03. In that blanket filing AT&T requested that these carriers be permitted to: (1) Establish the two separate classes of depreciable plant ordered in our Memorandum Opinion and Order, released July 6, 1979 (Mimeo No. 19056); (2) calculate depreciation rates on a remaining-life basis effective retroactive to January 1, 1980 for subaccount 221.157 and effective January 1, 1981 for subaccount 234.03; and (3) disaggregate the overall depreciation reserve to establish initial reserve balances corresponding to these subaccounts.

C. Remaining-Life Rates

8. Since we first prescribed depreciation rates in the late 1940's, we have used only the whole-life depreciation method for telephone companies' plant. This changed with our final decision in Docket No. 20188, where we revised our rules to allow the use of the remaining-life method. *See* 83 FCC 2d 267 (1980), *reconsideration*, 87 FCC 2d 916 (1981). We also recognized that the BOTC's had not maintained book reserves in sufficient detail to calculate remaining-life rates; we ordered the staff to determine the most reasonable allocation of the entire book reserve among all the plant accounts, instead of the allocation requested by AT&T of only a portion of the book reserve to those accounts covered by the blanket terminal equipment and DDS filings.

9. On January 23, 1981, the staff issued a public notice (entitled "Initiation of Proceedings to Allocate Depreciation Reserve as required by Docket No. 20188"). This public notice requested comments assessing alternative methods for allocating the reserve, including: (1) An allocation method based upon historical recordation of debits and credits; and (2) an allocation method based upon a distribution determined from theoretical reserve studies. Interested parties were invited to file comments, and in response to this notice, thirty-two parties provided comments and seven parties provided reply comments.

10. In our Supplemental Opinion and Order in the Docket No. 20188, FCC 81–463, released October 9, 1981, we reopened that docket and incorporated these comments and reply comments into the record. We concluded that the historical recordation of debits and credits as required in § 31.171(c) of our rules, 47 CFR § 31.171(c), is the method by which the accumulated depreciation reserve should be allocated to individual plant accounts and thereafter maintained. We stated that carriers should disaggregate account 171 in accordance with that order and that henceforth each carrier should maintain depreciation reserves for each category of property for which we prescribe depreciation rates.

11. In late October, all of the BOTC's filed requests for revised depreciation rates using the remaining-life method. The Table A companies proposed an effective date of January 1, 1981, and the Table B companies proposed an effective date of July 1, 1981.

D. Station Connections.

12. This year all AT&T carriers made special filings seeking revised depreciation rates for station connections in accordance with the accounting changes which we ordered in CC Docket No. 79–105, 85 FCC 2d 818 (1981). In that docket we amended the accounting rules for station connections, 47 CFR 31.232, and ordered that all FCC-subject carriers identify and assign the investment in account 232, Station Connections, to at least two subclases of plant—Station Connections-Inside Wire and Station Connections-Other. The Station Connections-Inside Wire subclass would consist primarily of the costs associated with the installation of wire or cables located inside customer buildings and houses, the installation and Connection of station apparatus, and the assignment and testing of customer lines. The Station Connections-Other subclass would

[1] Several weeks later, on November 7, 1980, GTE made a similar blanket filing on behalf of all of the GTE Operating Companies.

consist primarily of the costs associated with the installation of the drop (i.e., the wire which connects the carrier's distribution facilities with the inside wire) and the protector. Our order required carriers to expense future costs associated with the Station Connections-Inside Wire subclass on a phase-in or flash-cut basis and to continue to capitalize future costs associated with the Station connections-Other subclass.

13. Because the retirement ratios and mortality dispersion patterns of the Station Connections-Other subclass are not similar to those for the account as a whole, the depreciation rates prescribed for the Station Connections Account could not be applied to the Station Connections-Other subclass. Instead, new rates had to be developed. In order to facilitate the prescription of these new rates, the staff held discussions with the companies and suggested that each of the AT&T companies request changes in the depreciation rates for the Station Connections-Other subclass. The staff recommended that a 5% rate be used until there was sufficient data to ascertain specific mortality characteristics which could then be used to prescribe more precise depreciation rates for this subclass. In accordance with this recommendation, all AT&T companies filed requests for permission to adopt a 5% depreciation rate for the Station Connections-Other subclass, and all AT&T companies except for Pacific Northwest Bell requested that this rate be made effective as of January 1, 1981.[2]

14. In general, for those companies listed in Table A, the staff followed its customary procedures for reviewing the depreciation studies and supporting detail. The one departure, mentioned earlier, was the issuance of a public notice on January 8, 1981 requesting comments on AT&T's blanket terminal equipment filing. the staff arrived at its preliminary rate proposals for terminal equipment after fully considering: (1) The carriers' filings and underlying studies; (2) the results of its independent analysis of the basic data provided in support of the carriers' filings; and (3) the comments and reply comments submitted in response to the terminal equipment public notice. These preliminary staff proposals as well as those of the carriers became the subjects of joint review and discussion at the three-way meetings.

15. For the companies listed in Table B, the staff reviewed only the special depreciation rate requests submitted for the terminal equipment, DDS, and station connections accounts. For these accounts the staff arrived at its preliminary rate proposals in much the same manner as described above for Table A companies. However, for Table B companies, three-way conferences were not held to resolve the life and salvage factors. Instead, the various studies and proposals were discussed through correspondence and telephone conversations.

16. By late October 1981, three-way agreement regarding the appropriate life and salvage factors had been reached at the staff level for most of the companies for the terminal equipment and other accounts studied. In addition, each of the BOTC's filed depreciation reserve balances for each plant account for which a depreciation rate was prescribed as of December 31, 1980. These reserves were reviewed by the staff for conformity with the reserve allocation methodology which we had previously ordered, and copies were forwarded to each of the respective state commissions. Each of the carriers for which agreement had been reached filed requests with the Commission for revised depreciation rates based on the agreed upon life and salvage factors. These filings contained both whole-life and remaining-life studies as required by our final decision in Docket No. 20188. Following its usual procedures, on October 30, 1981, the staff issued a public notice (entitled "Depreciation Rate Prescriptions Proposed for Domestic Telephone Companies"). The public notice was limited to those proposed rates where the state commissions had concurred with the life and salvage factors underlying the rates but not necessarily with the methods used to compute the rates. The public notice requested interested persons to comment on the staff's recommendations.

17. For the companies for which three-way agreement regarding life and salvage factors had not been reached, discussion continued. By mid-November three-way agreement was reached regarding life and salvage factors for four additional jurisdictions. For the remaining jurisdictions, agreement on these factors was reached between the BOTC's and the FCC staff, but not with the states. The BOTC's then filed requests with the Commission for revised depreciation rates based upon the life and salvage factors agreed to with the FCC staff. These filings also contained both whole-life and remaining-life studies. On November 24, 1981, a further public notice was issued announcing that the Commission had under consideration changes in depreciation rates with which some of the states had not concurred. The public notice requested interested parties to comment on the proposed rates. Copies of both the October 30 and November 24 public notices and the associated carrier filings were sent to each state with jurisdiction over a carrier listed in Table A or Table B.

III. Summary of Comments

18. The major issues raised by the parties in response to the January 8, October 30, and November 24, 1981 public notices are reviewed briefly in this section. The comments of all the parties are also set forth at somewhat greater length in Appendix 1 (for the January 8 comments), Appendix 2 (for the October 30 comments), and Appendix 3 (for the November 24 comments).

A. January 8, 1981 Public Notice

19. The January 8, 1981 public notice invited comments on the following topics: (1) the companies' future life estimates; (2) the companies' future net salvage estimates; (3) the adequacy of the studies and detail submitted in support of the companies' estimates of both future life and salvage; (4) the product life cycle approach which the companies used to estimate future lives; and (5) the effective dates for implementation of the proposed rates. In response to the public notice, the following parties filed comments and/or reply comments: AT&T, Independent Data Communications Manufacturers Association, Inc. (IDCMA), International Communications Association (ICA), North American Telephone Association (NATA), the National Association of Regulatory Utility Commissioners (NARUC), Mr. John Rives, Southern Pacific Communications Company (SPCC) and the state public utility commissions of Alabama, Arkansas, California, Colorado, Delaware, the District of Columbia, Florida, Georgia, Illinois, Michigan, Missouri, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. These comments and reply comments addressed not only the resolution of the issues raised in the public notice, but also the manner in which they should be resolved (i.e., three-way meetings). They also raised other issues, including the

[2] On November 12, 1981, Pacific Northwest Bell submitted a request for a 5% depreciation rate effective October 1, 1981 for the Station Connections-Other Account for the state of Washington. The October 1, 1981 effective date was requested to comply with a Washington Utilities and Transportation Commission order.

use of remaining-life rates, the competitive position of AT&T, its marketing strategies, and the potential effects of changes in depreciation rates on customer tariffs.

20. A large majority of the parties filing comments and reply comments did not find the study techniques, supporting data or the results of the life cycle analyses to be an adequate basis for the represcription of depreciation rates for terminal equipment. Many stated that the basic approach was conceptually appropriate and that it provided useful insights and information not normally obtainable with the more traditional techniques. Nevertheless, the parties pointed to a number of serious deficiencies including the lack of comparability to either prior studies or other analyses; the lack of information to enable them to analyze the underlying models or to assess the reasonableness and accuracy of the forecasts; and the inappropriateness of using retirement forecasts expressed in product units rather than dollar amounts. Almost all parties requested supplemental information, either the underlying data and analysis for the product life cycle studies or the mortality data which normally constitutes the basis for life and salvage analysis.

21. Comments regarding the estimated future life and salvage parameters proposed in the filing were also disparate. A few parties stated that the requests were very similar to those underlying some of the 1980 prescriptions and therefore presented no novel problems. Others stated that they were in no position to assess the validity of the proposals without an analysis of the underlying data. Still others stated—without elaborating on specific reasons for their conclusions—that the proposals appeared reasonable.

22. There was some dispute as to the effective dates of the proposed changes in depreciation rates. Some parties recommended acceptance of AT&T's proposed effective dates,[3] while others recommended postponement of the implementation of the new rates contingent upon the completion of the implementation proceeding for the *Second Computer Inquiry*, 77 FCC 2d 384, *reconsideration*, 84 FCC 2d 50 (1980), *further reconsideration*, FCC 81-481, released October 30, 1981, which is pending before the Commission.

23. Comments and reply comments also addressed the three-way meeting process, the method traditionally used in our represcription proceedings to solicit the views of the states with jurisdiction over carriers subject to those proceedings. The overwhelming majority of states responding supported the continuation of the three-way meetings as the traditional vehicle for resolving questions central to the prescription of depreciation rates. The sentiment of the states is perhaps best summarized by the response from the State of New York:

> The three-way meeting process allows for resolution of differences and gives the State regulators first hand knowledge of exactly how much consideration their views are given in the represcription process. The submission of written comments to an anonymous FCC analyst who then decides the issues via a process completely hidden from State regulatory view is both unacceptable and unnecessary. The long standing, three-way meeting process should be preserved.

Other respondents indicated a desire to participate in the represcription process as well.

24. AT&T's comments and reply comments, submitted on behalf of the BOTC's, reaffirmed its position as to the accuracy and usefulness of the product life cycle studies submitted as support for its proposed revisions of terminal equipment depreciation rates. AT&T stated that it used the product life cycle analysis in the ordinary course of its business, that the supporting detail reflects the rapidly changing nature of today's markets for terminal equipment, and that the salvage estimates are consistent with the estimated future lives. AT&T contended that the traditional forms of life and salvage analysis are inadquate to determine appropriate depreciation rates in a rapidly changing environment.

B. October 30, 1981 Public Notice

25. The October 30, 1981 public notice requested comments upon the depreciation rates for which three-way agreements regarding the appropriate life and salvage factors had been reached. In response to that notice the following parties submitted comments related to the proposed rates: AT&T, ICA, IDCMA, General Telephone Company of Ohio (General of Ohio), the Maryland Office of the People's Counsel, the New England Conference of Public Utility Commissioners, SPCC, and the state public utility commissions of Arkansas, California, Delaware, the District of Columbia, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, New York, Ohio, Pennsylvania, Tennessee, and Virginia.

26. Comments addressing the use of remaining-life rates reflected a wide range of opinion. While the Delaware and Mississippi Commissions found the remaining-life rates filed by the carriers to be acceptable, the Ohio and Arkansas Commissions stated that remaining-life rates were unacceptable for some, if not all, accounts. Pennsylvania stated that it has not approved of the remaining-life method for intrastate ratemaking purposes. The New York and California Commissions found the rates to be acceptable with certain modifications. A few states recommended that the impact of the implementation of remaining-life rates should be lessened through such devices as the amortization of reserve deficits or the adjustment of the reserve allocation. The New England Conference of Public Utilities Commissioners, Inc., stated that the remaining-life rates which had been filed by the carriers should not be accepted because there had been no discussion of the remaining-life factors (average remaining life, future net salvage, depreciation reserve) at the three-way conference attended by its members in July, 1981. ICA, SPCC, and IDCMA objected to the increased rates because of adverse effects upon themselves or their members. AT&T stated that its filings are in compliance with the FCC rules and that in Docket No. 20188 the FCC had expressed its desire for carriers to file for remaining-life rates.

27. As mentioned earlier, in the past AT&T did not disaggregate its reserve by separate plant account. It was therefore necessary for the Commission to order such disaggregation before it could implement remaining-life rates. Generally, the parties did not dispute the use of the historical method (i.e., debits and credits) chosen by the Commission as the basis for disaggregation. Some of the parties, however, suggested adjustments to the results obtained by the historical method. Specifically, Tennessee suggested minor adjustments to the reserve for the Aerial Wire-Toll Account. Virginia recommended an adjustment of the proposed reserve allocation for the station connections accounts. Arkansas recommended adjustments in the terminal equipment reserve allocation. New York requested adjustments to virtually all reserve allocations. And California requested that the reserves for virtually all of the accounts be adjusted to correspond with records which it has for many years required the Pacific Telephone and Telegraph Company (the AT&T company within its juridiction) to maintain for use in calculating

[3] As noted in paragraph 11, the Table A BOTC's requested a January 1, 1981 effective date and the Table B BOTC's requested a July 1, 1981 effective date for the remaining-life rates.

remaining-life rates for intrastate ratemaking purposes.

28. The state of Kentucky raised the issue as to the appropriate date for implementing revised depreciation rates. Kentucky opposed applying the revised depreciation rates on a retroactive basis, while AT&T asserted that such retroactivity was consistent with previous regulatory treatment.

29. ICA expressed concern that, based on a detailed analysis of rates proposed for several states, the average remaining—life tentatively agreed to by the FCC staff, the respective state commission, and the carrier was often shorter than that proposed in AT&T's initial filing. ICA further noted that a comparison of actual and forecast retirements led it to conclude that equipment lives were becoming longer rather than shorter. AT&T stated that the FCC staff proposed no rates using lives shorter than those supported in AT&T's most recent studies.

30. Two respondents addressed what they perceived to be an FCC staff endorsement of AT&T's migration strategy. Both ICA and IDCMA asserted that the staff, by considering the migration strategy in arriving at its recommendations for depreciation rates, has effectively endorsed such action by AT&T. IDCMA further stated that any consideration of AT&T's migration strategy is clearly inappropriate for determining depreciation rates. ICA added that depreciation rates should reflect true costs, not marketing strategies, and alleged that, in certain instances, state commissions have refused to allow tariff rate increases sought by AT&T in furtherance of its migration strategy. ICA expressed the belief that, under these circumstances, AT&T's migration strategy would be defeated and that it was, therefore, inappropriate for this Commission to adopt the shorter lives sought by AT&T on the basis of its migration strategy.

31. The product life cycle approach used to support AT&T's blanket terminal equipment filing was addressed by three respondents. ICA and the Arkansas Commission staff contended that the FCC has agreed with the product life cycle approach and that the staff apparently used it to develop its recommended depreciation rates. AT&T claimed that the FCC has recognized the value of the product life cycle analysis.

32. ICA and SPCC contended that contacts of an *ex parte* nature occurred between FCC staff members, the staffs of the various state commissions, and representatives of the companies. ICA also contended that parties other than AT&T, the state commissions, and the FCC were precluded from participating and that the information provided by the FCC staff was not properly distributed to other parties responding to the January 8, 1981 public notice. In addition, ICA requested that the FCC make public all documents and records of communications pertaining to this proceeding and establish dates for public comment on such materials. AT&T stated that the FCC staff's public notice was just and inquiry—and not a rulemaking—and that *ex parte* rules do not apply.

33. ICA and IDCMA also expressed concern about the relationship between the represcription of depreciation rates and other proceedings currently underway at the Commission. Both asserted that the represcription should be coordinated with proceedings which are related to the deregulation of terminal equipment. AT&T stated that ICA's contention that depreciation rates of terminal equipment should be considered in FCC proceedings directly related to the *Second Computer Inquiry* was clearly made only to delay the prescription of revised depreciation rates.

C. November 24, 1981 Public Notice

34. The November 24, 1981 public notice requested comments on the depreciation rates for which agreement had been reached between the BOTC's and the FCC staff, but not necessarily with the states. In response to this public notice, the following parties commented: NATA and the state public utility commissions of Idaho, Iowa, Kansas, Michigan, Montana, New Jersey, New Mexico, New York, Wisconsin, and Wyoming.

35. Montana approved of the FCC method for allocating AT&T's depreciation reserve, while New York and Wisconsin proposed a different allocation than that obtained by the FCC methodology. New York requested that the station connections reserve be allocated between the Station Connections subclasses (i.e., Station Connections—Inside Wire and Station Connections—Other) on the basis of their relative investments. Reasons for this included the difficulty of analyzing historical reserve activity, the probable effects of use of phone stores by New York Telephone, and the recent growth in the reserve attributable to the total station connections investment. Wisconsin proposed that the depreciation reserve be allocated to all accounts in a manner consistent with accounting records and reporting required by that state since 1936.

36. Responses concerning the proposed rates varied considerably. New Jersey concurred with the proposed rates; NATA and the states of Idaho, Iowa, Kansas, Michigan, and Wyoming declined to comment; New York submitted an alternative proposal for Station Connections—Other, and Wisconsin submitted an alternative proposal for all the terminal equipment and DDS rates. NATA contended that the *ex parte* and *in camera* nature of the deliberation made it impossible to comment either in support of or in opposition to the proposed rates, Idaho, Iowa, Kansas, Michigan and Wyoming declined to comment for a variety of reasons, including: (1) The pendency of state rate proceedings in which life and salvage estimates were under consideration; (2) a claim that the basis for recommendations was unclear and did not include consideration of two-tier pricing; and (3) the fact that use of remaining-life rates for intrastate purposes had not been resolved.

37. New York, citing the durability of the Station Connections-Other facilities and a filing by the New York Telephone Company, proposed the use of a 2.5% rate for Station Connections-Other. Wisconsin proposed a series of adjusted whole-life rates for the DDS and terminal equipment accounts. These rates were designed to recover reserve deficits over the average remaining life of the investment and were based upon records of depreciation reserves required by Wisconsin.

38. Responses by Montana, New Mexico, and Wyoming addressed the role of the three-way meetings. Wyoming expressed a desire to participate in the next meeting. Montana and New Mexico expressed a desire to review the proposed depreciation rates for terminal equipment in the context of the next scheduled three-way meeting. Montana stated that it would be more appropriate to discuss the proposed changes for all accounts at the same time, and both Montana and New Mexico raised questions regarding the acceleration of retirements in terminal equipment. Montana also proposed that alternative methods to cushion the effects of the transition to remaining life be explored.

IV. Discussion

A. Procedural Issues

39. As noted, some of the states filed comments expressing concern over our failure to hold three-way meetings in some cases before prescribing new depreciation rates. In our reconsideration order in Docket No. 20188, 87 FCC 2d 916, we made it clear that although three-way meetings were not required as a matter of law we

intended to continue these meetings with the states insofar as we possibly could. This remains our position. In our view, three-way meetings are an excellent way of coordinating our activities in the depreciation rate-setting area with our counterparts at the state level, and we will continue to rely upon three-way meetings as a critical element of the depreciation represcription process.

40. On the other hand, we must also recognize that there may be situations when time, resource or other constraints may prevent the holding of three-way meetings. Our overriding obligation is not to follow any particular procedure in setting depreciation rates but, rather, to protect the public interest. The need to hold three-way meetings must be weighed against factors such as the importance of a filing; the degree to which it is in controversy; the staff's workload; the availability of travel funds; the need for expeditious action; and the suitability of other means of coordination with the states. This year, it was necessary to depart from the three-way meeting process for the revision of at least some depreciation rates. The decision to bypass the three-way meeting process in certain instances during 1981 was taken with reluctance. It was simply not possible, given staff and budgetary constraints, to hold three-way meetings for all AT&T carriers this year, and timely resolution of AT&T's request required the use of methods other than the three-way meetings to obtain the views of interested parties. Because AT&T's blanket terminal equipment and DDS filings were limited in scope mainly to two primary plant accounts (accounts 231 and 234), it was feasible to use a public notice as one of several alternative means of obtaining the required information. Similarly, the blanket filing for station connections involved a situation where there was only a single account under consideration, where limited analysis was called for, and where inputs from the states could be readily obtained through written comments and telephone conversations. In short, the departure this year involved mainly only three primary plant accounts for non-1981 AT&T companies. In all other cases, resolution of issues relating to service lives and salvage values was accomplished through the three-way meeting process.

41. Notwithstanding the fact that three-way meetings could not be held in all cases, the staff made every effort to advise the states of new developments and to insure the opportunity for the states to participate in the depreciation represcription process. Thus, our staff notified each state commission having jurisdiction over a carrier which filed for new depreciation rates of the pendency of that filing. Our staff contacted each state commission, presented its proposals and solicited counter-proposals from the state commission. Some state staffs submitted written responses to our staff's proposals; others did not. When a state commission staff did not respond to telephone inquiries, our staff sent a written request for comments. Attached to each letter requesting comments was a report containing a summary of our staff's recommendations and a discussion of the factors considered in reaching them. These reports were also made available to the public at the offices of the Depreciation Rates Branch, and interested persons were given the opportunity to comment upon their contents. *See* October 30, 1981 public notice.

42. Plainly, these efforts satisfy the requirements of Section 220(i). We believe that the public notices issued prior to the formulation of the staff recommendations and our decision in this case have afforded the states substantial opportunity for input into our decisionmaking processes.

43. Some parties have suggested that *ex parte* communications between our staff and the staffs of the state commissions and representatives of carriers participating in this proceeding have triggered the applicability of Commission Rule 1.1231(b), 47 CFR 1.1231(b). We note that all filings, supporting data, and studies upon which our staff relied in making its recommendations to us today were made available to interested persons. *See* October 30, 1981 public notice and November 24, 1981 public notice. Assuming *arguendo* that the Commission's *Ex Parte* Rules do apply to pre-represcription activities, all of these *ex parte* contacts were initiated by the staff, and, therefore, only significant data or arguments presented during such proceedings must be reflected in the public record before we issue our prescription order.[4] All significant data and information is in the public record and has already been made available for review by any interested person. For this reason we need not address in detail in this proceeding the applicability of the Commission's *Ex Parte* Rules to pre-represcription activities of Commission staff.

44. Several of the states responding to our public notice asserted that they have jurisdiction over depreciation rates for intrastate ratemaking purposes. This issue is before us on reconsideration in CC Docket No. 79–105 and need not be addressed in this proceeding.

45. In the *Second Computer Inquiry* we ordered the deregulation of all terminal equipment. Parties have suggested that we should act upon the requested represcription of depreciation rates for terminal equipment within the proceeding we shall initiate shortly to implement our decision to deregulate such equipment. We cannot agree with this suggestions. It is clear that AT&T's terminal equipment is presently underdepreciated and that new depreciation rates must be prescribed if this situation is to be corrected. There is no reason why such correction should not take place in this proceeding together with the prescription of new depreciation rates for other AT&T accounts and as part of our overall represcription process. Delaying the represcription of AT&T's terminal equipment rates so that they can be considered in the *Second Computer Inquiry* implementation proceeding would in no way assist in resolving the issues in that proceeding. Rather, prompt represcription of new depreciation rates for AT&T's terminal equipment at this time might conceivably help our efforts to implement the *Second Computer Inquiry* by bringing the book value of AT&T's terminal equipment closer to that which would exist absent regulatory lag.

B. Substantive Issues

46. We now turn to the resolution of the substantive issues raised by the responses to the January 8, October 30 and November 24 public notices.

1. Use of Remaining-Life

47. Some respondents have objected to the staff's rcommendation that new depreciation rates be prescribed based upon the remaining-life method. For example, certain states have claimed that the remaining-life methodology is inappropriate because its use would lead to increased local revenue requirements and because the states, in some instances, have not approved its use.

48. The remaining-life depreciation rates requested by AT&T are based upon estimates of future life expectancies, future net salvage values, and depreciation reserves determined in

[4] See Rule 1.1231(b) governing these contacts. The test for significance is subjective; a presentation is significant if and only if it influences the staff member receiving it. Policies and Procedures Regarding Ex Parte Communications During Informal Rulemaking. 78 FCC 2d 1384, 1401, n. 30 (1980).

accordance with the guidelines contained in the NARUC publication entitled *Public Utility Depreciation Practices* (1968). *See id.* at pp. 91–93. Moreover, the remaining-life rates themselves are computed using the methodology contained in that publication. In making its recommendations, the staff has relied in large part on the fact that the rates filed by AT&T conform to these standard practices and means of implementation. No party has raised any substantive objection to the techniques employed by AT&T in implementing remaining-life rates. Rather, the challenge is to the use of the remaining-life methodology itself. This proceeding, however, is not the appropriate forum in which to litigate the propriety of the remaining-life methodology. That methodology was considered and adopted in our recent decision in Docket No. 20188. At the present time, the use of the remaining-life method for calculating depreciation rates is explicitly allowed by Section 31.02–80(d) of our rules, 47 CFR 31.02–80(d), and filings based upon the remaining-life methodology are, if othewise appropriate, clearly entitled to acceptance. Accordingly, we find the remaining-life method used to develop depreciation rates under consideration in this order to be proper.

. Wisconsin proposed as an alternative to remaining-life a series of "adjusted whole-life rates" designed to recover reserve deficits over the average remaining life of the investment. While we note that the resulting depreciation rates are very similar to those filed by Wisconsin Telephone Company and the methodology may be consistent with our rules, we do not believe it would be prudent to adopt such techniques wihout either detailed examination of the proposed method or recognized authoritative support. For this reason, we do not accept the proposal by the state of Wisconsin but urge further exploration of the proposed method at the staff level.

50. Several respondents suggested that there is a need to adjust the reserves which underlie the proposed remaining-life rates because of the adverse impact they have on rates. For example, the Tennessee Commission noted that for one small account (Aerial Cable-Toll) South Central Bell filed reserve balances in excess of its corresponding recoverable plant investment and that, unless corrected, the remaining life formula would require that a negative depreciation rate be prescribed. A reserve balance in excess of corresponding plant investment is clearly inconsistent with the principle of allowing only 100% captial recovery for each class of plant, a principle which we emphasized in our final decision in Docket No. 20188. Furthermore, using accepted remaining-life methods, this condition may result in negative depreciation rates and expenses. The staff anaylzed the BOTC's accounting data to determine the reason for these inconsistencies and found that the primary cause was the transfer of plant from one account to another without a corresponding transfer or reserve amounts. The staff made minor adjustments to the reserves which correspond to the plant account transfers. These adjustments were discussed with the carriers and the respective state commissions and agreements was reached at the staff level. We believe that minor reserve modifications are more consistent with generally accepted accounting principles than the use of negative depreciation rates. As a result, we find the adjustments to the reserves made by the staff to be appropriate. Because the timing of plant retirements and the amount of net salvage cannot be predicted with certainty, it is likely that reserves in excess of recovery investment will result for some accounts in the future. We now direct the staff to begin to formulate procedures which will resolve this problem and eliminate the need to prescribe negative remaining-life rates in the future.

51. Several states have requested a more general reallocation of AT&T's depreciation reserve. Specifically, California and Wisconsin have requested that the reserve be allocated based upon the historical records which these states have required local BOTC's to keep. We have been aware for some time now that California has required disaggregated depreciation reserve records to be kept and are familiar with its practices in this regard. The historical reserve allocation methodology used by the California Commission is quite similar to that which we ordered in Docket No. 20188. Any differences between our own reserve allocations and those of California are not terribly significant on an overall basis and would in no way impede the accomplishment of federal regulatory objectives in Docket No. 20188 or elsewhere. Therefore, as a matter of comity, we will accept California's proposal.

52. The Wisconsin proposal raises more serious problems. In contrast to the California situation, we are not familiar with the recordkeeping requirements of the Wisconisn Commission. Indeed, up to the time Wisconsin filed comments in this proceeding, we were not even aware that it had requried carriers to keept disaggregated reserve records. Wisconsin did not file comments in response to the January 23, 1981 public notice which the staff issued prior to our resolution in Docket No. 20188 of the question of AT&T's reserve allocation.[5] We cannot, under the circumstances, grant the relief Wisconsin seeks here. Thus, at the present time, we are unable to determine whether its reserve allocation methodology is consistent with the requirements of Docket No. 20188 or is otherwise appropriate. This decision, however, would appear to have no serious practical consequences at this time. The Wisconsin Telephone Company is a 1983 company, and remaining-life rates are being prescribed for it by this order only for the terminal equipment and DDS accounts. Because the depreciation rates proposed by Wisconsin for the terminal equipment and DDS accounts are very similar to those filed by Wisconsin Telephone pursuant to Docket No. 20188, adopting Wisconsin's proposal would not significantly alter the carrier's depreciation rates. On the other hand, we would point out that there are significant differences in the reserves for other accounts (e.g., central office equipment) which could result in significant variances in remaining-life rates in the future. We urge that the Wisconsin Commission work with our staff to explore the future use of reserves derived from records maintained at the request of the Wisconsin Commission prior to the next review of depreciation rates for those accounts currently scheduled for 1983.

53. New York proposed the reallocation of reserves by major category of plant (e.g., outside plant) with a detailed disaggregation within these categories based upon current theoretical reserve studies. We cannot accept the allocation proposed by New York at this juncture. The methodology for disaggregation of AT&T's depreciation reserve was an issue decided in Docket No. 20188. New York has not provided any reason for us to reopen the allocation issue here or to reserve our decision in Docket No. 20188.

54. New York and Virginia proposed the allocation of the station connections reserves to the subaccounts (i.e., Station Connections-Inside Wire and Station

[5] In contrast, California did file comments in response to the January 23, public notice, bringing our attention to their recordkeeping requirements regarding reserve disaggregation.

Connections-Other) on the basis of relative plant investment. Inasmuch as the depreciation rates for station connections under consideration here are not based upon the remaining-life method and, thus, are not affected by the relative magnitude of the reserve, we find the reserve allocation for station connections has no bearing here. We therefore dismiss the contentions of New York and Virginia in this proceeding without prejudice. These states remain free to raise such contentions in other contexts, either on an informal basis at the staff level or by filing a formal petition for relief.

55. In our final decision in Docket No. 20188, 83 FCC 2d 267, we had required carriers requesting remaining-life rates to file both whole-life and remaining-life studies so that we could ascertain the effects of replacing one method with the other. In our reconsideration order in that docket, 87 FCC 2d 916, the staff compared these studies and concluded that approximately two-thirds of the requested increase in depreciation expense is attributable to the change from whole-life to remaining-life rates. The magnitude of this increase suggests that it will be desirable to monitor the effects of the changes in depreciation methods. For this reason, we conclude that, at least for the next represcription cycle, the BOTC's should submit filings containing both whole-life and remaining-life studies.

2. Effective Dates for Changes in Rates

56. The appropriate effective date for the changes in depreciation rates is an issue raised by serveral responses to the public notices. Section 43.43 of our rules, 47 CFR 43.43, contains the guidelines which govern the dates for implementing depreciation rate changes. That section requires that carriers report changes in depreciation rates to this Commission and permits revisions to be made retroactive to a date no earlier than the beginning of the year in which the filing occurs.

57. Our examination of the carriers' filings for proposed changes in depreciation rates shows us that they comply with the requirements of Section 43.43 of our rules. All of the filings we have under consideration here were received in 1981, and none of the carriers has requested an effective date earlier than January 1, 1981, for either the whole-life or remaining-life depreciation rates.

58. However, we find that there is a significant gap between the study dates supporting the proposed depreciation rates and the effective dates for the rates requested by several respondents. Most of the studies were completed using year-end 1980 data. If we were to make the rate changes effective on January 1, 1982, as proposed by Kentucky, these depreciation rates would be based upon studies which would be approximately a year old when the rates became effective. When we consider these requested effective dates in light of our recognition in Docket No. 20188 of the importance of timely capital recovery, it is apparent that the earlier effective dates proposed by AT&T may facilitate such recovery. In Docket No. 20188 we determined that proper capital recovery is predicated in large measure upon a timely application of the correct depreciation rates. We also noted that if inaccurate depreciation rates are applied, the resulting misstatement of operating expenses could harm present and potential investors and, ultimately, ratepayers by denying not only to them but also to regulators an accurate, objective financial picture of the companies' operations and capital requirements. Consequently, we find the effective dates requested by AT&T to be generally acceptable.

59. Montana and New Mexico requested that depreciation rates not be represcribed before the next three-way meetings are held for the AT&T companies operating in their jurisdictions. Both Idaho and Wyoming stated that they could not comment on the rates because of the pendency of the same matters in state rate proceedings. It should be noted that the BOTC's operating in these four jurisdictions are scheduled for a complete review of depreciation rates in 1982 and that these companies, in their current filings, have proposed remaining-life rates to be effective retroactive to July 1, 1981. Inasmuch as rates determined in 1982 through the standard review process (including three-way meetings) can be routinely applied retroactive to January 1, 1982, a delay of only six months will result. We belive that, with more detailed review requested by the New Mexico and Montana Commissions, the record compiled in the state rate proceedings in Idaho and Wyoming, and the three-way meetings scheduled for 1982, more accurate rates would likely result in 1982 than would be the case if the rates were based upon the studies and discussion which have taken place this year. We believe that the merits of the increased accuracy for capital recovery justify the six month delay in the prescription of the rates, and we, therefore, defer the prescription of rates for these jursidictions until 1982.

60. Three-way agreement regarding life and salvage factors was not reached for Michigan Bell and Iowa (Northwestern Bell). Furthermore, neither state provided comments which were responsive to the staff's proposals for these jursidictions in the November 24, 1981 public notice. These states are not scheduled for three-way meetings until 1983, and deferral of the prescription of depreciation rates in these jurisdictions would result in a delay of at least eighteen months before proper rates of capital recovery could be put in place. We believe that such a delay is excessive, particularly for relatively short-lived investment, and, in the absence of comments to the contrary, we believe that the proposals by the staff for prescription of depreciation for Michigan Bell and Northwestern Bell (for Iowa) are appropriate.

3. Depreciation Rates for Terminal Equipment and Other Plant Accounts

61. although the October 30 and November 24 public notices had solicited comments regarding proposed revised depreciation rates for virtually all plant accounts, parties generally commented upon the life and salvage estimates for only the terminal equipment accounts. The only exception was New York, whose comments provided support for the use of a 2.5% depreciation rate for Station Connections—Other. As New York pointed out, the accounting for this subaccount has not yet been resolved and, as a result, there is some question as to the appropriate depreciation rate. Furthermore, New York Telephone Company recently submitted studies to the New York Commission in a rate case using a 2.5% depreciation rate for this subaccount. We find New York's proposal acceptable.

