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U.S. GOVERNMENT
INFORMATION
GPO

2-11-82
Vol. 47 No. 29
Pages 6245-6416

federal register

Thursday
February 11, 1982

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6253 **Natural Gas** DOE/FERC issues policy statement on fraud in the passthrough of natural gas purchase price.

6290 **Veterans** VA proposes to increase monetary allowance payable in lieu of Government-furnished headstone or marker.

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6300 DOT/CG proposes to change regulations for the U.S. Great Lakes pilotage system.

6318 **Defense** DOD/Army announces availability of decision record on binary chemical munitions program.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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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

Federal Grain Inspection Service

7 CFR Part 68

Standards for Whole Dry Peas and Lentils; Revision

AGENCY: Federal Grain Inspection Service,[1] USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) is revising the U.S. Standards for Whole Dry Peas to increase the limits for cracked seedcoats by 1.5 percent in each numerical grade for dry peas, and the U.S. Standards for Lentils to add a 15.0 percent limit for skinned lentils to the Sample grade requirements. These changes are made to facilitate the marketing of peas and lentils by reflecting modern methods of handling, storing, and transporting of these commodities. A proposed rule was published in the **Federal Register** on October 15, 1981 (46 FR 50802).

EFFECTIVE DATE: February 11, 1982.

FOR FURTHER INFORMATION CONTACT: N. Gail Jackson, Director, Standardization Division, FGIS, USDA, Richards-Gebaur AFB, Building 221, Grandview, Missouri 64030, telephone (816) 348-2861.

SUPPLEMENTARY INFORMATION: The U.S. Standards for Whole Dry Peas (7 CFR 68.401–68.410) and the U.S. Standards for Lentils (7 CFR 68.601–68.611) were established under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*). This final rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1. The action has been determined to be nonmajor because the changes are made to facilitate the marketing of these commodities by making the standards consistent with current handling practices and enabling U.S. produced peas and lentils to compete more effectively in world markets. The impact of this action is expected to have less than a $100 million annual effect on the economy, and is not expected to impose any major increase in costs or prices. Kenneth A. Gilles, FGIS Administrator, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The action poses no additional duties or obligations on producers, handlers, or exporters of whole dry peas and lentils, and any impact resulting from the changes is expected to be minor.

The Administrator has determined that in order to facilitate the marketing of peas and lentils by reflecting current methods of handling, storage, and transporting of such commodities for the remainder of the present marketing year good cause is found pursuant to the administrative procedures provisions in 5 U.S.C. 553 to make this final rule effective upon publication in the **Federal Register**.

In compliance with the requirements for the periodic review of existing regulations, FGIS reviewed and proposed to revise the U.S. Standards for Whole Dry Peas and the U.S. Standards for Lentils in the October 15, 1981, **Federal Register** (46 FR 50802). Six comments were received from interested parties in the dry pea and lentil industry on the proposed changes. Four of the comments received supported (1) the increase in the limits for cracked seedcoats by 1.5 percent in each numerical grade in the U.S. Standards for Whole Dry Peas, and (2) the addition of a Sample grade limit of 15.0 percent for skinned lentils in the U.S. Standards for Lentils. Two negative responses were received as discussed below. The proposed changes in the limits for cracked seedcoats were supported by the commentors for the following reasons:

Cracked seedcoats are a grade limiting factor, particularly in yellow peas. Smooth yellow dry pea varieties have a thin seedcoat which is brittle and, therefore, more susceptible to cracking. The grade limits for cracked seedcoats appear to have hindered yellow pea export sales. Handlers and exporters of whole dry yellow peas have declined to have pea lots officially inspected because the tolerance for cracked seedcoats is considered to be too strict.

Increasing the cracked seedcoat limits by 1.5 percent in each grade in the U.S. Standards for Whole Dry Peas is made to facilitate the marketing of dry peas, and to reflect current conditions of handling, storing, and transporting whole dry peas.

The American Dry Pea and Lentil Association (ADPLA) recommended quick approval of both the whole dry pea and lentil revisions in order to facilitate orderly marketing of the 1981 crop.

One commentor maintained that increasing the cracked seedcoat limits for whole yellow peas by 1.5 percent would cause appearance to suffer, particularly in the dry States. The commentor further noted in response to our statement that a 1.5 percent increase in grade limits for cracked seedcoats will not have a detrimental effect on the end use quality of peas for canning, that a good portion of the export trade does not use this product for canning. The second negative commentor objected only to the changes proposed for lentils. The higher grade limits for cracked seedcoats more accurately describe the product available in the market. Any changes in visual quality for peas in the dry States would be minimal and would not, as noted above, have a detrimental effect on the end use of peas for canning.

Two commentors stated that, if more than 15.0 percent skinned lentils grades a lot U.S. Sample grade, there should be some limits on skinned lentils for U.S. No. 1 and U.S. No. 2 grades. However, limits for these grades that were suggested appear to be too lenient to be meaningful based on the percentages of skinned lentils in past crops. Because the proposal did not include such changes for comment, and limits for U.S. No. 1 and U.S. No. 2 grades will require further study, a proposed change may be considered at a later date.

Accordingly, the U.S. Standards for Whole Dry Peas, § 68.406, Grades and

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

grade requirements for dockage-free peas, are amended to increase the maximum limits for peas with cracked seedcoats by 1.5 percent in each of the numerical grades, U.S. No. 1, U.S. No. 2, and U.S. No. 3.

The U.S. Standards for Lentils, § 68.607, Grades and grade requirements for dockage-free lentils, are also amended to add a grade limit for skinned lentils to the requirements for Sample grade. The additional grade limit states that samples containing more than 15.0 percent skinned lentils shall be U.S. Sample grade.

Further, the revision makes a limited number of minor changes to the format of the tables which appear in § 68.406 and § 68.607, including a correction to the footnote referenced for the heading Subpart F—U.S. Standards for Whole Dry Peas as published in the proposal. The reference to footnote 2 is changed to read footnote 1.

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Accordingly, 7 CFR Part 68 of the regulations is amended by revising §§ 68.406 and 68.607 as follows:

1. Section 68.406 is revised to read as follows:

Subpart F—U.S. Standards for Whole Dry Peas [1]

§ 68.406 Grades and grade requirements for dockage-free dry peas. (See also § 68.408.)

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

	Maximum limits of defective peas									Minimum requirements for color
	Weevil-damaged peas (percent)	Heat-damaged peas (percent)	Damaged peas [2] (percent)	Other classes [3] (percent)	Bleached peas [4] (percent)	Split peas (percent)	Shriveled peas (percent)	Peas with cracked seedcoats (percent)	Foreign material (percent)	
U.S. No. 1 [1]	0.3	0.2	1.0	0.3	1.5	0.5	2.0	5.0	0.1	Good.
U.S. No. 2 [1]	0.8	0.5	1.5	0.8	3.0	1.0	4.0	7.0	0.2	Good.
U.S. No. 3 [1]	1.5	1.0	2.0	1.5	5.0	1.5	8.0	9.0	0.5	Poor.

U.S. Sample grade. U.S. Sample grade shall be dry peas which:
(a) Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or
(b) Contain metal fragments, broken glass, or a commercially objectionable odor; or
(c) Contain more than 15.0 percent moisture; or
(d) Are materially weathered, heating, or distinctly low quality; or
(e) Are infested with live weevils or other live insects.[5]

[1] Uniformity of Size requirements—Dry peas of any of the numerical grades shall be of such size that not more than 3.0 percent shall pass through the appropriate oblong-hole sieve as follows:

Peas	Appropriate sieve
Winter Dry Peas	25/64 x 3/4
Special grade "Small" peas	19/64 x 3/4
All other peas	11/64 x 3/4

[2] Damaged peas do not include weevil-damaged or heat-damaged peas.
[3] These limits do not apply to the class Mixed Dry Peas.
[4] These limits do not apply to winter field peas and wrinkled peas.
[5] As applied to dockage-free whole dry peas, the meaning of the term "infested" is set forth in Chapter 3 of the Inspection Handbook HB-1.2.

* * * * * * *

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

2. Section 68.607 is revised to read as follows:

Subpart H—U.S. Standards for Lentils [1]

§ 68.607 Grades and grade requirements for dockage-free lentils. (See also § 68.609.)

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

Grade	Maximum limits of					Minimum requirements—color
	Defective lentils			Foreign material		
	Total (percent)	Weevil-damaged lentils (percent)	Heat-damaged lentils (percent)	Total (percent)	Stones (percent)	
U.S. No. 1	2.0	0.3	0.2	0.2	0.1	Good.
U.S. No. 2	3.5	0.8	0.5	0.5	0.2	Fair.

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS—Continued

Grade	Maximum limits of					Minimum requirements—color
	Defective lentils			Foreign material		
	Total (percent)	Weevil-damaged lentils (percent)	Heat-damaged lentils (percent)	Total (percent)	Stones (percent)	

U.S. Sample grade—U.S. Sample grade shall be lentils which:
(a) Do not meet the requirements for the grades U.S. Nos. 1 or 2; or
(b) Contain more than 14.0 percent moisture, live weevils or other live insects, metal fragments, broken glass, or a commercially objectionable odor; or
(c) Are materially weathered, heating, or distinctly low quality; or
(d) Contain more than 15.0 percent skinned lentils.

(Sec. 203 (c), (h), Pub. L. 79–733, 60 Stat. 1087 (c), (h), (7 U.S.C. 1622 (c), (h)))

Dated: January 28, 1982.

K. A. Gilles,

Administrator.

[FR Doc. 82–3681 Filed 2–10–82; 8:45 am]

BILLING CODE 3410–EN–M

Animal and Plant Health Inspection Service

7 CFR Part 301

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

Correction

In FR Doc. 82–2874 appearing on page 5191 in the issue of Thursday, February 4, 1982, make the following correction:

In the third column of page 5191, the third paragraph under **Background** contained errors and should have read as follows:

The document of October 2, 1981 also included a notice of a public hearing concerning the amendments. Pursuant to 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 amendments and did not suggest any changes.

BILLING CODE 1505–01–M

Agricultural Marketing Service

7 CFR Part 905

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

Oranges, Grapefruits, Tangerines, and Tanegelos Grown in Florida; Amendment of Grade Requirements

Correction

In FR Doc. 82–2875 appearing on page 5192 in the issue of Thursday, February 4, 1982, make the following correction:

On page 5192, at the bottom of the first column, the first paragraph under **Supplementary Information** contained errors and should have read as follows:

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

BILLING CODE: 1505–01–M

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Regulation 6, Amdt. 6]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action lowers the minimum diameter requirement for domestic shipments of Florida pink seedless grapefruit and imports of pink seedless grapefruit from 3 9/16 inches to 3 5/16 inches. This amendment also lowers the minimum diameter requirement for domestic shipments of Florida Temple oranges and Florida tangelos from 2 9/16 inches to 2 4/16 inches, and requires that domestic and export shipments of Temple oranges and tangelos meet the requirements of U.S. No. 1 Golden grade. The changes in minimum size of pink seedless grapefruit, Temple oranges and tangelos and minimum grade for Temple oranges and tangelos recognize the size composition and quality of the remaining supply of such fruit, and is consistent with the available crop 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 designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect the costs for the directly regulated handlers. The regulation with respect to Florida pink seedless grapefruit, Florida Temple oranges and Florida tangelos 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). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information.

The minimum grade and size requirements, specified herein, reflect the Committee's and the Department's appraisal of the need to revise the size requirements applicable to Florida pink seedless grapefruit and the grade and size requirements applicable to Florida Temple oranges and tangelos in

recognition of the recent freeze in Florida. The freeze has resulted in some fruit loss and increased market demand for the remaining fruit supply. Specification of these requirements 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, size requirements for imported pink seedless grapefruit will also change to conform to the size requirements for domestic shipments of Florida pink seedless grapefruit. It is hereby found that this regulation will tend to effectuate the declared policy of the act.

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). It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified. This amendment relieves restrictions on shipments of Florida pink seedless grapefruit, imports of pink seedless grapefruit and Florida Temple oranges and tangelos.

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; 5699) should be and are amended by revising Table I paragraph (a), applicable to domestic shipments, and 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	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Oranges: Temple	Feb. 8, 1982 to Aug. 22, 1982	U.S. No. 1 golden	2 1/16
	On and after Aug. 23, 1982	U.S. No. 1	2 1/16
Tangelos	Feb. 8, 1982 to Aug. 22, 1982	U.S. No. 1 golden	2 1/16
	On and after Aug. 23, 1982	U.S. No. 1	2 1/16
		Improved No. 2 (external)	
Grapefruit: Seedless, pink.	Feb. 8, 1982 to Aug. 22, 1982	U.S. No. 1 (internal)	3 1/16
	On and after Aug. 23, 1982	Improved No. 2	3 1/16

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Oranges: Temple	Feb. 8, 1982 to Aug. 22, 1982	U.S. No. 1 golden	2 1/16
	On and after Aug. 23, 1982	U.S. No. 1	2 1/16
Tangelos	Feb. 8, 1982 to Aug. 22, 1982	U.S. No. 1 golden	2 1/16
	On and after Aug. 23, 1982	U.S. No. 1	2 1/16

* * * * *

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

Dated: February 5, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-3682 Filed 2-10-82; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regs. 540 and 539, Amdt. 1]

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

AGENCY: Agricultural Marketing Serice, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 12–February 18, 1982, and increases the quantity of such oranges that may be so shipped during the period February 5–February 11, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective February 12, 1982, and the amendment is effective for the period February 5–11, 1982.

FOR FURTHER INFORMATION CONTACT: Wiliam J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committeee following discussion at a public meeting on October 6, 1981. The committee met again publicly on February 9, 1982 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based

and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and effective time.

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 907.840 is added as follows:

§ 907.840 Navel orange regulation 540.

The quantities of navel oranges grown in Arizona and California which may be handled during the period February 12, 1982, through February 18, 1982, are established as follows:

(1) District 1: 1,262,000 cartons;
(2) District 2: 188,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

2. Section 907.839 Navel Orange Regulation 539 (47 FR 5403), is hereby amended to read:

§ 907.839 Navel orange regulation 539.