62. In the absence of any comments objecting to the carriers' proposed rates for non-terminal equipment accounts (other than the New York problem disposed of above) or to the life and salvage factors underlying these rates, and given the staff's concurrence in these rates and the factors underlying them, we find the proposed rates for plant other than terminal equipment to be acceptable.

63. We agree with the Kansas Commission's contention that the effect on equipment lives of the two-tier and other term contracts requires further evaluation. To date, there has been little data available regarding the effect of these pricing contracts. We are also uncertain that there will be significant amounts of this data available in the next few years, since most of the contracts have been in service for a relatively short period of time.

Furthermore, the term of the pricing contracts is only one factor which affects service lives, and there is little evidence to indicate that it is the major determinant of life. Because of the significant changes in service lives that are in fact now occurring, to refrain from represcribing depreciation rates until the impact of only one of many factors affecting life can be determined seems inappropriate. A more purdent course to follow in setting depreciation rates would appear to be to continue the timely consideration of those changes in service lives that are evident based upon analysis of existing data, and to delay explicit consideration of the impact of such pricing contracts until relevant data becomes available.

64. ICA has challenged staff recommendations of shorter service lives (and higher depreciation rates) than proposed in the initial AT&T filing. We believe those staff recommendations for equipment lives shorter than AT&T initially proposed are valid for the following reasons. When AT&T had initially filed for revised terminal equipment rates in September, 1980, it had submitted studies prepared as of January 1, 1980 to support its filings. Remaining-life rates, however, should be based on studies as current as possible; for this reason the staff requested that AT&T update its studies to January 1, 1981.[6] The updated studies submitted by AT&T indicated that certain of the average remaining lives had declined. This was not an unexpected development because, in those accounts in which few new installations are being made, each year brings the existing equipment closer to its ultimate retirement date. This Commission is not restricted to prescribing rates based upon service lives that are as long as or longer than those which the carriers propose. Our policies require that the staff make the best estimate of service lives it can based on available data, regardless of whether these estimates yield lives longer or shorter than those proposed by the carriers.

65. The implications of AT&T's migration strategy for the prescription of depreciation rates has also been matter of concern to some parties. We recognize that AT&T customers may have concerns regarding the potential effects of AT&T's marketing strategies if such activities lead to significant increases in rates. We note, however, that management plans or strategies are one of several factors of which estimations of prospective service lives routinely take account. *Public Utility Depreciation Practices* summarizes these factors:

> Determination of service lives basically involves an engineering estimate of the future effect of wear and tear, decay, action of the elements, inadequacy, obsolescence, and public requirements. In some cases other factors such as anticipated changeover to new or improved kinds of plant, or *specific plans of management,* must be given consideration. To arrive at a satisfactory estimate of future conditions, past experience generally gives an indication which can be used as at least one element in the estimate. The weight to be given past experience depends upon the extent to which conditions affecting service life in the future are expected to be similar to or different from those in the past. (Emphasis added.)

ID. at p. 105. Thus, consideration of the migration strategy would clearly appear to be within the purview of a thorough review of factors which could potentially affect service lives.

66. We do not suggest that the staff has condoned or approved of AT&T's migration strategy. We believe that it is important to distinguish between establishing requirements for financial reporting, the task of a represcription proceeding, and determining whether a management decision is prudent, normally the task of a ratemaking proceeding. Consequently, in previous decisions, we have directed the staff to inform us of significant matters, which may be beyond the scope of staff review of depreciation rates. In fact, in conjunction with the 1980 prescription orders, the staff had already informed us of AT&T's migration strategy and its potential impact on depreciation rates. IN 1980 and 1981 this strategy and its potential effect upon local rates were discussed both in the three-way meetings and in the staff reports to each of the state commissions. This insured that the states were made aware of the existence of the strategy and of some of the potential effects. We urge parties concerned about the effects of the strategy to bring their concerns to the attention of the state commissions. The overwhelming majority of terminal equipment is tariffed at the state level, and it is the states which, for the most part, have the jurisdiction to determine whether rate increases for terminal equipment should be disallowed because of any improper marketing objectives of AT&T.

67. Several parties question the use of AT&T's product life cycle studies as the basis for the prescription of depreciation rates. The staff, however, did not rely upon these studies. Rather, the staff recommendations concerning the depreciation rates under consideration in this order are based on traditional life and salvage analysis, rather than on product life cycle studies. Since we also do not rely upon AT&T's product life cycle studies, we need not address this issue in depth at this time. Our preliminary view is that, while marketing analysis similar to that initially submitted by AT&T can provide insight into the future life of terminal equipment, it is inappropriate to use such judgements in isolation as the decisional basis for the life estimates and, thus, for the prescription of depreciation rates.

68. The staff has performed an extensive analysis of the materials initially submitted by the carriers to support their proposed depreciation rates for terminal equipment as well as the supplementary information requested by the staff. It has also reviewed the information provided in the comments and reply comments responding to the January 27 public notice. This analysis, based upon both literature related to the past, present, and future markets for terminal equipment and the study of historical mortality data, revealed that the lives of terminal equipment have been consistently decreasing in recent years and that they will likely decrease even more in the future.

69. The primary factors leading to the reduction in equipment lives are (1) changes in technology, (2) increasing competition, and (3) carriers' marketing strategies. The advent and refinement of technological changes, particularly large scale integration of electronic components, is likely to result in an even more rapid rate of technological obsolescence for much of the existing equipment. Newer, more technologically advanced equipment tends to be much more modular, versatile, and amendable to upgrading than does the carriers' older equipment. Certain types of service changes such as the rearrangement of work stations can now be accomplished by the customer so that

[6] An examination of the relationship between the parameters underlying whole-life and remaining-life depreciation rates leads us to conclude that timing may be even more important when remaining-life rates are to be used. A whole-life rate is a function of the average life and the average net salvage of the investment. Use of these parameters effectively blends historical experience with forecasts of future life and salvage. Changes in whole-life depreciation rates (either positive or negative) are therefore cushioned because they reflect an average of both future estimates and past experience. A remaining-life rate, however, is a function of the average remaining life, the future net salvage, and the depreciation reserve of the investment. Changes in remaining-life depreciation rates due to changes in future life and salvage are not dampened by history, and are therefore more responsive to changes in perceptions of the future. These changes may be exacerbated by reserve surpluses or deficiencies. Because of these differences, timely implementation is perhaps even more important for remaining-life than for whole-life rates.

visits by telephone company craft personnel are no longer required. Taken together these factors have resulted in new equipment offering the potential of significant future savings to the customer. Thus rapid technological advance tends to encourage early retirements and consequently to reduce the useful life of older terminal equipment.

70. Moreover, as competition has increased, terminal equipment lives have decreased. Competition has led to customers having a constantly increasing array of product lines from which they can choose to meet their specific communications needs, and has enabled them to replace older equipment more easily with new selections which better satisfy their needs. Since there is little evidence to suggest that the level of competition will moderate or decrease in the foreseeable future, it is reasonable to assume that competition will likely result in an even greater reduction in future terminal equipment lives than that experienced in the recent past.

71. The third major factor affecting the length of terminal equipment service lives is the marketing effort of the operating telephone company personnel. Rates of retirement and installation of equipment are not only the result of technological obsolescence and competition, but are also influenced by the efforts of the company to cause customers to migrate from older equipment types to more modern products which are potentially more profitable to the company. Major facets of that marketing effort include repricing of the existing equipment and incentive programs to encourage sales personnel to aggressively solicit business from both existing customers and customers served by competitors' equipment.

72. Because they have provided all this equipment under either federal or state tariff, the carriers have also had to expend a major effort in the regulatory arena to obtain authorization to make the desired price adjustments and service offerings. The company's marketing success is not dependent upon any single element, such as pricing, but rather upon the effect of the combination of pricing, incentive programs, and regulatory approval of product offerings and tariffs.

73. Based upon the results of its extensive mortality analysis, the staff concluded that terminal equipment lives are likely to decline in the future. The similarity of the results obtained from the product life cycle studies and those obtained from the mortality studies offers additional support for the reduction in the service lives underlying depreciation rates for terminal equipment. The fact that similar results were obtained by independent analysis using widely disparate methods only underscores the dramatic reduction in service lives we have seen in this prescription. Consequently, we find the service lives underlying the depreciation rates for terminal equipment we prescribe today to be appropriate.

V. Ordering Clauses

74. Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 220(b), it is ordered, that the percentages of depreciation set forth in Appendix 4 of this order are prescribed effective retroactively to the dates listed.

75. It is further ordered, that nothing in this order shall be construed to amend or rescind that part of the Commission's previous prescription orders which requires these companies to file with the Commission, until further ordered by the Commission, certain specified information relating to the companies' plans for replacing central office equipment presently in service with electronic and other types of switching systems.

76. It is further ordered, that the companies shall submit to the Commission whole-life as well as remaining-life depreciation studies during the next represcription period.

77. It is further ordered, that the compaines shall notify this Commission within 10 days of any deviation from the depreciation percentages and practices prescribed in this order.

Note.—Due to the effort to minimize publishing costs, the Appendices to this order will not be printed herein. Interested parties may inspect the Appendices on file in the FCC Library, Room 639, 1919 M St., NW., Washington, D.C.

Federal Communications Commission.

William J. Tricarico,

Secretary.

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[FCC 82-41]

Continental Telephone Company of Virginia and Continental Telephone Company of Upstate New York, Inc.; Prescription of Revised Percentages of Depreciation Pursuant to the Communications Act, As Amended

AGENCY: Federal Communications Commission.

ACTION: Depreciation rate prescription order.

SUMMARY: The Federal Communications Commission has ordered the named Continental Telephone Companies to apply the percentages of depreciation which are set forth in the Appendix to the Order. The named companies filed for revised depreciation rates for various accounts and submitted studies and data to substantiate their request. The intended effect of this action is to charge, as accurately as circumstances will allow, the cost of consumption of depreciable assets to the periods in which the assets are useful in the production of revenues.

EFFECTIVE DATE: The Companies are to apply the depreciation rates as of the date or dates set forth in the Appendix to the Order. In no case is an effective date prior to January 1, 1981.

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

FOR FURTHER INFORMATION CONTACT: Kenneth P. Moran, Chief Depreciation Rates Branch, (202) 634-1730.

Order

In the matter of the prescription of revised percentages of depreciation pursuant to Section 220(b) of the Communications Act of 1934, as amended, for: Continental Telephone Company of Virginia, Continental Telephone Company of Upstate New York, Incorporated.

Adopted: January 21, 1982.

Released: January 28, 1982.

I. Introduction

1. Section 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 220(b), states that the Commission shall, as soon as practicable, prescribe classes of property for which depreciation charges may be included in operating expenses and the percentages of depreciation which shall be charged to each of these classes. It also states that the Commission may, when it deems necessary, modify the classes and percentages so prescribed.

2. By this order we prescribe revised percentages of depreciation (depreciation rates) for the Continental Telephone Company of Virginia (Continental-Virginia) and the Continental Telephone Company of Upstate New York, Incorporated (Continental-New York) in accordance with our rules. Continental-Virginia's rates had been regularly scheduled for review in 1981, and, accordingly, we have considered revisions in depreciation rates for virtually all of its plant accounts. Continental-New York, which had not been regularly scheduled for review in 1981, filed a special request for revised depreciation rates for its

terminal equipment and station connections accounts. For Continental-New York we have considered revisions of depreciation rates for only the accounts covered in the special filing.

II. Background

3. Since the late 1940's, the Commission staff has reviewed depreciation rates of approximately one-third of the larger FCC-subject telephone carriers each year. Each year it has arrived at its recommendations for the prescription of depreciation rates only after the following actions have been completed:

(1) A staff review of the carrier's filings and underlying studies.

(2) Independent staff analysis of such information as plant mortality data and carrier equipment retirement plans.

(3) Preparation of preliminary staff recommendations.

(4) Discussion of the carrier's filings and the preliminary proposals of the FCC and state commissions at a conference in which representatives of the carriers and the staffs of the respective state commissions and the FCC participate (i.e., a three-way meeting).

4. This year, however, several complications arose which required a departure from the traditional procedures described above. First, on October 13, 1981 Continental-New York filed for a represcription of depreciation rates for terminal equipment (accounts 231 and 234). This filing was apparently prompted by the perception that continuing changes in the terminal equipment market had reduced lives for such equipment to the point where they were substantially shorter than those underlying current rates and had thereby created a situation which, if left uncorrected, could result in serious reserve deficiencies.[1] In its filing Continental-New York proposed to reduce service lives for most accounts below those underlying currently prescribed depreciation rates, and calculate depreciation rates using the remaining-life method, effective January 1, 1981.

5. Another problem which complicated the represcription process this year was the need to implement remaining-life procedures. Since we first prescribed depreciation rates in the late 1940's, we have used only the whole-life depreciation method for telephone companies' plant. This changed with our final decision in Docket No. 20188, where we revised our rules to allow the use of the remaining-life method. *See* 83 FCC 2d 267 (1980), *reconsideration*, 87 FCC 2d 916 (1981). Following adoption of that order, both Continental companies filed proposed revised depreciation rates using the remaining-life method, to be effective January 1, 1981.

6. Finally, there was a need this year to review the special filings for revised depreciation rates for station connections submitted by both Continental companies in accordance with the accounting changes which we ordered in CC Docket No. 79-105, 85 FCC 2d 818 (1981). In that docket we amended the accounting rules for station connections, 47 CFR 31.232, and ordered that all FCC-subject carriers identify and assign the investment in account 232, Station Connections, to at least two subclasses of plant—Station Connections-Inside Wire and Station Connections-Other. The Station Connections-Inside Wire subclass would consist primarily of the costs associated with the installation of wire or cables located inside customer buildings and houses, the installation and connection of station apparatus, and the assignment and testing of customer lines. The Station Connections-Other subclass would consist primarily of the costs associated with the installation of the drop (i.e., the wire which connects the carrier's distribution facilities with the inside wire) and the protector. Our order required carriers to expense future costs associated with the Station Connections-Inside Wire subclass on a phase-in or flash-cut basis and to continue to capitalize future costs associated with the Station Connections-Other subclass.

7. Because the retirement ratios and mortality dispersion patterns of the Station Connections-Other subclass are not similar to those for the account as a whole, the depreciation rates prescribed for the Station Connections Account could not be applied to the Station Connections-Other subclass. Instead, new rates had to be developed. In order to facilitate the prescription of these new rates, the staff held discussions with Continental and the respective state commissions and suggested that each of the Continental companies request changes in the depreciation rates for the Station Connections-Other subclass. The staff recommended that a 5% rate be used for Continental-Virginia and a 2.5% rate be used for Continental-New York until there was sufficient data to ascertain specific mortality characteristics which could then be used to prescribe more precise depreciation rates for this subclass. In accordance with this recommendation, these companies filed requests for permission to adopt these depreciation rates for the Station Connections-Other subclass, effective October 1, 1981.

8. In general, for Continental-Virginia, the staff followed its customary procedures for reviewing the depreciation studies and supporting detail. The staff arrived at its preliminary rate proposals for terminal equipment after fully considering the carrier's filing and underlying studies and the results of its independent analysis of the basic data provided in support of the carrier's filing. These preliminary staff proposals as well as those of Continental-Virginia and the Virginia Commission became the subjects of joint review and discussion at a three-way meeting.

9. For Continental-New York, the staff reviewed only the special depreciation rate requests submitted for the terminal equipment and station connections accounts. For these accounts the staff arrived at its preliminary rate proposals in much the same manner as described for Continental-Virginia. However, for Continental-New York a three-way conference was not held to resolve the life and salvage factors. Instead, the various studies and proposals were discussed through correspondence and telephone conversations.

10. By late October 1981, three-way agreement had been reached at the staff level regarding the appropriate life and salvage factors for Continental-Virginia's plant investment. Continental-Virginia then filed a request with the Commission for revised depreciation rates based on the agreed upon life and salvage factors. This filing contained both whole-life and remaining-life studies as required by our final decision in Docket No. 20188. Following its usual procedures, on October 30, 1981, the staff issued a public notice (entitled "Depreciation Rate Prescriptions Proposed for Domestic Telephone Companies"). This public notice requested that interested persons submit comments on the staff's recommendations for Continental-Virginia.

11. By mid-November, agreement regarding the life and salvage factors was reached between Continental-New York, the FCC staff and the staff of the New York Commission. Continental-New York then filed a request with the Commission for revised depreciation rates based upon these life and salvage factors. This filing also contained both whole-life and remaining-life studies. On November 24, 1981 a further public notice was issued announcing that the

[1] On September 22, 1980, AT&T had made a blanket terminal equipment filing on behalf of all of the Bell Operating Telephone Companies and the Long Lines Department. This was followed by a similar GTE filing on November 7, 1980.

Commission had under consideration changes in depreciation rates for Continental-New York. The public notice requested that interested persons submit comments on the proposed rates. Copies of the October 30 and November 24 public notices and the associated carrier filings were sent to the respective state commissions.

III. Summary of Comments

12. The major issues raised by the parties in response to the October 30 and November 24, 1981 public notices are reviewed briefly in this section.

A. October 30, 1981 Public Notice

13. The October 30, 1981 public notice requested comments on the proposed depreciation rates for Continental-Virginia. Responses were received from the Virginia State Corporation Commission.

14. Virginia examined the parameters filed by Continental-Virginia and found them to be the same as those previously agreed to by its staff. However, it expressed concern about the impact that the change to remaining-life rates will have on revenue requirements. It stated that the accruals for Continental-Virginia would increase 21% because of revised life and salvage factors and another 31% because of the shift to the remaining-life method. This would result in a 58% depreciation expense increase in one year. This increase was attributed to deficiencies built up over many years in the Step-by-Step, Crossbar, Large PBX-Other, Station Apparatus and Aerial Wire Accounts. A five year amortization of the difference in the revised whole-life and remaining-life rates was recommended to cushion the effects of implementing remaining-life rates. Finally, Virginia agreed with Continental-Virginia's proposal for allocating the account 232 reserve to the Station Connections-Inside Wire and Station Connections-Other subaccounts based on their relative plant investments.

B. November 24, 1981 Public Notice

15. The November 24, 1981 public notice requested comments on the depreciation rates for Continental-New York. In response to this public notice, comments were filed by the North American Telephone Association (NATA).

16. NATA stated that it did not respond to the October 30, 1981 public notice because it was in no position to oppose or support the FCC staff recommendations. It contended that the *ex parte* and *in camera* nature of the discussions made it impossible to comment on the proposed rates because the basis for the staff recommendations could not be ascertained. Finally, it recommended that the prescription of depreciation rates for customer premises equipment be considered in conjunction with the implementation of the *Second Computer Inquiry*, 77 FCC 2d 384, *reconsideration*, 84 FCC 2d 50 (1980), *further reconsideration*, FCC 81–481, released October 30, 1981.

17. Further comments filed by NATA requested that the prescription of depreciation rates for Continental-Virginia scheduled for December be postponed pending consideration of the interrelationship to implementation of the *Second Computer Inquiry* and the receipt of statements in response to the November 24, 1981 public notice.

IV. Discussion

A. Procedural Issues

18. Some parties have suggested that *ex parte* communications between our staff and representatives of carriers subject to state commissions participating in this proceeding have triggered the applicability of Commission Rule 1.12311(b), 47 CFR 1.123(b). We note that all filings, supporting data, and studies upon which our staff relied in making its recommendations to us today were made available to interested persons. *See* October 30, 1981 public notice and November 24, 1981 public notice. Assuming *arguendo* that the Commission's *Ex Parte* Rules do apply to pre-represcription activities, all of these *ex parte* contacts were initiated by the staff, and, therefore, only significant data or arguments presented during such proceedings must be reflected in the public record before we issue our prescription order.[2] All significant data and information is in the public record and has already been made available for review by any interested person. For this reason we need not address in detail in this proceeding the applicability of the Commission's *Ex Parte* Rules to pre-represcription activities of Commission staff.

19. In the *Second Computer Inquiry*, we ordered the deregulation of all terminal equipment. Parties have suggested that we should act upon the requested represcription of depreciation rates for terminal equipment within the proceeding we shall initiate shortly to implement our decision to deregulate such equipment. We cannot agree with this suggestion. It is clear that Continental's terminal equipment is presently underdepreciated and that new depreciation rates must be prescribed if this situation is to be corrected. There is no reason why such correction should not take place in this proceeding together with the prescription of new depreciation rates for other Continental accounts and as part of our overall represcription process. Delaying the represcription of Continental's terminal equipment rates so that they can be considered in the proceeding implementing the *Second Computer Inquiry* would in no way assist in resolving the issues in that proceeding. Rather, prompt represcription of new depreciation rates for Continental's terminal equipment at this time might conceivably help our efforts to implement the *Second Computer Inquiry* by bringing the book value of Continental's terminal equipment closer to that which would exist absent regulatory lag.

B. Substantive Issues

20. We now turn to the resolution of the substantive issues raised by the responses to the October 30 and November 24 public notices.

1. Use of Remaining-Life

21. Virginia has objected to the staff's recommendation that new depreciation rates be prescribed based upon the remaining-life method, and has claimed that the remaining-life methodology proposals of Continental-Virginia are inappropriate because their use would lead to very large increases in depreciation expense.

22. The remaining-life depreciation rates requested by Continental-Virginia are based upon estimates of future life expectancies, future net salvage estimates and depreciation reserves determined in accordance with the guidelines contained in the NARUC publication entitled *Public Utility Depreciation Practices* (1968). *See id.* at pp. 91–93. Moreover, the remaining-life rates themselves are computed using the methodology contained in that publication. In making its recommendations, the staff has relied in large part on the fact that the rates filed by Continental-Virginia conform to these standard practices and means of implementation. Virginia has raised no substantive objections to the techniques employed by Continental-Virginia in implementing remaining-life rates. Rather, the challenge is to the use of the remaining-life methodology itself. This proceeding, however, is not the appropriate forum in which to litigate

[2] See Rule 1.1231(b) governing these contacts. The test for significance is subjective; a presentation is significant if and only if it influences the staff member receiving it. Policies and Procedures Regarding Ex Parte Communications During Informal Rulemaking, 78 FCC 2d 1384, 1401, n. 30 (1980).

the efficacy of the remaining-life methodology. That methodology was considered and adopted in our recent decision in Docket No. 20188. At the present time, the use of the remaining-life method for calculating depreciation rates is explicitly allowed by Section 31.02–80(d) of our rules, 47 CFR 31.02–80(d), and filings based upon the remaining-life methodology are, if otherwise appropriate, clearly entitled to acceptance. Accordingly, we find the remaining-life method used to develop depreciation rates under consideration in this order to be proper.

23. Our final decision in Docket No. 20188, 83 FCC 2d 267, required carriers requesting remaining-life rates to file both whole-life and remaining-life studies so that we could ascertain the effects of replacing one method with the other. In accordance with our reconsideration order in that docket, 87 FCC 2d 916, the staff compared these studies and concluded that approximately two-thirds of the requested increase in depreciation expense is attributable to the change from whole-life to remaining-life rates. The magnitude of this change suggests that it will be desirable to monitor the effects of the changes in depreciation methods. For this reason, we conclude that, at least for the next represcription cycle, the Continental companies should submit filings containing both whole-life and remaining-life studies.

2. *Allocation of the Depreciation Reserve*

24. Virginia proposed the allocation of the station connections reserve to the subaccounts (i.e., Station Connections-Inside Wire and Station Connections-Other) on the basis of relative plant investment. Inasmuch as the depreciation rates for station connections under consideration here are not based upon the remaining-life method and, thus, are not affected by the relative magnitude of the reserve, the reserve allocation for station connections has no bearing here. We therefore dismiss the contentions of New York and Virginia in this proceeding without prejudice. These states remain free to raise such contentions in other contexts, either on an informal basis at the staff level or by filing a formal petition for relief.

3. *Depreciation Rates for Terminal Equipment and Other Plant Accounts*

25. Although the October 30 and November 24 public notices solicited comments regarding proposed revisions in depreciation rates for virtually all plant accounts, no parties commented adversely on the life and salvage estimates underlying these rates. In the absence of any comments objecting to the carriers' proposed rates or to the life and salvage factors underlying these rates, and given the staff's concurrence in these rates and the factors underlying them, we find the proposed rates to be acceptable.

26. Having considered the responses to the public notices, the recommendations of the staff, and the proposals of the companies, we find the resulting whole-life and remaining-life rates to be appropriate rates to be applied, unless modified by further order of this Commission.

V. Ordering Clauses

27. Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 4(i) and 220(b), It is ordered, That the percentages of depreciation set forth in the Appendix to this order are prescribed effective retroactively to the dates listed.

28. It is further ordered, that the companies shall submit to the Commission whole-life as well as remaining-life depreciation studies during the next represcription period.

29. It is further ordered, that the companies shall notify this Commission within 10 days of any deviation from the depreciation percentages and practices prescribed in this order.

Note.—Due to the effort to minimize publishing costs, the Appendix to this order will not be printed herein. Interested parties may inspect the Appendix on file in the FCC Library, Room 639, 1919 M St., N.W., Washington, D.C.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82–2969 Filed 2–3–82; 8:45 am]

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[FCC 82–40]

General Telephone Company of Florida, et al; Prescription of Revised Percentages of Depreciation Pursuant to the Communications Act, as Amended

AGENCY: Federal Communications Commission.

ACTION: Depreciation rate prescription order.

SUMMARY: The Federal Communications Commission has ordered the named General Telephone Companies to apply the percentages of depreciation which are set forth in Appendix 4 of the Order. The named companies filed for revised depreciation rates for various accounts and submitted studies and data to substantiate their request. The intended effect of this action is to charge, as accurately as circumstances will allow, the cost of consumption of depreciable assets to the periods in which the assets are useful in the production of revenues.

EFFECTIVE DATE: The Companies are to apply the depreciation rates as of the date or dates set forth in Appendix 4 of the Order. In no case is an effective date prior to January 1, 1981.

ADDRESSES: Federal Communication Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kenneth P. Moran, Chief, Depreciation Rates Branch, (202) 634–1730.

Order

In the matter of the prescription of revised percentages of depreciation pursuant to Section 220(b) of the Communications Act of 1934, as amended, for: General Telephone Company of Florida; General Telephone Company of Indiana, Incorporated; General Telephone Company of Michigan; General Telephone Company of the Northwest, Incorporated; General Telephone Company of Ohio; General Telephone Company of the Southeast; General Telephone Company of the Southwest; Hawaiian Telephone Company.

Adopted: Jan. 21, 1982.

Released: January 28, 1982.

I. Introduction

1. Section 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 220(b), states that the Commission shall, as soon as practicable, prescribe classes of property for which depreciation charges may be included in operating expenses and the percentages of depreciation which shall be charged to each of these classes. It also states that the Commission may, when it deems necessary, modify the classes and percentages so prescribed.

2. By this order we prescribe revised percentages of depreciation (depreciation rates) for the companies listed in the following tables in accordance with our rules. Table A lists those companies whose rates had been regularly scheduled for review in 1981. For these companies, we have considered revisions in depreciation rates for virtually all plant accounts. Table B lists those companies which had not been regularly scheduled for review in 1981, but which had filed special requests for revised depreciation rates for their terminal equipment and station connections accounts. For these

companies we have considered revisions of depreciation rates for only the accounts covered in the special filings.

Table A

General Telephone Company of Florida
General Telephone Company of Indiana, Incorporated
General Telephone Company of Michigan
General Telephone Company of Ohio

Table B

General Telephone Company of the Northwest, Incorporated
General Telephone Company of the Southeast
General Telephone Company of the SouthwestHawaiian Telephone Company

II. Background

3. Since the latae 1940's, the Commission staff has reviewed depreciation rates of approximately one-third of the larger FCC-subject telephone carriers each year. Each year it has arrived at its recommendations for the prescription of depreciation rates only after the following actions have been completed:

(1) A staff review of the carrier's filings and underlying studies.

(2) Independent staff analysis of such information as plant mortality data and carrier equipment retirement plans.

(3) Preparation of preliminary staff recommendations.

(4) Discussion of the carrier's filings and the preliminary proposals of the FCC and state commissions at a conference in which representatives of the carriers and the staffs of the respective state commissions and the FCC participate (i.e., a three-way meeting).

4. This year, however, several complications arose which caused the represcription of rates undertaken in this order to be more extensive than had been the case in prior years and which required, at least in some instances, a departure from the traditional procedures described above. First, on November 7, 1980, all of the GTE companies (the Table A companies scheduled for review in 1981, as well as the Table B companies scheduled for review in later years) jointly filed for a blanket represcription of depreciation rates for terminal equipment (accounts 231 and 234). This blanket filing was apparently prompted by the perception that continuing changes in the terminal equipment market had reduced lives for such equipment to the point where they were substantially shorter than those underlying current rates and had thereby created a situation which, if left uncorrected, could result in serious reserve deficiencies.[1]

5. In their blanket filing the GTE companies proposed to: (1) reduce service lives for most accounts below those underlying currently prescribed depreciation rates, and (2) calculate depreciation rates using the remaining-life method, effective the month following Commission action. Upon review of the GTE studies, the staff determined that there was insufficient supporting detail to justify the rates GTE was requesting and therefore requested additional data and studies including updated mortality and salvage data. Subsequently, on January 27, 1981, after GTE had provided the additional data requested, the staff issued a public notice (entitled "GTE Filing for Revised Depreciation Rates for Terminal Equipment") inviting both the states and the general public to comment either in support of or in opposition to the relief sought by GTE. Although the issuance of a public notice prior to the staff's recommendation of new depreciation rates to the Commission was a departure from the usual practice, it was deemed advisable given the magnitude of the changes requested in the blanket filing and given the fact that the filing was somewhat out of the ordinary (since it involved companies not scheduled for review in 1981). By issuing a public notice and allowing for comments prior to the three-way meeting, public participation in this very important matter could be enhanced. There was also the recognition, at the outset, that time and resource constraints would very likely make it impossible to hold three-way meetings for non-1981 carriers and that, as a consequence, alternative means would have to be found to assure the opportunity for active involvement by the various state jurisdictions.

6. Another problem which complicated the represcription process this year was the need to implement remaining-life procedures. Since we first prescribed depreciation rates in the late 1940's, we have used only the whole-life depreciation method for telephone companies' plant. This changed with our final decision in Docket No. 20188, where we revised our rules to allow the use of the remaining-life method. *See* 83 FCC 2d 267 (1980), *reconsideration*, 87 FCC 2d 916 (1981). Following the adoption of that order, all the GTE companies listed in Tables A and B filed for revised depreciation rates for virtually all plant accounts which were calculated using the remaining-life method. In these filings the GTE companies requested a January 1, 1982 effective date. The staff, however, reviewed rates only for those accounts for which the companies had submitted current studies. The carriers listed in Table A submitted current studies for virtually all their plant accounts, whereas the carriers listed in Table B provided current studies for only their terminal equipment accounts.

7. This year all GTE carriers submitted special filings seeking revised depreciation rates for station connections in accordance with the accounting changes which we ordered in CC Docket No. 79-105, 85 FCC 2d 818 (1981). In that docket we amended the accounting rules for station connections, 47 CFR 31.232, and ordered that all FCC-subject carriers identify and assign the investment in account 232, Station Connections, to at least two subclasses of plant—Station Connections—Inside Wire and Station Connections—Other. The Station Connections—Inside Wire subclass would consist primarily of the costs associated with the installation of wire or cables located inside customer buildings and houses, the installation and connection of station apparatus, and the assignment and testing of customer lines. The Station Connections—Other subclass would consist primarily of the costs associated with the installation of the drop (i.e., the wire which connects the carrier's distribution facilities with the inside wire) and the protector. Our order required carriers to expense future costs associated with the Station Connections—Inside Wire subclass on a phase-in or flash-cut basis and to continue to capitalize future costs associated with the Station Connections—Other subclass.

8. Because the retirement ratios and mortality dispersion patterns of the Station Connections—Other subclass are not similar to those for the account as a whole, the depreciation rates prescribed for the Station Connections Account could not be applied to the Station Connections—Other subclass. Instead, new rates had to be developed. In order to facilitate the prescription of these new rates, the staff held discussions with the companies and suggested that each of the GTE companies request changes in the depreciation rates for the Station Connections—Other subclass. The staff recommended that a 5% rate be used until there was sufficient data to ascertain specific mortality characteristics which could then be used

[1] Several weeks earlier, on September 22, 1980, AT&T had made a similar blanket filing on behalf of all of the Bell Operating Telephone Companies and the Long Lines Department.

to prescribe more precise depreciation rates for this subclass. In accordance with this recommendation, all GTE compaines filed requests for permission to adopt a 5% depreciation rate for the Station Connections—Others subclass, effective October 1, 1981.

9. In general, for those companies listed in Table A, the staff followed its customary procedures for reviewing the depreciation studies and supporting detail. The one departure, mentioned earlier, was the issuance of a public notice on January 27, 1981 requesting comments on GTE's blanket terminal equipment filing. The staff arrived at its preliminary rate proposals for terminal equipment after fully considering: (1) The carriers' filings and underlying studies; (2) the results of its independent analysis of the basic data provided in support of the carriers' filings; and (3) the comments and reply comments submitted in response to the terminal equipment public notice. These preliminary staff proposals as well as those of the carriers became the subjects of joint review and discussion at the three-way meetings.

10. For the companies listed in Table B, the staff reviewed only the special depreciation rate requests submitted for the terminal equipment and station connections accounts. For these accounts the staff arrived at its preliminary rate proposals in much the same manner as described above for Table A companies. However, for Table B companies, three-way conferences were not held to resolve the life and salvage factors. Instead, the various studies and proposals were discussed through correspondence and telephone conversations.

11. By late October 1981, three-way agreement regarding the appropriate life and salvage factors had been reached at the staff level for most of the companies for the terminal equipment and other accounts studied. Each of the carriers for which agreement had been reached filed requests with the Commission for revised depreciation rates based on the agreed upon life and salvage factors. These filings contained both whole-life and remaining-life studies as required by our final decision in Docket No. 20188. Following its usual procedures, on October 30, 1981, the staff issued a public notice (entitled "Depreciation Rate Prescriptions Proposed for Domestic Telephone Companies"). The public notice was limited to those proposed rates where the state commissions had concurred with the life and salvage factors underlying the rates but not necessarily with the methods used to compute the rates. The public notice requested interested persons to comment on the staff's recommendations.

12. For the compaines for which three-way agreement regarding life and salvage factors had not been reached, discussion continued. By mid-November, agreement regarding the life and salvage factors was reached between the GTE compaines and FCC staff, but not with the states. The GTE compaines then filed requests with the Commission for revised depreciation rates based on the life and salvage factors ageed to with the FCC staff. These filings also contained both whole-life and remaining-life studies. On November 24, 1981 a further public notice was issued announcing that the Commission had under consideration changes in depreciation rates with which the states had not concurred. The public notice requested interested parties to comment on the proposed rates. Copies of both the October 30 and November 24 public notices and the associated carrier filings were sent to each state with jurisdiction over a carrier listed in Table A or Table B.

III. Summary of Comments

13. The major issues raised by the parties in response to the January 27, October 30, and November 24, 1981 public notices are reviewed briefly in this section. The comments of all the parties are also set forth at somewhat greater length in Appendix 1 (for the January 27 comments), Appendix 2 (for the October 30 comments), and Appendix 3 (for the November 24 comments).