* * * * *

(1) District 1: 1,232,000 cartons;
(2) District 2: 218,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

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

Dated: February 10, 1982.

Michael A. Castille,

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

[FR Doc. 82—3975 Filed 2-10-82; 11:24 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

14 CFR Part 71

Federal Aviation Administration

[Airspace Docket No. 81-AEA-62]

Renumbering of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment renumbers certain alternate VOR Federal Airways in the eastern part of the U.S. This action eliminates the assignment of alternate airway segments for the affected airways. It is in accordance with International Civil Aviation Organization (ICAO) agreement to phase out alternate airways from the National Airspace System.

EFFECTIVE DATE: May 13, 1982.

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations and Obstructions Branch (ATT-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 December 10, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to renumber V–8N, V–12S, V–16S, V–39E, and V–44E. There would be no change in the amount of designated controlled airspace as a result of this action. The alternate airway segments are renumbered to eliminate the use of alternate airway assignments in accordance with ICAO agreement (46 FR 60464). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received. This amendment is the same as that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) renumbers V–8N, V–12S, V–16S, V–39E, and V–44E. There is no change in the amount of designated controlled airspace and the renumbering is to eliminate the use of alternate airway assignments. This action is in accordance with ICAO agreement to phase out alternate airways from the National Airspace System.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), and amended (45 FR 71773, 46 FR 11508, 11951, 30804, 38345, and 48128), is further amended, effective 0901 GMT, May 13, 1982, as follows:

1. V–8 [Amended]

By deleting the words ", including a north alternate from Grantsville to the INT of Hagerstown, MD, 157° and the Martinsburg 130° radials via Hagerstown."

2. V–438 [New]

By adding "V–438 From Grantsville, MD, via Hagerstown, MD, to the INT of Hagerstown 157° and the Martinsburg, WV, 130° radials."

3. V–12 [Amended]

By deleting the words ", including a S alternate from Johnstown to Harrisburg via St. Thomas, PA." and substituting for them the words "; INT Harrisburg 087° and East Texas, PA, 225° radials; to East Texas."

4. V–469 [Amended]

By Deleting the words "to Johnstown." and substituting for them the words "Johnstown; St. Thomas, PA; to Harrisburg, PA."

5. V–16 [Amended]

By deleting the words "including a S alternate via INT Pulaski 094° and Lynchburg 253° radials;"

6. V–470 [New]

By adding "V–470 From Pulaski, VA, via INT Pulaski 094° and Lynchburg, VA, 253° radials; to Lynchburg."

7. V–39 [Amended]

By deleting the words "including an E alternate via Casanova, VA;"

8. V–453 [New]

By adding "V–453 From Gordonsville, VA, via Casanova, VA, to Linden, VA."

9.V–44 [Amended]

By deleting the words ", including an east alternate via INT Atlantic City 055° and Deer Park 209° radials"

10. V–184 [Amended]

By deleting the words "Atlantic City, NJ." and substituting for them the words "Atlantic City, NJ; INT Atlantic City 055° and Deer Park 209° radials; to the INT Atlantic City 048° and Deer Park 209° radials."

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

Note.—the FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); 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 February 5, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82–3668 Filed 2–10–82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AAL-17]

Establishment of Point Hope, AK, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a transition area in the vicinity of Point Hope, AK. This action provides controlled airspace needed to accommodate prescribed instrument approach procedures.

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 December 10, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area to provide controlled airspace in the vicinity of Point Hope, AK, as published in the **Federal Register** (46 FR 60462). A nondirectional radio beacon (NDB) has been installed at Point Hope, AK, and two instrument approaches have been developed which use this aid. The transition area is needed to provide protected airspace to accommodate these instrument approach procedures. Interested parties 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 amendment is the same as that proposed in the notice. Section 71.181 was republished on January 2, 1981 (46 FR 540).

The rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes a transition area that extends upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Point Hope, AK, NDB 020° bearing extending from the NDB to 18.5 miles north of the NDB and within 4.5 miles west and 9.5 miles east of the Point Hope NDB 205° and 025° bearings extending from 1 mile north of the NDB to 18.5 miles south of the NDB.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540), is amended, effective 0901 GMT, May 13, 1982, as follows:

Point Hope, AK [New]

By adding Point Hope, AK, Transition Area to read as follows:

Point Hope, AK

That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Point Hope NDB (lat. 68°20'40" N., long. 166°47'30" W.) 020° bearing extending from the NDB to 18.5 miles north of the NDB and within 4.5 miles west and 9.5 miles east of the 205° and 025° bearings extending from 1 mile north of the NDB to 18.5 miles south of the NDB.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); 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 February 5, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-3674 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AEA-65]

Renumbering of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment renumbers certain alternate VOR Federal Airways in the eastern part of the U.S. This action eliminates the assignment of alternate airway segments for the affected airways. It is in accordance with International Civil Aviation Organization (ICAO) agreement to phase out alternate airways from the National Airspace System.

EFFECTIVE DATE: May 13, 1982.

FOR FURTHER INFORMATION CONTACT: John Watterson, 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 27, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to renumber V-93E, V-143S, V-162S, V-222N, V-375N, and V-433E. There would be no change in the amount of designated controlled airspace as a result of the proposed action. The alternate airway segments are renumbered to eliminate the use of alternate airway assignments, in accordance with ICAO agreement (46 FR 57913). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received. This amendment is the same as that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) renumbers V-93E, V-143S, V-162S, V-222N, V-375N, and V-433E. There is no change in the amount of designated controlled airspace and the renumbering is to eliminate the use of alternate airway assignments. This action is in accordance with ICAO agreement to phase out alternate airways from the National Airspace System.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), and amended (45 FR 71774, 46 FR 23047 and 54928), is further amended, effective 0901 GMT, May 13, 1982, as follows:

1. *V-93 [Amended]*
   By removing the words "including an E alternate via the INT of Baltimore 034° and Lancaster 181° radials;"
2. *V-499 [Amended]*
   By removing the words "From Lancaster, PA," and substituting the words "From Baltimore, MD, via INT of Baltimore 034° and Lancaster, PA 181° radials; Lancaster,"
3. *V-143 [Amended]*
   By removing the words "including an S alternate via Westminster, MD;"
4. *V-457 [New]*
   By adding "V-457 From Lancaster, PA, via Westminster, MD; to Martinsburg, WV."
5. *V-162 [Amended]*

By removing the words ", including an S alternate via INT Harrisburg 087° and East Texas 225° radials"

6. *V–222 [Amended]*
By removing the words "including an N alternate from Lynchburg via Gordonsville, VA."

7. *V–476 [New]*
By adding "V–476 From Lynchburg, VA, via Gordonsville, VA, to INT Brooke, VA, 045° and Richmond, VA, 009° radials."

8. *V–375 [Amended]*
By removing the words "; including an N alternate via the INT Roanoke 035° and Monetebello, VA, 250° and Montebello, VA."

9. *V–473 [New]*
By adding "V–473 From Roanoke, VA, via INT Roanoke 035° and Montebello, VA, 250° radials; Montebello; Gordonsville, VA."

10. *V–433 [Amended]*
By removing the words ", including an E alternate via DUPONT 058° and Yardley 196° radials"

11. *V–479 [New]*
By adding "V–479 From Dupont, DE, via INT DUPONT 058° and Yardley, PA, 196° radials; to Yardley."

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

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); 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 February 5, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82–3673 Filed 2–10–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 82–ANM–2]

Revise Control Zone, Hillsboro, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document amends the Hillsboro, Oregon Control Zone by reducing its size. This relief is a result of the cancellation of an instrument approach procedure to the Hillsboro Airport.

EFFECTIVE DATE: May 13, 1982. Comments must be received on or before March 18, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Chief, Operations, Procedures, and Airspace Branch, Federal Aviation Administration, Northwest Mountain Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Mountain Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANM–534), Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Mountain Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767–2610.

SUPPLEMENTARY INFORMATION: The RNAV runway 20 approach to Hillsboro Airport has been cancelled, therefore, the control zone extension along the 039° bearing from the Hillsboro Airport reference point is no longer needed. Since this amendment reduces the size of the control zone, it is relieving in nature and notice and public procedure therein are unnecessary.

Request for Comments on the Rule

Although this action is in the form of a final rule, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455, January 2, 1981) is amended, effective 0901 GMT, May 13, 1982, as follows:

Hillsboro, Oregon

On line three (3) delete the words, "within 2 miles each side of the 039° bearing from the airport reference point, extending from the 5-mile radius area to 9.5 miles northeast of the airport";

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

Note.–The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); 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 Seattle, Washington, February 2, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82–3676 Filed 2–10–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 82–ASW–3]

Alteration of Control Zone: Corpus Christi NAS, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the control zone at Corpus Christi NAS, TX. This amendment will change the geographical coordinates of the Airport Reference Point (ARP). The amendment is necessary since the ARP of the Corpus Christi NAS has changed and has created an improper description of the control zone which provides protection for aircraft operating under instrument flight rules (IFR).

DATES: Effective date—May 13, 1982. Comments on the rule must be received before March 1, 1982.

ADDRESS: Send comments on the action in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region: Docket No. 82–ASW–3, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

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

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F 71.171 as republished in the Federal Register on January 2, 1981 (46 FR 455), contains the description of control zone designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Alteration of the control zone at Corpus Christi NAS, TX, will necessitate an amendment to this subpart. A review of the necessary controlled airspace has revealed that the geographical coordinates of the ARP have changed, thereby requiring this alteration to accurately describe the control zone.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the dimensions of the Corpus Christi NAS, TX, control zone. Because this action is a minor change and is basically editorial in nature, I find that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished (46 FR 455) is amended, effective 0901 GMT, May 13, 1982, by removing * * * "(Latitude 27°41'30"N., longitude 97°17'15"W)" and substituting therefor (latitude 27°41'33"N., longitude 97°17'28"W.).

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11/61(c))

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

Issued in Fort Worth, TX, on February 2, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-3672 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 81-AWP-24]

Alteration of Restricted Area R-2311, Army Proving Grounds, Yuma, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends the time of designation of temporary Restricted Area R-2311, Army Proving Grounds, Yuma, AZ. Circumstances beyond the control of the using agency have caused a need to add the period of April 1, 1982, through October 31, 1982, to the existing time of designation. This action will allow completion of the flight test program and reduce possible cost overruns.

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 December 10, 1981, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to extend the time of designation for temporary Restricted Area R-2311, Army Proving Grounds, Yuma, AZ, as published in the Federal Register (46 FR 60465), by adding the period of April 1, 1982, through October 31, 1982, to the present time designation. The additional period is needed to allow sufficient time for completion of the flight test program which has been delayed by production delays by commercial contractors. Interested parties 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 amendment is the same as that proposed in the notice. Section 73.23 was republished on January 2, 1981 (46 FR 784).

The Rule

This amendment to Part 73 of the Federal Aviation Regulations extends the time of designation for temporary Restricted Area R-2311, Army Proving Grounds, Yuma, AZ, by adding the period of April 1, 1982, through October 31, 1982, to the present time of designation. This action is necessary to allow sufficient time for completion of the flight test program.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.23 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 784), is amended, effective 0901 GMT, May 13, 1982, as follows:

R-2311 Army Proving Grounds, Yuma, AZ [Amended]

Under time of designation by deleting the words "October 1, 1980, through March 31, 1982" and substituting for them the words "October 1, 1980, through October 31, 1982"

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

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 February 3, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-3669 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 7652]

ABC Vending Corp., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This reopens the proceeding and modifies the Commission's order issued on October 22, 1964 (29 FR 15201) by deleting Paragraph VIII from the order, which limited the amount of time

respondents could contract for exclusive concessionary rights at movie theaters.

DATES: Order issued October 22, 1964. Modifying order issued January 28, 1982.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580. (202) 376–2863.

SUPPLEMENTARY INFORMATION: In the Matter of ABC Vending Corporation, a corporation, and Berlo Vending Company, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13 and appearing at 29 FR 15201, remain unchanged.

The Order Modifying Cease and Desist Order Issued October 22, 1964 is as follows:

The Federal Trade Commission having considered the September 22, 1981 petition of Ogden Food Service Corporation (successor to ABC Vending Corporation) to reopen this matter and to set aside or, in the alternative, modify the consent order to cease and desist issued by the Commission on October 22, 1964, and having determined that changed conditions of fact warrant reopening and modification of the order,

It is ordered that this matter be, and it hereby is reopened and that Paragraph VIII of the Commission's order be and it is hereby deleted.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-3680 Filed 2-10-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket No. PL82-1-000]

Natural Gas; Fraud Standard; Statement of Policy

February 4, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Statement of policy.

SUMMARY: The Federal Energy Regulatory Commission (Commission) announces a general policy regarding the meaning of "fraud, abuse, or similar grounds" (fraud standard) in section 601(c)(2) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301–3432). That section allows interstate pipelines to passthrough the price paid to purchase natural gas if the price, deemed just and reasonable pursuant to section 601(b), is not "excessive due to fraud, abuse, or similar grounds." For future decisions in proceedings in which fraud, abuse, or similar grounds is raised, the Commission hopes to limit consideration of the fraud standard to consideration of whether the amounts paid were excessive as a result of a misrepresentation of any kind. The purpose of this policy statement is to provide guidance for the efficient disposition of cases in which the fraud standard is an issue.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357–8033.

SUPPLEMENTARY INFORMATION

The Federal Energy Regulatory Commission (Commission) announces a general policy regarding the meaning of "fraud, abuse, or similar grounds" (fraud standard) in section 601(c)(2) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301–3432) (NGPA). Section 601(c)(2) allows interstate pipelines to passthrough the price paid to purchase natural gas if the price, deemed just and reasonable pursuant to section 601(b), is not "excessive due to fraud, abuse, or similar grounds." For future decisions in proceedings in which fraud, abuse, or similar grounds is raised, the Commission hopes to limit consideration of the fraud standard to consideration of whether the amounts paid were excessive as a result of a misrepresentation of any kind.

The purpose of this policy statement is to provide guidance for efficient disposition of cases in which the fraud standard is an issue. The Commission is mindful that a general policy statement does not have the force and effect of law. Instead, it is an articulation of the Commission's tentative intention which will be followed unless circumstances demonstrate the policy to be inappropriate. In particular cases, both the underlying validity of the policy and its application to particular facts may be challenged and are subject to futher consideration.[1] This general policy is being codified in Part 2 (General Policy and Interpretations) of the Commission's regulations by adding new § 2.300.

[1] With regard to issued statements of policy, the Commission has demonstrated that it does reconsider the policy statement as applied to particular circumstances, and, when appropriate, determines that the policy statement does not apply. For example, in Southern California Edison Co., the Commission determined that the showing required by § 2.17(a)(4)—the resale rates that the wholesale customer would charge—was not necessary to establish a *prima facie* case. Docket No. ER76-205, Opinion No. 62, at 27 (August 22, 1979).

I. Introduction

The NGPA extended price controls to the intrastate market for the first time, while allowing prices for gas to rise gradually in both the interstate and intrastate markets and permitting the eventual deregulation of a number of specified categories of natural gas. Under section 121(a) of the NGPA, high cost gas regulated under section 107(c)(1)–(4) of the Act was deregulated almost immediately. Certain other categories of gas are scheduled to be deregulated in 1985, and still others in 1987. However, large quantities of gas will remain price-controlled until the supplies are exhausted.

By far the largest share of presently decontrolled gas is that produced from section 107(c)(1) wells, *i.e.*, wells, the surface drilling of which began on or after February 19, 1977, and the completion location of which occurs at a depth of more than 15,000 feet. Prices for that gas now range from about $2.00/MMBtu to over $9.00/MMBtu.[2] In addition, a recent study estimates that the long-term market clearing price in 1982 would be about $4.56 (in 1981 dollars), which is somewhat less than the Btu-equivalent price of low sulfur No. 6 fuel oil with transportation charges subtracted or backed out.[3] Based on these estimated prices, the highest price currently being paid for deregulated natural gas exceeds the long-term market clearing price by about a factor of 2.

II. Fraud Standard in Commission Proceedings

A number of credible and responsible persons have intervened in certain Commission proceedings, objecting to the level of prices being paid for deregulated gas supplies. The first of these proceedings was Transcontinental Gas Pipeline Corporation (Transco), Docket No. TA81-1-29-002, to which a joint notice of intervention was filed by the Public Service Commission for the

[2] *See, e.g.*, Transcontinental Gas Pipe Line Corp., Docket No. TA81-2-29-001 (PGA81-2) filed July 31, 1981 ($9.7705/Mcf); Southern Natural Gas Co., Docket No. TA81-2-7-000 (PGA81-2) filed June 1, 1981 ($9.2620/Mcf); Panhandle Eastern Pipe Line Co., Docket No. TA81-2-28-001 (PGA81-2) filed July 17, 1981 ($1.911010/Mcf settlement); Michigan Wisconsin Pipe Line Co., Docket No. TA81-2-48-000 (PGA81-2) filed March 31, 1981 ($1.915320/Mcf).

[3] U.S. Department of Energy, Office of Policy, Planning and Analysis, A Study of Alternatives to the Natural Gas Policy Act of 1978 (November 1981) p. 22 (hereinafter cited as DOE Study). (The study uses 1980 dollars; the figures in this order have here been converted into 1981 dollars using an assumed 9 percent inflation rate.) The corresponding delivered industrial price projected by the study is $5.48, compared with projected Btu-equivalent prices of $6.19 and $5.07 for low-sulfur No. 6 fuel oil.

State of New York and the North Carolina Utilities Commission (State Commissions).[4] The pattern of interventions in other proceedings[5] is similar to that in the *Transco* case. Although there is some slight variation in the arguments, the *Transco* case will be used for illustrative purposes.

On January 29, 1981, Transco made its semi-annual PGA filing under § 154.38(d)(4) of the Commission's regulations. The State Commissions filed a timely petition to intervene, and this Commission, in an order issued February 28, 1981,[6] characterized the theory of the intervention as follows:

> The State Commissions in their joint notice of intervention protest Transco's filing and request that it be suspended and set for hearing. Specifically, they allege that the Commission cannot find that the increased rates which would be made effective by the instant PGA filing are just and reasonable within the meaning of Sections 4 and 5 of the Natural Gas Act and Section 601(b) of the Natural Gas Policy Act (NGPA), and, therefore, such rates are not appropriate for guaranteed recovery under Section 601(c)(2) of the NGPA. The State Commissions state that the increase in Transco's purchased gas costs has been much more rapid than that of comparable pipelines and that Transco's rates may soon price certain of Transco's distributor customers out of the industrial sales market.

(Mimeo at 2.)

The Commission's consideration of these matters is governed by section 601 of the NGPA. That section was intended to coordinate the NGPA with the Natural Gas Act (15 U.S.C. 717 *et seq.*) (NGA). Section 601(b)(1) provides generally that, for the purposes of sections 4 and 5 of the NGA, any amount paid in any first sale of natural gas shall be deemed just and reasonable either if such amount does not exceed the maximum lawful price allowed by Title I of the NGPA or if there is no applicable maximum lawful price solely by reason of the elimination of price controls pursuant to Title I of the NGPA. Section 601(c) of the NGPA is complementary in that it provides that, for purposes of sections 4 and 5 of the NGA, the Commission may not deny any interstate pipeline recovery of any amount paid with respect to any purchase of natural gas if under section 601(b) such amount is deemed just and reasonable for purposes of sections 4 and 5 of the NGA and such recovery is not inconsistent with specified provisions of Title II, except to the extent the Commission determines that the amount paid was excessive due to fraud, abuse, or similar grounds. Thus, intervenors have selected the "fraud, abuse, or similar grounds" proviso (fraud standard) as the vehicle by which to translate their discontent over higher than market prices into disallowance of the flow through of all or part of such prices to consumers. The argument, with variations, is that the fraud standard is broad enough to encompass imprudent gas-purchase practices, and that the payment of higher than market prices is definitionally imprudent.

In its February 28 order the Commission recognized that "[t]he identity of, or differences between, 'fraud,' 'abuse' or 'similar grounds,' when stated disjunctively in Section 601(c) is a particularly difficult but important question." (Mimeo at 2, n. 3.) Declining for the most part to attempt an interpretation of these words, the Commission indicated that, because the *Transco* case was one of first impression, it was essential that the factual and legal issues relating to section 601(c) be resolved at hearing. However, the Commission did indicate that "[a]buse, in this context, does not refer to imprudence but to serious improprieties." The Commission also indicated that "the protestants have a heavy burden of proof to demonstrate the impropriety that would trigger the 'fraud, abuse or similar grounds' basis for denying passthrough of costs." (Mimeo at 3.)

In the intervening months since the first orders were issued in the *Transco* case and similar proceedings, the Commission has decided to reconsider its decision to leave the interpretation of the fraud standard to the administrative law judges. The Commission is concerned that there are now five of these proceedings. Multiple proceedings have serious negative implications for the allocation of this Commission's resources during a time of severe budget restraint, and they may lead to several inconsistent standards. In short, it would be unwise to conduct numerous duplicative hearings to develop a standard, or to adjudicate cases using inappropriate standards.

For the reasons discussed above, the Commission is issuing this policy statement—fully recognizing the lateness of the hour—to guide the administrative law judges in their deliberations. The effect of this statement is to place litigants on notice of the tentative standard that will be applied in their cases, so that they may make informed decisions as to the strategy and presentation of their litigation.

Hereafter, litigants will be able to obtain a more rapid resolution of the substantive question in the courts of appeals should they elect to do so because the litigation can be concluded more efficiently if the administrative law judges are provided with a standard to guide them.[7]

III. Discussion

A. Commission Orders and Legislative History

Prior to discussion of the fraud standard itself, it is useful to review what the Commission has said about that standard in orders issued since the February 28, 1981, order issued in the *Transco* case. The orders were issued in response to various pleadings styled as petitions for clarification, rehearing or reconsideration of the February 28 order. One such petition was jointly filed by the State Commissions of New York and North Carolina and focused on the Commission's language in its February 28 order that abuse does not refer to imprudence, but serious improprieties. The State Commissions argued that the term "abuse" could include imprudence in some circumstances. Similar arguments were advanced by other parties in other dockets. However, the arguments raised in the *Transco* case and the other proceedings were rejected by the Commission in a clarifying order issued April 30, 1981.[8]

The April 30 order and the concurring opinion of Commissioners Holden and Hughes both dealt at some length with the legislative history of the fraud standard. Neither found a great deal of enlightenment contained in such

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[4] Transcontinental Gas Pipeline Corp., Docket No. TA81-1-29-002, Notice of Interventions, Protest and Motion for Suspension and Hearing of the Public Service Commission of the State of New York and the North Carolina Utilities Commission (filed February 18, 1981).

[5] *See, e.g.*, Columbia Gas Transmission Corp., Docket No. TA81-1-21-001; Trunkline Gas Co., Docket No. TA81-1-30-001; Michigan Wisconsin Pipe Line Co., Docket No. TA81-2-48-000; Colorado Interstate Gas Co., Docket No. TA81-1-32-000.

[6] Transcontinental Gas Pipeline Corp., Docket No. TA81-1-29-002 (PGA81-1, IPR81-1, DCA81-1 and LFUT81-1), Order Accepting for Filing, Subject to Conditions, and Suspending Proposed Tariff Sheets, and Establishing Procedures (issued February 28, 1981), 14 FERC ¶ 61,204.

[7] This order thus accepts the admonition by Commissioners Holden and Hughes that there has been "insufficient guidance toward shaping an appropriate framework for an interpretation of the meaning of the * * * (fraud standard)." Concurring opinion, Columbia Gas Transmission Corp., *et al.*, Docket No. TA81-1-21-001, *et al.* (issued May 12, 1981) (concurring in order issued in the same docket on April 30, 1981) 15 FERC ¶ 61,104.

[8] Columbia Gas Transmission Corp., *et al.*, Docket No. TA81-1-21-001, *et al*, Order Clarifying Prior Orders and Denying Request for Oral Argument, issued April 30, 1981, 15 FERC ¶ 61,104. In the order the Commission said: "We reaffirm our finding that mere imprudence as determined under the NGA does not of itself constitute fraud or abuse under section 601(c) of the NGPA." *Id.* pg. 61,227.

sources.[9] The Commission articulated in that order that the terms "fraud, abuse, or similar grounds" not only were not defined in the statute, but that neither the committee reports nor the floor debates provided substantial definitional guidance. However, as the Commission did state in its April 30 order:

[T]he limited legislative history relating to Section 601(c) suggests rather strongly that "abuse" is a more rigorous test than the prudence standard under the NGA. We note that the Conference Report merely refers to "fraud or abuse", and the floor debates do not further define these terms. Also, the respective House and Senate bills did not even contain the "fraud or abuse" language. However, the June 15, 1978 Committee Print representing the preliminary agreement by the Conferees states their agreement "to include language in the joint statement of managers that makes clear there is no intention to override the inherent *enforcement power* of FERC to police fraud, abuse, etc." (Italics added) It is significant that the Conferees were concerned with the Commission's enforcement power, rather than its general Section 4 and Section 5 ratemaking power. This is particularly significant since the Conferees expressed an intent to "assure that there is no indirect or 'back door' producer regulation by FERC". The continuing discussion in the Committee Print suggests that the Conferees intended to provide this assurance through adoption of the new two-pronged just-and-reasonable standard of Section 601(b) and passthrough provision in Section 601(c). Thus, it would appear that Sections 601 (b) and (c) were intended to function independently of the prudence standard because (i) the application of prudence standard involves an exercise of general Section 4 and Section 5 ratemaking power rather than enforcement power, and (ii) the imposition of the prudence standard would indirectly affect if not directly regulate producer activities. (Footnotes omitted.) [10]

One aspect of the legislative history of the fraud standard that received perhaps inadequate attention in the April 30 order was an observation contained in the Natural Gas Pricing Conference Agreement (Agreement), dated June 15, 1978.[11] Although not a dispositive statement of legislative history because it is the Conference Committee Staff's understanding of the agreement of the Conferees, we do not believe that document should be dismissed out of hand. The Agreement is an official Committee Print of the 95th Congress, 2d Session, and it expressly states (at iii) that it "represents the agreement on natural gas pricing and related issues reached by the Conferees on H.R. 5289."

The Agreement observes that the purpose of the passthrough of wellhead price increases by interstate pipelines is to "[a]ssure that there is no indirect or 'back door' producer regulation by FERC." The statute itself is silent on this matter, and there is no other relevant legislative history. Significantly, the observation contained in the Agreement does not contradict, either directly or by analogy, any provision of the NGPA and is consistent with all other relevant legislative history.

Although this Agreement is not dispositive of Congressional intent, it is certainly *indicative* of Congressional intent. This Conference Agreement, published just five months prior to the passage of the NGPA, provides no more than guidance to the Commission.[12] That there is no Senate, House, or Conference Report on the matter would hardly excuse the Commission's blinding itself to what the Agreement says.

Based on an analysis of the language and the legislative history of the NGPA, the Commission comes to two conclusions. First, the Commission concludes that the task of defining what constitutes "fraud, abuse, or similar grounds" is left entirely to it. This conclusion is based on the lack of specific guidance about the meaning of those words both in the legislative history and the statute, and the implicit statutory injunction that the Commission determine the extent to which the amount paid was excessive due to fraud, abuse, or similar grounds. Second, the Commission concludes that the fraud standard may not be used as a "backdoor" method of regulating otherwise deregulated wellhead natural gas prices. This conclusion obviously suggests that the Commission must allow gas pricing provisions under the NGPA to operate as Congress established them, even if that operation is not economically optimal in light of events occurring since the passage of the NGPA.[13]

B. The Market Ordering Problem and Its Relation to the Fraud Standard

As previously noted, several state commissions have intervened in Commission proceedings and expressed their concern over current levels of price for deregulated gas supplies largely in terms of the presently disordered markets for natural gas. For example, in a Notice of Intervention filed in one proceeding,[14] the Wisconsin Public Service Commission made the following statement:

The PSCW fears that the Section 107 contracts included in Michigan Wisconsin's March 31, 1981, filing are only the tip of the iceberg. Only the cost of gas connected as of the May 1, 1981, effective date of the proposed PGA rate increase is revealed in the filing. There is no disclosure of the additional high cost gas Michigan Wisconsin has already contracted for but not connected, nor the probable effect of the cost of that gas on Michigan Wisconsin rates.