A. January 27, 1981 Public Notice

14. The January 27, 1981 public notice invited comments on the following topics: (1) The companies' future life estimates; (2) the companies' future net salvage estimates; (3) the studies and detail submitted in support of the companies' estimates of both future life and salvage; and (4) the effective dates of implementation of the proposed rates. In response to the public notice, ten comments and two reply comments were filed by the following parties: GTE Service Corporation; the National Association of Regulatory Utility Commissioners (NARUC); and the state public utility commissions of Arkansas, Delaware, Florida, Michigan, Mississippi, New York, North Carolina, Ohio, Oregon and South Carolina. The comments and reply comments contained information pertinent not only to the resolution of the issues raised in the public notice, but also to the manner in which they should be resolved (i.e., three-way meetings). They also raised other issues, including the use of remaining-life rates and the potential effects of changes in depreciation rates on customer tariffs.

15. The Arkansas and Michigan Commissions stated that the supporting data did not provide an adequate basis for the represcription of depreciation rates for terminal equipment. The few responses that addressed the companies' future life estimates noted that these estimates called for shorter lives than those previously prescribed. Asserting that GTE had not shown any change in conditions from those that existed during the last represcription, the South Carolina Commission proposed that remaining-life calculations be based on previously approved service lives.

16. Comments on the companies' future net salvage estimates varied. Michigan noted that, because the same salvage rates approved in 1978 were used in the current filing, it had no objection to the rates. South Carolina, however, contended that, because of the potential sales of in-place terminal equipment, a salvage of 25 percent should be used.

17. Delaware and South Carolina expressed support for the use of remaining-life depreciation rates. Michigan expressed support for the use of remaining-life rates, only if that use could be phased-in to minimize the impact on the customers. Ohio strongly objected to the use of remaining-life rates for General Telephone Company of Ohio (General of Ohio).

18. Parties also discussed whether we should revise the method we have traditionally relied upon to solicit the views of the states with jurisdiction over the carriers subject to this proceeding. The overwhelming majority of states expressed support for the continuation of the three-way meetings which have traditionally been the vehicle for resolving questions central to the prescription of depreciation rates. Other respondents indicated a desire to participate in the process as well.

19. Parties' reactions to the requested effective dates for implementation of the proposed rates also varied. The Michigan Commission favored a phase-in of the new rates beginning January 1, 1981. The Arkansas Commission stated that it would not recommend any changes to the existing rates until the company, the FCC and the Arkansas Commission staff had discussed this matter in a three-way meeting.

B. October 30, 1981 Public Notice

20. The October 30, 1981 public notice requested comments on the depreciation

rates for which three-way agreements had been reached regarding the appropriate life and salvage factors. In response to that public notice, the following persons commented on the rates proposed for GTE companies: Independent Data Communications Manufacturers Association (IDCMA), International Communications Association (ICA), General of Ohio, Southern Pacific Communications Company (SPCC) and the state public utility commissions of Arkansas, Ohio, Tennessee, and Virginia.

21. Two states—Ohio and Arkansas—explicitly commented on the use of remaining-life rates by GTE carriers and found remaining-life rates to be unacceptable for some, if not all, accounts.

22. Responses to the dates of implementation for whole-life and remaining-life rates varied considerably. Tennessee stated that rates should be made effective January 1, 1981. On the other hand, General of Ohio asserted that retroactive changes in depreciation rates would cause changes in depreciation expense which would be inappropriate because previous financial statements had shown net income using existing depreciation rates. Retroactive booking would distort those statements, thus making them less reliable for investors in GTE's publicly traded securities. Moreover, it was argued that this increased depreciation expense would appear on the carriers' books even though there would be no opportunity to recover such expense until new tariffs could be implemented.

23. ICA and SPCC contended that contacts of an *ex parte* nature occurred between FCC staff members, staff members of the various state commissions, and representatives of the companies. ICA also contended that parties other than the carriers, the state commissions and the FCC were precluded from participating and that the information provided by the FCC staff was not properly distributed to other parties responding to the earlier public notices. In addition, ICA requested that the FCC make public all documents and records of communications pertaining to this proceeding and establish dates for public comment on such materials.

24. ICA and IDCMA also expressed concern about the relationship between the prescription of depreciation rates and other proceedings currently underway at the Commission. Both asserted that the represcription should be coordinated with proceedings which are related to the deregulation of terminal equipment.

C. November 24, 1981 Public Notice

25. The November 24, 1981 public notice requested comments on the depreciation rates for which agreement regarding the life and salvage factors had been reached between the GTE companies and the FCC staff, but not with the states. In response to that public notice, the following parties commented: the North American Telephone Association (NATA) and the state public utility commissions of Hawaii, Montana, and New Mexico.

26. Responses from the states indicated a desire for discussion of life and salvage factors in the normal context of the three-way meetings. Hawaii stated that it was constrained from commenting on the merits of the proposed rates because of the pendency of a state rate proceeding. Hawaii suggested that, because the effective date for the proposed rates would not be until January 1, 1982, the matter be held in abeyance until the regularly scheduled 1982 three-way meeting. Hawaii further noted that its suggestion was contingent on retroactive booking of the rates resulting from the discussion. Montana indicated a desire to review all rates simultaneously, while New Mexico objected to the lack of traditional support data underlying the proposed rates; and both requested review in the context of the next scheduled three-way meeting.

27. NATA contended that the *ex parte* and *in camera* nature of the discussions made it impossible to comment on the proposed rates. It recommended that consideration of the prescription of depreciation rates for customer premises equipment must be done in conjunction with the implementation of the *Second Computer Inquiry*, 77 FCC 2d 384, *reconsideration*, 84 FCC 2d 50 (1980), *further reconsideration*, FCC 81–481, released October 30, 1981.

IV. Discussion

A. Procedural Issues

28. As already noted, some of the states filed comments expressing concern over our failure to hold three-way meetings in some cases before prescribing new depreciation rates. In our reconsideration order in Docket No. 20188, 87 FCC 2d 916, we made it clear that although three-way meetings were not required as a matter of law we intended to continue these meetings with the states insofar as we possibly could. This remains our position. In our view, three-way meetings are an excellent way of coordinating our activities in the depreciation rate-setting area with our counterparts at the state level, and we will continue to rely upon three-way meetings as a critical element of the depreciation represcription process.

29. On the other hand, we must also recognize that there may be situations when time, resource, or other constraints may prevent the holding of three-way meetings. Our overriding obligation is not to follow any particular procedure in setting depreciation rates but, rather, to protect the public interest. The need to hold three-way meetings must be weighed against factors such as the importance of a filing; the degree to which it is in controversy; the staff's workload; the availability of travel funds; the need for expeditious action; and the suitability of other means of coordination with the states. This year, it was necessary to depart from the three-way meeting process for the revision of at least some depreciation rates. The decision to bypass the three-way meeting process in certain instances during 1981 was taken with reluctance. It was simply not possible, given staff and budgetary constraints, to hold three-way meetings for all GTE carriers this year, and timely resolution of GTE's request required the use of methods other than the three-way meetings to obtain the views of interested parties. Because GTE's blanket terminal equipment filing was limited in scope mainly to two primary plant accounts (accounts 231 and 234), it was feasible to use a public notice as one of several alternative means of obtaining the required information. Similarly, the blanket filing for station connections involved a situation where there was only a single account under consideration, where limited analysis was called for, and where inputs from the states could be readily obtained through written comments and telephone conversations. In short, the departure this year involved only three accounts for non-1981 GTE companies. In all other cases, resolution of issues relating to service lives and salvage values was accomplished through the three-way meeting process.

30. Notwithstanding the fact that three-way meetings could not be held in all cases, the staff made every effort to advise the states of new developments and to insure the opportunity for the states to participate in the depreciation represcription process. Thus, our staff notified each state commission having jurisdiction over a carrier which filed for new depreciation rates of the pendency of that filing. Our staff contacted each state commission, presented its proposals and solicited counter-proposals from the state commission. Some state staffs submitted written

responses to our staff's proposals; others did not. When a state commission staff did not respond to telephone inquiries, our staff sent a written request for comments. Attached to each letter requesting comments was a report containing a summary of our staff's recommendations and a discussion of the factors considered in reaching them. These reports were also made available to the public at the offices of the Depreciation Rates Branch, and interested persons were given the opportunity to comment upon their contents. *See* October 30, 1981 public notice.

31. Plainly, these efforts satisfy the requirements of Section 220(i), 47 U.S.C. 220(i). We believe that the public notices issued prior to the formulation of the staff recommendations and our decision in this case have afforded the states substantial opportunity for input into our decisionmaking processes.

32. Some parties have suggested that *ex parte* communications between our staff and representatives of carriers subject to state commissions participating in this proceeding have triggered the applicability of Commission Rule 1.1231(b), 47 CFR 1.1231(b). We note that all filings, supporting data, and studies upon which our staff relied in making its recommendations to us today were made available to interested persons. *See* October 30, 1981 public notice and November 24, 1981 public notice. Assuming *arguendo* that the Commission's *Ex Parte* Rules do apply to pre-represcription activities, all of these *ex parte* contacts were initiated by the staff, and, therefore, only significant data or arguments presented during such proceedings must be reflected in the public record before we issue our prescription order.[2] All significant data and information is in the public record and has already been made available for review by any interested person. For this reason we need not address in detail in this proceeding the applicability of the Commission's *Ex Parte* Rules to pre-represcription activities of Commission staff.

33. Several of the states responding to our public notice asserted that they have jurisdiction over depreciation rates for intrastate ratemaking purposes. This issue is before us on reconsideration in CC Docket No. 79–105 and need not be addressed in this proceeding.

[2] See Rule 1.1231(b) governing these contacts. The test for significance is subjective; a presentation is significant if and only if it influences the staff member receiving it. Policies and Procedures Regarding Ex Parte Communications During Informal Rulemaking, 78 FCC 2d 1384, 1401, n. 30 (1980).

34. In the *Second Computer Inquiry*, we ordered the deregulation of all terminal equipment. Parties have suggested that we should act upon the requested represcription of depreciation rates for terminal equipment within the proceeding we shall initiate shortly to implement our decision to deregulate such equipment. We cannot agree with this suggestion. It is clear that GTE's terminal equipment is presently underdepreciated and that new depreciation rates must be prescribed if this situation is to be corrected. There is no reason why such correction should not take place in this proceeding together with the prescription of new depreciation rates for other GTE accounts and as part of our overall represcription process. Delaying the represcription of GTE's terminal equipment rates so that they can be considered in the proceeding implementing the *Second Computer Inquiry* would in no way assist in resolving the issues in that proceeding. Rather, prompt represcription of new depreciation rates for GTE's terminal equipment at this time might conceivably help our efforts to implement the *Second Computer Inquiry* by bringing the book value of GTE's terminal equipment closer to that which would exist absent regulatory lag.

B. Substantive Issues

35. We now turn to the resolution of the substantive issues raised by the responses to the January 27, October 30, and November 24 public notices.

1. *Use of Remaining-Life.*

36. Some respondents have objected to the staff's recommendation that new depreciation rates be prescribed based upon the remaining-life method. For example, certain states have claimed that the remaining-life methodology is inappropriate because its use would lead to increased local revenue requirements and because the states, in some instances, have not approved its use.

37. The remaining-life depreciation rates requested by GTE are based upon estimates of future life expectancies, future net salvage values, and depreciation reserves determined in accordance with the guidelines contained in the NARUC publication entitled *Public Utility Depreciation Practices* (1968). *See id.* at pp. 91–93. Moreover, the remaining-life rates themselves are computed using the methodology contained in that publication. In making its recommendations, the staff has relied in large part on the fact that the rates filed by GTE conform to these standard practices and means of implementation. No party has raised any substantive objection to the techniques employed by GTE in implementing remaining-life rates. Rather, the challenge is to the use of the remaining-life methodology itself. This proceeding, however, is not the appropriate forum in which to litigate the efficacy of the remaining-life methodology. That methodology was considered and adopted in our recent decision in Docket No. 20188. At the present time, the use of the remaining-life method for calculating depreciation rates is explicitly allowed by Section 31.02–80(d) of our rules, 47 CFR 31.02–80(d), and filings based upon the remaining-life methodology are, if otherwise appropriate, clearly entitled to acceptance. Accordingly, we find the remaining-life method used to develop depreciation rates under consideration in this order to be proper.

38. In our final decision in Docket No. 20188, 83 FCC 2d 267, we had required carriers requesting remaining-life rates to file both whole-life and remaining-life studies so that we could ascertain the effects of replacing one method with the other. In accordance with our reconsideration order in that docket, 87 FCC 2d 916, the staff compared these studies and concluded that approximately two-thirds of the requested increase in depreciation expense is attributable to the change from whole-life to remaining-life rates. The magnitude of this change suggests that it will be desirable to monitor the effects of the changes in depreciation methods. For this reason, we conclude that, at least for the next represcription cycle, the GTE companies should submit filings containing both whole-life and remaining-life studies.

2. *Effective Dates for Changes in Rates.*

39. The appropriate effective date for the changes in depreciation rates is an issue raised by several responses to the public notices. Section 43.43 of our rules, 47 CFR 43.43, contains the guidelines which govern the dates for implementing depreciation rate changes. That section requires that carriers report changes in depreciation rates to this Commission and permits revisions to be made retroactive to a date no earlier than the beginning of the year in which the filing occurs.

40. Our examination of the carriers' filings for proposed changes in depreciation rates shows us that these filings comply with the requirements of § 43.43 of our rules. All of the filings we have under consideration were received in 1981 and none of the carriers has requested an effective date earlier than

January 1, 1981, for either the whole-life or remaining-life depreciation rates.

41. However, we find that there is a significant gap between the study dates supporting the proposed depreciation rates and the effective dates for the rates requested by the carriers. Most of the studies were completed using year-end 1980 data, whereas the requested effective dates for the rates range from October 1, 1981 to January 1, 1982, with most falling at the end of 1981. These depreciation rates would therefore be based on studies which would be approximately a year old when the rates became effective. In view of the volatility of some accounts, it would obviously be desirable to avoid this kind of time lag and to apply the rates to the period to which they most closely correspond. In addition, considering the requested effective dates in light of our recognition in Docket No. 20188 of the importance of timely capital recovery, it is apparent that effective dates earlier in the year would better facilitate such recovery. In Docket No. 20188, we determined that proper capital recovery is predicated in large measure upon the timely application of the correct depreciation rates. We also noted that, if inaccurate depreciation rates are applied, the resulting misstatement of operating expenses could harm present and potential investors and, ultimately, ratepayers by denying them and the regulators an accurate, objective financial picture of the companies' operations and capital requirements. Consequently, we would normally have found the requested effective dates unacceptable. This year, however, is the first year we have begun to implement the changes to our accounting rules required by our decisions in Docket No. 20188 and CC Docket No. 79–105. We can understand that there may have been some uncertainty about the standards we would now expect carrier filings to meet and a concomitant reluctance by the state commissions to grant rate increases until we had actually prescribed rates using the new methods. For this reason, we shall accept the effective dates now requested by the GTE carriers for which there is three-way agreement at the staff level regarding the underlying service life and salvage factors.

42. In the future, however, we shall expect that, absent extenuating circumstances, carriers will request effective dates which are as close as possible to the dates on which their underlying studies are completed. Such action would help to meet our concerns regarding the timeliness of the underlying data and the need for proper capital recovery. We note that GTE carriers' future use of the interim booking provisions of which other carriers have already made extensive use could facilitate both the timely recognition of depreciation expense and the timely incorporation of such expense in rate cases. Reliance on interim booking provisions would also enhance the accuracy and integrity of these carrier's financial statements, thus making them more useful to investors.

43. In their comments, the Hawaii and Montana Commissions requested that new depreciation rates not be prescribed before three-way meetings could be held for the GTE companies operating in their jurisdictions (the Hawaiian Telephone Company and the General Telephone Company of the Northwest, respectively). The effective dates requested by the carriers (i.e., January 1, 1982) could be readily obtained if retroactive booking is used in conjunction with the 1982 three-way meetings scheduled between these states, the FCC, and GTE companies. We therefore defer the prescription of revised depreciation rates in those jurisdictions until the discussion of underlying factors have been concluded. On the other hand, deferral of the prescription of revised depreciation rates, which was requested by the New Mexico Commission, would have the effect of postponing capital recovery until 1983, the year in which the next three-way meeting between New Mexico, the FCC and the General Telephone Company of the Southwest (the GTE carrier serving New Mexico) is scheduled. We believe that such deferral is inappropriate and are therefore prescribing the proposed depreciation rates effective January 1, 1982.

3. *Depreciation Rates for Terminal Equipment and Other Plant Accounts.*

44. Although the October 30 and November 24 public notices had solicited comments regarding proposed revisions in depreciation rates for virtually all plant acounts, parties commented upon the life and salvage estimates for only the terminal equipment accounts. We have reviewed the staff's recommendations for revised life and salvage factors for the remainder of the accounts—and in the absence of any objection to these factors—we find them to be acceptable.

45. As for the proposed depreciation rates for terminal equipment, the staff has performed an extensive analysis of the materials initially submitted by the carriers to support their proposed depreciation rates for terminal equipment as well as the supplementary information requested by the staff. It has also reviewed the information provided in the comments and reply comments responding to the January 27 public notice. This analysis, based upon both literature related to the past, present, and future markets for terminal equipment and the study of historical mortality data, revealed that the service lives of terminal equipment have been consistently decreasing in recent years and that they will likely decrease even more in the future.

46. The primary factors leading to the reduction in equipment lives are (1) changes in technology and (2) increasing competition. The advent and refinement of technological changes, particularly large scale integration of electronic components, is likely to result in an even more rapid rate of technological obsolescence for much of the existing equipment. Newer, more technologically advanced equipment tends to be much more modular, versatile, and amenable to upgrading than does the carriers' older equipment. Certain types of service changes such as the rearrangement of work stations can now be accomplished by the customer so that visits by telephone company craft personnel are no longer required. Taken together these factors have resulted in new equipment offering the potential of significant future savings to the customer. Thus, rapid technological advance tends to encourage early retirements and, consequently, to reduce the useful life of older terminal equipment.

47. Moreover, as competition has increased, terminal equipment lives have decreased. Competition has led to customers having a constantly increasing array of product lines from which they can choose to meet their specific communications needs, and has enabled them to replace older equipment more easily with new selections which better satisfy their needs. Since there is little evidence to suggest that the level of competition will moderate or decrease in the foreseeable future, it is reasonable to assume that competition will likely result in an even greater reduction in future terminal equipment lives than that experienced in the recent past.

48. Based upon the results of its extensive mortality analysis, the staff concluded that terminal equipment lives are likely to decline in the future. We draw a similar conclusion and, for this reason, find the service lives underlying the depreciation rates for terminal equipment we prescribe today to be appropriate.

49. Having considered the responses to the public notices, the

recommendations of the staff, and the proposals of the companies, we find the resulting whole-life and remaining-life rates to be appropriate rates to be applied, unless modified by further order of this Commission.

V. Ordering Clauses

50. Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 220(b), it is ordered, That the percentages of depreciation set forth in Appendix 4 to this order are prescribed effective retroactively to the dates listed.

51. It is further ordered, that the companies shall submit to the Commission whole-life as well as remaining-life depreciation studies during the next represcription period.

52. It is further ordered, that the companies shall notify this Commission within 10 days of any deviation from the depreciation percentages and practices prescribed in this order.

Note.—Due to the effort to minimize publishing costs, the Appendices to this order will not be printed herein. Interested parties may inspect the Appendices on file in the FCC Library, Room 639, 1919 M St., NW., Washington, D.C.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-2970 Filed 2-3-82; 8:45 am]

BILLING CODE 6712-01-M

United Inter-Mountain Telephone Co.; Prescription of Revised Percentages of Depreciation Pursuant to the Communications Act, as Amended

AGENCY: Federal Communications Commission.

ACTION: Depreciation rate prescription order.

SUMMARY: The Federal Communications Commission has ordered the United Inter-Mountain Telephone Company to apply the percentages of depreciation which are set forth in the Appendix to the Order. The Company filed for revised depreciation rates for various accounts and submitted studies and data to substantiate its request. The intended effect of this action is to charge, as accurately as circumstances will allow, the cost of consumption of depreciable assets to the periods in which the assets are useful in the production of revenues.

EFFECTIVE DATE: The Company is to apply the depreciation rates as of the date or dates set forth in the Appendix to the Order. In no case is an effective data prior to January 1, 1981.

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

FOR FURTHER INFORMATION CONTACT: Kenneth P. Moran, Chief, Depreciation Rates Branch, (202) 634-1730.

Order

In the matter of the prescription of revised percentages of depreciation pursuant to Section 220(b) of the Communications Act of 1934, as amended, for United Inter-Mountain Telephone Company.

Adopted: January 21, 1982.

Released: January 28, 1982.

I. Introduction

1. Section 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 220(b), states that the Commission shall, as soon as practicable, prescribe classes of property for which depreciation charges may be included in operating expenses and the percentages of depreciation which shall be charged to each of these classes. It also states that the Commission may, when it deems necessary, modify the classes and percentages so prescribed.

2. By this order we prescribe revised percentages of depreciation (depreciation rates) for United Inter-Mountain Telephone Company (United) in accordance with our rules. United had not been regularly scheduled for review in 1981, but filed a special request for revised depreciation rates for its terminal equipment and station connections accounts. We have considered revisions of depreciation rates for only the accounts covered in the special filing.

II. Background

3. Since the late 1940's, the Commission staff has reviewed depreciation rates of approximately one-third of the larger FCC-subject telephone carriers each year. Each year it has arrived at its recommendations for the prescription of depreciation rates only after the following actions have been completed:

(1) A staff review of the carrier's filings and underlying studies.

(2) Independent staff analysis of such information as plant mortality data and carrier equipment retirement plans.

(3) Preparation of preliminary staff recommendations.

(4) Discussion of the carrier's filings and the preliminary proposals of the FCC and state commissions at a conference in which representatives of the carriers and the staffs of the respective state commissions and the FCC participate (i.e., a three-way meeting).

4. This year, however, several complications arose which required a departure from the traditional procedures described above. First, on December 12, 1980, United filed for a represcription of depreciation rates for terminal equipment (accounts 231 and 234). This filing was apparently prompted by the perception that continuing changes in the terminal equipment market had reduced lives for such equipment to the point where they were substantially shorter than those underlying current rates and had thereby created a situation which, if left uncorrected, could result in serious reserve deficiencies.[1] In its filing United proposed to reduce service lives for most accounts below those underlying currently prescribed depreciation rates and calculate depreciation rates using the remaining-life method, effective January 1, 1981.

5. Another problem which complicated the represcription process this year was the need to implement remaining-life procedures. Since we first prescribed depreciation rates in the late 1940's, we have used only the whole-life depreciation method for telephone companies' plant. This change with our final decision in Docket No. 20188, where we revised our rules to allow the use of the remaining-life method. *See* 83 FCC 2d 267 (1980), *reconsideration*, 87 FCC 2d 916 (1981). Following the adoption of that order United proposed revised depreciation rates using the remaining-life method in its terminal equipment filing. These rates were requested to be effective January 1, 1981.

6. Finally, there was a need this year to review the special filing for revised depreciation rates for station connections submitted by United in accordance with the accounting changes which we ordered in CC Docket No. 79-105, 85 FCC 2d 818 (1981). In that docket we amended the accounting rules for station connections, 47 CFR 31.232, and ordered that all FCC-subject carriers identify and assign the investment in account 232, Station Connections, to at least two subclasses of plant—Station Connections-Inside Wire and Station Connections-Other. The Station Connections-Inside Wire subclass would consist primarily of the costs associated with the installation of wire or cables located inside customer

[1] On September 22, 1980, AT&T had made a blanket terminal equipment filing on behalf of all of the Bell Operating Telephone Companies and the Long Lines Department. This was followed by a similar GTE filing on November 7, 1980.

buildings and houses, the installation and connection of station apparatus, and the assignment and testing of customer lines. The Station Connections-Other subclass would consist primarily of the costs associated with the installation of the drop (i.e., the wire which connects the carrier's distribution facilities with the inside wire) and the protector. Our order required carriers to expense future costs associated with the Station Connections-Inside Wire subclass on a phase-in or flash-cut basis and to continue to capitalize furture costs associated with the Station Connections-Other subclass.

7. Because the retirement ratios and mortality dispersion patterns of the Station Connections-Other subclass are not similar to those for the account as a whole, the depreciation rates prescribed for the Station Connections Account could not be applied to the Station Connections-Other subclass. Instead, new rates had to be developed. In order to facilitate the prescription of these new rates, the staff held discussions with the company and suggested that United request changes in the depreciation rates for the Station Connections-Other subclass. The staff recommended that a 5% rate be used until there was sufficient data to ascertain specific mortality characteristics which could then be used to prescribe more precise depreciation rates for this subclass. In accordance with this recommendation, United filed a request for permission to adopt a 5% depreciation rate for the Station Connections-Other subclass, effective October 1, 1981.

8. The staff reviewed only United's special depreciation rate requests submitted for the terminal equipment and station connections accounts. For these accounts the staff arrived at its preliminary rate proposals after fully considering the carrier's filing and underlying studies and the results of its independent analysis of the basic data provided in support of the carrier's filing. Three-way conferences were not held to resolve the life and salvage factors; instead, the various studies and proposals were discussed through correspondence and telephone conversations.

9. By mid-November, agreement regarding the life and salvage factors was reached between United, the FCC staff and the staffs of the Virginia and Tennessee Commissions. United then filed a request with the Commission for revised depreciation rates based upon these life and salvage factors. This filing contained both whole-life and remaining-life studies as required by our final decision in Docket No. 20188. On November 24, 1981 a public notice was issued (entitled "Depreciation Rate Prescriptions Proposed for Domestic Telephone Companies") announcing that the Commission had under consideration changes in depreciation rates. The public notice requested that interested persons submit comments on the proposed rates. Copies of the public notice and United's filings were sent to the state commissions which have jurisdiction over United Inter-Mountain (Tennessee and Virginia).

III. Summary of Comments

10. In response to the public notice, the Virginia State Corporation Commission (Virginia) and the North American Telephone Association (NATA) filed comments regarding United's proposal.

11. Virginia stated that it favors the use of remaining-life only when life, salvage and reserve parameters are proven with reasonable certainty. It further stated that the staff had been afforded the opportunity to participate in the review of data and the discussion which resulted in three-way agreement. Examination of the parameters filed by the company showed them to be the same as agreed to by the staff.

12. Virginia expressed reservations concerning the allocation of station connections investment as required in CC Docket No. 79–105 and would like the opportunity to review this allocation in the future. Concerns were also expressed about the allocation of the station connections reserve between the two subaccounts. Virginia stated that United's proposed allocation of the total reserve to the Station Connections-Other subaccount is speculative where there is a positive reserve for the aggregate account and believed that a more appropriate allocation would be to divide the reserve proportional to the investment in the two subaccounts.

13. NATA contended that the *ex parte* and *in camera* nature of the discussions made it impossible to comment on the proposed rates, because the basis for the staff recommendations could not be ascertained. It recommended that the prescription of depreciation rates for customer premises equipment be considered in conjunction with the implementation of the *Second Computer Inquiry*, 77 FCC 2d 384, *reconsideration*, 84 FCC 2d 50 (1980), *further reconsideration*, FCC 81–481, released October 30, 1981.

IV. Discussion

A. Procedural Issues

14. Some parties have suggested that *ex parte* communications between our staff and representatives of carriers subject to state commissions participating in this proceeding have triggered the applicability of Commission Rule 1.1231(b), 47 CFR 1.1231(b). We note that all filings, supporting data, and studies upon which our staff relied in making its recommendations to us today were made available to interested persons. *See* November 24, 1981 public notice. Assuming *arguendo* that the Commission's *Ex Parte* Rules do apply to pre-represcription activities, all of these *ex parte* contacts were initiated by the staff, and, therefore, only significant data or arguments presented during such proceedings must be reflected in the public record before we issue our prescription order.[2] All significant data and information is in the public record and has already been made available for review by any interested person. For this reason we need not address in detail in this proceeding the applicability of the Commission's *Ex Parte* Rules to pre-represcription activities of Commission staff.

15. In the *Second Computer Inquiry*, we ordered the deregulation of all terminal equipment. Parties have suggested that we should act upon the requested represcription of depreciation rates for terminal equipment within the proceeding we shall initiate shortly to implement our decision to deregulate such equipment. We cannot agree with this suggestion. It is clear that United's terminal equipment is presently underdepreciated and that new depreciation rates must be prescribed if this situation is to be corrected. There is no reason why such correction should not take place in this proceeding as part of our overall represcription process. Delaying the represcription of United's terminal equipment rates so that they can be considered in the proceeding implementing the *Second Computer Inquiry* would in no way assist in resolving the issues in that proceeding. Rather, prompt represcription of new depreciation rates for United's terminal equipment at this time might conceivably help our efforts to implement the *Second Computer Inquiry*

[2] See Rule 1.1231(b) governing these contacts. The test for significance is subjective; a presentation is significant if and only if it influences the staff member receiving it. Policies and Procedures Regarding Ex Parte Communications During Informal Rulemaking, 78 FCC 2d 1384, 1401, n. 30 (1980).

by bringing the book value of United's terminal equipment closer to that which would exist absent regulatory lag.

B. Substantive Issues

16. We now turn to the resolution of the substantive issues raised by the responses to the November 24 public notice.

17. Virginia proposed the allocation of the station connections reserve to the subaccounts (i.e., Station Connections-Inside Wire and Station Connections-Other) on the basis of relative plant investment. Inasmuch as the depreciation rates for station connections under consideration here are not based upon the remaining-life method and, thus, are not affected by the relative magnitude of the reserve, the reserve allocation for station connections has no bearing here. We therefore dismiss the contentions of New York and Virginia in this proceeding without prejudice. These states remain free to raise such contentions in other contexts, either on an informal basis at the staff level or by filing a formal petition for relief.

18. Although the November 24, 1981 public notice solicited comments for terminal equipment and station connections depreciation rates, no parties commented adversely on the life and salvage estimates underlying these rates. In the absence of any comments objecting to the carrier's proposed rates or the life and salvage factors underlying these rates, and given the staff's concurrence in these rates and the factors underlying them, we find the proposed rates to be acceptable.

19. We have previously recognized the potential for significant changes in depreciation expense as a consequence of the transition from whole-life to remaining-life rates. Our final decision in Docket No. 20188, 83 FCC 2d 267, required carriers to file both whole-life and remaining-life studies so we could ascertain the effects of replacing one method with the other. In accordance with our reconsideration order in that Docket, 87 FCC 2d 916, the staff compared these studies and concluded that over eighty percent of the requested increase in depreciation expense is attributable to the change from whole-life to remaining-life rates. The magnitude of this change suggests that it will be desirable to monitor the effects of the changes in depreciation methods. In addition, we also note that United's filings covered only the terminal equipment accounts. Because of the magnitude of the increase we have seen here, and in view of the fact that the majority of United's depreciation rates have yet to be prescribed on a remaining-life basis, we conclude that United should submit filings containing both whole-life and remaining-life studies for at least the next prescription cycle.

V. Ordering Clauses

20. Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 4(i) and 220(b), it is ordered, That the percentages of depreciation set forth in the Appendix to this order are prescribed effective retroactively to the dates listed.

21. It is further ordered, that the company shall submit to the Commission whole-life as well as remaining-life depreciation studies during the next represcription period.

22. It is further ordered, that the company shall notify this Commission within 10 days of any deviation from the depreciation percentages and practices prescribed in this order.

Note.—Due to the effort to minimize publishing costs, the Appendix to this order will not be printed herein. Interested parties may inspect the Appendix on file in the FCC Library, Room 639, 1919 M St., N.W., Washington, D.C.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-2971 Filed 2-3-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 82-9]

Carrier International Corp. v. American Atlantic Lines; Filing of Complaint and Assignment

Notice is given that a complaint filed by Carrier International Corporation against American Atlantic Lines was served January 28, 1982. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82-2866 Filed 2-3-82; 8:45 am]

BILLING CODE 6730-01-M

[Agreements Nos. 10108-7 and 5700-29]

Ratemaking Agreements Covering Trades From Hong Kong, Taiwan and Macao to Atlantic and Gulf Coast Ports of the U.S.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreements Nos. 10108-7 and 5700-29 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Both 10108 and 5700 are ratemaking agreements covering trades from Hong Kong, Taiwan and Macao to Atlantic and Gulf Coast ports of the United States. Agreements Nos. 10108-7 and 5700-29 would extend the authority of the basic agreements to include all cargo moving under joint and through rates to inland destinations *via* United States Atlantic and Gulf Coast ports.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 82-2865 Filed 2-3-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is hereby given that on December 22, 1981, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to raise from $3 billion to $4 billion the limit on changes between

Committee meetings in System Account holdings of U.S. government and federal agency securities specified in paragraph 1(a) of the authorization for domestic open market operations, effective immediately for the period ending with the close of business on February 2, 1982.

Note.—For paragraph 1(a) of the authorization see 36 FR 22697.

By order of the Federal Open Market Committee, January 27, 1982.

Murray Altmann,

Secretary.

[FR Doc. 82-2894 Filed 2-3-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Aldose Reductase Inhibitors; Meeting

Notice is hereby given of the workshop on Aldose Reductase Inhibitors and their Relationship to the Treatment of Diabetic Complications sponsored by the National Eye Institute, March 29 and 30, 1982, 9000 Rockville Pike Stone House, Bethesda, Maryland 20205.

This meeting will be open to the public on March 29, 1982 at 9 A.M. until adjournment on March 30, to discuss the biochemistry of aldose reductase, the design of aldose reductase inhibitors, biological effects of aldose reductase in diabetes and initial results of these inhibitors on diabetic patients. Attendance by the public will be limited to space available.

Jin H. Kinoshita, Ph.D., Scientific Director, National Eye Institute of 9000 Rockville Pike, Bethesda, Maryland 20205, (301) 496-3552 will provide additional information.

(Catalog of Federal Domestic Assistance Program No. 13.869, Cataract 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.

Dated: January 27, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-2859 Filed 2-3-82; 8:45 am]

BILLING CODE 4140-01-M

Interagency Technical Committee; Meeting

Notice is hereby given of the meeting of the Interagency Technical Committee, sponsored by the National Heart, Lung, and Blood Institute, on March 16, 1982, from 9:00 a.m. to 12:30 p.m., Building 31, C Wing, Conference Room 10 at the National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

The entire meeting will be open to the public. The Interagency Technical Committee is meeting to examine and coordinate Federal Research activities which concern heart, blood vessel, lung, and blood diseases and blood resources. Attendance by the public will be limited to space available.

For detailed program information, an agenda, a list of meeting participants, and a meeting summary contact: Ms. Sally Breul, Office of Program Planning and Evaluation, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 5A03, 9000 Rockville Pike, Bethesda, MD 20205, 301-496-5031.

Dated: January 27, 1982.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82-2860 Filed 2-3-82; 8:45 am]

BILLING CODE 4140-01-M

NIH Consensus Development Conference on Total Hip Joint Replacement

Notice is hereby given of the NIH Consensus Development Conference on "Total Hip Joint Replacement," sponsored by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases with assistance from the NIH Office of Medical Applications of Research. The conference will be held on March 1, 2, and 3, 1982, in the Masur Auditorium of the Warren Grant Magnuson Clinical Center (Building 10) at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

This conference is designed to conduct a scientific evaluation of the safety and effectiveness of total hip joint replacement procedures. Key questions to be addressed are: (1) what are the indications and contraindications for total hip joint replacement; (2) what are the current scientific principles guiding selection of materials, devices and procedures for total hip joint replacements; and (3) in what directions should the science base and techniques of total hip joint replacement be advanced.