The prices which Michigan Wisconsin is paying in the field for Section 107 gas are surpassing the prices of alternative fuels—not only coal and No. 6 fuel oil, but also No. 2 fuel oil. Even when the cost of this gas is rolled-in with the cost of regulated gas, the addition of transportation costs threatens to make Michigan Wisconsin's gas so expensive at the burner-tip that there will be a loss of industrial load. This will further impact adversely the high-priority customers who continue to take gas in the areas served by Michigan Wisconsin. Those areas have already been deeply affected by the current recession. Massive increases in the price of natural gas can only worsen the situation.

Similarly, the New York and North Carolina Commissions stated in their joint notice of intervention in the *Transco* case:[15]

5. Thus the adjusted base cost of gas on the *Transco* system has risen in the last two-and-one half years from 82.5 cents per dt as of September 1, 1978, to $2.697 per dt as of March 1, 1981, an increase of $1.872 or 227%. This contrasts with an increase in gas costs during the same period for Tennessee of $1.09 or 119% and for Texas Eastern of 89 cents or 103%. Even more important, the latest increase brings the 100% load factor price for contract demand service and the charge under the General Service rate from *Transco* to $3.7614 for Zone 1, $3.7764 for Zone 2 and $3.8294 for Zone 3. These prices are at a level which, when distribution costs are added into the picture (footnote omitted), bring the burner tip price of *Transco* gas to levels which are rapidly approaching a price at which customers with alternate fuel capacity will switch to oil (footnote omitted). Thus as of September 10, 1981, the price for No. 2 oil

[9] The April 30 order accurately characterized the legislative history as "limited." *Id.*

[10] *Id.*

[11] Committee on Interstate and Foreign Commerce, Committee Print No. 95-55, 95th Cong., 2d Sess. (June 15, 1978).

[12] "The events occurring immediately prior to the time when an act becomes law comprise a most instructive source for information indicative of what the Congress had intended to mean. 2A C. D. Sands, Statutes and Statutory Construction section 48.04 (4th ed. 1973).

[13] "The Commission's duty is to administer the law Congress passed in light of the purposes for which it was passed. It is not an agency's prerogative to alter a statutory scheme even if its alteration is as good or better than the congressional one." Mid-Louisiana Gas Co. v. FERC, Nos. 80-3804 & 80-4010, slip. op. at 13823 (5th Cir. 1981).

[14] Michigan Wisconsin Pipe Line Company, Docket No. TA81-2-48-000, Notice of Intervention, Protest and Petition for Suspension and Hearing of the Public Service Commission of Wisconsin (filed April 22, 1981).

[15] Notice of Intervention, *supra* note 4.

in New York City was 99.82 cents per gallon, equivalent to $7.13 per dt, and for low sulfur No. 6 residual oil, 78.8 cents per gallon, equivalent to $5.36 per dt (footnote omitted). Similarly, the current prices for No. 6 high sulfur oil in North Carolina, where it is the principal alternate fuel, is approximately 80.55 cents per barrel at the Port of Wilmington, equating to a burner tip price of about $5.41 per dt. Moreover, even if the instant filing would not result in any substantial loss of sales to alternate fuels, it is apparent that the continued ability of *Transco's* customers to maintain sales to industrial and other end users with alternate fuel capacity will be seriously jeopardized if *Transco's* purchased gas costs, which have escalated at a steadily increasing level over the last six PGA filings from 21.5 cents for the period between September 1, 1978 and March 1, 1979 to over 59 cents in the most recent six-month period, continues to follow this pattern.

6. The problems raised by *Transco's* filing are by no means limited to the possibility of loss of sales where the end users have the ability to utilize alternate fuels. For the *Transco* filing indicates the possibility that unnecessarily high costs for gas are being imposed upon *Transco's* customers as a result of its gas purchasing practices over which this commission retains supervisory control. A substantial portion of the increases which have led to the more than tripling of *Transco's* purchased gas costs in the last two-and-one-half years is of course due to the statutory increases in the NGPA ceiling rates. But an increasing factor in the ever accelerating increases in *Transco's* PGA filings has been the impact of increased purchases of very high cost Section 107 gas.

The observations of these state commissions capture much of the flavor of what has come to be known as the market-ordering problem. The implication of the interventions in the various PGA cases is that Congress intended the fraud standard as a device to cure market disorder otherwise created by the NGPA. For the reasons discussed in this order the Commission disagrees with that contention.

The market-ordering problem has been engendered by major structural defects in the NGPA. The primary flaw in the NGPA is that, rather than eliminating the dual market which existed under the NGA, the NGPA merely substituted another in its place, thereby creating a host of novel market-ordering problems. The problems created by the NGPA's regime of partial regulation are evident in the supply problems of some interstate and intrastate pipelines, as well as in the higher than commodity-value prices being paid for deregulated gas to which the state commissions invite the Commission's attention. These problems promise to be aggravated dramatically when the amount of deregulated gas increases from less than 5 percent of total supplies this year to about 60 percent in 1985.[16]

The dual market created by the NGPA finds its source in the Act's regulation of some prices, but not others. Other structural aspects of the NGPA interplay with this one to create higher than commodity-value prices and burgeoning regional shortages.[17] First, the amount of gas that will be regulated until exhausted is significant.[18] Second, the NGPA provides for a *range* of widely varying prices. Third, the NGPA ties the escalations of gas prices to a seriously understated assumption about the price of oil.[19] Finally, the NGPA at least permits, if not prescribes, so-called rolled-in pricing with only insignificant limits.[20] Taken together, these factors yield widely varying average gas costs among pipelines, both interstate and intrastate. This fact is crucial to an understanding of the market-ordering problem.

A number of terms have come to be associated with various aspects of market disorder, two of which should be identified and defined. The sharp increase in gas prices expected in 1985 under the NGPA as a result of the difference between anticipated and actual oil prices is called the "spike." The quantum of gas that will continue to be price-regulated under the NGPA is called the "cushion." Today's high prices for deregulated deep gas predictably result from the existence of the cushion, as will be pointed out.

There is considerable irony in the consequences of the NGPA. The NGPA was enacted in large part in response to problems caused by partial regulation. Under the NGA, federal price controls applied to the sale of natural gas in interstate commerce. They did not extend to the sale of natural gas sold and consumed within the state in which it was produced. The result of this distinction during the 1970's was the coexistence of severe curtailments in the interstate market with ample supplies in the intrastate markets.

Partial regulation under the NGA was geographical in nature in the sense that sales to the interstate market were regulated, while sales within the intrastate market were not. Within each market, however, regulation was either complete or nonexistent. There was no market within which regulation coexisted with deregulation. The NGPA largely elminated the distinction between interstate and intrastate markets for natural gas. Through it, however, Congress adopted a new form of partial regulation which combined regulated and deregulated supplies. This new system threatens to create problems at least as serious as those resulting from the distinction between interstate and intrastate markets under the NGA.

Under the NGPA, on January 1, 1985, deregulation of more than half the supply of natural gas will coexist in the same market with continued price controls on the remaining supply. Currently, no more than 4 percent of the aggregate gas supply is sold at decontrolled prices. While the cushion in 1985 will be large, it is even larger now.

The gas cushion is unevenly distributed among pipelines now and, in the absence of legislative or administrative remedy, it will continue to be unevenly distributed in the future. This uneven distribution is the result of two factors. First, natural gas is purchased in the field markets at different prices. Under the NGPA, prices range from 25 cents to more than $5 per MMBtu for regulated gas, and up to nearly $10 per MMBTU for some deregulated gas. Concurrently, the amount of gas controlled by a given pipeline in each of these pricing categories is idiosyncratic in the sense that it depends upon the pipleline's own historical and present management and buying practices. Since each pipeline will control different quantities of gas under the various pricing categories, the weighted average cost of each pipeline's supplies is unique or will coincide with the weighted average cost of another pipeline's supplies only as a matter of fortuity.[21] Correlatively, each pipeline's share of "cheap" regulated gas is different from the others or will be the same only as a matter of coincidence. A useful way to view this phenomenon is that the relative "richness" or "poorness" of each pipeline, whether interstate or intrastate, will be reflected

[16] *DOE Study, supra* note 3.

[17] Oversight Hearings on Title I of the Natural Gas Policy Act of 1978 Before the Senate Committee on Energy and Natural Resources, 97th Cong., 1st Sess. (November 6, 1981) (statement of Robert L. Mitchell at 4; statement of Donald R. Willis at 2, 3, 6).

[18] *DOE Study, supra* note 3, at 7.

[19] Oil products were considered to be the alternative fuels to natural gas, so escalations were pegged to the price of crude oil. When Congress passed the NGPA, that price was expected to be about $19 per barrel in 1985. *See* H.R. Rep. No. 95-543, 95th Cong., 1st Sess., Vol. II at 417. However, the price is much higher than that figure now.

[20] *See* Order No. 167, Incremental Pricing: Adoption of Single-Tier Alternative Fuel Price Ceiling, Docket No. RM81-27 (issued July 24, 1981) (Concurring Statement of Chairman C. M. Butler III).

[21] This effect would not obtain if all wellhead natural gas prices were regulated at the same level of price or were deregulated. This is the center point of the present debate over total deregulation of natural gas prices.

inversely in the lowness or highness of its weighted average gas cost. That lowness or highness is in turn directly dependent on the share of the regulated gas cushion controlled under contract by each individual pipeline.[22] The consequences of this development under the NGPA will be examined in detail below.

As 1985 approaches, greater and greater quantities of decontrolled gas will be rolled in with gas that is still subject to price regulation. The prices that currently confront, and in the future will confront, natural gas users are average prices. Lying behind those average prices is a broad range of field prices, but the consumer is not faced with the higher of those field prices because of the rolling-in process.[23] Thus, in the absence of a true marginal cost pricing regime, there is no market discouragement of a pipeline's paying higher than commodity-value prices for incremental supplies of gas.

There is apparently relentless competition among pipelines for natural gas supplies. This inter-pipeline competition is also apparently a major factor in the payment of very high prices paid for the small supply of deregulated gas today. Logically, natural gas pipelines prefer to buy gas as cheaply as possible in order to preserve existing markets. However, competition among them makes cheap prices improbable. Because many can average high prices with low prices under the regime of the NGPA, pipelines can be expected to bid unregulated wellhead prices up, even above long-term market clearing levels, to a point where each pipeline's management decides, in the exercise of its business judgement, that it must desist from further bidding.

The theoretical bid ceiling for any pipeline is established by the ability of it and its distribution company customers to market natural gas to buyers of significant volumes at the margin. By and large, it is assumed—as the state commissions implicitly recognize in the filings quoted above—that the marginal customers are large industrial concerns who use gas as boiler fuel. That marginal use has been estimated to comprise as much as one-third of the aggregate natural gas market.[24] It is also believed that a large percentage of such customers have existing fuel-switching capability and that the alternative fuel is low sulfur No. 6 fuel oil.[25] Obviously, this state of affairs may not obtain as to an individual pipeline, but there is strong evidence that the proposition holds *on average*.[26] This suggests that the limit to which pipelines can bid their average, or rolled-in, gas cost is *on average* somewhat below the Btu-equivalent price of low sulfur No. 6 fuel oil, less transportation costs. As earlier stated, that price is estimated to be approximately $4.56.[27] This implies that pipelines will continue to pay prices which may be (and as we have seen, in fact, are) higher than commodity-value until their weighted average gas costs approach market clearing levels.

Three important consequences follow from this analysis. The first is that consumers will receive no direct benefit from the continuation of partial price controls after 1984. In the NGPA, Congress provided for continued price controls after 1984 in order to protect consumers from higher prices. But the direct economic benefit of the low-priced regulated gas will not go to consumers; it will go to the producers of deregulated gas through the competitive bidding process.

The second consequence is that the increase in the average price of natural gas in 1985 is likely to be both large and sudden because of the size and sharpness of the price spike. The NGPA was intended to achieve a smooth transition to decontrol by retaining controls on some gas after 1985 and by applying an annual escalator to the statutory price ceilings before that date. However, given market events since passage of the NGPA, continued price controls on some categories of natural gas will do little if anything to smooth the transition. The price escalator provisions applicable to those categories will be largely ineffective because the rates of escalation were based on the world oil market in 1977 and 1978. Within months after enactment of the NGPA, however, world oil prices more than doubled. Since 1979, oil prices have remained generally stable or even declined somewhat. However, even without further increases, existing oil prices imply a price for either completely or partially deregulated natural gas that is far above the NGPA's statutory price ceilings. Because of the price spike that will be created by the NGPA, the transition to substantially increased partial decontrol in 1985 is likely to be far from smooth.

The third consequence of our analysis is that partial deregulation in 1985 will have severe regional impacts. Such impacts were recognized by the state commissions in their filings. Each pipeline in 1985 will buy part of its gas at a price determined by the NGPA and part at a much higher deregulated price determined by the competitive bidding process. The average cost of gas for each pipeline and its customers thus will depend on three factors: the amount of regulated gas that it controls, the average price of that gas, and the price of the deregulated gas that it must purchase for the rest of its needs.

Because the price of deregulated gas is determined by a competitive bidding process, in theory it should be generally about the same for all pipelines. This is not the case, however, because pipelines differ greatly with respect to the amount of regulated gas that they control and also differ significantly with respect to the price of that regulated gas. The average burner-tip price of natural gas in 1985, therefore, is only part of the story of partial deregulation. That national average probably will be somewhere in the range of the prices that would prevail under complete deregulation. The average cost of natural gas to individual pipelines under partial deregulation, however, will range from substantially below the deregulated price to substantially above that price depending fortuitously on each pipeline's endowment of the regulated gas cushion.

These cost differences will in turn result in shifts of supply, as pipelines with large supplies of inexpensive regulated gas are able to bid supplies away from less fortunate pipelines. The latter pipelines may well include most intrastate pipelines and some interstate pipelines as well.[28] In general terms, interstate pipelines that were in deep

[22] *See, e.g.*, DOE Energy Information Administration, An Analysis of the Natural Gas Policy Act and Several Alternatives. Part I. The Current State of the Natual Gas Market (December 1981) at 65–68 (Pre-publication Draft) (hereinafter cited as *EIA Study*).

[23] A somewhat similar effect existed under the NGA in the interstate markets because of the Federal Power Commission's distinction between new and flowing gas, and the vintaging distinctions between classes of new gas. The NGPA preserved those distinctions in sections 104 and 106(a), and it added new ones, by establishing new and higher price ceilings for some categories of natural gas and by freeing other categories from price regulation. As a consequence, the difference between the average price paid by consumers and the marginal price for the most costly categories of natural gas is much wider now than it was prior to enactment of the NGPA.

[24] *EIA Study, supra* note 22, at 85–95.

[25] *Id.* at 95 (Table 31).

[26] *Id.*

[27] See pp. 2–3 *supra*.

[28] It is not possible on the basis of studies now available to project the consequences of partial decontrol for individual interstate and intrastate pipelines. However, interstate pipelines vary widely in the relative amount of old gas that they control and in their current weighted average cost of gas. *EIA Study, supra* note 22, at 66. The range of differences in endowments of old gas and current average prices is so large as to suggest strongly that the position of some interstate pipelines under partial decontrol would be similar to that of the intrastate pipelines.

curtailment in the 1970's or are now facing average natural gas costs approaching parity with residual fuel oil are, at the least, candidates for being carried above the price that they would have to pay under complete deregulation.

The Commission, of course, cannot be certain of the precise consequences of partial deregulation under the NGPA. But the market-ordering problem is not simply a matter of abstract theory. Indeed, in microcosm it exists now and there is every reason to believe that, as partial decontrol continues, market-disordering will increase. The most concrete evidence supporting this expectation can be found by looking at what is currently happening to prices for the unregulated gas produced from below 15,000 feet. Based upon PGA filings with the Commission (some of which the state commissions complain of), it appears that about 450 Bcf of this gas is being delivered annually to the interstate natural gas pipeline system. This comprises 3 percent of annual consumption. The major areas supplying this deregulated gas are South Louisiana (170 Bcf onshore and 100 Bcf offshore), Mississippi (65 Bcf), the Anadarko areas of Oklahoma (40 Bcf), and Wyoming (30 Bcf).[29]

Prices for deep gas range from less than $2.00 to $9.7705 per Mcf.[30] The average price is estimated to be about $7.00 per Mcf with a distinct upward trend in the prices—as much as $3.00 per year in Louisiana and Mississippi and somewhat less in Texas and the Rocky Mountains.[31] Generally each successive PGA filing shows more deep gas as well as higher prices. These volumes and prices may very well be the "tip of the iceberg," as intervenors in subject proceedings claim in their pleadings.

Even the average price for deregulated gas is far in excess of the long-term market clearing price. Certain interstate pipelines are induced to bid these prices apparently either because of their large cushion of low-cost, regulated gas or their desperation to acquire new gas supplies. A few intrastate pipelines have so far been able to match these bids; most, it appears, cannot. Yet this deep gas may be the only significant new source of supply in some parts of the country. As a result, the reserves to production ratio of intrastate pipelines appears to be declining.[32]

These pipelines feel that the intrastate shortages resulting from their bidding disadvantage may appear in a few state markets as early as this winter.[33] The potential problem in Louisiana may be particularly acute. Figures from the intrastate pipelines suggest that as much as 20 percent of the entire Louisiana gas market may be supplied by interstate pipelines on an interruptible basis through offsystem sales.[34] If the winter is a cold one, it is feared that a large part of this source of supply will be diverted to non-producing states. Unless economic conditions operate to reduce the demand for gas in Louisiana, the intrastate pipelines project that the State will face serious curtailments.

Shortages of this kind may confront other markets before 1985 as supplies of other high cost gas (from, for example, tight sands or deep water) come to constitute a larger share of the market supply and are bid to higher prices by those interstate pipelines with ample supplies of cushion gas. Deregulation of more than half of the natural gas supply in 1985 will not change the nature of the problem, but it is likely to drastically increase its seriousness. The Commission must be concerned with pressures that could develop as an inducement for producing states to capture and preserve gas supplies within their borders for the benefit of their citizens, obviously to the detriment of the interstate gas market.[35]

These are the circumstances which have led intervenors to suggest to the Commission that it should define the fraud standard to include imprudence. But, under these circumstances, do the pipeline bidding practices complained of reflect imprudence or a rational business response to a dysfunctional statute? Based on the fact that *most if not all* pipelines are behaving in like fashion—a fact reflected in PGA filings at this Commission—the Commission must at least preliminarily conclude the latter. It would strain credulity to conclude that virtually the entire industry is acting imprudently. Whatever the case, it is unnecessary for the Commission to decide the question in the context of the fraud standard.

To include imprudence in the fraud standard would be, in effect, an attempt to regulate otherwise deregulated gas prices. As previously stated, the fraud standard may not be used for this type of back door regulation. Congress recognized the possibility of market disordering and attempted to address it in Title II of the NGPA.[36] That it did so unsuccessfully does not grant this Commission a charter to ignore what Congress did in other portions of the statute. In short, we find no evidence in the statute or its legislative history to indicate that the fraud standard is to be employed as a market-ordering device. In fact, as already noted, the indications are exactly to the contrary.

C. The Fraud Standard

Section 601 of the NGPA was intended to provide coordination with the NGA. Sections 4 and 5 of the NGA apply, among other things, to sales of natural gas at the wellhead for resale in interstate commerce [37] and requires, among other things, that the rates charged for such sales be "just and reasonable." Section 601(b)(1)(A) of the NGPA provides that for purposes of sections 4 and 5 of the NGPA, "any amount paid in any first sale of natural gas shall be deemed just and reasonable if * * * such amount does not exceed the applicable maximum lawful price * * * or there is no applicable maximum lawful price solely by reason of the elimination of price controls * * *" Section 601(c)(2) then provides for the guaranteed passthrough to ultimate purchasers of the prices deemed just and reasonable, as follows: "For purposes of sections 4 and 5 of the Natural Gas Act, the Commission may not deny any interstate pipeline recovery of any amount paid with respect to any purchase of natural gas if * * * such amount is deemed just and reasonable * * * except to the extent the Commission determines that the amount paid was excessive due to fraud, abuse, or similar grounds."

Certain aspects of the coordination between the NGA and the section 601 language are crystal clear. First, the rate for the sale of gas from producer to pipeline is just and reasonable for purposes of the NGA if there is no applicable *maximum lawful price* solely because of the removal of price controls.

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[29] Foster Associates, Inc., Foster Bulletins on Deregulated Gas (1981).

[30] *See* note 2 *supra*.

[31] Foster Associates, Inc., Foster Bulletins on Deregulated Gas (1981).

[32] EIA Study, *supra* note 22, at 37–41 (see especially Table 8).

[33] Oversight Hearings, *supra* note 17, at statement of Jack Elam.

[34] *Id.*, at statement of Donald R. Willis, 8.

[35] *See Tenneco, Inc.* v. *Sutton*, Nos. 80–17–B & 80–29–B (M.D. La. 1981) (held unconstitutional Louisiana statute that required natural gas to be offered for sale to intrastate users before sale in interstate commerce); *cf. Hughes* v. *Alexandria Scrap Corp.*, 426 U.S. 794 (1976) (upheld constitutionality of Maryland statute offering bounty for processing wrecked cars, but with more stringent requirements for processors outside the state than within); *Reeves, Inc.* v. *Stake*, 447 U.S. 429 (1980) (upheld constitutionality of North Dakota statute that confined sales from a state-owned cement plant to its own residents).

[36] *See* Order No. 167, Incremental Pricing: Adoption of Single-Tier Alternative Fuel Price Ceiling, Docket No. RM81–27 (issued July 24, 1981) (Concurring Statement of Chairman C. M. Butler III).

[37] *Phillips Petroleum Co.* v. *Wisconsin*, 347 U.S. 672 (1954).

This provision clearly applies to the section 107(c)(1) gas, *i.e.*, gas produced from below 15,000 feet. Yet it is prices paid for such gas that inspire intervenors' complaints. Second, although under the operation of the NGA without the intervention of section 601, costs imprudently incurred must be disallowed because they are definitionally unjust or unreasonable,[38] the test of prudence is eliminated under the language of section 601(b)(1)(A). That provision of the NGPA stipulates that producer-pipeline wellhead transactions are deemed to be just and reasonable when: (1) The price does not exceed the applicable maximum lawful amount authorized by Title I, or (2) there is no applicable maximum lawful amount because price regulation has been eliminated by Title I. The statute thus contains in section 601(c)(2) an exclusive set of exceptions to pipeline passthrough of amounts paid for gas.[39] The Commission believes that this provision contains *no exception* which would enable the Commission to disallow passthrough of the price because for some reason relating to imprudence it is of the opinion that the pipeline has paid too much. Nor is there any legislative history to suggest that we should by rule, adjudication or otherwise engraft such an exception onto section 601(c)(2). In fact, both the structure and legislative history of the NGPA forcefully compel a decision to the contrary. It follows that a statute intending to *deregulate* certain prices does not impose or monitor the level to which those deregulated prices are to rise. That function is left to the marketplace which Congress deemed sufficiently competitive to justify deregulation in the first place.

Our analysis of section 601(c)(2) is consistent with the only permissible interpretation of section 601(b)(1)(A). These sections involve two transactions. One concerns the "amount paid" with respect to a purchase of natural gas in the transfer of funds from pipeline to producer in return for gas. The second involves the "recovery" from a jurisdictional customer of the amount paid by pipeline to producer. Recovery of these amounts in virtually all cases is accomplished through PGA clauses included in pipeline company tariffs pursuant to § 154.38 of the Commission's regulations. Under the NGPA, the Commission *must* allow recovery of the amount paid by pipeline to producer if the amount paid meets the tests of section 601(b)(1)(A) unless the amount paid is excessive under the application of the fraud standard.

The Commission believes that Congress did not intend that the fraud standard should be interpreted to include "imprudent" purchasing practices. In deciding what types of actions are encompassed by the fraud standard, it is necessary to analyze the terms "fraud," "abuse," and "similar grounds."

D. Meaning of "Fraud, Abuse, or Similar Grounds"

The absence of clear legislative guidance as to the meaning of the fraud standard is unfortunate because of the imprecision of the statutory language. Thus, the task of defining "fraud" is not an easy one, as illustrated by the following judicial statement: "The law does not define fraud; it needs no definition; it is as old as falsehood and as versable as human ingenuity." Blachly v. United States, 380 F.2d 665, 671 (5th Cir. 1967) (quoting Justice Holmes). Professor Prosser stated the problem somewhat differently when he referred to the "indiscriminate use of the word 'fraud', a term so vague that it requires definition in nearly every case."[40] Because the use of the word "fraud" is imprecise, it is necessary to review the various legal and equitable actions for fraud in order to fashion an appropriate definition of the term for the purposes of section 601(c).

In its general sense, fraud consists of a *misrepresentation* (by act, omission, or concealment) that is calculated to deceive.[41] Thus, this analysis begins with a discussion of the law of misrepresentation and the common law action of deceit. With respect to the law of misrepresentation, Prosser states:

> So far as misrepresentation has been treated as giving rise in and of itself to a distinct cause of action in tort, it has been identified with the common law action of deceit. The reasons for the separate development of this action, and for its peculiar limitations, are in part historical, and in part connected with the fact that in the great majority of the cases which have come before the courts the misrepresentations have been made in the course of a bargaining transaction between the parties. Consequently the action has been colored to a considerable extent by the ethics of bargaining between distrustful adversaries. Its separate recognition has been confined in practice very largely to the invasion of interests of a financial or commercial character, in the course of business dealings. There is no essential reason to prevent a deceit action from being maintained, for intentional misstatements at least, where other types of interests are invaded * * *. The typical case of deceit is one in which the plaintiff has parted with money, or property of value, in reliance upon the defendant's representations.
>
> The law of misrepresentation is thus considerably broader than the action for deceit. Liability in damages for misrepresentation, in one form or another, falls into three familiar divisions * * * it may be based upon intent to deceive, upon negligence, or upon a policy which requires the defendant to be strictly responsible for his statements without either. For the most part the courts have limited deceit to those cases where there is an intent to mislead, and have left negligence and strict liability to be dealt with in some other type of actions. There has been a good deal of overlapping of theories * * * which has been increased by the indiscriminate use of the word "fraud," a term so vague that it requires definition in nearly every case. (Footnotes omitted.)[42]

The Restatement of Torts sets out the elements of the action of deceit (fraudulent misrepresentation) in the following definition:

> One who fraudulently makes a misrepresentation of fact, opinion, intention or law for the purpose of inducing another to act or to refrain from action in reliance upon it, is subject to liability to the other in deceit for pecuniary loss caused to him by his justifiable reliance upon the misrepresentation.[43]

The term "misrepresentation" is defined as follows:

> "Misrepresentation" is used in this Restatement to denote not only words spoken or written but also any other conduct that amounts to an assertion not in accordance with the truth. Thus, words or conduct asserting the existence of a fact consitute a misrepresentation if the fact does not exist.[44]

The word "fraudulent" in the definition of the action for deceit is used to specify a requirement of scienter.[45] The Restatement provides:

> A misrepresentation is fraudulent if the maker—
>
> (a) Knows or believes that the matter is not as he represents it to be,

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[38] *See*, Opinion No. 25, *Senator Howard Metzenbaum* v. *Columbia Gas Transmission Corp.*, Opinion and Order Reducing Incurred Purchased Gas Costs, Docket No. RP77-35 (issued September 5, 1978).