This Consensus Development Conference will convene biomedical and bioengineering research scientists, orthopedic surgeons, rheumatologists, other persons from relevant fields, consumers, and representatives of public interest groups. On the first two days of the conference, experts in the total hip joint replacement procedure will present data on safety and efficacy. A Consensus Panel, composed of specialists and generalists, will consider the evidence presented and issue a draft statement responding to the key conference questions. On the third day, Wednesday, March 3, Consensus Panel Chairman Philip D. Wilson, Jr., Surgeon-in-Chief at the Hospital for Special Surgery in New York City, will read this preliminary Consensus Statement before the conference audience and invite comments and questions.

Information on the program may be obtained from Dr. Stephen L. Gordon, Director, Musculoskeletal Diseases Program, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Westwood Building, Room 405, Bethesda, Maryland 20205, (301) 496-7326. Administrative information may be obtained from Mr. Peter Murphy, Prospect Associates, 11325 Seven Locks Road, Suite 221, Potomac, Maryland 20854, (301) 983-0535.

Dated: January 28, 1982.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 82-2858 Filed 2-3-82; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Health Maintenance Organizations; Voluntary Surrender of Federal Qualification and Revocation of Federal Qualification

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: voluntary surrender of Federal qualification and revocation of Federal qualification.

SUMMARY: On December 7, 1981, the Office of Health Maintenance Organizations (OHMO) received notice from the New Mexico Health Care Corporation/dba Mastercare, 2350 Alamo, S.E. Albuquerque, New Mexico 87106, a federally qualified HMO, that it would voluntarily cease operations on December 31, 1981. OHMO notified Mastercare on December 22, 1981, that it construed this action as a surrender of Mastercare's Federal qualification. Inasmuch as the surrender of Federal qualification has the same effect as revocation, the Director or OHMO has determined that Mastercare's obligations under these circumstances were governed by the regulatory requirements applicable when Federal qualification has been revoked. Accordingly, Mastercare is no longer a federally qualified HMO. This

revocation became effective on December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: The effect of the revocation of the Federal qualification of Mastercare, Inc. is as follows: (1) Mastercare may not seek inclusion in employees' health benefits plans under section 1310 of the Public Health Service Act (Act) and 42 CFR Part 110, Subpart H; (2) with respect to employers including Mastercare in the health benefits plan offered their employees, Mastercare is not a qualified HMO for purposes of section 1310 of the Act and Subpart H; (3) the inclusion of Mastercare in an employees' health benefits plans will be disregarded for purposes of determining whether, and to what extent, the employer is subject to or in compliance with section 1310 of the Act and Subpart H, and (4) Mastercare is not a qualified HMO for purposes of the financial assistance programs under Title XIII of the Act.

Section 1312(b)(1) of the Act requires that a notice of revocation of Federal qualification of an HMO be published in the **Federal Register.**

Dated: January 27, 1982.

Frank H. Seubold,

Director, Office of Health Maintenance Organizations.

[FR Doc. 82–2844 Filed 2–3–82; 8:45 am]

BILLING CODE 4160–17–M

National Toxicology Program Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the auditorium of Building 101, South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina, on March 10, 11 and 12, 1982.

This meeting will be open to the public from 8:45 a.m. to 5:00 p.m. on March 10 and 11, and from 8:45 a.m. to adjournment on March 12, 1982. The preliminary agenda topics are as follows:

(1) Summary of current chemical carcinogenesis programs of the National Institutes of Health component of the NTP

(2) Review of tumor responses in previous National Cancer Institute and NTP two-year carcinogenesis bioassays

(3) Modification of the current experimental design of two-year bioassays including:

a. Statistical considerations with respect to number of dose levels, animals per dose, and dose-response

b. Alterations in pathology requirements

c. Consideration of interim (sacrifice) evaluations

(4) Selection of chemical carcinogens for development of reference science data base

(5) Utility of *in vivo* rodent tumor models

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541–3971, FTS 629–3971, will furnish summary minutes of the meeting, rosters of Board members and expert consultants, and other program information as available.

Dated: January 28, 1982.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 82–2857 Filed 2–3–82; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Regional Administrator

[Docket No. D–82–662]

Acting Regional Administrator, Region IV (Atlanta); Designation

AGENCY: Housing and Urban Development Department.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Regional Administrator for Region IV.

EFFECTIVE DATE: November 30, 1981.

FOR FURTHER INFORMATION CONTACT: George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 664, 75 Spring Street, Atlanta, Georgia 30303, 404–221–4067.

Designation of Acting Regional Administrator For Region IV

The employees appointed to the following positions in Region IV (Atlanta) are hereby designated to serve as Acting Regional Administrator, Region IV, during the absence of the Regional Administrator, with all powers, functions, and duties redelegated or assigned to the Regional Admistrator: Provided, that no employee is authorized to serve as Acting Regional Administrator unless all other employees whose titles precede his/hers in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator
2. Executive Assistant to the Regional Administrator
3. Director, Office of Regional Administration
4. Director, Office of Regional Community Planning and Development
5. Director, Office of Regional Housing
6. Director, Office of Regional Fair Housing and Equal Opportunity
7. Regional Counsel
8. Director, Program Planning and Evaluation Staff
9. Special Assistant to the Regional Administrator (Federal Regional Council)
10. Labor Relations Officer

This designation supersedes the designation effective August 26, 1979. (Delegation of Authority by the Secretary effective May 4, 1962 (24 FR 4319, May 4, 1962); Dept. Interim Order II (31 FR 815, January 21, 1966).

This designation shall be effective as of November 30, 1981.

Clifton G. Brown,

Regional Administrator, Region IV.

[FR Doc. 82–2900 Filed 2–3–82; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14934–A and F–14934–B]

Alaska Native Claims Selection

On May 23 and December 11, 1974, Shishmaref Native Corporation, for the Native village of Shishmaref, filed selection applications F–14934–A and F–14934–B under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Shishmaref.

As to the lands described below, the applications submitted by Shishmaref Native Corporation, as amended, are properly filed, and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately

105,666 acres, is considered proper for acquisition by Shishmaref Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

U.S. Survey No. 3773, lot 2 situated east of the Village of Shishmaref of Sarichef Island in the Shishmaref Inlet of the Chukchi Sea, Alaska.
Containing 14.25 acres.

Kateel River Meridian, Alaska (Unsurveyed)

T. 8 N., R. 32 W.
Sec. 1, excluding Native allotment in litigation F–65979 Parcel B;
Sec. 2, excluding Native allotments F–18538 Parcel C, F–18562 Parcel D, and Native allotments in litigation F–65975 Parcel C and F–65979 Parcel B;
Sec. 3, excluding Native allotment F–18539 Parcel B and Native allotments in litigation F–64699 Parcel B and F–65983 Parcel C;
Sec. 4, excluding Native allotments F–18561 Parcel C, F–18669, F–18741 Parcel A, and Native allotments in litigation F–64697 Parcel C and F–65983 Parcel C;
Sec. 5, excluding Native allotments F–18518 Parcel B, F–18534 Parcel C, F–18539 Parcel A, and F–18667 Parcel C;
Secs. 6 to 10, inclusive;
Sec. 11, excluding Native allotments F–18538 Parcel C, F–18553 Parcel D, and Native allotments in litigation F–65975 Parcel C and F–65979 Parcel B;
Sec. 12, excluding Native allotment F–18672 Parcel A, and Native allotment in litigation F–65979 Parcel B;
Secs. 13 to 22, inclusive;
Secs. 27 to 31, inclusive.
Containing approximately 15,707 acres.

T. 9 N., R. 32 W.
Secs. 18 and 19 (fractional);
Sec. 20 (fractional), excluding Native allotments F–18547 Parcels A, B, and C, and F–18774 Parcel A;
Sec. 21 (fractional), excluding Native allotments F–18522, F–18547 Parcel C, and F–18548;
Sec. 22, excluding Native allotment F–18548;
Sec. 23, excluding Native allotment F–18662 Parcel C;
Sec. 24, excluding Native allotments F–18518 Parcel D and F–18662 Parcel C;
Sec. 25, excluding Native allotments F–18518 Parcel D, F–18540 Parcel A, and F–18558 Parcel D;
Sec. 26;
Sec. 27 (fractional), excluding Native allotment F–18538 Parcel D;
Sec. 28 (fractional), excluding Native allotment in litigation F–65973 Parcel B;
Secs. 29, 31, and 32 (fractional);
Sec. 33, excluding Native allotment in litigation F–65973 Parcel B;
Sec. 34, excluding Native allotments F–18518 Parcel B, F–18538 Parcel D, F–18556 Parcel D, and Native allotments in litigation F–64700 Parcel A and F–65982 Parcel A;
Sec. 35, excluding Native allotments F–18555 Parcel A, F–18556 Parcel D, F–18557 Parcel A, F–18667 Parcel C, F–18775 Parcel D, and Native allotments in litigation F–64697 Parcel C, F–64700 Parcel A, and F–65982 Parcel A;
Sec. 36, excluding Native allotments F–18669, F–18776 Parcel B, and Native allotment in litigation F–65978 Parcel A.
Containing approximately 7,313 acres.

T. 8 N., R. 33 W.
Sec. 1, excluding Native allotment F–18511;
Sec. 2, excluding Native allotments F–18663 Parcel D and F–18743 Parcel A;
Sec. 3 (fractional), excluding Native allotment F–18521 and Native allotment in litigation F–65975 Parcel D;
Sec. 4 (fractional), excluding Native allotment F–18663 Parcel C;
Sec. 5 (fractional);
Sec. 7 (fractional), excluding Native allotment F–18775 Parcel C;
Sec. 8 (fractional);
Sec. 9 (fractional), excluding Native allotment F–18663 Parcel C;
Sec. 10, excluding Native allotment in litigation F–65975 Parcel D;
Sec. 11;
Sec. 12, excluding Native allotment F–18511;
Secs. 13 to 16, inclusive;
Sec. 17, excluding Native allotments F–18507 Parcel B and F–18508 Parcels A and B;
Sec. 18 (fractional), excluding Native allotments F–18523 Parcel A, F–18556 Parcel B, and F–18775 Parcel C;
Sec. 19, excluding Native allotments F–18507 Parcel C, F–18523 Parcel A, F–18556 Parcel B, F–18560 Parcel A, and F–18741 Parcel B;
Sec. 20, excluding Native allotment F–18507 Parcel C;
Sec. 21;
Sec. 22, excluding Native allotment in litigation F–65975 Parcel B;
Secs. 23 to 28, inclusive;
Sec. 29, excluding Native allotments F–18507 Parcel C and F–18743 Parcel B;
Sec. 30, excluding Native allotments F–18507 Parcel C, F–18741 Parcel B, and Native allotment in litigation F–65975 Parcel A;
Sec. 32, excluding Native allotment F–18743 Parcels B and C;
Secs. 33 and 36.
Containing approximately 16,741 acres.

T. 9 N., R. 33 W.
Secs. 3 and 4 (fractional);
Sec. 5 (fractional), excluding Native allotment F–18527 Parcel A;
Secs. 6 and 10 (fractional);
Sec. 11 (fractional), excluding Native allotment F–17960;
Sec. 12, excluding Native allotment F–17960;
Secs. 13 and 14 (fractional), excluding Native allotment F–17960;
Sec. 24 (fractional).
Containing approximately 2,985 acres.

T. 10 N., R. 33 W.
Secs. 3 and 4;
Sec. 5 (fractional);
Secs. 6 and 7 (fractional), excluding Native allotment in litigation F–64702 Parcel A;
Sec. 8;
Secs. 17 to 21, inclusive;
Secs. 28 to 34, inclusive.
Containing approximately 10,637 acres.

T. 11 N., R. 33 W.
Secs. 1, 11, 12, and 13 (fractional);
Sec. 14 (fractional), excluding Native allotment F–18770 Parcel B and Native allotment in litigation F–64697 Parcel A;
Sec. 15 (fractional), excluding Native allotments F–18517 Parcel A and F–18519 Parcel B;
Secs. 16 and 19 (fractional);
Secs. 20 and 21 (fractional), excluding Native allotment F–18771;
Sec. 22 (fractional);
Sec. 23 (fractional), excluding Native allotments F–18551 Parcel B, F–18666 Parcel B, and Native allotment in litigation F–64697 Parcel A;
Sec. 24 excluding Native allotment F–18535 Parcel A;
Sec. 27;
Secs. 28, 29, and 30 (fractional);
Sec. 32 (fractional), excluding Native allotment F–18542 Parcel D;
Secs. 33 and 34.
Containing approximately 6,240 acres.

T. 8 N., R. 34 W.
Secs. 7 and 8 (fractional);
Sec. 9 (fractional), excluding Native allotment F–18513;
Sec. 10 (fractional), excluding Native allotment F–18512 Parcel B;
Secs. 13 and 14 (fractional);
Sec. 15 (fractional), excluding Native allotment F–18512 Parcel B;
Sec. 16, excluding Native allotment F–18513;
Secs. 17 to 22, inclusive;
Sec. 23, excluding Native allotment F–18742;
Sec. 24, excluding Native allotments F–18553 Parcel C, F–18560 Parcel B, and F–18742;
Secs. 25 to 29, inclusive.
Containing approximately 10,697 acres.

T. 9 N., R. 34 W.
Secs. 1 and 2 (fractional).
Containing approximately 235 acres.

T. 10 N., R. 34 W.
Secs. 2 to 5 (fractional), inclusive;
Sec. 7 (fractional), excluding Native allotment F–18542 Parcel B;
Secs. 8, 9, 10, and 12 (fractional);
Sec. 13 (fractional), excluding Native allotments F–18510 Parcel A, F–18525 Parcel D, and F–18546 Parcel A;
Sec. 16 (fractional), excluding Native allotment F–18546 Parcel B and F–18560 Parcel C;
Sec. 17 (fractional);
Sec. 18 (fractional), excluding Native allotments F–18542 Parcel B;
Secs. 19, 20, and 23 (fractional);
Secs. 24 and 25;
Secs. 26, 30, and 31 (fractional);
Secs. 35 and 36 (fractional).
Containing approximately 6,535 acres.

T. 11 N., R. 34 W.
Secs. 25, 35, and 36 (fractional).
Containing approximately 690 acres.

T. 8 N., R. 35 W.
Sec. 5 (fractional), excluding Native allotment F–18670 Parcel D;
Sec. 6 (fractional);
Sec. 7;

Sec. 8 (fractional), excluding Native allotments F–18670 Parcel D and F–18776 Parcel C;
Sec. 9 (fractional), excluding Native allotments F–18525 Parcel C and F–18776 Parcel C;
Sec. 10 (fractional), excluding Native allotments F–18525 Parcel C and F–18774 Parcel D;
Secs. 11 and 12 (fractional);
Secs. 13 to 18, inclusive.

Containing approximately 6,774 acres.

T. 9 N., R. 35 W.
Secs. 4 and 5 (fractional);
Sec. 6 (fractional), excluding Native allotment F–18776 Parcel D;
Sec. 7 (fractional);
Sec. 19 (fractional), excluding Native allotment F–18664;
Sec. 20 (fractional), excluding Native allotments F–18664 and F–18678;
Sec. 27 (fractional), excluding Native allotments F–18542 Parcel A and F–18553 Parcel A;
Sec. 28 (fractional), excluding Native allotment F–18553 Parcel A;
Secs. 29 to 32, inclusive;
Secs. 33, 34, and 35 (fractional).

Containing approximately 5,298 acres.

T. 10 N., R. 35 W.
Sec. 13 (fractional), excluding U.S. Survey No. 3773 lot 1;
Sec. 22 (fractional);
Sec. 23 (fractional), excluding ANCSA Sec. 3(e) application F–64912;
Sec. 24 (fractional), excluding U.S. Survey No. 2249, U.S. Survey No. 3773, and U.S. Survey No. 4007;
Secs. 25 to 28 (fractional), inclusive;
Secs. 32, 33 and 34 (fractional).

Containing approximately 1,520 acres.

T. 8 N., R. 36 W.
Secs. 1, 6, 12, and 13.

Containing approximately 2,510 acres.

T. 9 N., R. 36 W.
Sec. 1 (fractional), excluding Native allotments F–18665 Parcel B and F–18775 Parcel B;
Sec. 10 (fractional), excluding Native allotment F–18526 Parcel C;
Sec. 11 (fractional), excluding Native allotments F–18526 Parcel C, F–18667 Parcel B, and F–18776 Parcel A;
Sec. 12 (fractional), excluding Native allotment F–18775 Parcel B;
Sec. 13 (fractional);
Sec. 14 (fractional), excluding Native allotment F–18667 Parcel B;
Secs. 15, 16, and 17 (fractional);
Secs. 19, and 20 (fractional), excluding Native allotment in litigation F–64698 Parcel B;
Secs. 21 and 22 (fractional);
Sec. 24 (fractional), excluding Native allotments F–18671 and F–18674;
Sec. 25;
Sec. 26 (fractional), excluding Native allotment F–18660;
Sec. 27 (fractional), excluding Native allotments F–18546 Parcel C and F–18660;
Secs. 29 and 30 (fractional);
Sec. 32 (fractional), excluding Native allotments F–17961 Parcel B, F–18557 Parcel B, and F–18559 Parcel A;
Sec. 33 (fractional), excluding Native allotments F–18541 Parcel B, F–18546 Parcel C, and F–18557 Parcel B;
Sec. 34, excluding Native allotment F–18546 Parcel C;
Secs. 35 and 36.

Containing approximately 6,877 acres.

T. 8 N., R. 37 W.
Sec. 1;
Secs. 2 and 3 (fractional), excluding Native allotments F–17961 Parcel B and F–18774 Parcel C;
Sec. 4 (fractional), excluding Native allotment F–18662 Parcel A;
Secs. 5 and 6 (fractional);
Sec. 7 (fractional), excluding Native allotment in litigation F–65978 Parcel B;
Sec. 8 (fractional);
Sec. 9 (fractional), excluding Native allotment F–18662 Parcel A;
Sec. 17, excluding Native allotment in litigation F–65978 Parcel B;
Sec. 18 (fractional), excluding Native allotments F–18538 Parcel B, F–18667 Parcel A, and Native allotment in litigation F–65978 Parcel B.

Containing approximately 3,968 acres.

T. 9N., R. 37 W.
Secs. 25 and 26 (fractional);
Secs. 34, 35, and 36 (fractional).

Containing approximately 925 acres.
Aggregating approximately 105,652 acres.
Total aggregated acreage, approximately 105,666 acres.

Excluded from the above-described lands herein conveyed are the submerged lands up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the navigability maps, the originals of which will be found in the easement case file, F–14934–EE.

Also excluded from the above-described lands herein conveyed are lands covered by tidal waters up to the line of mean high tide.

Actual limits of tidal influence for any other water bodies within the lands to be conveyed, if any, will be determined at the time of survey.

All other water bodies within the lands to be conveyed were reviewed. Based on available evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Sec. 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–14934–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—the uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two-and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. (EIN 1 C3, D1, D9) an easement for an existing access trail twenty-five (25) feet in width from Wales entering the selection in Sec. 6, T. 8 N., R. 37 W., Kateel River Meridian, following the coast northeasterly through Shishmaref to Cape Espenberg leaving the selection in Sec. 1, T. 11 N., R. 33 W., Katteel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail. The season of use will be limited to winter.

b. (EIN 2 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Shishmaref in Sec. 23, T. 10 N., R. 35 W., Kateel River Meridian, southerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail. The season of use will be limited to winter.

c. (EIN 24 M) An easement for an existing access trail twenty-five (25) feet in width from Shishmaref in Sec. 23, T. 10 N., R. 35 W., Kateel River Meridian, southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. A right-of-way, F–12032, located in Sec. 24, T. 10 N., R. 35 W., Kateel River Meridian, for a plant site issued to the Alaska Village Electric Cooperative, Inc., under the provisions of the act of March 4, 1911, as amended (43 U.S.C. 961); and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Reindeer Grazing Permit F–030183, issued to Fred Goodhope on January 1, 1982, located within the lands herein approved for conveyance, will terminate upon conveyance of these lands in accordance with Sec. 9, Additional Condition or Stipulation No. 3 of the permit.

Reindeer Grazing Permit F–11516, issued to Clifford Weyiouanna on January 1, 1982, located within the lands herein approved for conveyance, will terminate upon conveyance of these lands in accordance with Sec. 9, Additional Conditions or Stipulations of the permit.

Shishmaref Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. To date, approximately 105,666 acres of this entitlement have been approved for conveyance. The remaining entitlement of approximately 8,534 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be granted to Bering Straits Native Corporation when conveyance is granted to Shishmaref Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the NOME NUGGET.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96–487, this decisipn constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknow parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until March 8, 1982 to file an appeal.

Any party known or unknow who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Shishmaref Native Corporation, Shishmaref, Alaska 99772

Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762

Barbara A. Lange,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 82–2883 Filed 2–3–82, 8:45 am]

BILLING CODE 4310–84–M

[Sale CA 10284]

Realty Action Public Lands in San Bernardino County, California

The following described land has been identified as suitable for disposal by sale under sec. 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), at no less than the fair market value shown. Legal description: W½NE¼NE¼SW¼ sec. 34, T. 5 N., R. 7 W., San Bernardino Meridian, California, containing 5 acres; value, $15,000.00. This Bureau proposes to sell the surface estate to legalize an occupancy trespass which dates back to 1956. The land will be sold by direct sale to Frank L. Hammond, owner of an adjacent 5-acre parcel of land whose improvement were placed on the subject parcel of public land in accordance with an incorrect private survey. The sale land is surrounded by private land on all sides, is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The sale is consistent with the Bureau's planning for the land. The public interest would be served by offering this land for sale. The terms and conditions applicable to the sale are: (1) A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945); (2) All minerals in the land will be reserved to the United States (43 U.S.C. 1719); (3) The patent will be issued subject to a right-of-way not exceeding 33 feet in width, for roadway and public utility purposes, to be located along the boundaries of said land. Detailed information concerning the sale is available for review at the California State Office, Bureau of Land Management, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. For a period of 45 days from the date of first publication of this notice (until March 22, 1982), interested parties may submit comments to the State Director, Bureau of Land Management, at the above address.

Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: January 27, 1982.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 82-2848 Filed 2-3-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 20640 (Wash.)]

Sale of Public Land in Walla Walla County, Washington; Realty Action

The following described land has been identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716, at no less than the fair market value shown:

TOWNSHIP 7 NORTH, RANGE 31 EAST, WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON

[Adjacent to the Wallula Townsite]

Parcel No.	Legal description	Acreage	Value
1	Section 14: Lot 1	25.69	$38,500.00
2	Lot 6	28.02	42,000.00
Total	53.71	80,500.00	

The sale will be held on April 5, 1982, at the Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane, Washington 99202. Registration of bidders will begin at 1:00 p.m., and the sale will start upon completion of registration.

These lots are small and irregularly shaped isolated parcels which are difficult and uneconomic to manage as part of the public lands. They are unsuitable for management by another federal agency. There are no significant resource values which will be affected by this disposal. The sale of these lots will serve the important public objectives of expansion and economic development of the adjacent community of Wallula. The Bureau of Land Management (BLM) plans to dispose of the tracts since they do not complement BLM programs. Legal access is available to these parcels by U.S. Highway 395 and county roads.

The sale is consistent with the BLM's planning for the lands involved and has been discussed with the Walla Walla County Commissioners, Walla Walla County Planning Commission, Wallula Townsite Association, Washington State Department of Natural Resources, Washington State Game Department, residents of Wallula, and the State clearinghouse.

The terms and conditions applicable to this sale are:

1. The land will be subject to a reservation to the United States for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral rights in the land to be patented will be reserved to the United States pursuant to the Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1713.

3. Patent to Lot 6 will be issued subject to the following valid existing rights:

a. Transmission line right-of-way OR 12602(W) to Pacific Power and Light.

b. Road right-of-way OR 14682(W) to Washington State Department of Natural Resources.

c. Pipeline right-of-way OR 13203(W) to Wallula District No. 1.

Detailed information concerning the sale, including the planning documents, environmental assessment, and the record of public discussions, is available for review at the BLM Spokane District Office.

No bid will be accepted for less than the appraised price and bids for a parcel must include all the lands in the parcel. Federal law requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any State of the United States.

Bids must be made by the principal or his agent, by either: (1) sealed bids mailed or delivered to the Spokane District Office, or (2) oral bids made at the sale. Bids delivered or sent by mail must be received at the Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane, WA 99202, before 4:00 p.m., April 2, 1982, to be considered. These bids must be in sealed envelopes accompanied by a certified check, bank draft, money order, or cashier's check, for not less than one-fifth the amount of the bid, made payable to the Bureau of Land Management. The envelopes must be marked in the lower left-hand corner as follows: "Bid Parcel No. ———, sale to be April 5, 1982." If identical sealed bids for the same parcel are received, the one with the earliest time of receipt stamped on it by the Bureau of Land Management Office will be determined the high sealed bid.

The highest sealed bid on each parcel will determine the base of the oral bidding conducted the day of the sale. The highest bid price, either sealed or oral, will establish the sale price. The successful bidder will be required to pay by cash, personnel check, money order, or bank draft, one-fifth the full bid price immediately at the close of sale and the remainer within 30 days.

All bids will be either returned, accepted, or rejected within 30 days of the sale date.

If the parcels are not sold on April 5, 1982, they will remain available for sale on a continuing basis until June 4, 1982.

Roger W. Burwell,

District Manager.

[FR Doc. 82-2850 Filed 2-3-82; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District, Non-Competitive Sale I-18481, Public Land in Madison County, Idaho; Realty Action

The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Boise Meridian

I-18481

T. 6 N., R. 39 E.

Section 31: Lot 9; 12.59 acres

The above described land is being offered as a direct, noncompetitive sale. The land will be offered to Mel D. Freeman.

Mr. Freeman has historical use of the tract. The land lies within the Omitted Land boundaries on the Henry's Fork of the Snake River. When the determinations were made on the subject tracts in 1972, it was found that they did not meet the criteria for disposal under the Snake River Omitted Lands Act of 1962.

With the passage of the Federal Land Policy and Management Act of 1976, new criteria for the disposal of public lands were identified. The sale of this tract would satisfy this criteria.

The location and physical characteristics of the tract make it difficult and uneconomic to manage as public land. It is not suitable for management by another federal department. The tract is surrounded by lands deeded to Mr. Freeman. There is no legal access, except by river, to the tract. The tract is often flooded by high water during the spring and early summer.

Direct sale of this tract is justified by the limited physical access, lack of legal access, and position of the tract within Mr. Freeman's deeded land. Sale of the tract to a third party would place undue physical and legal hardship on Mr. Freeman.

The land will not be offered for sale for at least 60 days after the date of this notice.

Patent, when issued, will contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority

of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral rights in the land to be patented will be reserved to the United States.

3. An easement over and across a 100-foot strip parallel to the high water line of the left bank of the Snake River along the easterly side of the lot for recreational use by the people of the United States generally, and for recreational facilities construct by the authority of the U.S.

And will be subject to:

1. Those rights granted by oil and gas lease I–8634, made under Section 29 of the Act of February 25, 1920, 41 Stat. 437.

Detailed information concerning the sale is available for review at the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.

For a period of 45 days, interested parties may submit comments to the District Manager of the Idaho Falls District. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior. The required payment, at fair market value, shall then be requested of Mr. Freeman. The payment, in full, is in accordance with 43 CFR 1822.1–2.

Dated: January 28, 1982.

O'dell A. Frandsen,

District Manager.

[FR Doc. 82–2849 Filed 2–3–82; 8:45 am]

BILLING CODE 4310–84–M

[I–18480]

Exchange of Public Lands in Custer County, Idaho; Realty Action

The following described public lands have been determined to be suitable for disposal by exchange under Sec. 206 of the Federal Land Policy Act of 1976, 43 U.S.C. 1716:

Boise Meridian, Idaho

Township 13 North, Range 19 East.
Section 4, NW¼ of Lot 2 (within) containing approximately 7.19 acres.

In exchange for all or some of these lands, the United States will acquire the following described land in Custer County from the Challis Joint School District No. 181:

Boise Meridian, Idaho

Township 15 North, Range 20 East.
Section 18, Lot 3 (FAP 56–E) containing approximately 3.5 acres.

The purpose of the exchange is to acquire the non-Federal lands for use as a campground and to provide land to the School District to be used for constructing a school site. The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with Custer County officials. The public interest will be well served by making the exchange.

The fair market value of the lands involved are approximately equal. The acreage will be adjusted to equalize the values upon completion of the final appraisals of the lands.

The public lands to be transferred from the United States will be subject to the following terms and conditions:

1. The public lands will be subject to valid existing rights including any right-of-way easement and lease of record.

2. The patent will include a reservation to the United States for right-of-ways for ditches and canals under the Act of August 30, 1890 (43 U.S.C. 945)

3. All minerals will be reserved to the United States.

Publication of this notice in the **Federal Register** segregates the public lands, described above, from appropriation under the public land laws, including mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning the exchange, including the environmental assessment and the record of public contract is available for review at the Salmon District Office, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Salmon District Manager at the above address. Any adverse comments will be evaluated by the Idaho State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Jerry Goodman,

Acting District Manager.

[FR Doc. 82–2846 Filed 2–3–82; 8:45 am]

BILLING CODE 4310–84–M

Relocation of Oregon State Office, Portland, Oregon

The Bureau of Land Management, Oregon State Office will relocate its office personnel, equipment, and functions from the present locations at 729 N.E. Oregon Street, and 710 N.E. Holladay Street, Portland, Oregon to the new Lloyd Tower Bldg., 825 N.E. Multnomah Street, Portland, Oregon on evenings and weekends during the month of March 1982.

The Public Land Records, Cashier's Office and the Lands and Minerals Staff will be closed to the public from 7:30 a.m., March 22, 1982 through 4:15 p.m., March 26, 1982. The office will be open for business at 7:30 a.m., March 29, 1982.

In accordance with Title 43 CFR 1821.2, 2–1, 2–3, applications, payments and other documents received for filing in the Bureau of Land Management, Oregon State Office during the normal course of business from March 22, 1982 through March 26, 1982 shall be deemed to be filed or received as of 7:30 a.m., March 29, 1982. Those documents required by rgulations to be filed or received during the period 7:30 a.m., March 22, 1982 through 4:15 p.m., March 26, 1982 will be timely filed if received and time and date stamped in the Cashier's Office in its new location not later than 4:15 p.m., on March 29, 1982. The mailing address for the new office location will be effective March 29, 1982 and will be: Bureau of Land Management, Oregon State Office, 825 N.E. Multnomah Street, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 28, 1982.

Paul Vetterick,

Acting State Director.

[FR Doc. 82–2847 Filed 2–3–82; 8:45 am]

BILLING CODE 4310–84–M

White Pine Power Project; Intent To Prepare an Environmental Impact Statement (EIS) on a Coal-Fueled Steam/Electric Generating Facility

The Bureau of Land Management, Neveda State Office, will be preparing an EIS on the impacts of a proposed coal-fueled steam/electric generating facility, the White Pine Power Project (WPPP), on public lands in White Pine County, Nevada.

The WPPP, as currently proposed, will be jointly owned by White Pine County, Nevada Power Company and Sierra Pacific Power Company. Participants in the WPPP output include eight Nevada companies, power districts, associations or municipalitites and six California municipalities. Los Angeles Department of Water and Power will be the Development and Construction Manager for the project. Nevada Power Company will act as Operating Manager for the project. The participants projected

system loads and needs for power indicate that the proposed new capacity will be required in the 1990's both for load growth and to reduce the current dependence on imported oil.

A three-stage site selection study has been completed, which recommends sites in Butte Valley, North Steptoe Valley, and Spring Valley, within White Pine County, for baseline environmental studies for preparation of the EIS and other permit applications. The selection of these three sites followed nine months of studies in which White Pine County was reduced to 589 Candidate Areas and then 25 Candidate Sites. Eight sites were investigated in detail and evaluated for environmental impacts, engineering costs and fault hazards.

The proposal includes the construction of two 750-megawatt net generating units at one of the three Candidate Sites. The 1500 megawatt net capacity is the maximum allowed for a generating facility in White Pine County under the Nevada County Economic Development Revenue Bond Law.

For evaluation purposes, each site is currently defined as a square three miles on a side. The project will require approximately two square miles of land for the power generation facilities, evaporation ponds and waste disposal areas. In addition, corridors of various widths will be required for new water conveyance pipeline, railroads, access roads and power transmission lines. To the maximum extent possible, all project facilities will be sited on public lands.

The air monitoring plan for WPPP licensing has been approved by the U.S. Environmental Protection Agency (EPA) and the Nevada Division of Environmental Protection and erection of monitoring stations in the County has been completed at each of the three sites. Both meteorological and air quality parameters will be monitored at these stations. In addition, two secondary stations have been located in mountain passes between Butte Valley and Steptoe Valley and between Spring Valley and Steptoe Valley. Steptoe Valley is currently classified as a nonattainment area for sulfur dioxide.

Data collected at the monitoring stations over a one-year period will provide site-specific information to calculate the dispersion characteristics of emissions from the project. Emission control equipment will be provided to comply with EPA requirements for best available control technology. Ground level pollutant concentrations will not exceed levels permitted by National Ambient Air Quality Standards.

It is estimated that WPPP will require approximately 22,000 acre-feet of water annually for cooling purposes. Applications to appropriate groundwater have been filed with the Nevada State Water Engineer in seven basins in White Pine County. Water will be transported from well fields in specific basins to the project site through a buried pipeline.

Depending on the type of coal burned, approximately 5.2 million tons of coal will be required annually for WPPP. A coal source and transportation study has been completed. Based on the results of the study, coal delivery by rail would be more economically attractive than by slurry pipeline. The capability of using coals from the Uinta Region (Utah and Colorado), Green River Region (Wyoming) and the Hams Fork Region (Wyoming) would enhance the project's negotiating position with coal suppliers. The useof Alton (Utah) coal would be dependent on the project's willingness to construct and operate a new railroad into the area. If Alton coal were not considered, access from the north would ensure flexibility in selecting railroad carriers.

Approximately 20 miles of new road access will be required for the Butte Valley site. The other two sites would require approximately three miles of new road access.

Eighteen power transmission system alternatives were investigated for the project. Based on load flow and stability studies and on economic factors, a proposed transmission alternative has been selected for environmental analysis purposes. This system includes two new 500,000-volt alternating current (a-c) transmission lines into the Las Vegas area, which will connect with existing or approved transmission lines to Southern California. In addition, a new 345,000-volt a-c transmission line would be required between the project and Gonder Substation near Ely, Nevada.

Construction of WPPP is expected to begin in mid-1984 with the first unit operational in mid-1989. The second unit would become operational one year later. To meet this schedule, approximately 12.7 million hours of manual labor will be required with a peak construction labor force of 2,345 in mid-1988. It is currently planned to house some of these workers in temporary facilies to be located on the project site.

The operating and maintenance labor requirements will be approximately 440 persons when both units become operational. Most of these workers will probably reside in Ely, East Ely, McGill and Ruth.

Discussions have begun with White Pine County representatives and others to identify project-related socioeconomic impacts and eventually to develop an Impact Alleviation Plan to mitigate those impacts. It is the goal of the project to develop the Impact Alleviation Plan in cooperation with White Pine County representatives to assure support of the Plan by the local community and their elected officials.