[39] The maxims *expressio unius est exclusio alterius* and to a lesser degree, *expressium facit cesare tacitum*, are applicable here. Under the former, when what is expressed in a statute is creative, and not in a proceeding according to the common law, it is exclusive, and the power exists only where it is plainly granted; under the latter, that which is expressed puts an end to that which is implied. 2A C.D. Sands, Statutes and Statutory Construction § 47.23 (4th ed. 1973). "What is not spoken is not willed, and *vice versa*, only that is willed that is spoken." *Id.* § 47.24 n.2.

[40] W. Prosser, *Handbook of the Law of Torts (4th ed. 1971) at 684; United States* v. *Neustadt*, 366 U.S. 696, 711 n. 26 (960) (quoting Prosser).

[41] See 37 Am. Jur. 2d, Fraud and Deceit section 1.

[42] Prosser, *supra* note 40, at 684.

[43] Restatement (Second) of Torts section 525 (1977).

[44] *Id.* Comment b.

[45] *Id.* section 526, Comment a.

(b) Does not have the confidence in the accuracy of his representation that he states or implies, or

(c) Knows that he does not have the basis for his representation that he states or implies.[46]

The general rule for intent in an action for deceit is as follows:

One who makes a fraudulent misrepresentation is subject to liability to the persons or class of persons whom he intends or has reason to expect to act or to refrain from action in reliance upon the misrepresentation, for pecuniary loss suffered by them through their justifiable reliance in the type of transaction in which he intends or has reason to expect their conduct to be influenced.[47]

A rule of specific importance in this connection is the following:

If a statute requires information to be furnished, filed, recorded or published for the protection of a particular class of persons, one who makes a fraudulent misrepresentation in so doing is subject to liability to the persons for pecuniary loss suffered through their justifiable reliance upon the misrepresentation in a transaction of the kind in which the statute is intended to protect them.[48]

The elements of intent and scienter exclude certain classes of misrepresentation from being prosecuted in an action for deceit. For example, an innocent misrepresentation is definitionally made without scienter, but may permit recovery of pecuniary losses on a theory of strict liability.[49] Furthermore, a negligent misrepresentation is not enough for an action in deceit due to the absence of the element of intent, but recovery may be allowed those to whom a duty of care was owed.[50] Both of these actions are discussed separately below. Both of these conclusions comport with Prosser's analysis,[51] which is unsurprising since he was one of the reporters of the Second Restatement of Torts.[52]

Fraudulent concealment and nondisclosure are closely related to misrepresentation. The Restatement contains separate rules for each. As to fraudulent concealment:

One party to a transaction who by concealment or other action intentionally prevents the other from acquiring material information is subject to the same liability to the other, for pecuniary loss as though he had stated the nonexistence of the matter that the other was thus prevented from discovering.[53]

As to nondisclosure:

(1) One who fails to disclose to another a fact that he knows may justifiably induce the other to act or refrain from acting in a business transaction is subject to the same liability to the other as though he had represented the nonexistence of the matter that he has failed to disclose, if, but only if, he is under a duty to the other to exercise reasonable care to disclose the matter in question.

(2) One party to a business transaction is under a duty to exercise reasonable care to disclose to the other before the transaction is consummated,

(a) Matters known to him that the other is entitled to know because of a fiduciary or other similar relation of trust and confidence between them; and

(b) Matters known to him that he knows to be necessary to prevent his partial or ambiguous statement of the facts from being misleading; and

(c) Subsequently acquired information that he knows will make untrue or misleading a previous representation that when made was true or believed to be so; and

(d) The falsity of a representation not made with the expectation that it would be acted upon, if he subsequently learns that the other is about to act in reliance upon it in a transaction with him; and

(e) Facts basic to the transaction, if he knows that the other is about to enter into it under a mistake as to them, and that the other, because of the relationship between them, the customs of the trade or other objective circumstances, would reasonably expect a disclosure of those facts.[54]

Likewise, the Restatement provides a separate rule for negligent misrepresentations:

(1) One who, in the course of his business, profession or employment, or in any other transaction in which he has a pecuniary interest, supplies false information for the guidance of others in their business transactions, is subject to liability for pecuniary loss caused to them by their justifiable reliance upon the information, if he fails to exercise reasonable care or competence in obtaining or communicating the information.

(2) Except as stated in Subsection (3), the liability stated in Subsection (1) is limited to loss suffered

(a) By the person or one of a limited group of persons for whose benefit and guidance he intends to supply the information or knows that the recipient intends to supply it; and

(b) Through reliance upon it in a transaction that he intends the information to influence or knows that the recipient so intends or in a substantially similar transaction.

(3) The liability of one who is under a public duty to give the information extends to loss suffered by any of the class of persons for whose benefit the duty is created, in any of the transactions in which it is intended to protect them.[55]

Finally, as to innocent misrepresentations,

(1) One who, in a sale, rental or exchange transaction with another, makes a misrepresentation of a material fact for the purpose of inducing the other to act or to refrain from acting in reliance upon it, is subject to liability to the other for pecuniary loss caused to him by his justifiable reliance upon the misrepresentation, even though it is not made fraudulently or negligently.

(2) Damages recoverable under the rule stated in this section are limited to the difference between the value of what the other has parted with and the value of what he has received in the transaction.[56]

We believe the survey of the law of misrepresentation in tort provides a useful analogy [57] from which the Commission may fashion a policy with respect to the fraud standard which meets the policy objectives of the NGPA. We begin with Prosser's observation that the use of the word "fraud" has been indiscriminate.[58] The problem began in the equity courts, which were not bound by the rules adopted at law.[59] In those courts, remedies were available for innocent misrepresentations and mistakes, and it was unnecessary to prove intent (and, presumptively, scienter as well) to obtain equitable relief.[60] The whole matter was obscured there by the use of the term "fraud" in several senses.[61] The question for the Commission to decide is whether the term "fraud" as used in section 601(c) of the NGPA was intended to, or should, correspond to the use of that word in the "several different

[46] *Id.* section 526.

[47] *Id.* section 531.

[48] *Id.* section 538. Section 552(3) deals with similar circumstances in the case of negligent misrepresentations. The theory is that one required to comply with the terms of a statute for the benefit of a class of persons always has reason to expect that the information will reach that class and influence their conduct. *Id.* section 536, Comment c. "[T]he controlling factor is the purpose of the legislature, and not that of the person who furnishes the information." *Id.* Comment d. Thus: "Whether the statute is intended for the protection of a particular class of persons such as investors * * * or in all transactions in which the information furnished may be material, is a question of statutory construction." *Id.*

[49] *Id.* section 552C.

[50] *Id.* section 552.

[51] Prosser, *supra* note 40, section 107.

[52] Incidentally, the distinction between scienter and intent is mentioned in the Restatement, *supra* note 43, section 526, Comment a.

[53] *Id.* section 550.

[54] *Id.* section 551. Note that nondisclosure is treated differently in the case of commercial transactions than it would be in matters involving security of the person, land, or chattels of the recipient of the representation or a third person. *Id.* Comment a.

[55] *Id.* section 552.

[56] *Id.* section 552C.

[57] "[T]he terms have meaning in the law, from which fruitful analogies may be derived * * *." Concurrence of Commissioners Holden and Hughes in Columbia Gas Transmission Corp., et al., Docket No. TA81-1-21-001, *et al.*, mimeo at 12 (issued May 12, 1981) (concurring in order issued in same docket on April 30, 1981).

[58] See p. 34 *supra*.

[59] Prosser, *supra* note 40, at 687.

[60] *Id.*

[61] *Id.* at 688.

senses" suggested by Prosser, so that the terms "abuse" and "or similar grounds" would then be given meaning that ranges beyond the law of misrepresentation. Or, alternatively, should the term "fraud" refer to fraudulent misrepresentation as required by the Restatement in a deceit action, and the terms "abuse" and "or similar grounds" be similarly restricted to the law of misrepresentation? The Commission believes the latter course is intended by the NGPA, is consistent with the structure and objectives of the NGPA, and thus should be adopted by the Commission.

As the roots of the term "fraud" have been confused in legal history, those of the term "abuse" have been obscure. As with fraud, Congress provided little guidance for developing a definition of the word "abuse" as it is used in section 601(c). Although recent discussions of "abuse," are scarce, the term has received some attention in old state decisions. Thus, the Texas Supreme Court defined "abuses," as the term was used in a statute permitting the State of Texas to regulate railroads, to mean "any improper use of a right or privilege; as abuse of a franchise." [62] A more recent case defined abuse as "disregard of a duty." [63] Similarly, the term has been defined as "disregard of a duty imposed by law." [64]

The latter two definitions do not require that the disregard of duty be willful or intentional, but just that it occur. On the other hand, two early New York cases define abuse as a willful or intentional act that indicates an indifference to the demands of public duty. [65] The Commission believes the imposition of a "willful or intentional" requirement for a finding of abuse may be unduly restrictive and inconsistent with the purpose of the NGPA. If fraud is to be restricted to fraudulent misrepresentations as in an action for deceit, the element of intent is encompassed. For that purpose scienter and intent are correlative, albeit distinct, elements. Used in that way, fraud does not include negligent misrepresentations. If the element of intent is eliminated from its definition, however, the term "abuse" *would* include negligent misrepresentations. The word "abuse" was apparently not intended as a synonym for "fraud," and the Commission's policy here adopted provides it with independent meaning.

Similar reasoning applies to the definition of the words "or similar grounds." These are words to which the familiar doctrine of *ejusdem generis* is applicable. We recall the injunction of Judge Wald in a recent decision that "these time-worn talismans are not as useful for navigating legislative language as they are for uttering benedictions or conclusions already reached." [66] However, as in the matter there at bar, [67] Congress clearly used the words "or similar grounds" to restrict the fraud standard to other conduct of the same kind, but which might escape the meaning of the words "fraud" and "abuse." Thus it is both reasonable and consistent with the structure of the NGPA, to use this restricted, but inclusory, language to encompass innocent misrepresentations. In short, it is entirely reasonable for the Commission's policy to be that the terms "fraud, abuse or similar grounds" encompass the whole range of possible misrepresentations which had been so obfuscated throughout legal history by the use of the single word "fraud," if the standard thus adopted comports with the structure and intent of the NGPA. The Commission believes that it does.

The above analysis leads the Commission to articulate the following general policy with respect to consideration in a Commission proceeding of "fraud, abuse, or similar grounds" under section 601(c)(2) of the NGPA. The Commission believes that consideration of "fraud" should be limited to consideration of whether there was a fraudulent misrepresentation of the kind defined in the Restatement's action of deceit. An intervenor alleging "abuse" should show there was a negligent misrepresentation, or other misrepresentation made in disregard of a duty. The term "or similar grounds" would apply to situations where there may have been an innocent misrepresentation. In short, the fraud standard would include the whole range of possibilities in the law of misrepresentation. Accordingly, consistent with the provisions of section 601(c)(2), "the Commission may * * * deny any interstate pipeline recovery of any amount paid * * * to the extent * * * the amount paid was excessive" as a result of a misrepresentation, whether made intentionally, in disregard of duty, or innocently. A misrepresentation would include a positive statement of fact or an omission of material fact in a statement, made by a pipeline, a producer, or by both acting together. The "amount paid" would be considered to have been "excessive" if by reason of the misrepresentation the amount paid was greater than it would have been absent the misrepresentation.

This analysis is consistent with the NGPA in general and section 601 in particular, as well as the Commission's regulations involving the duties imposed on producers and pipelines in connection with qualifying for NGPA prices and passthrough of those prices under PGA clauses. Clearly the "amount paid" language of section 601(c) refers to the prices and the other amounts allowed to be paid under Title I of the NGPA. As stated before, the legislative history of the NGPA makes it clear that the Commission cannot regulate producer prices except as allowed by Title I and that section 601 is not to be used as a "back-door" mechanism by the Commission to regulate prices otherwise set or deregulated under the NGPA. Prices established or deregulated under Title I must be obtained consistent with the Commission's regulations under Part 274, §§ 274.201, *et seq.*, which impose numerous duties on those filing for price categories to provide accurate information. Once the amounts are established under Title I and the regulations, they are recovered pursuant to filings made consistent with Part 154 of the Commission's regulations, particularly § 154.38 which also imposes stringent duties of accuracy upon the filing pipelines.

The fraud standard enunciated in this policy statement is consistent with both the preclusive nature of section 601 and the admonition against back-door producer regulation. This interpretation of section 601(c) does not allow the Commission to deny recovery of amounts paid "except to the extent" that they are "excessive due" to the fraud standard. Importantly, this standard is directed to misrepresentations of the amount paid and does not lead to an inquiry into the question whether the price paid for deregulated gas was prudent or imprudent. Consequently, an attack could be directed against passthrough of the price of gas on the grounds of a rebate scheme or other variety of intentional misrepresentation under the "fraud" rubric. A negligent misrepresentation or other misrepresentation made in disregard of

[62] Ry. Comm'n of Texas v. Houston & T.C.R. Co., 38 S.W. 750, 754 (Tex. 1897).

[63] State v. St. Louis S.W. Ry. Co. of Texas, 165 S.W. 491, 496 (Tex. Civ. App.—Austin 1913, writ dism. w.o.j.).

[64] 1 C.J.S. *Abuse* section 14 (1936).

[65] See People v. Atlantic Ave. R.R. Co., 26 N.E. 622, 624 (N.Y. 1891); Fredonia v. Fredonia Natural Gas Light Co., 149 N.Y.S. 964, 965 (Ct. App. 1914) *aff'd* 149 N.Y.S. 212 (1915). *See also* Blacks Law Dictionary (4th rev. ed. 1969) at 25 (any positive act "willfully done or caused to be done; the use of rights or franchises as a pretext for wrongs or injuries to the public.").

[66] Ohio Association of Community Action Agencies v. FERC, No. 80-1208, mimeo at 18 (D.C. Cir. 1981).

[67] The words used were "other similar institution." *Id.* at 19.

a duty could lead to the protest of passthrough under the "abuse" rubric,[68] or an innocent mistake could lead to disallowance on "other similar grounds." The possibilities of misrepresentation of the amount actually or lawfully paid is certainly limited, but perhaps there are others that the fraud standard would encompass.

It is clear, however, that the fraud standard does not encompass imprudent business judgment as to how much a pipeline should pay for gas, and that it will not be a back-door mechanism for the Commission to regulate otherwise deregulated prices under the NGPA. In short, the fraud standard is not a market-ordering device. Instead, it is exactly as it appears to be: A device to prohibit charges falsely levied. The Commission empathizes with the concerns of intervenors over the nature and expected impact of disordering under the NGPA, but that does not invest the Commission with the authority to overturn the statute. Congress did not, anywhere, indicate that the right of producers to charge what the market will bear would be qualified by, or limited to, what the Commission deems to be prudent. Indeed, Congress not only provided a structure by which above-market prices could be charged for gas, it arguably did so intentionally, or at least with knowledge of those consequences. One of the stated purposes of Title II of the NGPA was to restrict market disordering in part.[69] It would probably be excessive to conclude that Congress actually intended market disordering, but it would certainly be fair to say that Congress was not unmindful of the possibility. Had Congress intended the fraud standard to operate to control market disordering, it undoubtedly would have so indicated as it did with respect to Title II. Not only is there no such indication, but the little legislative history to be found is to the contrary. It is not the province of the Commission to undo what Congress has done, no matter how undesirable the effects may be, except to the extent that the Commission is statutorily authorized to do so.

[68] This is the only kind of imprudence to which the fraud standard would apply, and is consistent with the observation of Commissioners Holden and Hughes that the fraud standard does not exclude all imprudence. Concurrence of Commissioners Holden and Hughes, *supra* note 57, at 1.

[69] 124 *Cong. Rec.* H13114 (daily ed. October 14, 1978) (remarks of Rep. Dingell).

IV. Codification of the Commission's Policy

Accordingly, for the reasons discussed in this policy statement the Commission, in future decisions, intends to limit the consideration of the fraud standard to a consideration of whether the otherwise just and reasonable price paid by a pipeline is excessive due to a misrepresentation of any kind.[70] The Commission emphasizes again that this policy statement is an articulation of its policy disposition and does not have the force and effect of law. The Commission expects, however, that this policy will apply in a Commission proceeding unless circumstances demonstrate that application of the standard would be inappropriate. The Commission is mindful that, in a particular case, "it must be prepared to support the policy just as if the policy statement had never been issued." (Footnote omitted.)[71]

A new § 2.300 is added to 18 CFR Part 2 which contains Commission statements of policy. That section sets forth the elements that the Commission has tentatively determined should be alleged to make out a cognizable claim under section 601(c)(2) of the NGPA.

Section 2.300 describes the elements of a case of fraud, abuse, or similar grounds. An intervenor would allege that the price paid by an interstate pipeline to any first seller of natural gas was higher than it would have been absent a misrepresentation. In the case of fraud, the misrepresentation would be a fraudulent misrepresentation or concealment made by the pipeline, the first seller, or both acting together. In allegations of abuse, the misrepresentation could be a negligent misrepresentation or concealment, or other misrepresentation or concealment in disregard of a duty. If similar grounds are alleged, the misrepresentation could be an innocent one.

After an intervenor makes the necessary allegations, the Commission envisions that there will be an opportunity for discovery. Thereafter, in the absence of summary disposition, the issue may go to hearing.

In accordance with section 553(b) of the Administrative Procedure Act (5 U.S.C. 553) (APA), the Commission finds that public notice and comment on this statement of policy are unnecessary. In accordance with section 553(d) of the APA, this statement of policy is effective immediately.

[70] This result is consistent with the Commission's earlier orders and the finding that the intervenors' burden of proof is a heavy one. In this connection, some evidence will be necessary to sustain an action under the fraud standard. Mere allegations are not enough.

[71] Pacific Gas & Electric Co. v. FPC, 506 F.2d 33, 38 (D.C. Cir. 1974).

(Natural Gas Policy Act of 1978, Pub. L. No. 95-621, 92 Stat. 3350, (15 U.S.C. 3301-3432))

In consideration of the foregoing, Part 2 of Subchapter A, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective February 4, 1982.

By the Commission. Commissioner Hughes concurred with a separate statement attached.

Kenneth F. Plumb,

Secretary.

PART 2—GENERAL POLICY AND INTERPRETATIONS

1. The Table of Contents for Part 2 is amended by adding a new heading and new § 2.300 to follow § 2.202 and to read as set forth below:

Statements of General Policy and Interpretations under the Natural Gas Policy Act of 1978

Sec.

2.300 Statement of policy concerning allegations of fraud, abuse, or similar grounds under section 601(c) of the NGPA.

2. Part 2 is amended by adding a new § 2.300 to read as follows:

§ 2.300 Statement of policy concerning allegations of fraud, abuse, or similar grounds under section 601(c) of the NGPA.

Recognizing the potential for an increasing number of intervenor complaints predicated on the fraud, abuse, or similar grounds exception to guaranteed passthrough, the Commission sets forth the elements of a cognizable claim under section 601(c)(2) which it expects to apply in cases in which fraud, abuse, or similar grounds is raised. The provisions of this policy statement do not establish a binding norm but instead provide general guidance. In particular cases, both the underlying validity of the policy and its application to particular facts may be challenged and are subject to further consideration. The procedure prescribed conforms with the NGPA's general guarantee of passthrough by placing the burden of pleading the elements and proving the elements of a case on intervenors who would allege fraud, abuse, or similar grounds as a basis for denying passthrough of gas prices incurred by an interstate pipeline.

(a) In order for the issue of fraud, as that term is used in section 601(c) of the NGPA, to be considered in a proceeding, an intervenor or intervenors must file a complaint alleging that:

(1) The interstate pipeline, any first seller who sells natural gas to the interstate pipeline, or both acting together, have made a fraudulent misrepresentation or concealment; and

(2) Because of that fraudulent misrepresentation or concealment, the amount paid by the interstate pipeline to any first seller of natural gas was higher than it would have been absent the fraudulent conduct.

(b) In order for the issue of abuse, as that term is used in section 601(c) of the NGPA, to be considered in a proceeding, an intervenor or intervenors must file a complaint alleging that:

(1) The interstate pipeline, a first seller who sells to the interstate pipeline, or both acting together, have made a negligent misrepresentation or concealment, or other misrepresentation or concealment in disregard of a duty; and

(2) Because of that negligent misrepresentation or concealment, or other misrepresentation or concealment in disregard of a duty, the amount paid by the interstate pipeline to any first seller of natural gas was higher than it would have been absent the negligent misrepresentation or concealment, or other misrepresentation or concealment made in disregard of a duty.

(c) In order for the issue of similar grounds, as that term is used in section 601(c) of the NGPA, to be considered in a proceeding, an intervenor or intervenors must file a complaint alleging that:

(1) The interstate pipeline, any first seller who sells natural gas to the interstate pipeline, or both acting together, have made an innocent misrepresentation of fact; and

(2) Because of that innocent misrepresentation of facts, the amount paid by the interstate pipeline to any first seller of natural gas was higher than it would have been absent the innocent misrepresentation of fact.

[Docket No. PL82-1-000]

Fraud Standard in Section 601(c)(2) of the NGPA

Issued: February 4, 1982.

Hughes, Commissioner, *concurring:*

I concur with the procedural decision embodied in this statement of policy, and, as hereinafter discussed, with the substantive conclusion contained in the statement.

Specifically, I agree that guidance on the meaning of "fraud, abuse and similar grounds" may help expedite decision on the five cases [72] presently pending before Administrative Law Judges which raise this issue. I recognized the need for such guidance when the issue of setting these cases for hearing was before the Commission previously. At that time, I joined Commissioner Holden in a concurring opinion that was intended as guidance on these cases during the hearing stage,[73] but which also explained why I could not give a complete, inclusive and eternal definition of rather vague statutory language in the abstract. I still cannot do so, since a factual, case-specific record is essential for such undertaking. However, another effort to interpret these legislative terms is a useful undertaking.

I also agree with the conclusion in the statement of policy that fraud, abuse or similar grounds includes all the forms of misrepresentation and concealment discussed therein. However, if the policy statement limits misrepresentation to the amounts paid for natural gas, I would find it too restrictive, as I believe there could be fraudulent or abusive misrepresentations not directly concerning the price, yet prohibited by Section 601(c). Moreover, I reserve opinion on whether actions other than misrepresentation may constitute fraud, abuse or similar grounds within the meaning of the NGPA. I am particularly concerned that abuse may take a form other than misrepresentation or concealment, or arise in instances where elements of the abusive practices may overshadow the misrepresentation element. There may be situations where misrepresentation or concealment, if present, is not the primary indicium of harm. There may also be cases of concerted or repetitive behavior not involving misrepresentation or concealment but which violate or show a disregard of any duty imposed by a pipeline's certificate of public convenience and necessity. Finally, I believe "similar grounds" is an important part of Section 601(c) which cannot be given full meaning until we have determined the meaning of "fraud and abuse". Thus, consistent with my earlier discussion herein, to the extent the policy statement might prove too restrictive on the meaning of "fraud or abuse", it would also be too restrictive in its definition of "similar grounds."

Allegations made in the various pending cases raise issues of serious impropriety, and in each Commission discussion of Section 601(c) since February 28, 1981,[74] we have offered assurance that we view these allegations as serious matters deserving of appropriate scrutiny. I find no diminution of that assurance in this statement of policy.

In addition to my reservations on the conclusions in this statement of policy, I have some concern for the authorities on which it is based. While I consider the Second Restatement of Torts a valuable source for guidance, I do not believe it should be an exclusive source. I would expect that when these cases are presented to the Commission for a decision on the merits, the briefs will discuss the use of the terms "fraud and abuse" in other statutes and case law, as well as earlier Commission orders and the statement of policy. At that time, we will also have the benefit of fully developed evidentiary records, which I consider crucial to a full and meaningful Commission interpretation of these terms. Similarly, I would expect some debate on the statement's conclusion concerning the legislative history and intent.

This is only a statement of policy. As such, it "does not establish a 'binding norm' * * *. A policy statement announces the agency's tentative intentions for the future. When the agency applies the policy in a particular situation, it must be prepared to support the policy just as if the policy statement had never been issued." Pacific Gas and Electric Co. v. Federal Power Commission, 506 F.2d 33, 38 (D.C. Cir. 1974).

In conclusion, I emphasize again, the Commission's policy statement does not have the force of law. The Commission will render a final and binding decision on the meaning of these terms when the cases raising the issue are before the Commission for decision on the merits.

J. David Hughes.

[FR Doc. 82-2965 Filed 2-10-82; 8:45 am]

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[72] Transcontinental Gas Pipeline Corporation, Docket No. TA81-1-29-002; Columbia Gas Transmission Corporation, Docket No. TA81-1-21-001; Trunkline Gas Company, Docket No. TA81-1-30-001; Michigan Wisconsin Pipe Line Company, Docket No. TA81-2-48-000; Colorado Interstate Gas Company, Docket No. TA81-1-32-000.

[73] Columbia Gas Transmission Corporation, *et al.*, 15 FERC ¶ 61,104 (concurring opinion issued May 12, 1981).

[74] Transcontinental Gas Pipeline Corporation, 14 FERC ¶ 61,204; Columbia Gas Transmission Corporation, 14 FERC ¶ 61,202; Trunkline Gas Company, 14 FERC ¶ 61,205; Michigan Wisconsin Pipe Line Company, 15 FERC ¶ 61,108 and 16 FERC ¶ 61,004; Colorado Interstate Gas Company, 15 FERC ¶ 61,055 and ¶ 61,228; and Columbia Gas Transmission Corporation, *et al.*, 15 FERC ¶ 61,104.

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18 CFR 157 and 260

[Docket No. RM80-69]

Order Denying Applications for Rehearing

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order denying applications for rehearing.

SUMMARY: The Federal Energy Regulatory Commission (Commission) denies the applications by General Motors Corporation (General Motors) for rehearing of the interim rule and the final rule to revise Form No. 15. The interim rule was issued November 6, 1980 (45 FR 75192, November 14, 1980) and the final rule was issued August 14, 1981 (46 FR 42261, August 20, 1981).

These rehearing requests are denied because they do not raise any new issues nor present any new data that were not fully considered by the Commission during this rulemaking proceeding.

EFFECTIVE DATE: February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Cathy Ciaglo, Office of the General Counsel, Federal Energy Regulatory

Commission, 825 North Capitol Street, NE., Room 8104–B, Washington, D.C. 20426; (202) 357–8606.

Interstate Pipeline's Annual Report of Gas Supply: Form No. 15; Order Denying Applications for Rehearing

Issued: February 1, 1982.

A. Background

Form No. 15, "Interstate Pipeline's Annual Report of Gas Supply" collects information concerning the total gas supply of each natural gas pipeline company under the jurisdiction of the Commission. On November 6, 1980, the Federal Energy Regulatory Commission (Commission) issued an interim rule to amend Form No. 15 (45 FR 75192, November 14, 1980). On August 14, 1981, the Commission issued a final rule to revise Form No. 15 (Order No. 168, issued August 14, 1981, 46 FR 42261, August 20, 1981).[1]

This rulemaking is part of the Commission's ongoing program to review each of its reporting requirements to determine if those data items are, in fact, needed by the Commission, and to discontinue the collection of any data that are not needed to carry out its decisionmaking and regulatory duties. Such a reduction in burden not only benefits the reporting pipelines by reducing their regulatory costs; it also benefits their customers who ultimately pay those costs.