The tentative project schedule is as follows:

Sign Development Work Agreement—October 1980
Select Project Study Sites—September 1981
Complete Feasibility Report—April 1983
Issue Draft Environmental Impact Statement—September 1983
Begin Public Comment Period—September 1983
Executive Power Sales Contracts—January 1984
File Final Environmental Impact Statement—Febuary 1984
Construction Permit—May 1984
Commercial Operation Unit 1—July 1989
Commercial Operation Unit 1—July 1990

Alternatives to the proposed action that are being considered for analysis include: (1) No Action, (2) Transmission Line Routes, (3) Location of Worker Accommodations, (4) Power Plant Sites, (5) Plant Capacity, (6) Well Field location, and (7) Railroad Routes.

The Bureau of Land Management's scoping process for the EIS will include: (1) Identification of issues to be addressed, (2) Identification of additional viable alternatives, (3) Notification of interested individuals, groups, and agencies so that additional information concerving these issues can be obtained; and (4) Identification of persons within BLM who can answer questions about the proposed action and alternatives.

The following steps will be utilized to accomplish the scoping process:

—A news release announcing the start of the EIS process.

—Letter of invitation to participate in the scoping process.

—A data sheet which further clarifies the proposal, alternatives, and significant issues being considered will be available.

—A Public Scoping Meeting will be held in Ely, NV on March 3, 1982, at 7 p.m. in the Bristlecone Convention Center.

—Formal briefings will be conducted on March 2, 1982, for State and Federal agencies.

Additional scoping/briefing meetings will be considered if requested.

—The following individuals will be available during the scoping period to answer questions and to receive

information concerning the proposed action, alternatives, and issues to be analyzed in the EIS:

Kathy Lindsey, District Environmental Specialist, Ely, NV. Phone: (702) 289–4865.

Ed Tilzey, Environmental Protection Specialist, Room 3145, Federal Building, 300 Booth Street, Reno, NV 89520. Phone: (702) 784–5602.

Written comments will be accepted until March 19, 1982, and should be sent to the State Director (N–921), Bureau of Land Management, P.O. Box 12000, 300 Booth Street, Reno, NV 89520.

Dated: January 27, 1982.

Roger J. McCormack,

Associate State Director, Nevada.

[FR Doc. 82–2845 Filed 2–3–82; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Quintana Offshore Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3411, Block 15, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 28, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–2851 Filed 2–3–82; 8:45 am]

BILLING CODE 4310–31–M

Availability of Environmental Documents Prepared for Proposed Oil and Gas Operations on Gulf of Mexico Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration and development/production proposals on the Gulf of Mexico OCS.

SUMMARY: The MMS, in accordance with Federal Regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EAs) and findings of no significant impact (FONSIs), prepared by the MMS for the following oil and gas exploration and development/production activities proposed on the Gulf of Mexico OCS. This listing includes all proposals for which environmental documents were prepared by the Gulf of Mexico OCS Region in the 3-month period preceding this Notice.

Activity/ operator	Location	FONSI date
Pennzoil Company, EA No. 500, Plan Control No. U–0207.	OCS Blocks A–351 and A–368, High Island Area, East Addition, South Extension; (115 mi. from the Texas coast).	Dec. 30, 1981.
Mobil Oil Exploration & Producing Southeast, Inc., EA No. N–0815.	OCS Block 277, Tarpon Springs Area; (83 mi. from the Florida coast).	Dec. 23, 1981.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact the MMS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION CONTACT: Deputy Conservation Manager, Offshore Operations Support, Gulf of Mexico OCS Region, Minerals Management Service, Post Office Box 7944, Metairie, Louisiana 70010, 504/837–4720.

SUPPLEMENTARY INFORMATION: The Minerals Management Service prepares EAs and FONSIs for proposals which relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS.

The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for the finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–2897 Filed 2–3–82; 8:45 am]

BILLING CODE 4310–31–M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Alaska Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OCS mineral pre-lease, and exploration proposals on the Alaska OCS.

SUMMARY: The MMS, in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EAs) and findings of no significant impact (FONSIs) prepared by the MMS for the following oil and gas pre-lease and exploration activities proposed on the Alaska OCS. This listing includes all proposals for which environmental documents were prepared by the Alaska OCS Region in the 3-month period preceding this Notice.

Operator/Activity	Location	FONSI date
Exploration Drilling Program (Tern Prospect) for the Beaufort Sea; Shell Oil Company, as operator for itself and other operators.	The proposed gravel island site is located in the Beaufort Sea, in Foggy Island Bay, approximately 20 miles SE. of Prudhoe Bay and 5 miles N. of the mainland shoreline	Oct. 23, 1981
Deep Stratigraphic Test (DST) well program for the Bering Sea; ARCO Exploration Company as operator for itself and other operators.	The proposed site is located in the Bering Sea north of the Aleutian Islands, and in the southern portion of the St. George Basin. The site location is about 120 miles NE. of Dutch Harbor and about 115 miles WNW. of Cold Bay.	Oct. 26, 1981
Deep Stratigraphic Test (DST) well program for the Bering Sea; ARCO Exploration Company, as operator for itself and other operators.	The proposed site is located in the Bering Sea, north end of the Alaska Peninsula. The site location is about 200 miles NE. of Dutch Harbor and 80 miles NE. of Cold Bay.	Do.
Deep Stratigraphic Test (DST) well program for the Bering Sea; ARCO Exploration Company, as operator for itself and other operators.	The proposed site is located in the Norton Sound area of the Bering Sea. The site location is 60 miles SE. of Nome and 50 miles N. of Kotlik.	Do.
Deep Stratigraphic Test (DST) well program for the Bering Sea; ARCO Exploration Company, as operator for itself and other operators.	The proposed site is located in the Navarin Basin, West of St. Matthew Island in the Bering Sea. The site location is approximately 530 miles WNW. of Cold Bay.	Do.
Exploration Drilling Program (Seal Prospect) for the Beaufort Sea; Shell Oil Company, as operator for itself and other operators.	The proposed gravel island site is located in the Beaufort Sea in the Long Island area, approximately 5.5 miles N. of Point Storkerson.	Nov. 27, 1981.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Alaska OCS are encouraged to contact the below listed MMS office in the Alaska OCS Region.

FOR FURTHER INFORMATION CONTACT: Deputy Minerals Manager, Offshore Field Operations, Alaska OCS Region, Mineral Management Service, 800 A Street, Suite 205, Anchorage, Alaska 99501, (907) 271–4303.

SUPPLEMENTARY INFORMATION: The Minerals Management Service prepares EAs and FONSIs proposals which relate to exploration for oil and gas resources on the Alaska OCS. The EAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EAs are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Joe M. Jones,

Minerals Manager, Alaska OCS Region, Minerals Management Service.

[FR Doc. 82–2898 Filed 2–3–82; 8:45 am]

BILLING CODE 4310–31–M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Pacific Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Pacific OCS.

SUMMARY: The MMS, in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA/Related environmental assessments (EA's) and findings of no significant impact (FONSI's), prepared by the MMS for the following oil and gas exploration activities proposed on the Pacific OCS. This listing includes all proposals for which environmental documents were prepared by the Pacific OCS Region in the 3-month period preceding this Notice.

Activity/operator and location	FONSI date
Chevron U.S.A. Inc., Exploration plan OCS–P 0331, 0332; 0338 (10 miles S.W. of Point Conception, California).	Sept. 4, 1981.
Chevron U.S.A. Inc., Exploration plan OCS–P 0205 (10 miles W. of Oxnard, California).	Oct. 30, 1981.
Exxon Company, U.S.A., Exploration plan OCS–P 0319, 0341, 0342, 0343 0344, 0352, 0353, 0354, 0356, 0357, 0359, 0360 (Santa Barbara Channel, California).	Oct. 21, 1981.
Exxon Company U.S.A., Chevron U.S.A. Inc., Exploration plan OCS–P 0180, 0181, 0182, 0183 0184, 0185, 1067, 1088, 1089, 0190, 0191, 0192, 0193, 0194, 0195, 0196, 1097, 0326 (Santa Barbara Channel, California).	Nov. 6, 1981.

Copies of the documents are available for inspection in the public information room at the Pacific OCS Region office. Persons interested in obtaining information about EA's and FONSI's proposed or activities on the Pacific OCS are encouraged to contact one of the MMS offices in he Pacific OCS Region.

FOR FURTHER INFORMATION CONTACT:

Deputy Conservation Manager, Pacific OCS Region, Minerals Management Service, 1340 West Sixth Street, Suite 160, Los Angeles, California 90017, (213) 688–2846

District Supervisor, Oil and Gas Office, Ventura District, Pacific OCS Region, Minerals Management Service, 145 No. Brent Street, Suite 202, Ventura, California 93003, (805) 648–5131

SUPPLEMENTARY INFORMATION: The Minerals Management Service prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Pacific OCS. The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the qulity of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Reid T. Stone,

Regional Conservation Manager Pacific OCS Region.

[FR Doc. 82–2899 Filed 2–3–82; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Reclamation

Contract Negotiations With Outlook Irrigation District, Washington; Intent To Begin Contract Negotiations for a Rehabilitation and Betterment Contract

The Department of the Interior, through the Bureau of Reclamation, intends to open negotiations with the Outlook Irrigation District, Outlook, Washington, leading to a contract pursuant to the Rehabilitation and Betterment Act of 1949 (63 Stat. 724), as amended, for the repayment of funds to be used in improving the existing canal system and relocating the pumping plant.

The proposed Rehabilitation and Betterment program will provide up to $2,487,000 to enable the District to relocate the pumping plant, replace 4,400 feet of wood stave pipeline, and reconstruct 38,000 feet of main laterals. The contract repayment schedule will provide for full repayment of funds,

commensurate with water users' payment capacity and willingness to pay, over a 40-year period.

The terms and conditions of the proposed contract are ultimately dependent upon the Secretary of the Interior's approval of the form of the proposed contract, and completion of congressional review of the Secretary's determination regarding the organizations' ability to pay.

The public may observe any negotiating sessions. Advance notice of such meetings, if any, will be furnished on request. Requests must be in writing and must specify that the requesting party is interested in the proposed Outlook Irrigation District contract. Inquiries should be addressed to the Regional Director, Bureau of Reclamation, Attention Code 440, 550 West Fort Street, Box 043, Boise, Idaho 83724.

The availability of a proposed draft contract for public review will be announced in the local news media. Following that announcement, a 30-day period will be allowed for receipt of written comments. All written correspondence concerning the proposed contract will be made available for review or inspection upon receipt of written request pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact Ms. Cathy Kent, Repayment and Statistics Branch, Division of Water, Power, and Lands, Bureau of Reclamation, at the above address, or telephone (208) 334-9011.

Dated: February 1, 1982.

Eugene Hinds,

Assistant Commissioner of Reclamation.

[FR Doc. 82-2987 Filed 2-3-82; 8:45 am]

BILLING CODE 4310-09-M

Office of Surface Mining Reclamation and Enforcement

Availability of Draft Environmental Impact Statement and Public Hearing on the Proposed North Antelope Mine, Campbell and Converse Counties, Wyo.

[Federal Lease Nos. W-60231 and 2-0321779]

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

ACTION: Notice of availability of draft environmental impact statement (OSM-EIS-6) and public hearing

SUMMARY: Pursuant to § 1506.6 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining (OSM), Western Technical Center, has prepared a draft environmental impact statement (EIS) on the proposed North Antelope Mine. The EIS has been written to assist the Department in making a decision on North Antelope Coal Company's application to surface mine about 190 million tons of coal over a period of 39 years. The proposed site is 62 miles south of the City of Gillette, and 58 miles north of Douglas, and 60 miles west of Newcastle, Wyoming. The mine would encompass 3,762 acres of State, private and Federal land (Thunder Basin National Grasslands) of which 2,698 acres would be disturbed for mining, roads, and facilities.

Copies of the draft EIS may be obtained from OSM at the location listed under **"ADDRESSES"** below. Copies are also available for review at locations listed under **"ADDRESSES."**

A public hearing will be held. All interested parties are invited to attend this hearing to give their comments. See **"DATES"** and **"ADDRESSES"** for time and location.

DATES: A public hearing will be held on March 11, 1982, from 7:00 to 9:00 p.m. The Draft EIS will be available on February 4, 1982 at the address listed under **"ADDRESSES"**. All written comments should be received by the Office of Surface Mining at the location listed under **"ADDRESSES"** no later than April 7, 1982.

ADDRESSES: The public hearing will be held at the Campbell County Community Recreation Center in Gillette, Wyoming. Copies of the draft EIS may be obtained from and comments should be addressed to: Richard E. Dawes, Acting Administrator, Office of Surface Mining, Brooks Tower, 1020 Fifteenth Street, Denver, Colorado 80202.

Copies of the EIS are available for review at the Converse County Courthouse; Douglas Library, Douglas, Wyoming; Campbell County Courthouse; George Amos Memorial Library, Gillette, Wyoming; and at the State of Wyoming, Department of Environmental Quality, 401 Ninteenth Street, Cheyenne, Wyoming.

FOR FURTHER INFORMATION CONTACT: Richard E. Dawes (telephone: 303-837-5421) at the location given under **"ADDRESSES."**

SUPPLEMENTARY INFORMATION: The EIS evaluates three alternative actions the Department could take on the mining and reclamation plan which has been submitted to OSM and the State of Wyoming. Those alternatives are approval, disapproval, and no action.

OSM has not identified a perferred alternative at this time. The State of Wyoming and OSM have identified minor deficiencies in the mine plan, but it is anticipated that the applicant will correct these minor deficiencies. Once this is done, it is probable that the approval alternative will be the preferred alternative.

OSM, with assistance from the Geological Survey, Forest Service, Interstate Commerce Commission, and State of Wyoming, has analyzed the impacts of the alternatives. Public comments are sought on this analysis as presented in the EIS. All substantive comments, written or oral, will be considered in preparing the final EIS and in the final recommendation for action on the subject mining and reclamation plan. See **"DATES"** and **"ADDRESSES"** for information on the hearing and comments.

Dated: February 1, 1982.

James R. Harris,

Director.

[FR Doc. 82-2916 Filed 2-3-82; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29783]

Burlington Northern Railroad Company—Exemption—Trackage Rights—St. Paul, MN to Bayport, MN

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The commission exempts from the requirements for prior approval under 49 U.S.C. § 11343 the trackage rights agreement granting Burlington Northern Railroad Company (BN) the right to operate over 19.3 miles of rail line owned by Chicago and North Western Transportation Company (CNW) from St. Paul, MN to Bayport, MN.

DATES: This exemption is effective March 5, 1982. Petition to stay effective date must be filed by February 15, 1982 and petitions for reconsideration of this action must be filed by February 23, 1982.

ADDRESSES: Send pleadings to: (1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th and Constitution Ave. N.W., Washington, D.C. 20423 and (2) Petitioner's representative: Peter M. Lee, Assistant General Solicitor, Burlington Northern Railroad Company, 176 East Fifth Street, St. Paul, MN 55101.

Pleadings should refer to Finance Docket No. 29783.

Copies of the full decision are available from: Interstate Commerce Commission, Office of the Secretary, Room 2227, Washington, D.C. 20423 or by calling toll-free 800–424–5403.

FOR FURTHER INFORMATION CONTACT: Richard A. Kelly, (202) 275–7245.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in FD 29783.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–2881 Filed 2–3–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–43 (Sub-No. 79)]

Illinois Central Gulf Railroad Co.; Abandonment in Jefferson County, KY; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Illinois Central Gulf Railroad Company to abandon its rail line between milepost 0.24 and –1.27 all within Louisville, KY, a distance of 1.51 miles, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes adminstratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Richard A. Kelly, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–2882 Filed 2–3–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC–FC–79533. By decision of 1–19–82 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Central Valley Transportation, Inc. of Certificate No. MC–151496 (Sub-No. 1) issued to Wardick Trucking, Inc. authorizing operations as a common carrier, over irregualr routes, transporting coal from points in PA to points in NY. Applicant's representative: Connie Poorman, P.O. Box 125, Howard, PA 16841. TA lease is sought. Transferee is a carrrier.

MC–FC–79567. By decision of 1–19–82 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Glenwood Transit Line, Inc. of Glenwood, IA of Certificate No. MC–69036 (Sub-Nos. 9 and 13) issued May 28, 1976 and June 4, 1981 respectively, and of Permit No. MC–69036 (Sub-No. 14) issued May 13, 1981 to Cool Trucks, Inc. of Glenwood, IA authorizing the transportation by irregular routes (A) under the Subs 9 and 13 certificates of *non-motorized farm equipment and supplies, and parts and accessories* used in connection therewith, from the plant site of Farmaster Products, Inc., at Shenandoah, IA, to points in ND, SD, NE, (except Omaha, and points in its commercial zone as defined by the Commission), KS, MN, MO, CO, IL, and WI, restricted to originating at the above-named origin (A) *meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* (except hides and commodities in bulk), from the facilities of Swift & Company at or near Glenwood, IA, to points in SD, NE (except Omaha, and points in its commercial zone as defined by the Commission), CO, KY, MO, KS, IN, IL, WI, MI and MN restricted to shipments originating at the named storage facilities and destined to the indicated destination points; and (3) *meat, meat products, meat by-products, and articles distributed by meat packinghouses,* between points in Fremont County, IA, on the one hand, and, on the other, points in the US and under the Sub-14 permit (B) *food and related products,* between points in the US under continuing contract(s) with Swift Independent Packers Company, of Chicago, IL. Applicant's representative is: Long D. Knox, 600 Hubbell Building, Des Moines, IA 50309. A TA lease is not sought. Transferee is a carrier.

MC–FC–79574. By decision of 1–20–82, Review Board Number 3 approved the

transfer to MX Transport, Inc. of Las Vegas, NV, Certificates No. MC-142335 and (Sub-Nos. 2, 3, 4, 8, 11 and 12) issued to C & E Trucking Co., Inc. of Santa Fe Springs, CA, authorizing: Named commodities, including machinery, materials, supplies, and equipment requiring special equipment; structural steel; recyclable waste and scrap paper; steel, tubing, and appliance coating; pipe and pipe fittings; fire hydrants, and valves, and copper and aluminum wire and cable, radically between named NV and CA points from points in AZ to the facilities of Crown Zellerbach Corporation at Antioch, CA; from points in Los Angeles and San Bernardino Counties, CA, to the facilities of State Industries, Inc. at Henderson, NV; radially between points in CA and NV restricted against traffic from the facilities of Celanese Piping Systems, Inc. in Orange County, CA and Mueller Co., at Sparks, NV; from the facilities of Armco, Inc., Metal Products Division, at Madera, CA to AZ; from Geneva, UT to Henderson, NV, and from Los Angeles and Orange Counties, CA to points in AZ, materials and supplies in the reverse direction. Applicant's representative: Raymond P. Keigher, 401 E. Jefferson Street, Suite 102, Rockville, MD 20850. TA lease is not sought.

MC-FC-79575. By decision of January 22, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to Anchorage Fairbanks Freight Service, Inc. of Certificate No. MC-142494 (Sub-No. 5)X issued November 24, 1981 to United Cartrage, Inc. authorizing the transportation of general commodities (except Classes A and B explosives, (1) between points in Kings, Ketsup, Snohomish Counties, WA and (2) between points in the Greater Anchorage Area, Kenai Peninsula and Matanuska-Susitna, AK. Applicant's representative is: George Kargihanis, Esq., 2120 Pacific Building, Seattle, WA 98104.

MC-FC-79576. By decision of January 20, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Nevada General Transportation, Inc., of Draper, UT, of Certificate No. MC-138274 (Sub 15), issued December 19, 1975, to Payne Motor Lines, Inc., of Draper, UT, which authorizes the transportation of *rendering house products*, from the plant site of C.U.I. International at or near Boise, ID, to points in WA, OR, CA, UT, CO, AZ, NE, KS, IA, MN, MO, WI, and IL, with specified restrictions. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. **Notes:** TA has not been filed. Transferee holds authority under MC-146464 and sub-numbers thereunder. Applicants also seek authority to transfer MC-138274 (Sub 45X). Since this proceeding is still pending and a certificate has not been issued in the Sub 45X proceeding, applicants should file a petition for substitution of applicant.

MC-FC-79583. By decision of January 22, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to WAYNE WHIDDON, an Individual, of Brunswick, GA, of Certificate No. MC-155949, issued to Dawman S. Gay, Jr., an Individual, of St. Augustine FL, which authorizes the transportation of *passengers and their baggage*, in special and charter operations, beginning and ending at points in St. Johns, Putnam, Duval and Volusia Counties, FL, and extending to points in GA, MS, LA, SC, TN, and DC. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. **Notes:** TA has not been filed. Transferee is not a carrier.

MC-FC-79569. By decision of January 19, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1133, Review Board Number 3 approved the transfer to Heritage Travel, Inc., of Union Square, Putnam, Connecticut 06260, of license No. MC-130371 issued on December 5, 1977, to H. Frances Czarnecki, d/b/a Heritage Travel Agency, of Union Square, Putnam, Connecticut 06260, authorizing it to engage in operations, in interstate or foreign commerce, as a *broker* at Putnam, CT, in arranging for the transportation by motor vehicle of passengers and their baggage, in special and charter operations, in round-trip tours beginning in Windham County, CT and extending to points in the United States, including Alaska and Hawaii. Representative: Sigmund A. Czarnecki, Heritage Travel Inc., Putnam, CT 06260.

MC-FC-79524. By decision of 1-15-82, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1133, Review Board Number 3 approved the transfer to South Dakota Automobile Club of 1300 Industrial Avenue, Sioux Falls, SD 57104, of license No. MC-130517F issued on January 12, 1979, to Bestway Travel Agency, Inc., of 107 South Pierre, SD 57501, authorizing it to engage in operations, in interstate or foreign commerce, as a *broker of passengers and their baggage*, in special and charter operations, in all expense round-trip tours, beginning and ending at points in ND and SD and extending to points in the United States, including AK, but excluding HI. Applicants' representative: Mr. E. D. Wiedecker, Vice President-Travel Services, 1300 Industrial Avenue, Sioux Falls, SD 57104.

MC-FC-79587. By decision of 1-25-82 Review Board 3 approved the transfer to Jay Don Transport Lines, Inc. of Wobuan, MA of Permit No. MC-119552 Subs 13 and 15X issued to J&L, Inc. of Providence, RI, authorizing general commodities, between points in the US, under contract with Ralston Purina Co., Farm Corp. and Campbell Filter Co., Potlach Corp. Denton Sales Co., Thompson Can Co.; and Lever Bros. Co., pulp paper and related products, between points in the US, under contract with Simkins Industries, Inc. Applicant's representative: Robert L. Cope, 1730 M St, NW, Washington, DC, 20036, TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-2877 Filed 2-3-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-684, filed December 23, 1981. Applicant: WEST FARMS EXPRESS, INC., 1095 Close Ave., Bronx, NY 10472. Representative: David A. Malat, 1095 Close Ave., Bronx, NY 10472. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities—Between New York City on the one hand, and, on the other, all points in Albany, Columbia, Delaware, Dutchess, Greene, Nassau, Ontario, Orange, Putnam, Rensselaer, Rockland, Suffolk, Sullivan, Ulster, Westchester Counties and New York City. Intrastate, interstate and foreign commerce

authority sought. HEARING: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-2879 Filed 2-3-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 227]

Motor Carriers; Permanent Authority Decisions Restriction Removals; Decision-Notice

Decided: January 29, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 18738 (Sub-67X), filed January 25, 1982. Applicant: SIMS MOTOR TRANSPORT, LINES, INC., 610 W. 138th Street, Riverdale, IL 60627. Representative: Walter F. Jones, Jr., 1111 E. 54th Street, Suite 155, Indianapolis, IN 46220. Sub 66F, broaden iron and steel articles to "metal products".

MC 82735 (Sub-7X), filed January 25, 1982. Applicant: HUDSON-BERGEN TRUCKING CO., 200 Central Avenue, Teterboro, NJ 07608. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Sub 5F permit: (1) broaden general commodities (with exceptions) to "general commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk); and (2) broaden the territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 82919 (Sub-1X), filed January 25, 1982. Applicant: E & M TRUCKING, INC. d.b.a., DELLA ROSA TRUCKING CO., P.O. Box 150, Martinez, CA 94553. Representative: John Paul Fischer, 256 Montgomery St., San Francisco, CA 94104. Lead, broaden: (1) From petroleum products to "petroleum, natural gas and their products" and from containers for petroleum products to "containers"; (2) remove in container restriction, (3) city to county-wide authority; Port Richmond, Richmond, Avon and Martinez, CA to Contra Costa County, and Alameda, and Oakland to Alameda County and (4) to radial authority.

MC 96607 (Sub-25X), filed January 22, 1982. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart St. E., Tacoma, WA 98421. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421. Lead and Subs 2, 9, 12F, 15F, 16F, 17F, and 20F. Broaden: Lumber, lumber except plywood, lumber products, plywood, particle board, and laminated beams to "lumber and wood products" in lead, Subs 2 and 15F; doors to "building materials" in Sub-15F; (c) crushed cars and scrap metal for recyling to "waste or scrap materials not identified by industry producing" in Sub 16F; utility manholes, vaults, and median barriers to "clay, concrete, glass or stone products" in Sub 20F; Tacoma, to Pierce County, WA (Lead and Subs 2, 16F); Seattle to King County, WA (lead); Chehalis to Lewis County, WA (Subs 2, 9); Longview to Cowlitz County, WA; Issaquah to King County, WA (Sub 2); St. Helens and Columbia City to Columbia County, OR (Sub 2) McMinnville to Yamhill County, OR (Sub 16F); and Auburn to King County, WA and Wilsonville to Clackamas County, OR (Sub 20F); to radial service in Lead and Subs 2, 9, 16F; remove restrictions: to service moving to territories and possessions of the U.S. in lead and Sub-2; against transportation of iron and steel buildings and components between WA and OR in Sub-12F; against traffic moving in foreign commerce through ports of entry on the international boundary line between the U.S. and Canada in WA, ID, or MT in Sub-15F part (1); to traffic having prior or subsequent movement by water in Sub-17F.

MC 116092 (Sub-10X), filed December 1, 1981, previously published December 23 1981, republished as follows: Applicant: CHAMPLAIN EXPRESS TRANSPORT (INTERNATIONAL) INC., 411 Rivere, Cowansville, Quebec J2K 1N4. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Broaden in Sub 7F (1) synthetic resin and plastic articles and (2) toliet preparations and cosmetics (except in bulk) to "rubber and plastic articles and chemicals and related products." The purpose of the republication is to include the proper broadening for plastic articles.

MC 145223 (Sub-2X), filed November 20, 1981, previously noticed in the **Federal Register** of December 24, 1981 republished as follows: Applicant: COLE FREIGHT COMPANY, 12805 Seneca Road, Palos Heights, IL 60463. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Lead, broaden (a) linoleum, cork felt base floor covering or tiling, asphalt, composition tiling to "lumber and wood products, petroleum, natural gas and their products, chemicals and related products, clay, concrete, glass or stone products, and metal products"; (b) floor coverings, linoleum, steel rollers, wallboard and pulpboard to "textile mill products, lumber and wood products, pulp, paper and related products, chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, and metal products;" and in Sub-No. 1 broaden conduit and pipe (other than iron and steel) attachments, parts and fittings to "lumber and wood products, textile mill products, pulp, paper, and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products, and machinery". The purpose of republication is to correct the proposed commodity broadenings.

MC 146573 (Sub-19X), filed October 16, 1981, previously noticed in the **Federal Register** of October 29, 1981, republished as follows: Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 81354. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW, Washington, DC 20001. Sub-No. 5F: Broaden (1) fertilizer, fertilizer solutions, and fertilizer

ingredients, in bulk, to "commodities in bulk"; (2) facilities at Ottawa, IL, to La Salle County, IL; and (3) delete originating at or destined to restriction. The purpose of this republication is to reflect applicant's proposed commodity broadening.

MC 147461X, filed January 13, 1982. Applicant: CLAYTON H. TEN PAS d.b.a. C. H. TEN PAS TRANSPORT, Route 1, Plymouth, WI 53073. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Sub 1F permit: (1) Broaden liquid concrete additives, in bulk, in tank vehicles to "chemicals and related products," and (2) broaden the territorial authority to between points in the U.S. (except AK and HI), under continuing contract(s) with named shipper.

MC 147586 (Sub-1X), filed January 18, 1982. Applicant: TODD & WATSON ENTERPRISES, INC., 2250 South Green St., Henderson, KY 42420. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Lead certificate, remove: (1) Facilities restriction, (2) ex-rail and water restriction, and (3) originating or destined to named facilities restriction.

MC 148581 (Sub-3X), filed January 22, 1981. Applicant: JOSEPH RUFFIN d.b.a. RUFFIN'S MOTOR FREIGHT, 5350 Paschall Ave., Philadelphia, PA 19143. Representative: Brian S. Stern, STERN & JONES, 5411-D Backlick Rd., Springfield, VA 22151. MC-30561 and Sub 3 permits and Subs 1 and 2 certificates. Broaden: Lead permit, steel wire springs and component parts thereof, to "metal products"; Sub 3 permit, flat glass, to "clay, concrete, glass, or stone products", and lead and Sub 3 permits to between points in the U.S., under continuing contract(s) with named shippers; Sub 1 certificate, aluminum and aluminum articles, to "metal products", Ravenswood facility to Jackson County, WV; and service to radial authority; Sub 2 certificate, part (1) electric wire and electric cable, to "metal products and machinery", Richmond facility to Madison County, KY; Downers Grove facility to DuPage County, IL; Worcester facility to Worcester County, MA; Patterson, Passaic and North Brunswick facilities to Passaic and Middlesex Counties, NJ; Leetsdale facility to Allegheny County, PA; and Phillipsdale and Ashton facilities to Providence County, RI.

[FR Doc. 82-2878 Filed 2-3-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 346 (Sub-No. 7)]

Railroad Exemption—Export Coal

AGENCY: Interstate Commerce Commission.

ACTION: Notice of extension of time for filing replies.

SUMMARY: A request for an extension of time to file replies is granted in part. Replies are now due February 24, 1982.

DATE: Time for filing replies is extended to February 24, 1982.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By petition filed January 25, 1982, the Norfolk and Western Railway (NW) and the Chessie System Railroads request a 30-day extension to submit replies. Pursuant to our notice in this proceeding published in the **Federal Register** on October 21, 1981 (46 FR 51674), replies are due February 4, 1982, 45 days after the filing of comments. The Coal Exporters Association and the National Coal Association filed a reply on January 27, 1982, in opposition to the extension. They agree that the railroads should not ask for an extension since they initiated the exemption proceeding and since they had originally wanted only 15 days for replies.

The petition shall be granted in part; parties shall have a 20 day extension to February 24, 1982, to file replies. A voluminous amount of comments, totalling nearly 1200 pages, have been filed. Moreover, the holiday season and inclement weather have affected the ability of railroad personnel to meet with counsel. An extension shall enable all parties to prepare the most complete responses to the comments. Since the NW filed the exemption petition, the extension will not prejudice any party. Finally, we find that a 20, and not 30, day extension is sufficient time to prepare the replies, since parties will have had a total of 65 day to analyze the comments.

It is Ordered:

The petition is granted in part. The time for filing replies is extended to February 24, 1982.

By the Commission, Reese H. Taylor, Jr., Chairman.

Decided: January 29, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-2880 Filed 2-3-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-48]

Certain Amplifier Assemblies and Parts Thereof From Japan

AGENCY: International Trade Commission.

ACTION: Change of Date of Public Hearing.

SUMMARY: Notice is hereby given that the public hearing to be held in connection with United States International Trade Commission investigation No. 731-TA-48 (Final), certain amplifier assemblies and parts thereof from Japan, will begin at 10:00 a.m., Thursday, May 20, 1982, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. A hearing date of March 16, 1982, had previously been announced in the Commission's notice of institution of investigation as published in the **Federal Register** of January 20, 1982 (46 FR 2946). Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) April 29, 1982. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 10:00 a.m., e.d.t., on May 3, 1982, in Room 117 of the U.S. International Trade Commission Building. Prehearing statements must be filed on or before May 14, 1982. The Commission's final action, notification of the Department of Commerce, is similarly postponed until July 1, 1982. These changes are made pursuant to the Department of Commerce's granting of an extension of time to the exporter involved in this investigation (see 47 FR 3393).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, Part 207, subparts A and C (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

Issued: February 1, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-2915 Filed 2-3-82; 8:45 am]

BILLING CODE 7020-02-M

[332-131]

Hearing on and Release for Public Comment of Chapters of the Tariff Schedules of the United States Converted Into the Nomenclature Structure of the Harmonized System

AGENCY: International Trade Commission.

ACTION: Setting of public hearing and release for comment from interested parties, pursuant to Commission investigation No. 332–131, under the authority of section 332(g) of the Tariff Act of 1930, as amended, and initiated upon the request of the President of the United States, of the following chapters of the Tariff Schedules of the United States (TSUS) converted into the nomenclature structure of the Harmonized Commodity Description and Coding System (Harmonized System):

Volume I

Chapter 25: Salt; sulphur; earths and stone; plastering materials; lime and cement

Volume II

Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes.

Volume III

Chapter 44: Wood and articles of wood; wood charcoal
Chapter 45: Cork and articles of cork
Chapter 46: Manufactures of straw, of esparto or of other plaiting materials; basketware and wickerwork
Chapter 47: Pulp of wood or of other fibrous cellulosic materials, waste and scrap of paper or paperboard
Chapter 48: Paper and paperboard; articles of paper pulp, of paper or of paperboard
Chapter 49: Printed books, newspapers, pictures and other products of the printing industry manuscripts, typescripts and plans

Volume IV

Chapter 50: Silk
Chapter 51: Wool, fine or coarse animal hair; horsehair yarn and woven fabric
Chapter 52: Cotton
Chapter 53: Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn
Chapter 54: Man-made filaments
Chapter 55: Man-made staple fibres

Volume V

Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica, and of similar materials
Chapter 69: Ceramic products
Chapter 70: Glass and glassware
Chapter 71: Natural or cultured pearls, precious or semi-precious stones, precious metals, metal clad with precious metals, and articles thereof; imitation jewelry; coin

Volume VI

Chapter 84: Nuclear reactors, boilers, machinery and mechanical applicances; parts thereof
Chapter 85: Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders, or reproducers and parts and accessories of such articles

Volume VII

Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway track fixtures and fittings; mechanical traffic signalling equipment of all kinds (including electro-mechanical)
Chapter 87: Vehicles other than railway or tramway rolling-stock, and parts thereof
Chapter 88: Aircraft and parts thereof
Chapter 89: Ships, boats, and floating structures

SUMMARY: The United States International Trade Commission (hereinafter "the Commission") has completed a draft of the above chapters of the TSUS converted into the nomenclature structure of the Harmonized System, with proposed rates of duty. This notice announces the scheduling of a public hearing on these converted chapters and requests public comment on the draft conversion, including the proposed rates of duty.

WRITTEN SUBMISSIONS: Persons wishing to submit written comments with respect to one or more of the chapters should do so at the earliest possible date, but no later than the close of business (5:15 p.m.) April 30, 1982. The signed original and 19 copies of all written comments must be filed with the Secretary of the Commission at his office in Washington, D.C. and should conform with § 201.8 of the Commission's rules of practice and procedure (19 CFR 201.8). Any person desiring confidential treatment as to commercial or financial information must submit that information on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6). All nonconfidential written submissions will be made available to interested persons.

HEARING: Public hearings on the draft converted chapters will begin on March 29, 1982, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. at 10 a.m. Requests for appearances at the hearing, including the name and address of any witness who will testify and the industry or organization, if any, which the witness represents, should be filed in writing with the Secretary of the Commission no later than the close of business on March 22, 1982. Requests shoud indicate the chapter or heading upon which the witness will express views and a brief indication of any position to be taken. Parties with a common interest in a chapter are encouraged to consolidate their oral presentations. For further information on hearing procedures and rules of general application consult the Commission's rules, part 201 (19 CFR Part 201).

COPIES OF DOCUMENTS: Copies of the chapters which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street, NW., Washington, DC 20436. The Secretary will also send copies of chapters to interested parties upon request; telephone (202) 523–5178.

FOR FURTHER INFORMATION CONTACT: Mr. Eugene A. Rosengarden, Director, or Mr. Holm Kappler, Deputy Director, Officer of Tariff Affairs, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436; telephone (202) 523–0370 or 0362.

SUPPLEMENTARY INFORMATION: In its public notices of February 8, 1980 (45 FR 9828 of February 13, 1980), March 21, 1980 (45 FR 19696 of March 26, 1980), August 15, 1980 (45 FR 55549 of August 20, 1980), June 24, 1981 (46 FR 34439 of July 1, 1981) and July 17, 1981 (46 FR 37824 of July 22, 1981) the Commission identified the 97 chapters of the Harmonized System for which texts had been provisionally adopted by the Harmonized System and the Nomenclature Committees of the Customs Cooperation Council. Views and comments of interested parties with respect to the 97 chapters were sought, and the structure and technical development of the Harmonized System were described.

In reponse to a request dated August 24, 1981, by the President of the United States, the Commission instituted an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) in order to prepare a basic draft converting the Tariff Schedules of the United States into the nomenclature structure of the Harmonized System. The President directed that the Commission's report, including the converted U.S. tariff schedule, be submitted no later than June 30, 1983. Guidelines for the conversion set by the President were set forth in the Commission's notice of the institution of investigation of September 16, 1981 (46 FR 47897 of September 30, 1981), along with the schedule for the release of the converted chapters. Appropriate supplementary public notices will be issued with respect to the publication of the remaining chapters and hearings thereon.

Currently the Customs Cooperation Council is preparing draft explanatory notes to the chapters of the Harmonized System. As soon as they become available the Commission will release them for public comment. Explanatory notes for all chapters of the Harmonized System are scheduled to be released for comment before the Commission submits the converted tariff schedule to the President in June of 1983.

In preparing the converted U.S. tariff schedules, the Commission is seeking and taking into consideration the views of any interested person, of any trade or industry organization and of interested government agencies. Submissions should be directed at evaluating the draft conversion in light of the President's guidelines, in particular whether the conversion—

(a) Avoids, to the extent practicable and consonant with sound nomenclature principles, changes in rates of duty on individual products;

(b) Simplifies the U.S. tariff structure to the extent possible without rate changes significant for U.S. industry, workers, or trade; and

(c) Alleviates administrative burdens on the Customs Service.

The Commission will utilize the post-MTN rates of duty on individual products when analyzing impacts of any proposed changes.

Submissions should also address the probable effect of U.S. adoption of the converted tariff schedules on U.S. industries, workers, and trade. Submissions aimed primarily at seeking increases or reductions in existing tariff rates are not relevant and will not be entertained by the Commission.

Issued: January 29, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-2914 Filed 2-3-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on October 2, 1981, Hoffman La Roche Inc., Kingland Road and Bloomfield Avenue, Nutley, New Jersey 07110, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Alphaprodine (9010)	II.
Levorphanol (9220)	II.

Any other such applicant, and any person who is presently registered with the DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than March 1, 1982.

Dated: January 27, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-2869 Filed 2-3-82; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 1, 1981, Knoll Pharmaceutical Company, Production Department, 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Dihydromorphine (9145)	I.
Hydromorphone (9150)	II.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than March 1, 1982.

Dated: January 27, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-2870 Filed 2-3-82; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

Marine Accident Report—*Grounding of the U.S. Sailboat Mr. B, near Punta Chivata, Mexico, November 25, 1980 (NTSB-MAR-81-13).*

Highway Accident Reports—*Summary Format, Issue No. 2—1980 (NTSB-HAR-81-1).*

Safety Recommendations to—

Federal Aviation Administration, Jan. 20, A-82-1 through -3: Replacement of the mushroom cart restraint device in DC-10 aircraft galley lift system; modification of switch circuitry in DC-10 aircraft lift system; modification of the interlock circuitry.

Federal Aviation Administration, Jan. 25, A-81-163 through -169: Violations of regulations or safety issues concerning parachute jumping; acceptable safe distances; special transponder code with identifiable radar display; Advisory Circular 90-48B; 14 CFR 105.14; 14 CFR 105; Air Traffic Control Handbook 7110.65B.

United States parachute Association, Jan. 25, A-81-170: CFR traffic advisories; safety attained by Mode-C transponders in jump operations.

Federal Aviation Administration, Jan. 28, A-82-6 through -15: Hazard associated with engine inlet pressure probe icing; predeparture deicing procedures; cold weather operations to ensure coverage of all aspects of such operations; compliance with 14 CFR 121.629(b); General Notice (GENOT) to FAA tower and air carrier ground control personnel about the increased potential for aircraft icing during long delays before takeoff and procedural changes so that controllers can implement the gate-hold provisions of Facilities Operations and Administration Manual 7210.3F, paragraph 1232; effect of engine inlet pressure probe blockage on engine instrument readings and addition of information to aircraft flight manuals; Advisory Circulars 91-13c and 91-51; air traffic control procedures when freezing weather conditions and attendant aircraft icing problems exists; training curricula for air traffic controllers and trainees to include structural and engine icing of aircraft hazards; foreign operators involved in cold weather operations.

Recommendation Responses from—

U.S. Coast Guard, Jan. 13, M-81-37. September 2, 1981, meeting with Materials Transportation Board and National Cargo Bureau agreed that stowage of containerized dangerous cargoes near centerline of vessel would be beneficial in preventing pollution incidents; however, requirements could prove to be economic burden on industry and a

severe limition on vessel operations. Plans to use the forum of the Chemical Transportation Advisory Committee to evaluate the recommendation. *Jan. 13, M–81–38.* Currently evaluating the recommendation. *Jan. 13, M–81–39.* Will analyze Mississippi River Gulf Outlet Canal traffic and economics to determine if one-way traffic operations for designated time periods and/or particular locations during dangerous cargo transit is warranted.

Office of the Secretary of Transportation, Jan. 15, H–81–46. Dot and AIRAC will hold regular meetings at least on a quarterly basis.

Burlington Northern Railroad, Jan. 15, R–80–34 and –35. Believes that proper equipment is being used and employees are adequately trained.

Federal Aviation Administration, Jan. 20, A–81–145. Will take actions to reduce the possibility of development of fatigue and stress, accelerate training and staffing to increase the work force, initiate a review to consider the need for, and method of, conducting a monitoring system which would serve to identify controllers who might be suffering from fatigue or stress. *Jan. 20, A–81–146.* Air Traffic Service has implemented two major programs: The Air Traffic Interim Operations Plan and The General Aviation Reservation program. Will be developing and Expanded Tower En Route Control program. *Jan. 20, A–81–147.* Do not occur since there is no means to require available assistance for coordination in every situation.

Note.—Single copies of reports, recommendation letters, and responses are free on written request, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Multiple copies of reports are obtainable from National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161)

Effie M. Upshaw,

Alternate Federal Register Liaison Officer.

February 1, 1982.

[FR Doc. 82–2975 Filed 2–3–82; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–364]

Alabama Power Co.; Notice of Proposed Issuance of Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–8, issued to Alabama Power Company (the licensee), for operation of the Joseph M. Farley Nuclear Plant, Unit No. 2 located in Houston County, Alabama.

The amendment would revise the provisions in the Technical Specifications relating to the spent fuel pool. This change would permit the licensee to replace all of the storage racks in the present spent fuel pool with high density, poisoned racks, increasing its capacity from 675 fuel assemblies to 1,407 fuel assemblies, in accordance with the licensee's application for amendment dated December 18, 1981.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By March 4, 1982, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opporutnity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 [in Missouri (800) 342–6700]. The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Steven A. Varga, Chief, Operating Reactors Branch #1, Division of Licensing: (petitioner's name and telephone number); (date petition was mailed); (Farley Unit 2); and publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be

based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 18, 1981, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Dated at Bethesda, Maryland, this 28th day of January, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-2925 Filed 2-3-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-424 and 50-425]

Alvin W. Vogtle Nuclear Power Plant (Unit Nos. 1 and 2) et al.; Negative Declaration

Supporting Amendment No. 3 to CPPR-108 and Amendment No. 3 to CPPR-109 Relating to the Discharge Structure Modifications

In the matter of Alvin W. Vogtle Nuclear Plant, Unit Nos. 1 and 2, Georgia. Power Co., Oglethorpe Electric Membership Corp., Municipal Electric Authority of Georgia and City of Dalton, Georgia

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the amendments to Construction Permits CPPR-108 and CPPR-109 relating to the discharge structure modifications at Alvin W. Vogtle Nuclear Plant, Unit Nos. 1 and 2. The amendments would delete the original multiport, submerged design of the discharge structure and substitute a single-point, submerged discharge structure. In accordance with 10 CFR Part 51, the Commission's Division of Licensing has prepared an Environmental Impact Appraisal (EIA) for the amendments. Based on the EIA the Commission has concluded that an environmental impact statement for this action is not warranted because there will be no adverse environmental impacts affecting the quality of the human environment, attributable to the proposed action, that would be in addition to those impacts already evaluated in the Commission's Final Environmental Statement for Alvin W. Vogtle Nuclear Plant, Unit Nos. 1 and 2, issued in March 1974. A negative declaration is, therefore, appropriate.

The EIA is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and at the local public document room located at the Burke County Public Library, Fourth Street, Waynesboro, Georgia 30830. A copy of the EIA 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 January, 1982.

For the Nuclear Regualtory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 82-2929 Filed 2-3-82; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co.; Consideration of Proposed Modification To Facilities Spent Fuel Storage Pool

The United States Nuclear Regulatory Commission (the Commission) is considering the approval of a modification to the spent fuel storage pool of the Calvert Cliffs Nuclear Power Plant Units Nos. 1 and 2 (the facilities), located at Calvert County, Maryland. Operation of the facilities is authorized by Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company (the licensee).

The facilities share a common pool that is divided in two sections and connected by a transfer canal. On September 19, 1980, the NRC issued Amendments 47 and 30 for Calvert Cliffs Units 1, and 2, respectively which authorize a maximum fuel storage capacity of 1760 fuel assemblies. By application dated October 30, 1981, the licensee requested an increase in the maximum authorized fuel storage capacity from 1760 to 1930 fuel assemblies. The modification will require changes to the Technical Specifications and issuance of a license amendment for each facility.

Prior to approval of the proposed modification and license amendments authorizing use of the modified pool, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 8, 1982 the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors; (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene.

Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner may file a supplement to the petition to intervene which may include a list of the contentions which are sought to be litigated in the matter. The bases for each contention must be set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any

limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW. Washington, D.C. by the above date.

Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: (petitioner's name and telephone number); (date petition was mailed); (Calvert Cliffs); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to James A. Biddison, Jr. General Counsel, G and E Building, Charles Center, Baltimore, Maryland 21203, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(d).

For further details with respect to this action, see the application for amendment dated October 30, 1981, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW. and at the Calvert County Library, Prince Frederick, Maryland.

Dated at Bethesda, Maryland this 29th day of January, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-2926 Filed 2-3-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-454-OL & 50-455-OL]

Commonwealth Edison Co. (Byron Nuclear Power Station, Units 1 and 2); Assignment 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 assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding: Stephen F. Eilperin, Chairman, Christine N. Kohl, Dr. Reginald L. Gotchy.

Dated: January 28, 1982.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 82-2927 Filed 2-3-82; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, IC 121-5 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Response-Time Testing of Protection System Instrument Channels" and is intended for Division 1, "Power Reactors." It is being developed to provide a method acceptable to the NRC staff for complying with the Commission's regulations with regard to response-time testing of instrumentation in protection systems. This guide, with certain modifications, endorses Draft O of ISA-dS67.06, "Response-time Testing of Nuclear-Safety-Related Instrument Channels in Nuclear Power Plants," which was approved by the Nuclear Power Plant Standards Committee of the Instrument Society of America on October 21, 1980.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by March 31, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated.

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 28th day of January 1982.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Facility Operations, Office of Nuclear Regulatory Research

[FR Doc. 82-2930 Filed 2-3-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-424 and 50-425]

Georgia Power Co. et al.

Georgia Power Co. et al.; Issuance of Amendments to Construction Permits

In the matter of Georgia Power Co., Oglethorpe Electric Membership Corp., Municipal Electric Authority of Georgia and City of Dalton, Georgia.

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Construction Permit No. CPPR-108 and Amendment No. 3 to Construction Permit No. CPPR-109. The amendment deletes the original multiport, submerged design of the discharge structure and substitutes a single point submerged discharge structure. The amendment also deletes three conditions which concern chlorine discharge and are inappropriate for the discharge structure modifications. Georgia Power Company has sole responsibility for the design construction and operation of the facilities, which are located in Burke County, Georgia. The amendments are effective as of the date of issuance.

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 and has concluded that the issuance of the Amendment will not be inimical to the common defense and security or to the health and safety of the public. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

In connection with the issuance of these amendments, the Commission has issued a Negative Declaration and Environmental Impact Appraisal.

For further details with respect to this action, see (1) the application for amendments, dated May 1, 1981, (2) Amendment Nos. 3 to Construction Permits CPPR-108 and CPPR-109, (3) the Commission's related Safety Evaluation, (4) the Environmental Impact Appraisal, and (5) the Negative Declaration supporting the amendments to the Construction Permits. 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 Burke County Public Library, Fourth Street, Waynesboro, Georgia 30830. In addition, a copy of items 2, 3, 4 and 5 may be obtained upon request, addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Division of Technical Information & Document Control.

Dated at Bethesda, Maryland this 29th day of January, 1982.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 82-2928 Filed 2-3-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

January 27, 1982.

When Executive Departments and Agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Department and agencies use a number of techniques including public hearing to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published the list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency Clearance Officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the Agency clearance officer (from whom a copy of the form and supporting documents is available)
The Office of the Agency issuing this form
The title of the form
The Agency form number, if applicable
How often the form must be filled out
Who will be required or asked to report
The Standard Industrial classification (SIC) Codes, referring to specific respondment groups that are affected
Whether small businesses or organizations are affected
A description of the Federal budget functional category that covers the information collection
An estimate of the number of responses
An estimate of the total number of hours needed to fill out the form
An estimate of the cost to the Federal Government
An estimate of the cost to the public the number of forms in the request for approval
An indication of whether section 3504(h) of P.L. 96-511 applies
The name and telephone number of the person or office responsible for OMB review and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed Forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. The Agency Clearance Officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for futher improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affiars, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Revisions

• Science and Technical Research
National Voluntary Laboratory Accreditation Program Application
STR–1144
Annually
Businesses or other institutions.
Testing laboratories
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 400 responses; 200 hours; $4,900 Federal cost; 1 form not applicable under 3504(h)
William T. Adams, 202–395–4814

To examine competence of testing laboratories in product areas where recognition is needed and to accredit those meetings applicable requirements. Application elicits general laboratory information and provides applicants for accreditation a means for selecting test methods and calculating fees.

DEPARTMENT OF DEFENSE

Agency Clearence Officer—John V. Wenderoth—703–697–1195

New

• Departmental and others
Labor Standards Interview
DD 1567
On occasion
Individuals or households
Construction contract employees
Department of Defense—Military: 60,000 responses; 10,000 hours; $10,000 Federal cost; 1 form not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

The Davis Bacon Act, the Copeland Act and the contract work hours and Safety Standards Act require the establishment of minimum wages, job classification, overtime pay rates and fringe benefits for construction work performed by private contractors for the Federal Government. In order to ascertain that the data submitted by the contractor is correct, the employees must be contacted on a random basis to collect the info requested by the form. This interview is required by 29 CFR 5.6, etc.

Revisions

• Departmental and others
Daily Transaction Reporting
Weekly, other—see SF83
Businesses or other institutions
Fuel Storage Facility (tank farm) oper and pipeline co's.
SIC: 517, 291
Small businesses or organizations
Department of Defense-Military: 9,240 responses; 3,502 hours; $57,250 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Provides status of Government-owned bulk petroleum products held by commercial contractors operating petroleum storage facilities by daily submission of shipments, receipts and inventory data.

Extensions (no change)

• Department of the Army
Application and Agreement for Establishment of a Junior Reserve Officers' Corps Unit
DA3126
On occasion
State or local governments
Secondary educational institutions
SIC: 821
Small businesses or organizations
Department of Defense—Military: 400 responses; 400 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The application and agreement form is used to screen secondary institutions desiring to host a junior ROTC Unit.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

Extensions (burden change)

• National Institutes of Health
Audiovisual Evaluation Form
Nonrecurring
Businesses or other institutions
U.S. Health Education professionals who borrow or rent, etc.
SIC: 822, 823, 806
Health: 9,000 responses; 450 hours; $4,000 Federal cost; 1 form; $4,500 public cost; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Data will be used primarily for the national medical audiovisual center's internal management purposes, to provide a measure of the approximate use of each audiovisual in the film and videotape collections, and to provide input to a follow-up study on the factors affecting the shareability of audiovisuals in the health Sciences.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

Extensions (Burden Change)

• Federal Bureau of Investigation
Monthly Return of Arson Offenses Known to Law Enforcement
DO–73
Monthly
State or local governments
City, city and State law enforcement agencies in the U.S.
Sic: 922
Federal law enforcement activities: 20,592 responses; 10,296 hours; $875,000 Federal cost; 1 form; $102,960 public cost; not applicable under 3504(h)
Andy Uscher 202–395–4814

To determine extent of arsons and related damages nationwide. Summary statistics are published in preliminary semiannual releases and comprehensive annual report.

• Federal Bureau of Investigation
Return A—Monthly Return of Offenses Known to the Police
DO–65
Monthly
State or local governments
City, cty and State law enforcement agencies nationwide
Sic: 922
Federal law enforcement activities: 17,772 responses; 8,886 hours; $906,000 Federal cost; 1 form; $88,860 public cost; not applicable under 3504(h)
Andy Uscher 202–395–4814

To tabulate/estimate total number of crimes and crimes cleared throughout the United States. Summary statistics published in preliminary semiannual releases and comprehensive annual publication.

• Federal Bureau of Investigation
Supplement to Return a Monthly Return of Offenses Known to Police
DO–57
Monthly
State or local governments
City, cty and State law enforcement agencies nationwide
Sic: 922
Federal law enforcement activities: 17,772 responses; 8,886 hours; $596,000 Federal cost; 1 form; $88,860 public cost; not applicable under 3504(h)
Andy Uscher 202–395–4814

To tabulate/estimate value of property stolen and recovered throughout the Unites States. Summary statistics published annually in "Crime in the United States."

• Federal Bureau of Investigation
Supplementary Homicide Report
DO–56
Monthly
State or local governments
City, cty and State law enforcement agencies nationwide

Sic: 922
Federal law enforcement activities: 929 responses; 110 hours; $13,000 Federal cost; 1 form; $1,100 public cost; not applicable under 3504(h)
Andy Uscher 202–395–4814

To tabulate victim, offender, and weapon date re persons murdered. Summary statistics published in annual "Crime in the United States."

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Research and Special Programs Administration
RAM Shipper Registration With USNRC
Nonrecurring
Businesses or other institutions
Shippers of radioactive materials
SIC: 369, 281, 344, 361
Other transportation: 2,600 responses; 1,300 hours; $32,500 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Used by the Department to ascertain that shippers using packages approved by the UNRC for another person know the amount and type of material allowed in a package and will package the material in a safe and correct manner.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—William Jones—202–452–2983

Revisions

• Statement of Purpose for an Extension of Credit Secured by Margin Stock
FR U–1
On occasion
Businesses or other institutions/ individuals or households,
All banks are subject to this requirement
SIC: 602
Small businesses or organizations
General government: 6,750,000 responses; 209,250 hours; $2,000 Federal cost; 1 form; $2,092,500 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

Form must be obtained by a bank and retained in its records in connection with an extension of credit secured directly or indirectly by any stock. Completed by borrower and bank. Form used to determine purpose for which loan proceeds will be used, and by signing form, both parties acknowledge that loan proceeds may be subject to restrictions of Regulation U.

FOUNDATION FOR EDUCATION ASSISTANCE

Agency Clearance Officer—Wallace McPherson—202–426–7304

New

• Survey of Correspondence Education
ED (NCES) 2390
Other—See SF83
Businesses or other institutions
Correspondence and vocational schools
SIC: 824
Research and general education aids: 376 responses; 180 hours; $25,000 Federal cost; 1 form; $2,160 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Comprehensive data on home study, an important segment of American education, has not been collected since 1976. These data are needed to implement the mandate of sec. 406(B), 20 U.S.C. 1221E–1 to report on the condition of education. Data on enrollment and curricula will be collected from correspondence schools.

• Student Aid Report (SAR)—Formerly Student Eligibility Report (SER)
ED 255–1
Annually
Individuals or households
Post-secondary education students
Higher education: 4,628,740 responses; 1,157,185 hours; $1,912,000 Federal cost; 1 form; $6,000,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The student completes an application form (ED 255) on which he/she provides income and asset information necessary to determine an expected family contribution toward educational expenses. The student sends the form to an ED contractor which determines the amount of the expected family contribution. The ED contractor then sends the student a SAR which is a notification of the results of that determination.

Revisions

• Performance Report and Financial Status Report for Cooperative Education Program Grantees
ED 411, ED 411–1
Annually
State or local governments
Colleges and universities
SIC: 822
Higher education: 235 responses; 1,293 hours; $3,998 Federal cost; 2 forms; $10,340 public cost; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

The performance and financial reports are needed by the U.S. Department of Education to monitor and close out grants awarded by the cooperative education program.

Extensions (No change)

• Pell Grant Program Progress Report
ED 255–3
Quarterly
Businesses or other institutions
Post-secondary educational institutions
SIC: 824, 822
Higher education: 15,000 responses; 11,250 hours; $195,000 Federal cost; 1 form; $149,500 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The progress report is a financial report whereby periodic adjustments may be effected in the authorizations of BEOG funds for a particular institution and to make accurate projections of the total demand for program funds assuming full funding which will be used to develop a payment schedule for the calculation students awards.

INTERNATIONAL DEVELOPMENT ASSISTANCE

Agency Clearance Officer—Ms. Melita Yearwood—202–632–0084

Revisions

• Peace Corps Request for Information
A–16, A33S
On occasion
Individuals or households
Individuals who are interested in receiving additional information on The Peace Corps
Foreign Economic and Financial Assistance: 40,000 responses; 1,333 hours; $132,035 Federal cost; 2 forms; not applicable under 3504(h)

Phillip T. Balazs, 202–395–4814

Individuals express interest in the PC volunteer programs by submitting an information request form. The information is reviewed to determine availability and basic eligibility for service and to create a computer based record for the issuance of information kits, followup letters and statistical data in support of recruitment activities.

NATIONAL FOUNDATION ON THE HUMANITIES

Agency Clearance Officer—Victor Loughnan—202–724–0308

New

• Workshop Evaluation Form
Nonrecurring
Businesses or other institutions
Postsecondary educators
SIC: 999
Research and general education aids: 40 responses; 10 hours; $105 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880

The forms are needed to evaluate the workshop conducted under contract NEH–C–81–24 and to report to the sponsoring agency under OMB Circular A110, attachment h.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

New

• Protected Employee Election
UI–130
On occasion
Individuals or households
Unemployed Conrail workers
Unemployment compensation: 3,000 responses; 750 hours; $0 Federal cost; 1 form; not applicable under 3504 (h)
Robert Neal, 202–395–6880

Title VII of the Regional Rail Reorganization Act provides protection for Conrail employees deprived of employment. The application obtains information needed to determine if the applicant qualifies for title VII benefits and which benefits the applicant elects to receive.

Arnold Strasser,

Acting Chief, Reports Management.

[FR Doc. 82–2529 Filed 2–3–82; 8:45 am]

BILLING CODE 3110–01–M

Agency Forms Under Review

Background

January 25, 1982.

When Executive Departments and Agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and Agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

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The name and telephone number of the Agency clearance officer (from whom a copy of the form and supporting documents is available),
The Office of the Agency issuing this form,
The title of the form,
The Agency form number, if applicable,
How often the form must be filled out,
Who will be required or asked to report,
The Standard Industrial Classification (SIC) Codes, referring to specific respondent groups that are affected,
Whether small businesses or organizations are affected,
A description of the Federal budget functional category that covers the information collection,
An estimate of the number of responses,
An estimate of the total number of hours needed to fill out the form,
An estimate of the cost to the Federal Government,
An estimate of the cost to the public,
The number of forms in the request for approval,
An indication of whether section 3504(h) of Pub. L. 96–511 applies,
The name and telephone number of the person or office responsible for OMB review, and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

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DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Farmers Home Administration
7 CFR 1924–F, Complaints and Compensation for Construction Defects
FMHA 424–4
On occasion
Individuals or households
Rural housing borrowers who experience defects, etc.
Morgage credit and thrift insurance: 9,900 responses; 4,050 hours; $97,620 Federal cost; 1 form; $24,300 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Section 502(c) of the Housing Act of 1949, as amended, authorizes FMHA to establish policies and procedures for receiving and resolving complaints concerning the construction of dwellings financed by FMHA and/or compensating borrowers for structural defects.

• Farmers Home Administration
Insured Soil and Water Loan Policies, Procedures and Authorizations, 7 CFR Part 1943–B
On Occasion
Individuals or households/farms/businesses or other institutions
Individuals, cooperatives, partnerships and corporations
SIC: 011, 013, 016, 017, 018, 019, 021, 024, 025, 027
Small businesses or organizations
Farm income stabilization: 11,748 hours responses; 2,684; $73,600 Federal cost; 1 form; $16,104 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Regulation contains information necessary in order to determine eligibility status and whether the proposed plan of operation is feasible.

• Farmers Home Administration
Insured Recreation Loan Policies, Procedures and Authorizations—7 CFR Part 1943–C

On occasion
Individuals or households/farms/businesses or other institutions
Individuals, cooperatives, partnerships and corporations
SIC: 011, 013, 016, 017, 018, 019, 024, 025, 027
Small businesses or organizations
Farm income stabilization: 658 responses; 143 hours; $60,800 Federal cost; 1 form $858 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Regulation contains information necessary in order to determine eligibility status and whether the proposed plan of operation is feasible.

• Food and Nutrition Service
Shelters for Battered Women and Children—Part 273, Recordkeeping
On occasion
State or local governments
State agencies in 46 States
SIC: 832, 943
Food and nutrition assistance: 274 responses; 274 hours; $38,941 Federal cost; 1 form; $1,370 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

State agencies are required to determine if facilities meet program's definition for shelters for battered women and children and to document relevant facts for future reference.

• Farmers Home Administration
Insured Farm Ownership Loan Policies, Procedures and Authorizations, 7 CFR 1943–A
On occasion
Individuals or households/farms
Individuals, cooperative, partnership and corporations
SIC: 011, 013, 016, 017, 018, 019, 021, 024, 025, 027
Farm income stabilization: 66,470 response; 15,439 hours; $104,000 Federal cost; 1 form; $92,650 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Regulation contains information necessary for FMHA to determine eligibility status and whether the proposed plan of operation in feasible.

• Agricultural Marketing Service
Irish Potatoes Grown in Modoc and Siskiyou Counties, California, and in All Counties in Oregon except Malheur County (Marketing Order No. 947)
On occasion
Farms/businesses or other institutions
Potato handlers in the production area
SIC: 515
Small businesses or organizations
Agricultural research and services: 553 responses; 45 hours; $442 Federal cost; 5 forms; $150 public cost; Not applicable under 3504 (h)
Charles A. Ellett, 202–395–7340

The Oregon-Northern California Irish potato committee forms are used as a safeguard by the committee for handlers who wish to be exempt from grade, size, quality, or maturity requirements, and also where inspection is a hardship and handlers request a waiver of inspection privileges.

Reinstatements

• Farmers Home Administration
Application for FMHA Services
FMHA 410–1
On occasion
Individuals or households/farms
Farm operators and ranchers unable to obtain credit, etc.
SIC: 011, 013, 016, 017, 018, 019, 021, 024, 025, 027
Small businesses or organizations
Farm income stabilization: 175,000 responses; 87,500 hours; $81,280 Federal cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

The Consolidated Farm and Rural Development Act, as amended, authorizes FMHA to collect information necessary to determine applicants eligibility for the requested financial assistance.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Reinstatements

• Economic and Statistical Analysis
Defense RDT&E Price Index Data Requirements Quarterly
Businesses or other institutions
Private contr. performing RDT&E for Department of Defense
SIC: 331, 335, 344, 348, 365, 366, 372, 376, 381, 382
Other advancement and regulation of commerce: 100 responses; 800 hours; $10,000 Federal cost; 1 form; $20,000 public cost; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Secures quarterly data on Department of Defense (DOD) purchases of contractual research, development, test, and evaluation (RDT&E) from private contractors. Authorized by 15 U.S.C. 175. Required for the preparation of constant-dollar estimates of DOT purchases of goods and services for incorporation in the National Income and Product Accounts of the United States.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

Extensions (Burden Change)

• Departmental and Others
Application for Review of Discharge or Dismissal From the Armed Forces of the United States
DD–293
On occasion
Individuals or households
Applicants for review of discharge or dismissal
Department of Defense-Military: 25,000 responses; 12,500 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

DD form 293 is the written document that allows an applicant to request review of the disposition of his/her separation if he/she is not satisfied with its current status. The information provided is used to locate and compare with official documents.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Social Security Administration
Request for Funds (Work Incentive Demonstration Program)
SSA–4931 (12–81)
Quarterly
State or local governments
State agencies administering work incentive programs
SIC: 944
Other income security: 104 responses; 52 hours; $400 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Information is required to make Federal funds available to the State agency operating a work incentive demonstration program and to obtain assurance that the non-Federal share of the program costs will be available during the quarter needed.

Reinstatements

• Social Security Administration
Statement of Income and Resources
SSA–8010–F6 (3–79)
On occasion
Individuals or households
Individuals with limited income and resources
Public assistance and other income supplements: 750,000 responses; 250,000 hours; $12,337,500 Federal cost; 1 form; not applicable under 3504(h)

Robert Neal, 202–395–6880

Section 1631 (E) of the Social Security Act provides for information required to establish eligibility for supplemental security income (SSI) benefits. This form elicits information regarding income and resources of a spouse or parent to determine eligibility of the applicant.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Extensions (Burden Change)

• Housing Programs
Notice of Job Change and Changes in Family Composition
HUD–93115
On occasion
Individuals or households
Households throughout the United States and mortgagees
Mortgage Credit and Thrift Insurance: 135,000 responses; 13,500 hours; $5,382 Federal cost; 1 form; $2,400 public cost; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

This form is submitted by mortgagors to notify the mortgagee of job changes and changes in adult family income or composition. Needed to determine eligibility for assistance.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Land Management
Arizona Socioeconomic Wilderness Survey [1]
Nonrecurring
Individuals or households
Arizona registered voters
Conservation and land management: 3,000 responses; 1,500 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Studies of potential wilderness areas are required by the Federal Land Policy Management Act. Socioeconomic information on wilderness areas is stipulated in the BLM wilderness study policy. This survey of a random sample of Arizona registered voters will provide accurate socioeconomic data to enhance management decisions on wilderness recommendations in Arizona.

• Bureau of Land Management
Proof of Construction—Affidavit of Engineer [1]
WY–2800–19
On occasion
Individuals or households/ businesses or other institutions
Individuals and businesses
SIC: 999
Conservation and land management: 300 responses; 15 hours; $209 Federal cost 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

This form serves as certifications that rights-of-way has been constructed as granted and in accordance with grant terms.

• Bureau of Land Management
Performance Bond [1]
WY–3000–2
On occasion
Individuals or households/businesses or other institutions
Individuals and businesses
SIC: 999
Conservation and land management: 15 responses; 1 hour; $12 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

This form enables applicant to comply with a bonding requirement imposed by BLM.

• Bureau of Land Management
Oil and Gas Leasing [1]
WY 3100–75, 3100–73, 3100–74, 3100–80, 3100–81, 3100–82, 3100–90, 3108–1
On occasion
Individuals or households/businesses or other institutions
Individuals and businesses
SIC: 999
Conservation and land management: 4,800 responses: 400 hours; $3,326 Federal cost; 10 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Forms are used to verify applicant's qualification to hold an oil and gas lease.

• Bureau of Land Management
Coal Leases [1]
WY–3400–1, 3400–2, 3400–5
On occasion
Individuals or households/businesses or other institutions
Individuals and businesses
SIC: 999
Conservation and land management: 55 responses; 23 hours; $44 Federal cost; 3 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Forms are used in connection with issuance of coal leases.

• Bureau of Land Management
Relinquishment of Mining Claim [1]
WY–3820–1
On occasion
Individuals or households/businesses or other institutions
Individuals and businesses
SIC: 999
Conservation and land management: 110 responses; 27 hours; $89 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

This form is used to facilitate clearance of mining claim(s) which represent a bond on title of lands to be disposed of under another land disposal authority.

• Bureau of Land Management
Cave Use Application/Permit [1]
01–8250–9
On occasion
Individuals or households
Individuals
Conservation and land management: 100 responses; 17 hours; $73 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Information from this form is needed to insure safety of the public, insure their awareness of regulations and requirements, and to protect cave resources.

• Bureau of Land Management
Application for Rights-of-Way Under Title 23 USC [1] secs. 107 and 317
UT–2800–21, 2800–17
Nonrecurring
State or local government/businesses or other institutions
State and local govt road building agencies, public, etc.
SIC: 999
Small businesses or organizations
Conservation and land management: 32 responses; 32 hours; $4,095 Federal cost; 2 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Forms are used as a guide to insure that all data required for rights-of-way application is complete.

• Bureau of Land Management
Application to Purchase Homesite, Headquarters Site, and Trade and Manfacturing Site and Petition to Survey [1]
AK 2563–1B, 2563–2B, 2213–3

[1] Section 3512 of the Paperwork Reduction Act precludes Federal agencies from penalizing any person failing to maintain or provide information to the agencies if the information collection request was made after December 31, 1981 and does not display a current OMB control number, or fails to state that the request is not subject to the Paperwork Reduction Act. Due to resource constraints, the Department of the Interior was unable to submit complete clearance packages for OMB review for many information collection requests before the December 31 deadline. OMB has agreed to approve the above information collection requests on a provisional basis. In exchange, Interior developed a schedule for submitting complete justification packages for these items. This schedule is available from the Agency Clearance Officer, Vivian A. Keado, at 202–343–6191.

Nonrecurring
Individuals or households/ businesses or other institutions
Individs or small buss (manufacturing, trade, guiding, etc.)
SIC: 999
Small businesses or organizations
Conservation and land management: 45 responses; 23 hours; $8,400 Federal cost; 3 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Forms are needed to identify lands the applicant is applying for and to establish the eligibility of the applicant to settle on lands in Alaska under the Alaska Headquarters Site, Homesite, and Trade and Manufacturing Site Acts (43 U.S.C. 687A) and to receive patents.

• Bureau of Land Management
Simultaneous Filing List and Drawing Results Account,[1] Copy Fee Account
CA–PUB–1 1370–10
Nonrecurring
Individuals or households/State or local governments/farms/businesses or other institutions
General public, small and large buss, State and local govts
SIC: 999
Small businesses or organizations
Conservation and land management: 500 responses; 125 hours; $5,000 Federal cost; 2 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form CA Pub–1 is used to subscribe to the "Simultaneous Filing List and Drawing Results List Account." Form CA 1370–10 is used when making and filing orders with BLM public room or survey and records.

• Bureau of Land Management
Placer Mining Claim Location Notice, Lode Mining Claim Location Notice, Assessment Work Notice [1]
CSO 3800–1, 3800–2, 3800–3
Nonrecurring/annually
Individuals or household/businesses or other institutions
General public
SIC: 104
Small businesses or organizations
Conservation and land management: 48,000 responses; 12,000 hours; $16,500 Federal cost; 3 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

CSO 3800.1 and 3800.2 forms are needed to identify the lands the applicant is applying for and to establish the eligibility of the applicant to mine the minerals on the land. CSO 3800.3 form is needed in order to inform this office which claims are still being worked, and which ones have been abandoned.

• Bureau of Land Management
Death of Injury Report, ORV Permit Undertaking, ORV Permit Affidavit [1]
CA–6260–5, 6260–2, 6260–4
Nonrecurring
Individuals or households
Individs or clubs and organizations representing, etc.
Conservation and land Management: 200 responses; 67 hours; $13,000 Federal cost; 3 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

These forms are needed in obtaining the required information from an applicant prior to and after holding a competitive recreation event on public lands. The forms were developed to assist in compliance with 43 CFR Part 8370 and 43 U.S.C. 1701, et seq.

• Bureau of Land Management
Request and Authorization to Use the Myer Valley [1] Special Area
CA 060–8340–1
On occasion
Individuals or households
Individuals, families, or recreational clubs.
Conservation and land management: 20 responses; 2 hours; $300 Federal cost; 1 form not applicable under 3504(h)
Robert Shelton, 202–395–7340

The form is necessary to eliminate adverse effects of vehicle use in the Myer Valley area and to meet special requirements for legal access to the affected public lands across interstate highway and railroad rights of way.

• Bureau of Land Management
Desert Land Entry Declaration and Publication Affidavit [1]
ID 2520–2, 1824–1
Nonrecurring
Individuals or households/businesses or other institutions
Individuals or newspaper business
SIC: 999
Conservation and land management: 150 responses; 25 hours; $850 Federal cost; 2 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Accomplishment of Desert Land Declaration and Publication Regulations.

• Bureau of Land Management
Transmitting Facilities Data Sheet [1]
ID 2800–2
Nonrecurring
Individuals or households/businesses or other institutions
Individuals and small businesses
SIC: 999
Conservation and land management: 25 responses; 8 hours; $100 Federal cost; 1 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Data covering transmitting facilities located on pubic lands. From communication site applicant in order to advise existing users of frequency.

• Bureau of Land Management
Section Plat—Mining Claim [1]
On occasion
Individuals or Households
Conservation and land management: 1,000 responses; 83 hours; $156,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Recordation of person's mining claim. Information used to identify unpatented mining claims.

• Bureau of Land Management
Election of Slash Disposal Method [1]
ID–5420–1
On occasion
Individuals or households
Individual contractors
Conservation and land management: 25 responses; 4 hours; $1,500 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The slash form is part of memorandum of understanding between BLM and State of Idaho designed to estimate slash disposal costs on BLM lands as a result of timber harvest operations.

• Bureau of Land Management
Actual Grazing Use Summary [1]
ID–4100–18 04–4112
Other-See SF83
Farms
Ranchers
SIC: 021
Conservation and land management: 275 responses; 115 hours; $3,366 Federal cost; 2 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Survey is sent to permittees on BLM lands who have actual use allocations for livestock grazing. The permitter fills out the form at the end of the grazing season. Billings for AUM's are made to these permittees for their response to this survey.

• Bureau of Land Management
Multi-Purpose Social and Economic Survey—Pretest [1]
Nonrecurring
Individuals or households
Indiv. or hhlds. in communities impacted by BLM planning
Conservation and land management: 800 responses; 400 hours; $10,500 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Pretest instrument to collect statistically valid primary social/economic data alternative mehtods cannot provide, to measure public sentiment on BLM actions. Impact assessment for NEPA compliance, public input to resource planning. Would allow managers to measure views of general public against interest group pressures for more balanced decisions.

• Bureau of Land Management
Application Accompanying Documents for Corporations,[1] Associations and Partnerships
ID 1820–2
Weekly
State or local governments/businesses or other institutions
Small businesses
SIC: 999
Small businesses or organizations
Conservation and land management: 65 responses; 65 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Information needed from applicant, other than individuals, to show qualifications to obtain authorization to use or purchase public land.

• Bureau of Land Management
Road Use Fees Paid Report and Timber Sale Contract[1]
Relinquishment
BLM 5450–8, 5480–3
On occasion
Businesses or other institutions
Timber industry contractors or forest product manufacturers
SIC: 081 241
Small businesses or organizations
Conservation and land management: 900 responses; 270 hours; $200 Federal cost; 2 forms; $2,700 public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form 5450–8—The BLM needs road use fees paid information for use in updating cost-sharing data in cooperative road use agreements. Form 5480–3—The BLM needs a relinquishment of claims under a timber sale contract when operations on the contract are complete so the contract can be terminated.

• Bureau of Indian Affairs
General Administration Contracts and Grants[1]
Annually
Individuals or households/State or local governments/businesses or other institutions
Indian tribes, individuals, State education agencies
SIC: multiple
Small businesses or organizations:
Multiple functions: 216,000 responses; 216,000 hours; $2,096,172 Federal cost; 36 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

These forms and information collections are used to execute contracts and grants functions required by 41 CFR Part 1.

• Bureau of Land Management
Mineral Material Disposal—43 CFR Group 3600 [1]
BLM 3600–4 5
Nonrecurring, annually
State or local governments/businesses or other institutions
Sand and gravel operators, construction companies, and others
SIC: 999
Conservation and land management: 6,250 responses; 1,250 hours; $738,110 Federal cost; 2 forms; $4,188 public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

43 CFR 3600 regulations need to be revised to clarify Bureau policies and disposal procedures as well as revise present provisions limiting the availability of mineral materials to the public. Information requirements have not changed and are those necessary to make disposal decisions and issue use authorizations for mineral materials.

• Bureau of Land Management
Surface Management of Public Lands Under U.S. Mining Laws [1]
43 CFR Part 3809
Nonrecurring,
Individuals or households/Businesses or other institutions
Owners of mining claims, mill sites and tunnel sites
SIC: 999
Small businesses or organizations
Conservation and land management: 5,790 responses; 5,790 hours; $50,000 Federal cost; 1 form; $231,600 public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The 3809 regulations provide procedures whereby claimants exercise their rights granted by the mining laws, and also establishes procedures to prevent unnecessary or undue degradation of the Federal lands which may result from operations authorized by the mining laws. This rulemaking contains an information collection requirement. Information is required from the applicant/claimant in the form of a notice of plan of operations

• Bureau of Land Management
Mining Claims—43 CFR Part 3833 [1]
Annually
Individuals or households/Businesses or other institutions
Owners of unpatented mining claims, mill and tunnel sites
SIC: 999
Small businesses of organizations
Conservation and land management: 250,000 responses; 20,000 hours; $2,000,000 Federal cost; 1 form; $300,000 public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The proposal would clarify language in existing regulations and deem certain actions and filings to be in compliance with statute, thus benefiting affected public and preserving rights under the mining law.

• Bureau of Land Management
Geologic and Hobby Mineral Materials, Collecting [1]
Nonrecurring
Individuals or households/businesses or other institutions
General public and mining companies
SIC: 999
Small businesses or organizations
Conservation and land management: 102 responses; 102 hours; $34,400 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The regulations (43 CFR Part 3500) were promulaged to implement the provisions of the Mineral Leasing Act of 1920, as amended. The reporting requirements in the regulations are for the purpose of verifying the permittee/leasee's qualifications to hold Federal mineral leases for other than oil and gas.

• National Park Service
Federal Recreation Fee Program (1) Onsite Evaluation and (2) Annual Report [1]
FMR–8–302
On occasion, annually
Individuals or households
Visitors to National Park Service areas
Recreational resources: 1,000 responses; 500 hours; $30,500 Federal cost; 2 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

To gain the opinion of the visiting public concerning the administration of the Federal recreation fee program, the information resulting from the evaluations is used as pertinent material in the annual Federal recreation fee report to Congress. The report also assists State and Federal governments in administration of their recreation programs.

• National Park Service
Grant-in-Aid Project Completion Data [1]
FHR–8–300
On occasion
State or local governments
State historical preservation officers
SIC: 999

Recreational resources: 55 responses; 145 hours; $93,860 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Administration of historic preservation fund acquisition and development projects and preparation of project materials to be submitted to NPS after project review and approval by NPS.

• National Park Service
Financial Management [1]
SF272, 270
On occasion
State or local governments
State historic preservation officers
SIC: 999
Small businesses or organizations
Recreational resources: 58 responses; 6,670 hours; $230,000 Federal cost; 1 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Grantees submit payment requests for funds obligated to approved grant-in-aid project. Grantees maintain records for audit and respond to audit report.

• National Park Service
National Park Service Permits [1]
On occasion
Individuals or households/businesses or other institutions HHlds., indiv., small business and other affected public
SIC: 999
Recreational resources: 600,000 responses; 48,000 hours; $15,000,000 Federal cost; 4 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

There are currently more than 50 different types of permits in use throughout the service. They vary in purpose but can be grouped into four broad categories: special use, general park permit, commercial use and public use. The authority to issue permits, control and monitor visitor use is provided in various acts creating congressionally classified management areas.

• National Park Service
Annual Work Program (Application and Review) [1]
FHR–8–301
On occasion
State or local governments
A designated agency in each of the 58 States and territories
SIC: 999
Recreational resources: 58 responses; 2,320 hours; $22,737 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

This form will be used by State governments to apply for grant monies from the historic preservation fund and to submit progress reports on the expenditure of these monies, as well as by the NPS to competitively rate State performance for the purpose of apportioning funds.

• National Park Service
Outlay Report and Request for Reimbursement for Construction [1] Programs
FHR 2–280
On occasion
State or local governments
Local government
SIC: 999
Recreational resources: 400 responses; 80 hours; $20,000 Federal cost; 1 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form is necessary in order to honor reimbursement requests of grantees.

• National Park Service
Concessioner Annual Financial Report [1]
10–356, 10–356(A)
Annually
Businesses or other institutions
Small and large commercial firms doing bus. inside an NPS area
SIC: multiple
Small businesses or organizations
Recreational resources: 500 responses; 9,500 hours; $2,317,000 Federal cost; 2 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information enables the NPS to ensure financial stability of concessioners and compliance with contractual and statutory requirements. Burden is substantially reduced for small concessioners by lifting the audit requirement and providing a short form.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

Revisions

• Employment and Training Administration
National Longitudinal Survey of Work Experience (Mature Women) 1982
LGT–3111, LGT–3113, MT–290
Annually
Individuals or households
Women aged 45–59 in 1982
Training and employment: 23,100 responses; 23,390 hours; $2,100,000 Federal cost; 2 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The information provided in this survey will be used by the Department of Labor to help develop programs designed to ease the employment and unemployment problems faced by men in this age group.

Reinstatements

• Employment and Training Administration
ESARS Handbook—Chapter IV, Reports Preparation
ET Handbook No. 309,
Quarterly, other—see SF83
State or local governments
State employment service offices
SIC: 944
Training and employment: 260 responses; 74,880 hours; $52,650 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The ESARS tables used primarily by uses were originally designed to provide information on services provided by the affiliated State agencies to various applicant groups. The data are used at State and Federal levels for planning, budgeting, operations, and evaluation of the public employment service, WIN and food stamp programs.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Federal Railroad Administration
Steam Locomotive Inspection
On occasion, monthly, annually
Businesses or other institutions
Common carriers by rail engaged in interstate commerce
SIC: 401
Ground transportation: 7,905 responses; 211 hours; $1,500 Federal cost; 5 forms; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The Locomotive Inspection Act (45 U.S.C. 29) requires carriers to make inspections and repair defects which such inspections disclose on steam locomotives. Records are reviewed to assure carriers are in compliance with the Locomotive Inspection Act.

• Federal Railroad Administration
Identification of cars moved in accordance with Order 13528
On occasion
Businesses or other institutions
Common carriers by rail engaged in interstate commerce
SIC: 401
Ground transportation: 700 responses; 117 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

49 CFR 232 appendix (d) promulgated under 45 U.S.C. 1, 3, 5, 6, 8–10, 11, 12, 16 and 49. U.S.C. 1655 requires a card to identify cars which may move under special order and not be delayed by interchange railroad.

• Federal Highway Administration
Structure inventory and appraisal sheet
On occasion, weekly

State or local governments
State highway agencies
SIC: 962
Ground transportation: 600,000 responses; 1,200,000 hours; $384,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

National bridge inventory, inspection rating and estimation of costs for bridge replacement and rehabilitation. Also, application for Federal funding for bridge replacement or rehabilitation.

• Federal Aviation Administration
Supplemental qualification statement, aviation safety inspector
FAA 3330.XX
On occasion
Individuals or households
Applicants for aviation safety inspector positions
Air transportation: 2,000 responses; 10,000 hours; $204,515 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

This information, in addition to the SF–171, is needed to evaluate a qualifications of applicants for aviation safety inspector positions established by the Federal Aviation Act of 1958. It will be evaluated and rated by subject matter specialists to rank applicants on registers of eligibles maintained by the FAA.

• Office of the Secretary
Follow-up Survey of Industrial Shippers
Nonrecurring
Businesses or other institutions
Manufacturing establishments w/100 or more employees
SIC: multiple
Other transportation: 300 responses; 150 hours; $6,920 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

This follow-up survey is part of DOT's effort to assess the intial impacts of the Motor Carrier Act of 1980. The results will be used in DOT testimony at congressional oversight hearings on the act to provide information on changes in the quality of service provided by for-hire motor carriers.

• Research and Special Programs Administration
RAM shipments routing—recordkeeping
On occasion
Businesses or other institutions
Motor carriers
SIC: 421
Other transportation: 600 responses; 600 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Needed to compile detailed motor carrier data concerning ram shipments to plan emergency responses in case of accidents and to assure routing will be in the most direct and safe way.

• Research and Special Programs Administration
RAM Shipment Routing
On occasion
Businesses or other institutions
Shippers of RAM
SIC: 421, 281, 369, 344
Other transportation: 600 responses; 200 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Needed by MTB so that the information can be consolidated to develop a data base of shipment patterns. The information will be used to develop and maintain an emergency response system.

• National Highway Traffic Safety Administration
Study of Demographic, situational and motivational factors affecting restraint usage in automobiles
App. A, B
Nonrecurring
Individuals or households
Observed drivers in Baltimore, Md. SMSA and others
Ground transportation: 1,650 responses; 1,050 hours; $88,519 Federal cost; 2 forms; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

To identify and analyze relationships among potentially valid spectra of demographic, situational and motivational factors in data obtained via observations, follow-up personal interviews and telephone interviews to identify groups, circumstances or values which are associated with safety belts and child restraint usage by drivers.

Reinstatements

• National Highway Traffic Safety Administration
Odometer Complaint Form
HS 387
On occasion
Individuals or households
Individuals with odometer tampering complaints
Ground transportation: 300 responses; 300 hours; $1,500 federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Pub. L. 92–513 as amended Pub. L. 94–364. The form is used to collect information from used car purchasers in sufficient detail to allow agency to decide whether odometer fraud is likely.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

• Municipal Wastewater Treatment Facility Construction Grant Program State Project Priority Lists
Annually
State or local governments
State water pollution control agencies
SIC: 999
Pollution control and abatement: 40 responses 4,900 hours; $281,500 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The State project priority lists rank projects eligible for grants by established criteria, using a priority system. They are five-year lists, which are submitted annually and amended.

• Construction Grant Program Report on Operation and Maintenance of Wastewater Treatment Plants
7500–5
Annually, other—see SF83
State or local governments
State water pollution control agencies and others
SIC: 999
Pollution control and abatement: 3,250 responses; 7,500 hours; $188,000 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Sec. 210 of Pub. L. 92–500 requires an annual survey and report to Congress on the efficiency of operation and maintenance of treatment works constructed with Federal funds. Form 7500–5 is the vehicle by which the results of the survey are reported to Congress.

• State Water Quality Management Information—Consolidated Request for State Work Program and Five-Year Strategy
Annually
State or local governments
State and interstate water pollution control agencies
SIC: 999
Pollution control and abatement: 118 responses; 13,216 hours; $53,963 Federal cost 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

See attachment 1, individual SF 83's.

• Construction Grant Section 205 State Management Assistance Grant Program Information—Consolidated Request (909, 910, 912, 913)
909, 910, 912 and 913
Semiannually, annually

State or local governments
State water pollution control agencies and territories
SIC: 999
Pollution control and abatement: 59 responses; 64,500 hours; $3,923,088 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This consolidated request includes 4 information collections to implement activities and requirements in connection with delegation of the management of the municipal wastewater treatment works construction grants program to the States pursuant to section 101(B) and 205(G) of the 1977 Clean Water Act. (See attachment 1, individual ICR abstracts.)

• Construction Grant Project Review Information—Consolidated Request I, Continuing Activities
831, 836, 837, and 839
Nonrecurring
State or local governments
City, county, other public body, Indian tribe, w/juris.
SIC: 999
Pollution control and abatement: 653 responses; 4,800 hours; $112,600 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This consolidated request (Request I) contains description of 4 ICR's which are not expected to change due to current regulatory reforms. The information requested by each ICR from local Governments is needed for reviews by States and EPA of wastewater treatment projects to determine eligibility for Federal construction grant funds. (See attachment I, individual ICR abstracts, also, see consolidated request II containing ICR's impacted by regulatory revision.)

• Application for EPA Evaluation of Fuel Economy Devices
EPA 618
Nonrecurring
Businesses or other institutions
Manufactures of devices for improving motor vehicle fuel
SIC: 371
Small business or organizations
Pollution control and abatement: 25 responses; 3,325 hours; $350,000 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

When a manufacturer of a retrofit fuel economy device applies for an EPA evaluation of his product, he uses this "application format" as an outline in providing descriptive information to EPA. The answers submitted according to this format serve as an official application for an EPA evaluation.

Reinstatements

• Source Compliance and State Action Reporting
Quarterly
State of local governments
State or local air pollution control agency
SIC: All
Pollution control and abatement: 220 responses; 118,200 hours; $410,000 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This information on source compliance and enforcement actions taken by the States is needed to keep track of the compliance status of all major sources and major State enforcement activities. It is used to assess progress in meeting air quality standards and to assure continued attainment of the standards. This information is stored and utilized through the compliance data system. Five States use the compliance data system as their only source of data management.

FOUNDATION FOR EDUCATION ASSISTANCE

Agency Clearance Officer—Wallace McPherson—202–426–7304

Revisions

• Common Core of Data (CCD)
ED (NCES) 2442, 2443, 2443–1, 2444, 2445, 2446, 2447
Annually
State or local governments
State education agencies (SEAS)
SIC: 941
Research and general education aids: 57 responses; 20,158 hours; $900,000 Federal cost; 9 forms; $544,900 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

These data provide information about student membership, graduates, teachers and related staff and finances by source and function. These data are used for sampling, allocation of federal funds for some education grant programs (ESEA title I), and in carrying out NCES mandated studies (equit profiles).

Extenstions (Burden Change)

• Application for Vocational Education Direct Grant Programs
3176
Annually
State or local governments
Indian tribes or tribal organizations
SIC: 941
Elementary, secondary, and vocational education: 67 responses; 1,340 hours; $45,000 Federal cost; 1 form; $13,400 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The programs for which this application is used are authorized by sections 103A(1)B(III), 172(B)(1), 184(A) of the Vocational Education Act of 1963, as amended by the education amendments of 1976. Under the Vocational Education Grant program for Indian tribes and tribes and tribal organizations (13.588), grants are awarded to Indian tribal organizations to plan, conduct, and administer any of the various type of Vocational Education programs.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202–633–0204

Reinstatements

• Quarterly Report of Revenues Expenses and Stats Class I MC of passengers
QPA
Quarterly
Businesses or other institutions
Class I motor carriers of passenegers
SIC: 413
Ground transportation: 244 responses; 1,464 hours; $12,216 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Financial and operating data are essential to the proper administration of Interstate Commerce Act. Reports are used by the Commission to access industry growth sudden changes in the carrier financial stability and to identify changes and trends that may effect the National Transportation System.

NATIONAL FOUNDATION ON THE HUMANITIES

Agency Clearance Officer—Victor Loughnan—202–724–0308

New

• Four-Month Follow up Evaluation Form
Nonrecurring
Individuals or households
Postsecondary educators, primarily from 2–year institutions
Research and general education aids: 38 responses; 76 hours; $105 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880

The forms will be used (a) to follow up on post-workshop progress (b) to help participants remain in contact with each other's work-in progress (c) to report to sponsoring agency under contract NEH–C–80–14, and under OMB circular A 110 attachment H.

• Workshop Evaluation Form
Nonrecurring
Individuals or households
Postsecondary educators, primarily from 2–year institutions
Research and general education aids: 60 responses; 15 hours; $105 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880

The forms are needed to evaluate the workshop conducted under contract NEH–C–80–14, and for reporting to the sponsoring agency under OMB circular A 110 attachment H.

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—615–751–2146

New

• TVA New Home Market Analysis
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
The buyers and comparable buyers of TVA–sponsored, etc.
SIC: 152, 344, 601, 602, 653, 612, 912, 953
Energy supply: 2,478 responses; 689 hours; $52,050 Federal cost; 12 forms; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

TVA needs qualifiable and quantifiable data on the attitudes, levels of understanding, intent, beliefs, behavior, and perceptions of those individuals who impact the housing markets either as buyers, builders, agencies, or institutions. This information will allow TVA to gauge market potential, barriers, and ultimately penetration of its housing programs.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt (004A2)—202–389–2146

Revisions

• Application for Fee Personnel Designation
26–6681, 26–6681
On occasion
Individuals or households
Appraiser applicants
Veterans housing: 5,600 responses; 1,867 hours; $29,305 Federal cost; 1 form; not applicable under 3504(h)
Robet Neal, 202–395–6880

This form is utilized to obtain information on professional experience from applicants. For evaluation by panels for possible VA fee appraiser designation. Fee appraisers recommend the value of properties proposed for VA financing under 38 U.S.C. 1810 and 1811, ascertain whether properties, meet minimum property requirements (38 U.S.C. 1804) and appraise lots for loans authorized by 38 U.S.C. 1819.

Nathaniel Scurry,

Chief, Reports Management.

[FR Doc. 82–2530 Filed 2–3–82, 8:45 am]

BILLING CODE 3110–01–M

Office of Information and Regulatory Affairs

Standard Industrial Classification

AGENCY: Office of Information and Regulatory Affairs, Office of Management and Budget.

ACTION: This notice informs interested parties that no revision to the Standard Industrial Classification (SIC) will be made in 1982.

SUMMARY: Planning for a 1982 SIC revision was initiated in the Office of Federal Statistical Policy and Standards, U.S. Department of Commerce. Following passage of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), responsibility for statistical policy and standards, including the SIC, was transferred to the Office of Information and Regulatory Affairs, Office of Management and Budget on April 1, 1981. A notice of recommended revisions to the SIC was published in the **Federal Register** on January 30, 1981, Part V pages 10116–10134. Comments and appeals to those recommendations were received and considered.

Because of budget limitations, statistical agencies could not implement the proposed revision without making substantial cuts in other important programs. Therefore, the proposed revision of the SIC manual will not be published for use in 1982. The 1972 SIC Manual, as supplemented in 1977,[1] will remain the standard for statistical programs. Plans for future revision of the SIC manual—which would take place in 1987 according to the traditional sequence of revisions—will be announced in 1983.

FOR FURTHER INFORMATION CONTACT: Statistical Policy, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 or call (202) 395–7313.

Christopher DeMuth,

Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

[FR Doc. 82–2867 Filed 2–3–82; 8:45 am]

BILLING CODE 3110–01–M

[1] The Standard Industrial Classification Manual 1972 and the 1977 Supplement are available from the Government Printing Office—Stock Numbers and prices—4101–0066 ($15.00) and 003–005–00176–0 ($1.25), respectively.

Withdrawal of Notice of Intention To Develop Circular on Development and Use of Population Projections in Federal Fund Allocations

AGENCY: Office of Information and Regulatory Affairs, Office of Management and Budget.

ACTION: Notice of withdrawal of previous notice of intention to develop an Office of Management and Budget Circular on development and use of population projections in Federal fund allocations.

SUMMARY: On December 5, 1979, the Office of Federal Statistical Policy and Standards in the Department of Commerce (since transferred to the Office of Managment and Budget) and the Office of Management and Budget jointly published **Federal Register** notices, proposing to develop a Federal Policy on the preparation and use of standardized population projections in Federal funding decisions. In response to the **Federal Register** notices, a large number of comments were received during an extended review period. The proposal was reviewed and revised by the Statistical Policy Coordination Committee in light of these comments.

The Office of Management and Budget has reviewed this proposal for consistency with the Administration's objectives of regulatory relief, and has concluded that withdrawing the proposal would eliminate a source of further requirements placed on State and local governments. OMB is also concerned that proceeding would establish a process requiring extensive commitment of resources at the Federal, State, and local levels with little potential for resolving disagreements about the distribution of future population increases.

WITHDRAWAL OF INITIATIVE: Based on the considerations mentioned above, the Office of Management and Budget is withdrawing its proposal to develop this circular. OMB will terminate further action on standardizing population projections.

FOR FURTHER INFORMATION CONTACT: Jeanne E. Griffith, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 or call (202) 395–7313.

Christopher DeMuth,

Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

[FR Doc. 82–2868 Filed 2–3–82; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12195; 812-4961]

Axe-Houghton Money Market Fund, Inc.; Application

January 28, 1982.

In the matter of Axe-Houghton Money Market Fund, Inc., 400 Benedict Avenue, Tarrytown, NY 10591 (812-4961).

Notice is hereby given that Axe-Houghton Money Market Fund, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on August 26, 1981, and an amendment thereto on December 28, 1981, for an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuing portfolio securities. 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.

Applicant is a corporation organized and existing under the laws of the State of Maryland. It has filed a registration statement on Form N-1 with the Commission under the Act and the Securities Act of 1933, which was declared effective on September 8, 1981. Applicant states that it is a "money market" fund whose investment objective is to seek the highest current income available from money market instruments consistent with the preservation of capital and liquidity. Applicant is designed primarily as an investment vehicle for institutions and individuals with cash reserves or temporary cash balances who wish to take advantage of the favorable interest rates available from money market investments. It will invest exclusively in quality money market instruments with remaining maturities of one year or less. Its portfolio may include:

Marketable securities which are direct obligations of the United States government, or securities issued by federal agencies or instrumentalities guaranteed by the United States government; United States dollar-denominated marketable securities issued by the Canadian government or its agencies or instrumentalities, which are guaranteed by and/or are direct obligations of the Canadian government; obligations of banks subject to regulation by the United States government and having total assets of $500 million or more, including Eurodollar obligations of foreign branches of United States banks and obligations of United States branches of foreign banks; non-convertible corporate bonds and debentures, with one year or less remaining to maturity, which are rated at least "A" by Standard & Poor's Corporation ("S&P") or Moody's Investors Service, Inc. ("Moody's"); commercial paper rated at least "P-2" by Moody's or "A-2" by S&P or, if such paper is not rated by either such service, then issued by a company having an outstanding debt issue rated at least "A" by such services; variable rate master demand notes to permit investment of fluctuating amounts at variable interest rates; certificates of deposit of banks and savings institutions with total assets of less than $500 million provided that no more than $100,000 is invested in certificates of a single bank and that such certificates are fully insured in principal amount by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation; and certain repurchase agreements with respect to any of the securities in which Applicant is permitted to invest. Applicant states that it will not enter into repurchase agreements of more than one week duration if more than 10% of its net assets would be so invested. All of Applicant's investments will consist of obligations maturing within one year from the date of acquisition, and the dollar-weighted average portfolio maturity of all of its investments will be 120 days or less.

In order to qualify for the exemptive relief requested, Applicant has agreed to: (1) Limit purchases of corporate obligations to those rated "AA" or "Aa" by S&P or Moody's respectively; (2) limit its purchase of unrated commercial paper issues to those issued by corporations which, at the date of purchase, have an outstanding debt issue rated at least "A" by S&P or Moody's and (a) as to which the board of directors has made an independent determination that the instrument purchased presents minimum credit risk and is of "high quality", or (b) unless such purchase is made in accordance with general guidelines set by the board of directors, which guidelines are designed to insure that the class of commercial paper issues in which Applicant is permitted to invest presents minimum credit risks and is of "high quality"; and (3) to the extent that the terms of any master demand notes purchased by Applicant provide for a variable interest rate, that the overall maturity of such instruments will be limited to no more than 180 days, and that interest rate adjustments will occur at least every 30 days. Shares of Applicant will be sold without a sales charge. The minimum initial investment will be $1,000 with additional investments accepted in amounts of $100 or more.

Applicant seeks an order of the Commission pursuant to Section 6(c) of the Act exempting it 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's assets to be valued according to the amortized cost valuation method. Under the amortized cost valuation method, portfolio instruments are valued at their cost as of the date of acquisition and thereafter assuming a constant rate of amortization to maturity of any discount or premium, regardless of the impact of fluctuating interest rates on the market value of such instruments.

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 at a price based on the current net asset value of such security 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 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 its board of dirrectors, with the assistance of its investment adviser (E. W. Axe & Co., Inc.), has determined in good faith that the amortized cost method of valuation of portfolio securities is appropriate and is in the best interests of Applicant's shareholders. Applicant states that the difference between the amortized cost method of valuation and the traditional market based valuation method is essentially that the amortized cost method does not take into account any unrealized appreciation or depreciation in the market value of portfolio securities which may be due to changes in interest rates and/or other factors that may influence market prices of securities, whereas traditional valuation methods are based on the market price of the securities involved. Applicant states that under certain circumstances the price at which Applicant's shares are purchased or redeemed on any particular day under the amortized cost valuation method may not reflect capital loss or gain which an investor might otherwise have realized had he or she purchased securities held by Applicant directly. Applicant's board of directors believes, however, that those investors whose needs Applicant is designed to meet will look to Applicant to achieve maximum current income and to insure, to the greatest extent possible, the preservation of his or her principal investment, and further that such investors are willing to forego the opportunity for capital gain in favor of current income and the relative protection which a money market fund may provide for such investors' principal investments.

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 operations of Applicant and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors 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 Applicant's investment objectives, to stabilize Applicant's net asset 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 directors shall be the following:

(a) Review by the board of directors, 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 as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes that the extent of any deviation from Applicant'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: selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant 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 directors' 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 directors' 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 its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

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 February 23, 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,

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors 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.

[2] In 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 case in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

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. 82–2917 Filed 2–3–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12197; 812–5009]

First American Money Fund, Inc.; Application

January 28, 1982.

In the matter of First American Money Fund, Inc., 3033 Excelsior Boulevard, Minneapolis, Minnesota 55416 (812–5009).

Notice is hereby given that First American Money Fund, Inc. ("Applicant"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on November 6, 1981, and an amendment thereto on December 16, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting 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 compute its net asset value per share, for the purposes of effecting sales, redemptions and repurchases of its shares, using 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.

Applicant states that it affords investors the opportunity to invest in a money market fund the objective of which is maximum current income to the extent consistent with the preservation of capital and maintenance of liquidity. Applicant represents that it pursues this objective by investing exclusively in the following money market instruments maturing in twelve months or less: Marketable securities issued or guaranteed by the United States or its agencies or instrumentalities; bank money instruments of United States banks having total assets of not less than $1 billion and foreign branches of such banks, such as certificates of deposit (including variable rate certificates of deposit), time deposits and bankers' acceptances; short-term corporate debt instruments, such as commercial paper and nonconvertible corporate debt securities; and repurchase agreements in connection with obligations that are suitable for investment under the categories set forth above. The application states that, in investing in the above-described money market instruments, Applicant will maintain a dollar-weighted average portfolio maturity of 120 days or less.

The application states that the obligations that Applicant may purchase include both fixed rate and variable rate securities. It is asserted that variable rate obligations have a yield which is adjusted periodically based upon changes in the level of prevailing interest rates. Applicant states that, as a result, the value of variable rate obligations is less affected by changes in interest rates. Applicant represents that, with respect to variable rate certificates of deposit maturing in 180 days or less from the time of purchase with interest rates adjusted on a monthly cycle, Applicant may use the period remaining until the next rate adjustment date for purposes of determining the average weighted maturity of its portfolio. Applicant states that until such time as the Commission has determined otherwise in an order amending any order issued on this application, upon persuasive evidence submitted by Applicant, Applicant will use the remaining period of maturity of all other variable rate instruments for purposes of determining the average weighted portfolio maturity of the portfolio.

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 at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to 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 and redemption 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 that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered 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). In view of the foregoing, Applicant requests an exemption from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

In support of the relief requested, Applicant asserts that it desires to offer its shares to the public at a constant net asset value per share of $1.00 for purposes of sale, redemption and repurchase. The application states that the board of directors of Applicant has determined that the best method currently available for valuing portfolio securities so as to maintain a $1.00 constant net asset value per share, without having to include in a daily dividend realized and unrealized short-term gains and losses on securities in the portfolio, is the amortized cost method. Applicant represents that, since it will invest principally in short-term obligations, and will dispose of portfolio securities prior to their maturity only to a limited degree, realized short-term

capital gains and losses will affect the net asset value and daily income of Applicant only negligibly. The application states that the board of directors of Applicant has determined in good faith that, absent unusual circumstances, amortized cost value will reflect the fair value of the portfolio securities of Applicant and that adherence to certain conditions specified hereinafter will substantially reduce the likelihood of dilution of the assets or income of investors, or of other detrimental effects resulting from over valuation or undervaluation of its shares.

Section 6(c) of the Act provides, in part, that the Commission 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 the rules 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 this request for exemption is made based on its existing management policies, and it agrees that the following conditions may be imposed in any order granting the exemptions requested hereby:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to the investment advisers of Applicant, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, 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 as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) If the board of directors believes the extent of any deviation from Applicant'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 may include: selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; redemption of shares in kind; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant 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. If the disposition of a portfolio instrument should result 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 such average maturity to 120 days or less as soon as reasonably practicable.

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 paragraph 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 directors' 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 directors' 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 if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the proceeding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than February 23, 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 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 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. 82-2918 Filed 2-3-82; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 12196; 811-2342]

Fundamerica of Japan, Inc.; Application

January 28, 1982.

In the matter of Fundamerica of Japan, Inc., 165 Broadway, New York, New York 10080 (811-2342).

Notice is hereby given that Fundamerica of Japan, Inc. ("Applicant"), an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on November 19, 1981, pursuant to Section 8(f) of the Act, for an order declaring that Applicant has ceased to be an investment company. 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.

Applicant was organized as a corporation under the laws of the State of Delaware, and registered under the Act on December 22, 1972. Applicant states that on February 12, 1981, its Board of Directors approved the Plan of Liquidation and Dissolution ("Plan") which was adopted at a special meeting of Applicant's shareholders held on April 20, 1981. Applicant states that on May 1, 1981 it distributed to its stockholders of record on April 20, 1981, $41.49 per share of common stock.

Applicant states that as of the date of filing of the application it had no assets and was not engaged nor did it propose to engage in any business activity other than that necessary for the winding-up of its affairs, that it has no outstanding liabilities, that it is not a party to any litigation or administrative proceeding, that it has no securityholders, and that it filed a Certificate of Dissolution with the State of Delaware on August 19, 1981 and the Applicant's legal existence under Delaware law was terminated pursuant thereto.

Section 8(f) of the Act provides, in part, that when the Commission 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 such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 23, 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 or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she 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 postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-2919 Filed 2-3-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22372; 70-6691]

Ohio Power Co.; Proposed Issuance and Sale of Short-Term Notes to Banks and Commercial Paper

January 28, 1982.

In the matter of Ohio Power Company, 301 Cleveland Avenue, S.W., Canton, Ohio 44702 (70-6691).

Ohio Power Company ("OPCo"), an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application with this Commission pursuant to Section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder.

OPCo proposes to issue and sell short-term notes to a number of banks and commercial paper to a dealer in commercial paper in an aggregate amount not to exceed $160,000,000 outstanding at any one time. The notes to banks and commercial paper will be issued from time to time and renewed from time to time prior to September 30, 1982, as funds may be required, provided that none of such notes to banks and commercial paper will mature later than March 30, 1983.

It is stated that if the balances maintained and fees paid by OPCo with the banks were maintained and paid solely to fulfill requirements for borrowing by OPCo, the effective annual interest cost to OPCo under any of its various arrangements, assuming full use of the line of credit, would not exceed 125% of the prime commercial rate in effect from time to time, or not more than 20% on the basis of a prime commercial rate of 16%. The commercial paper will be sold at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity.

The proceeds of the short-term debt incurred by OPCo will be added to the general funds of OPCo and used to pay its general obligations, including expenses incurred in its various construction projects, and for other corporate purposes. The estimated cost of OPCo's consolidated construction program for the year 1982 is approximately $183,000,000.

The application 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 February 22, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-2920 Filed 2-3-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22373; 70-6631]

Ohio Power Co.; Proposed Issuance and Sale of First Mortgage Bonds and Preferred Stock

January 28, 1982.

In the matter of Ohio Power Company, 301 Cleveland Avenue, SW., Canton, Ohio 44701 (70-6631).

Ohio Power Company ("OPCo"), a public-utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(b)

and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 thereunder.

OPCo proposes to issue and sell, at competitive bidding, up to $120,000,000 aggregate principal amount of its first mortgage bonds in one or more new series, with a maturity of not less then five years and not more than thirty years. The terms will be determined by competitive bidding. The bonds will be issued under OPCo's Mortgage and Deed of Trust dated as of October 1, 1938, as supplemented and amended and as to be further supplemented and amended.

OPCo also proposes to issue and sell up to 1,600,000 shares of a new series of its cumulative preferred stock, par value $25 per share. The terms will be determined by competitive bidding. A cumulative sinking fund may be provided for.

The application-declaration states that if market conditions should not be propitious for the sale of the bonds and/or preferred stock on a competitive bidding basis, OPCo proposes, subject to authorization by this Commission, either to place the bonds and preferred stock privately with institutional investors or to negotiate with underwriters for their sale.

The proceeds from the sale of the bonds and preferred stock will be used to pay maturing long-term obligations of OPCo or to repay unsecured short-term debt of the company, or both, and for other corporate purposes. OPCo estimates that its consolidated construction costs during 1982 will be approximately $183,000,000.

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 February 25, 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 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 filed or as it may be 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. 82-2921 Filed 2-3-82; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11498]

RCA Corp.; Application and Opportunity for Hearing

January 29, 1982.

Notice is hereby given that RCA Corporation, a Delaware corporation ("RCA"), has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Morgan Guaranty Trust Company of New York (the "Bank") under a certain indenture which is qualified under the Act and under a new indenture which is not qualified under the Act are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under such qualified indenture.

RCA alleges that:

1. The Bank, as Trustee, has entered into an Indenture dated as of August 15, 1974 (the "1974 Indenture") with RCA pursuant to which there has been issued $100,000,000 aggregate principal amount of RCA's 10.20% Sinking Fund Debentures Due August 15, 1992 (the "Debentures"). The 1974 Indenture was filed as Exhibit 2-B to Registration Statement No. 2-51723 under the Securities Act of 1933, as amended, and such Indenture has been qualified under the Act.

2. On January 14, 1982, RCA Overseas Finance N.V., a Netherlands Antilles corporation ("Finance N.V."), RCA Overseas Finance B.V., a Netherlands corporation ("Finance B.V."), RCA and the Bank, as Trustee, entered into an Indenture dated as of January 14, 1982 (the "1982 Indenture") pursuant to which Finance N.V. and Finance B.V. have issued and are to issue U.S. $75,000,000 aggregate principal amount of their 15½% Guaranteed Notes Due January 15, 1987 (the "Notes"). The Notes were issued to provide Finance N.V. and Finance B.V. with funds to loan to RCA, which funds RCA will use to repay unsecured promissory notes that have been issued from time to time at varying market rates. Finance N.V. and Finance B.V. are severally liable for two-thirds and one-third, respectively, of the principal of and premium, if any, and interest on the Notes. Finance N.V. is solely liable for the entire amount of any additional interest that may be required to be paid pursuant to the terms of the Indenture as a result of any present or future taxes, assessments or governmental charges imposed by the Netherlands Antilles or by the United States by reason of any payment of principal of or premium, if any, or interest on any Notes by Finance N.V. and Finance B.V. is solely liable for the entire amount of any additional interest that may be required to be paid pursuant to the terms of the Indenture as a result of any present or future taxes, assessments or governmental charges imposed by the Netherlands or by the United States by reason of any payment of principal of or premium, if any, or interest on any Notes by Finance B.V. The obligations of each of Finance N.V. and Finance B.V. under the Notes and the Indenture rank equally with all of their other unsecured and unsubordinated indebtedness not granted a preference by operation of Netherlands or Netherlands Antilles law. RCA has unconditionally guaranteed the due and punctual payment of principal of and premium, if any, and interest on the Notes when and as the same shall become due and payable, whether by declaration or otherwise (the "Guarantees"). The Guarantees rank equally with all other unsecured and unsubordinated obligations of RCA. All of the outstanding capital stock of Finance N.V. is owned by Finance B.V., and all of the outstanding capital stock of Finance B.V. is owned by RCA Overseas Capital N.V., a Netherlands Antilles corporation, all of the outstanding stock of which is owned by RCA. The Notes have not been registered under the Securities Act of 1933, as amended, and may not be offered or sold directly or indirectly in the United States or to nationals or residents thereof, and the 1982 Indenture has not been qualified under the Act.

3. Under Section 7.08(c)(1) of the 1974 Indenture, the Bank shall not be deemed to have a conflicting interest by reason of acting as Trustee under the 1982 Indenture if RCA shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under the 1974 Indenture and under the 1982 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public

interest or for the protection of investors to disqualify the Bank from acting as Trustee under one of such Indentures.

4. No default has at any time existed under the 1974 Indenture or the 1982 Indenture. RCA's obligations in respect of the Debentures and the Notes are wholly unsecured and rank *pari passu*. The 1974 Indenture includes covenants of RCA relating to limitations on liens, sale and leaseback transactions and consolidation, merger and sale, all of which apply to the future. Comparable covenants of RCA, other than a sale and leaseback covenant, are included in the 1982 Indenture.

5. Such differences as exist between the 1974 Indenture and the 1982 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under either of the said Indentures.

RCA has waived (a) notice of hearing, (b) hearing on the issues raised by said application and (c) all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than February 22, 1982, request in writing that a hearing be held on such matter, stating that nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is orderd by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-2922 Filed 2-3-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18449; SR-PSE-81-22]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

January 28, 1982.

In the matter of Pacific Stock Exchange, Inc., 301 Pine Street, San Francisco, CA 94104 (SR-PSE-81-22).

The Pacific Stock Exchange, Inc. ("PSE") submitted on December 7, 1981, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to limit a specialist's liability in cases where a member firm which has placed an order with the specialist and is due an execution does not receive an execution report from the specialist.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18350, December 18, 1981) and by publication in the **Federal Register** (46 FR 62729, December 28, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-2923 Filed 2-3-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18448; SR-Phlx-81-18]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

January 28, 1982.

In the matter of The Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, PA 19103 (SR-Phlx-81-18).

The Philadelphia Stock Exchange, Inc. ("Phlx") submitted on December 16, 1981, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend its rules relating to the regulation of Phlx equity specialists. The proposed rule change sets forth the affirmative and negative obligations of equity specialists and their responsibilities when acting as broker in securities in which they are registered, and is intended to conform Phlx rules to the requirements of Rule 11b-1 under the Securities and Exchange Act of 1934. In addition, the proposed rule would amend certain other Phlx rules to conform them to current exchange practices and procedures.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18352, December 18, 1981) and by publication in the **Federal Register** (46 FR 62730, December 28, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-2924 Filed 2-3-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 15; Rev. 2]

Assistant Administrator for Administration; Delegation of Authority

Delegation of Authority No. 15 (37 FR 20753) as amended, (39 FR 1897; 40 FR 18054; 42 FR 18320; 43 FR 17434; and 46 FR 26417) is hereby revised to reflect a change of title from Associate Administrator for Data and Management Services to Assistant Administrator for Administration to comply with the Agency's recent reorganization. Accordingly, Delegation of Authority No. 15, Revision 2, reads as follows:

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, there is hereby delegated to the Assistant Administrator

for Administration the following authority:

A. *Administrative Service.*

1. To contract for supplies and services for the Agency pursuant to Chapter 4 of Title 41, U.S.C., subject to limitations contained in section 257 (a) and (b) of that chapter.

2. To contract for printing services for the Agency pursuant to Chapter 4 of Title 41, U.S.C., as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter and pursuant to Title 44, U.S.C.

3. To execute grants or cooperative agreements authorized by Federal statute except section 7(j) of the Small Business Act subject to the limitations contained in Pub. L. 95–224, OMB Circular A–110 and OMB Circular A–102.

B. *Claims under the Federal Tort Claims Act.*

To give final approval on actions resulting from any claims subject to the provisions of 28 U.S.C. 2672.

C. *Use of Seal of the Small Business Administration.*

To certify true copies of any books, records, papers, or other documents on file with the Small Business Administration; to certify extracts from such material; to certify the non-existence of records on file; and to cause the Seal of the Small Business Administration to be affixed to all such certifications.

II. This delegation is not in derogation of any authority residing in the Deputy Administrator and the Associate Deputy Administrator.

III. The authority herein may be redelegated with the exception of I.B.

IV. All authority delegated herein may be exercised by an SBA employee designated as Acting Assistant Administrator for Administration.

Effective date: February 4, 1982.

Dated: January 29, 1982.

Michael Cardenas,

Administrator.

[FR Doc. 82–2978 Filed 2–3–82; 8:45 am]

BILLING CODE 8025–01–M

[Delegation of Authority No. 13; Rev. 3]

Associate Administrator for Procurement and Technology Assistance

Delegation of Authority No. 13, Revision 1 (39 FR 29444), as amended (40 FR 18055), and Revision 2 (44 FR 20529), is hereby revised to reflect a change of title from Associate Administrator for Procurement Assistance to Associate Administrator for Procurement and Technology Assistance as a result of the recent reorganization within the Small Business Administration.

Accordingly, Delegation of Authority No. 13, Revision 3, reads as follows:

I. Pursuant to the authority vested in the Administrator of the Small Business Administration by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, there is hereby delegated to the Associate Administrator for Procurement and Technology Assistance the following authority:

A. *Procurement and Technology Assistance.*

1. To (a) enter into, (b) negotiate, and (c) recommend approval of joint agreements and memoranda of understanding with other Government contracting, procurement, or disposal agencies;

2. To take any and all actions necessary to carry out the provisions of joint agreements and memoranda of understanding with other Government contracting, procurement, or disposal agencies;

3. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of total Government procurements, including research and development procurements, be made from small business;

4. To take any and all actions necessary to carry out SBA's authority to encourage the letting of subcontracts by prime contractors to small business concerns;

5. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of the total sales of Government property be made to small business concerns;

6. To appeal determinations made under joint agreements or memoranda of understanding by Government contracting, procurement or disposal agencies to the heads of such agencies;

7. To take any and all actions relating to SBA's prime contracting authority;

8. To take any and all actions necessary to carry out the certificate of competency provisions of the Small Business Act, including the issuance or denial of such certificates;

9. To take any and all actions necessary to carry out SBA's authority to make an inventory of productive facilities of small business concerns;

10. To take any and all actions necessary to carry out SBA's authority to utilize effectively the productive facilities of small business concerns;

11. To take any and all actions necessary to carry out SBA's authority to enable small business to obtain materials from its normal sources;

12. To take any and all actions necessary to carry out SBA's authority for procurement assistance in surplus labor areas and area redevelopment areas in the implementation of procurement assistance programs in such areas.

II. The authority delegated herein may be redelegated to Central Office officials with the exception of subsections IA1(a) and IA6.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Associate Administrator for Procurement and Technology Assistance.

Effective Date: February 4, 1982.

Dated: January 29, 1982.

Michael Cardenas,

Administrator.

[FR Doc. 82–2979 Filed 2–3–82; 8:45 am]

BILLING CODE 8025–01–M

Small Business Investment Company; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96–221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective February 1, 1982, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 14.815% per annum.

Dated: January 29, 1982.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment

[FR Doc. 82–2977 Filed 2–3–82; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 82-011]

Qualification of SIBO Kentucky, Inc. as a Citizen of the United States

Notice is given that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), SIBO Kentucky, Inc. of 227 River Road, Louisville, Kentucky 40206, incorporated under the laws of the Commonwealth of Kentucky, did on January 15, 1982, file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification as a citizen of the United States following the forms of oath prescribed in Form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(a) The corporation purchases or produces in the United States its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on January 15, 1982, issued to SIBO Kentucky, Inc., a certificate of compliance as provided for in 46 CFR 67.23-7. This certificate and any authorization granted thereunder will expire three years from January 15, 1982, unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

February 1, 1982.

[FR Doc. 82-2931 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Pacific-Asia Region Headquarters at Honolulu, Hawaii; Closing

Notice is hereby given that on or about March 21, 1982, the Pacific-Asia Region Headquarters, Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii, 96850, will be closed. Services to the public, formerly provided by this office, will be provided by the Western-Pacific Region Headquarters, P.O. Box 92007, Los Angeles, California, 90009. Items of local concern, and liaison functions will be handled by a Honolulu Area Coordinator who will remain on-site at the former Pacific-Asia Region Headquarters location. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; (49 U.S.C. 1354))

Issued in Los Angeles, CA, on January 25, 1982.

H. C. McClure,

Director, Western-Pacific Region.

[FR Doc. 82-2838 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-13-M

General Electric CF6-80A/A1/A2/A3 Turbofan Engine Certification and Availability of Documents

Based on a review of the entire certification process, the Director of Federal Aviation Administration (FAA) New England Region approved issuance of the CF6-80A/A1/A2/A3 Type Certificate, E13NE, as recommended by New England Region Staff.

A copy of the "Decision Basis for Type Certification of the General Electric Company Model CF6-80A/A1/A2/A3 Turbofan Engines" is on file in the FAA Rules Docket. The bulk of the "Decision Basis" reviews the purpose, structure, conduct, and significant highlights of the certification program wherein the General Electric Company was required to demonstrate compliance with the applicable Federal Aviation Regulations.

The text of "Decision Basis" includes delineation of the specific legal compliance required by each rule, a summary of the method by which compliance was established for each, and a bibliography of the reports documenting compliance.

Detailed appendices and attachments include: (1) Minutes of Type Certification Board Meetings; (2) the applicable Federal Aviation Regulations, Orders, and Advisory Circulars; and (3) Type Certificate E13NE and the Type Certificate Data Sheet. The report is available for examination and copying at the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Copies of the report may be obtained from the Office of the Director, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts, on January 19, 1982.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82-2555 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-82-2]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: February 19, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on January 26, 1982.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
22554	Petroleum Helicopters Inc	14 CFR 135.261(a)(1)(2)	To permit petitioner's pilots, when operating helicopters, to accept assignment for duty during flight time without regard to the 24-consecutive-hour requirement, provided flight time in a duty period does not exceed 8 hours for a flightcrew consisting of one pilot and 10 hours for a flightcrew consisting of two pilots and only one duty period is allowed during any 24 consecutive hours. Duty periods shall not exceed 14 hours and rest periods between duty periods shall not be less than 10 hours.
22556	American Cyanamid Company	14 CFR 121.343 and 121.359	To permit petitioner to operate a Gates Learjet Model 55 aircraft without a flight data recorder and a cockpit voice recorder.
20252	Air Haiti, S.A.	Portions of 14 CFR Parts 21 and 91	Extension of Exemption 2953B to permit petitioner to operate leased U.S.-registered B-707 aircraft using the FAA-approved master minimum equipment list and maintain the aircraft under continuous airworthiness maintenance programs.
21961	Deere & Company	14 CFR 91.45	Reconsideration of Denial of petition 3421 to permit petitioner to conduct ferry flights with one engine inoperative, on its Lockhead Jetstar, without obtaining a special flight permit for each flight.
22481	Ms. Cindy Ann Allen	14 CFR 61.151(a)	To permit petitioner to obtain an airline trasnport pilot certificate even though she has not reached 23 years of age.
22482	Capitol Air Lines	14 CFR 135.243(a)	To permit Mr. Robert L. Singer, a commuter pilot for Petitioner, to operate multiengine airplanes even though he does not hold an airline transport pilot certificate.
22451	People Express Airlines, Inc.	14 CFR 121.613 and 121.625	To permit petitioner to dispatch or release an aircraft to an airport even though weather reports or forecasts or any combination of these contain statements that weather conditions will or may be "occasionally," "intermittently," "briefly," or have "a chance of" being below authorized minimums at the estimated time of arrival at the distination airport, so long as there is at least one alternative airport for which weather reports or forecasts do not include such language.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22272	Mr. James J. Karukas	14 CFR 135.243(a)	To allow petitioner to obtain an airline transport pilot certificate without meeting the age requirement of 23 years. *Denied 1/12/82.*
21995	Transamerica Airlines,	14 CFR 121.413(c)(1)	To permit petitioner to conduct inflight training of pilot check airmen in an FAA-approved simulator in lieu of actual inflight training conducted in an aircraft. *Denied 1/12/82.*
21844	Airborne Express, Inc	14 CFR § 121.623(a)	To permit petitioner relief from the requirement to list at least one alternate airport for each destination airport in the flight release for its all-cargo aircraft operation. *Granted 1/18/82.*
20853	United Air Lines, Inc	14 CFR 121.351(a) and 121.99	To renew and make permanent Exemption No. 3122 which permits petitioner to operate aircraft in extended overwater operations over the Gulf of Mexico for certain brief periods with one Omega navigation system and/or one high frequency communications radio instead of the two of each such radios which would otherwise be required. *Partial grant 1/18/82.*
22041	Arrow Airways, Inc	14 CFR 121.291(a)	To permit petitioner to introduce its B-707-300C series airplane into passenger-carrying service in a 177-passenger-seat configuration without first conducting a full-seating-capacity emergency evacuation demonstration or simulated ditching demonstration. *Denied 1/12/82.*
22550	Summit Airlines, Inc	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: 1 DC-9: 1 N932F. *Granted 1/12/82.*
22558	Boeing Commercial Airplane Company	14 CFR 47.69(b)	To allow petitioner to use its Dealer's Aircraft Registration Certificate outside the U.S. for flight testing and sales demonstrations. *Partial grant 1/12/82.*
21266	Flight Management Co	14 CFR 91.169 and 91.181(a)	To amend Exemption No. 3294 to allow petitioner's clients to operate helicopters in addition to small civil airplanes of U.S. registry. *Granted 1/21/82.*
22114	Columbia Air, Inc	14 CFR 121.291(a)(b)	To permit petitioner to introduce initial scheduled service in DC-9-32 aircraft in a 119-passenger-seat configuration without conducting a full emergency evacuation demonstration. *Withdrawn 1/13/82.*
20334	Evergreen Helicopters, Inc	14 CFR 135.261	To permit petitioner to continue to operate helicopters in hospital ambulance service with each pilot having at least 8 consecutive hours of rest (rather than 10) during any 24-hour period of duty at contracting hospitals. *Granted 1/21/82.*
13996	Delta Air Lines, Inc	14 CFR 121.99 and 121.351(a)	To extend Exemption No. 2084C which permits petitioner to operate aircraft over the New Orleans, Louisiana, to San Juan, Pureto Rico, route with the capability of communicating with the dispatch office through only one radio system that is independent of any communications system operated by the United States. *Granted 1/21/82.*
22346	Turcal, Inc	14 CFR 91.31	To permit petitioner to operate its DC-6 aircraft under Part 91 at a 5 percent increased zero fuel and landing weight. *Denied 1/21/82.*
22195	Cargo Transport Leasing, Inc	14 CFR 91.31(a)	To permit petitioner to operate one DC-6 aircraft under Part 125 at a 5 percent increased zero fuel and landing weight. *Granted 1/21/82.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21990	International Air Associates, Inc	14 CFR 91.31(e)(3)	To permit petitioner to operate a C-118-A aircraft under Part 125 at 5 percent increased zero fuel and landing weight in all cargo operation. *Granted 1/21/82.*
21843	Pan American World Airways (PAA)	14 CFR 121.311(f)	To permit flight attendants to occupy, on petitioner's B-727-100 airplanes, a mid-cabin aisle passenger seat which is not designed to support the flight attendant's head. *Granted 1/21/82.*
22507	The City of New York	14 CFR 93.185(c) and 93.187	To permit certain pilots to operate to and from Flushing Airport, New York, without obtaining air traffic control (ATC) authorization or establishing and maintaining two-way radio communication with LaGuardia Tower, and without prohibition on the direction of takeoff or landing. *Granted 12/23/81.*
22564	Boeing Commercial Airplane company	14 CFR 47.69(b)	To allow petitioner to use its Dealer's Aircraft Registration Certificate outside the U.S. for flight testing and sales demonstrations. *Partial grant 1/21/82.*
21443	Murray Air, Limited	14 CFR 91.90(b)(2)(i)	To permit the petitioner to operate within the Honolulu, Hawaii Terminal Control Area (TCA) without having the aircraft equipped with an operable VOR or TACAN receiver. *Granted 1/18/82.*

[FR Doc. 82-2554 Filed 2-3-82; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: City of Modesto, Stanislaus County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the City of Modesto, Stanislaus County, California.

FOR FURTHER INFORMATION CONTACT: C. Glenn Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone (916) 440-2521.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation, will prepare an environmental impact statement (EIS) for a project to reconstruct a portion of State Route 132 in the City of Modesto, Stanislaus County, California. The proposed improvement will be approximately 0.5 mile long and will replace a two-lane city street section between D Street and Las Flores Avenue. A four-lane facility currently exists at each end of the proposed project.

The existing two-lane facility creates extensive traffic congestion due to a narrow bridge across Dry Creek and conflicting turning movements. The accident rate is 13.97 MVM (million vehicle miles) compared to an expected rate of 3.26 MVM.

Two build alternatives with variations of each are being considered. One alternative will form a one-way couplet by utilizing the first city street north of the existing facility. The other alternative would reconstruct the existing facility to four lanes. Both alternatives will require a new bridge across Dry Creek. The no-build alternative will be discussed in the EIS for this project.

The scoping process will consist of written notification to the various concerned federal, state and local agencies. If the response from these agencies indicate a need for a formal scoping meeting, these meetings will be held as soon as possible.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

C. Glenn Clinton,

District Engineer.

January 25, 1982.

[FR Doc. 82-2677 Filed 2-3-82; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement: City and County of San Diego, California

AGENCY: The Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the City and County of San Diego, California.

FOR FURTHER INFORMATION CONTACT:

Glenn Clinton, District Enginneer, FHWA, P.O. Box 1915, Sacramento, California 95809 or

Norm Larsen, Project Development Engineer, Branch B, Department of Transportation, District 11, P.O. Box 81406, San Diego, California 92138

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), the United States Fish and Wildlife Service, and the United States Department of the Navy, will prepare an environmental impact statement (EIS) on a proposal to construct State Route 52.

The project is located in the City of San Diego on the Route 52 corridor between Interstate Routes I-805 and Santo Road near I-15, a distance of 5½ miles. It will relieve congestion on local city streets and parallel Federal and State highways.

Depending on the alternative selected the project could include one of the following alternatives. Projects to be constructed may only be a portion of the finally selected alternative.

- Construction of a two lane expressway as the initial stage of an ultimate multilane freeway. Signalized at-grade intersections would be built at certain major city streets. Interchanges would be built at Route 163 and I-15, and modified at the intersection of Route 52 and I-805. Alterntive alignments include two within the Miramar Naval Air Station and one within an industrial area.
- Improvements to one or more of the following arterials: Balboa Avenue (State Route 274), Clairemont Mesa Boulevard, and Miramar Road. The improvements would consist of widening, channelization, signal coordination, elimination of parking, encouragement of the use of carpools, and transit facilities. Together these measures constitute Traffic Systems Management (TSM), and are low capital

cost solutions to transportation problems.

Doing nothing.

Depending on the alternative selected probable environmental effects include:

Visual changes.

• Impacts on State and Federal listed rare plants including San Diego Mesa Mint, Coyote Thistle, Willowy Monardella, and others.

• Impacts associated with construction activities—noise, dust, erosion, and traffic detours.

• Removal of small areas of wildlife habitat.

• Creation of a new urban boundary along Navy property.

• Facilitation of growth.

• Displacement of commercial and industrial facilities.

• Increases in air and noise impacts.

• Continued worsening of congestion and safety conditions.

• Consumption of open space.

This project has been under consideration since the early 1960's, with public meetings which concluded with the adoption of the route described in (2) above on July 21, 1972. The current studies are being prepared as though this route adoption had not occurred. Meanwhile, there is a "Project Development Team" to which local citizens, local agency staff and Caltrans staff provide input. Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Because of this continuing involvement of the public no formal scoping meeting is considered necessary. However, to ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: January 25, 1982.

Glenn Clinton,

District Engineer, FHWA.

[FR Doc. 82-2678 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP82-3; Notice 1]

Toyo Rubber Industry Co., Ltd.; Receipt of Petition for Determination of Inconsequential Noncompliance

Toyo Rubber Industry Co., Ltd., of Osaka, Japan, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S4.3.5 of Standard No. 109 requires each tire with a maximum inflation pressure of 60 psi to have permanently molded onto one or both sidewalls, in letters and numerals not less than ½ inch high (12.7 mm), the words "inflate to 60 psi". Toyo Rubber has failed to comply with this requirement on about 193,000 tires. The requisite information is present in characters only 7 mm high. Petitioner believes that the information it has provided is legible, and that consumers will not be misled. It has received no reports or complaints on the noncompliance, has corrected the mistake in present production, and believes that the noncompliance is inconsequential as the tire otherwise complies with Standard No. 109.

Interested persons are invited to submit written data, views and arguments on the petition of Toyo Rubber Industry Co., Ltd. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: March 8, 1982.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 28, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-2785 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held February 22, 1982, at 10:00 a.m. until 1:00 p.m. in Room 10234-36 at the Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590. The agenda for the meeting is as follows:

—Adoption of minutes of previous meeting.

—DOT/MESBIC membership.

—Status report on venture capital/surety bonding programs.

—Status of MBRC programs.

—MBRC budget FY 82.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Minority Business Resource Center, 400 7th Street, SW., Washington, D.C. 20590, telephone (202) 426-2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on January 29, 1982.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 82-2839 Filed 2-3-82; 8:45 am]

BILLING CODE 4910-62-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 24
Thursday, February 4, 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).

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1

CIVIL AERONAUTICS BOARD

[M-342, Amdt. 1, February 1, 1982]

Addition to the February 4, 1982 Board Meeting

TIME AND DATE: 10 a.m., February 4, 1982.

PLACE: Room 1027 (open), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 7a. Commuter Carrier Fitness Determination of Dolphin Airways, Inc., Petition for Reconsideration and Request for a Stay. (Memo 992-B, BDA.)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Member Smith wishes to discuss this item. Because of the pressure of Board business, there is not another Board meeting scheduled in the near future so it is necessary to add this item to the February 4, 1982 agenda. Accordingly the following Members have voted that Item 7a be added to the February 4, 1982 meeting and that no earlier announcement of this addition was possible:

Chairman Dan McKinnon
Vice Chairman Elizabeth E. Bailey
Member Gloria Schaffer
Member George A. Dalley
Member James R. Smith

[S-174-82 Filed 2-2-82; 3:51 pm]
BILLING CODE 6320-01-M

2

COMMISSION ON CIVIL RIGHTS

February 2, 1982.

DATE AND TIME: 12:30-4 p.m., Tuesday, February 9, 1982.

PLACE: Room 512, 1121 Vermont Avenue, N.W., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

I. Agenda.
II. Minutes From Last Meeting.
III. Approach to Monitoring Block Grant Implementation.
IV. State Advisory Committee Recharter:
A. New York.
V. Civil Rights Developments in the Western Region.
VI. Staff Director's Report:
A. Status of Funds.
B. Personnel Report.
C. Office Directors' Reports.

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division, (202) 254-6697.

[S-173-82 Filed 2-2-82; 3:34 pm]
BILLING CODE 6335-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, February 12, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C. Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-170-82 Filed 2-2-82; 2:49 pm]
BILLING CODE 6351-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, February 1, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of an application of The Wolfeboro Savings Bank, a proposed new bank, to be located at the intersection of Center and Pine Streets, Wolfeboro, New Hampshire, for Federal deposit insurance.

By the same majority vote, the Board further determined that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 45,090-SR—The Metro Bank of Huntington, Inc., Huntington, West Virginia
Case No. 45,093—The Greenwich Savings Bank, New York, New York

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: February 1, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-171-82 Filed 2-2-82; 3:05 pm]
BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, February 1, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less

than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 45,092-L—Franklin National Bank, New York, New York

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to the public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(9)(B), and (c)(10)).

Dated: February 1, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-172-82 Filed 2-2-82; 3:05 pm]

BILLING CODE 6714-01-M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Wednesday, February 3, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. Council of the Southern Mountains, Inc., v. Martin County Coal Corporation, Docket No. KENT 80-222-D.

TIME AND DATE: 2:30 p.m., Wednesday, February 3, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Secretary of Labor v. Alexander Brothers, Inc., Docket No. HOPE 79-221-P. (Issues include whether operation was within the coverage of the 1969 Coal Act.)
2. Secretary of Labor v. Sam Kennedy, d.b.a. Energy Salvage Company, Docket Nos. VINC 78-11 through VINC 78-15. (Issues are same as above.)
3. Southern Ohio Coal Company, Docket No. VINC 79-227-P. (Issues include whether judge properly found violations of 30 CFR § 75.200.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

[S-167-82 Filed 2-2-82; 10:17 am]

BILLING CODE 6820-12-M

7

FEDERAL RESERVE SYSTEM

Board of Governors

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 3907, Wednesday, January 27, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, February 1, 1982.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a meeting on January 4, 1982.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: February 1, 1982.

James McAfee,

Assistant Secretary of the Board.

[S-165-82 Filed 2-1-82; 4:18 pm]

BILLING CODE 6210-01-M

8

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, February 10, 1982.

PLACE: 20th Street and Constitution Avenue, N.W., 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: February 2, 1982.

James McAfee,

Assistant Secretary of the Board.

[S-175-82 Filed 2-2-82; 4:08 pm]

BILLING CODE 6210-01-M

9

FOREIGN CLAIMS SETTLEMENT COMMISSION

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Monday, February 22, 1982 at 10:30 a.m.
Consideration of decisions involving claims for Vietnam Prisoner of War Compensation and claims against the Socialist Republic of Vietnam.
Monday, March 22, 1982 at 10:30 a.m.
Consideration of decisions involving claims for Vietnam Prisoner of War Compensation and claims against the Socialist Republic of Vietnam.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111 20th Street, NW., Room 409, Washington, D.C. 20579. Telephone: (202) 653-6155.

Dated at Washington, D.C. on January 28, 1982.

Judith H. Lock,

Administrative Officer.

[S-169-82 Filed 2-2-82; 2:06 pm]

BILLING CODE 4410-01-M

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 3908, January 27, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. on February 4, 1982.

CHANGES IN THE MEETING: This meeting has been canceled.

Dated: February 1, 1982.

[S-168-82 Filed 2-2-82; 10:55 am]

BILLING CODE 7600-01-M

11

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 8, 1982, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, February 9, 1982, at 10:00 a.m. and on Wednesday, February 10, 1982, following the 10:00 a.m. open meeting. An open meeting will be held on Wednesday, February 10, 1982, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 9, 1982, at 10:00 a.m., will be:

Formal order of investigation
Subpoena enforcement action
Regulatory matter regarding financial institution

The subject matter of the closed meeting scheduled for Wednesday, February 10, 1982, following the 10:00 a.m. open, will be:

Consideration of amicus participation

The subject matter of the open meeting scheduled for Wednesday, February 10, 1982, at 10:00 a.m., will be:

1. Consideration of proposed amendments to Rule 11Ac1–1 under the Securities Exchange Act of 1934, which would, in certain specified circumstances, permit market centers to disseminate quotations on a voluntary, rather than mandatory basis. For further information, please contact Robert L. D. Colby at (202) 272–2888.

2. Consideration of Freedom of Information Act ("FOIA") appeal of James G. Drake. Mr. Drake requested access to certain documents relating to Midwest Technical Development Corporation ("MTDC") and to the Commission's 1961 suit against MTDC. The FOIA Officer denied the request pursuant to Exemptions 5 and 7(C) under the FOIA, which exempt inter- and intra-agency memoranda and investigatory records, the disclosure of which would constitute an unwarranted invasion of privacy. For further information, please contact Thomas P. Lemke at (202) 272–2493.

3. Consideration of whether to grant the request of Ben F. Phlegar, Executive Editor of U.S. News and World Report, to waive the fees incurred in complying with his request under the FOIA for travel vouchers of certain Commission employees. For further information, please contact Ted Bloch at (202) 272–2454.

4. Consideration of whether to submit to Congress proposed legislation to amend 18 U.S.C. 209 to permit attorney and accounting fellows hired by the Commission to accept moving expenses to Washington, D.C. from their former private employers. For further information, please contact Myrna Siegel at (202) 272–2430.

5. Consideration of whether to grant delegating authority to the Office of General Counsel to grant waivers of imputed disqualification pursuant to Rule 8(d) of the Commission's Conduct Regulation. For further information, please contact Myrna Siegel at (202) 272–2430.

6. Consideration of whether to grant F. Lamar Watson and Robert V. Holton, Jr. relief from a partial disqualification imposed upon them in a prior administrative proceeding. For further information, please contact Robert Anderson at (202) 272–2916.

7. Consideration of whether to grant Robert Michael Galvin relief from a bar imposed upon him in connection with a prior administrative proceeding. For further information, please contact Robert E. Anderson at (202) 272–2916.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272–2091.

February 1, 1982.

[S–166–82 Filed 2–2–82; 8:52 am]
BILLING CODE 8010–01–M

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Thursday, February 4, 1982

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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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 February 3, 1982

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For an advance "look" at the Federal Register, try our information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the Federal Register.

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