Both the interim rule and the final rule significantly eased the reporting burdens imposed on pipelines by the previous version of Form No. 15 by eliminating a number of data elements that were no longer required for Commission regulatory functions, by revising, clarifying and updating instructions and definitions in the form, and by amending the regulations that require collection of Form No. 15 data in order to reflect the changes in the form.[2]

B. Rehearing Applications

On December 8, 1980, General Motors Corporation (General Motors) filed a timely application for rehearing of the interim rule. General Motors stated that the interim rule did not adopt the company's comments in response to the notice in which General Motors objected to the deletion of certain data and suggested the addition of new reporting requirements. In response to the General Motors application, the Commission, on January 7, 1981, issued an order denying in part and granting in part for the purposes of further consideration, the application for rehearing of the interim rule. In that order, the Commission stated that "the purpose of the interim rule was very limited—to eliminate certain unnecessary reporting requirements." Thus, the Commission denied General Motors' application with respect to 1980 reports, but stated that its suggestions would be considered in formulating the final rule to amend Form No. 15.

Following the Commission's order on rehearing of the interim rule and further notice and comment, the Commission issued the final rule in this docket. (*See* footnote 2.)

On September 11, 1981, General Motors filed a timely application for rehearing of the final rule. In that application, the company stated that, under the Natural Gas Act, the Commission has a regulatory obligation to consider the adequacy of present and future gas supplies so as to protect consumers from natural gas shortages. General Motors said that the decisions in the final rule were not consistent with this obligation to protect consumers.

In its application for rehearing of the final rule, General Motors repeated the concerns it had raised in its application for rehearing of the interim rule to revise Form No. 15. These concerns pertained to four matters.

The first and most significant of these matters was that the Commission improperly deleted from Form No. 15 the requirement that pipeline companies report their best projections of long-term market requirements. General Motors said that the:

> market projections should be based on known and probable changes in requirements and should correspond to the best estimates used by the pipelines in their own long-term planning. Footnotes should explain in general terms, the assumptions underlying the estimates * * * [and] [s]uch data should be provided for at least ten years.

The company said that the long-term market data are necessary because it is difficult to put a statement of deliverable gas reserves in perspective without relating reserves to the service to be furnished from those reserves. In making this statement, General Motors said that best estimates would be "better than nothing." General Motors added that, if the Form No. 15 does not provide meaningful gas supply data, the Commission must strictly enforce the requirements for additional gas supply and deliverability data that are a part of the requirements of § 157.14(a)(10) of the Commission's regulations pertaining to any application by interstate pipelines for certificates of public convenience and necessity. Section 157.14(a)(1) (Exhibit H) provides requirements for data on the total gas supply of the company. Clause (vi) of Exhibit H provides, among other things, that companies filing the Form No. 15 "will be required to file additional information with regard to gas supply and deliverability" as part of certain applications. General Motors alleged that the requirement for additional gas supply and deliverability data in Exhibit H has been ignored by many respondent companies. The company added that the Exhibit H report should also include the companies' best estimates for long-term gas supply and demand for at least ten years in the future.

The second matter about which General Motors' was concerned pertained to its requests during this proceeding for the Commission to require pipeline companies to attach to the Form No. 15 copies of all long-term supply and demand projections that were given to persons outside of the company and to explain any material differences between the projections. The Commission did not require this information in the interim rule or in the final rule, stating that this requirement could create a new and unnecessary reporting burden on the companies. In the final rule, the Commission added that such information is best collected in individual proceedings, rather than in an annual filing made by all pipeline companies. In response to this, General Motors said that the Commission has the power to expand the Form No. 15 to collect these data and that the data would provide the Commission and the public with an important starting point for evaluating pipeline companies' reports on long-term supply and demand. General Motors added that it is hard to believe that companies would provide so many different projections to people outside of the company that a significant reporting burden would be created by the requirement to report these data.

The third assertion made by General Motors in both rehearing applications was that the data respecting curtailments by suppliers were improperly deleted from Form No. 15. The company disagreed with the Commission's statements in the interim and final rules that these data are

[1] Prior to the final rule, the title of Form No. 15 was "Annual Report of Gas Supply for Certain Natural Gas Pipelines."

[2] With respect to the 1980 filing, the interim rule eliminated the data that were proposed for deletion in the initial notice of proposed rulemaking (issued August 7, 1980, 45 FR 54082, August 14, 1980). A revised notice of proposed rulemaking proposed certain additional revisions to the Form No. 15 (issued April 2, 1981, 46 FR 21189, April 9, 1981). In the final rule, the Commission adopted the changes proposed in the revised notice and certain other suggestions for additional revisions and clarifications submitted by the commenters to the revised notice.

reported in the Form No. 16, "Report of Gas Supply and Requirements." General Motors said that the Form No. 16 shows only the projected curtailments of its customers and does not provide information respecting deficiency in supplies.

General Motors' final objection was that the Commission, in the interim rule and in the final rule, ignored its requests to clarify the form's instructions to require pipelines to base projections of long-term supplies from their suppliers on "actual projected" service levels (after discounting probable future curtailments from pipeline suppliers), rather than on contract quantities. The particular instructions in the form require pipeline companies to report volumes contracted to be purchased from interstate pipelines and other supply contracts and "explain in a footnote how this data was derived." The company said that, "to the extent that the Commission's instructions give pipelines an option, it is almost certain that pipelines will merely report full contract quantities," whether or not full volumes are likely to be received by those companies at any time in the future.

C. Conclusion

After full consideration of General Motors' objections in its application for rehearing of the interim rule and again in the application for rehearing of the final rule in this docket, the Commission believes that rehearing should be denied in all respects.

The Commission's decision to revise the Form No. 15 was made only after a thorough review of all of the data requirements in the form, over a period of several months. A primary purpose in deleting data from the form was to eliminate unnecessary reporting burdens for the pipeline companies that file the form. The Commission does not believe that an abbreviated Form No. 15 will deprive it of information that is essential to fulfulling the Commission's obligations under the Natural Gas Act and under other legal requirements. This is because additional data from individual companies will be requested, as necessary, in particular proceedings before the Commission. In this manner, the burden of filing these additional data will not be placed unnecessarily on the entire industry. The Form No. 15 as revised, will collect reliable information that is needed by the Commission on an annual basis, and this requirement will place a minimum reporting burden on the companies that must file it.

With respect to the first of General Motors' specific concerns, that the Commission improperly deleted long-term requirements data from the Form No. 15, the Commission believes that for the reasons discussed in the final rule and also discussed in detail, below, the annual requirements provision in the new form will not hamper its ability to make determinations about the adequacy of a pipeline company's supplies. Also, the Commission stated in the final rule that the Form No. 15 is not the proper vehicle for reporting long-term requirements data; rather, the form is a single-point-in-time report of a company's gas supply posture. Long-term reports of requirements data are best obtained in individual proceedings through requirements, such as those specified in Exhibit H of a certificate application, rather than through annual requests that burden the industry as a whole.

Contrary to General Motors' assertion that many companies are permitted to ignore the requirement for additional gas supply and deliverability information in Exhibit H of a certificate application, the Commission does enforce this requirement and frequently requests supplemental reports from companies respecting this information. The Commission also notes that the data provided in Exhibit H are meant to supplement the current Form No. 15 by providing the Commission with the latest available information on gas reserves. Exhibit H collects more recent data in greater detail than does the Form No. 15. With respect to General Motors' suggestion that Exhibit H should include best estimates of long-term gas supply and demand for at least ten years in the future, the Commission notes that the language in clause (vi) of Exhibit H was revised in the final rule to provide for the filing of a ten-year deliverability projection for each new supply source, "and any other information that the Commission may require." The revision was made because the Form No. 15 eliminated the requirement to report individual reservoir data. The Commission, however, still requires such data with respect to new supply sources and believes that information about new supply sources in the Exhibit H is most relevant to certificate applications. The Commission would also obtain any other deliverability or supply data, as needed, in the individual proceedings.

In response to the second General Motors' concern, that the Commission failed to require pipeline companies to attach to Form No. 15 copies of all long-term supply and demand projections given to persons outside of the company, the Commission believes that the data are not so essential to its regulatory functions as to warrant their collection. General Motors was correct in noting that the Commission has the power to expand the Form No. 15 to collect such data. This Commission, however, does not agree with General Motors' contention these data are necessary to Commisson determinations. Should the Commission require this information in individual proceedings, it will request the data at that time.

With respect to the third concern, that data concerning curtailments suppliers should not have been deleted from Form No. 15, the Commission notes, as it did in the final rule, that Form No. 16, "Annual Report of Gas Supply and Requirements" provides adequate information about curtailments. General Motors stated that Form No. 16 only shows a company's projected curtailment of customers, but does not require information on curtailments of supplies. The Commission notes that data concerning curtailments by suppliers are reported in detail in the Form No. 16 in Schedule II, "Actual Sources of Supply Adjusted for Losses" and Schedule VI, "Projected Sources of Supply Adjusted for Losses," specifically in Attachments II and III to each schedule, which are respectively entitled, "Pipeline Suppliers: Contract Volumes by Pipeline" and "Pipeline Suppliers: Deliveries by Pipelines."

The Commission also disagrees with the final General Motors concern, that the Commission ignored its request to clarify the form's instructions to require that pipelines base projections of long-term supplies from their suppliers on "actual projected" service levels, rather than on contract quantities. The Commission did, in fact, revise its instructions in Schedule I, at lines 103–122, column (03), in response to General Motors' suggestion. The revised instructions require pipelines to report volumes contracted to be purchased from interstate pipelines and other supply contracts and also to explain how the data were derived. Thus, a pipeline that reports full contract quantities must give a reason for making such a report.

In conclusion, General Motors has not raised any new issues nor presented any new data that were not fully considered by the Commission in this rulemaking proceeding.

Accordingly, the applications filed by General Motors for rehearing of the interim rule and for rehearing of the final rule in this docket are denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3671 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 511

Research and Development Studies Conducted by State Agencies; Technical Correction

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a rule on research and development studies and programs that appeared at page 59534 in the **Federal Register** of Monday, December 7, 1981, (46 FR 59533). The action is necessary to correct an erroneous sentence in the section encompassing definitions.

EFFECTIVE DATE: February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Harry H. Hersey, Offices of Research and Development, 703–285–2057; or Lee Burstyn, Office of the Chief Counsel, 202–426–0761, 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: In FR Doc. 81–34790, in the issue of Monday, December 7, 1981, on page 59534, in § 511.3(e) remove the word "annual" in the second sentence.

(23 U.S.C. 307(c), 315; 49 CFR 1.48(b))

Issued on: February 3, 1982.

Donald L. Ivers,

Chief Counsel, Federal Highway Administration.

[FR Doc. 82–3720 Filed 2–10–82; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

Removal of the Conditions of Approval of the Montana Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 926 by removing the conditions of approval of the Montana permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Montana has submitted provisions to the Office of Surface Mining (OSM) which satisfy all the conditions of the Secretary's approval of April 1, 1980 (45 FR 21560–21580). It also approves an additional amendment to the Montana permanent regulatory program submitted by Montana pursuant to 30 CFR 732.17.

EFFECTIVE DATE: The removal of the conditions of the approval and approval of the program amendment is effective February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION:

Background on the Montana Program Submission

On August 3, 1979, OSM received a proposed regulatory program from the State of Montana. Following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of six minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the April 1, 1980 **Federal Register** (45 FR 21560–21580).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Montana program can be found in the April 1, 1980 **Federal Register** (45 FR 21560–21580).

Background on the Secretary's Conditional Approval

The Secretary of the Interior determined that the Montana program contained six minor deficiencies.

1. Montana Rule XX(13)(b)(ii) contained provisions that mirrored the suspended Federal regulations in 44 FR 67943 (November 27, 1979): 30 CFR 805.13(d); 806.12(e)(6)(iii), 806.12(g)(7)(iii), and 808.12(c), and 45 FR 51544 (August 4, 1980): 30 CFR 807.11(e) and 808.14(b). As such, Montana Rule XX(13)(b)(ii) was determined to be inconsistent with SMCRA.

2. The Montana Strip and Underground Mine Reclamation Act (SURA) and the Montana regulations did not explicitly contain provisions similar to 30 CFR 843.11(a)(2) relating to: (1) Imposition of affirmative obligations if the cessation order will not completely abate the imminent danger or harm in the "most expeditious manner physically possible" and (2) the requirement, as part of an affirmative obligation, of the use of additional personnel or equipment without regard to cost.

3. The Montana program did not provide for award of costs in administrative proceedings, including attorneys' fees, in accordance with Sections 520 and 525 of SMCRA and 43 CFR 4.1290 *et seq.* Although Montana had enacted the basic authority for the award of costs and expenses, SMCRA and 30 CFR Chapter VII require that a State program include the regulations which detail such matters as who may file, contents of a petition, and who may receive an award.

4. Montana SURA 82–4–223 gives the Department of State Lands discretion in requiring a bond from a political subdivision that is inconsistent with Section 524 of SMCRA, 30 U.S.C. 1274, which provides that political subdivisions which engage in surface coal mining operations are subject to the full requirements of SMCRA.

5. Montana Rule XXIV(1) required that the Montana Department of State Lands inspect to ensure "substantial" compliance with Montana law and regulations. The Secretary expressed concern that "substantial" compliance might be interpreted to mean something less than complete compliance, as provided by 30 CFR Part 840. Therefore, the Secretary conditioned the approval of Montana's program on the State's submitting copies of fully enacted regulations removing from Rule XXIV(1) the word "substantial" in referring to ensuring compliance with Montana law and regulations.

6. The Montana Department of State Lands has the authority under Montana laws, and the Montana program contains provisions in Rule XXIV, to provide small operator assistance. However, Montana 82–4–222(3) implemented the small operator assistance program only to the extent that the State had received Federal funds for this purpose. Such limitation is not consistent with Section 705(c) of SMCRA and the Secretary required that Montana submit copies of fully enacted legislation removing the limitation in Montana 82–4–222(3).

In addition to reponding to the above five regulatory changes and one statutory change which were required by the Secretary, Montana also has submitted an additional regulatory amendment:

"30 CFR 786.23(f) requires the regulatory authority to notify local government officials in the local political subdivisions in which the area of land to be affected is located when a permit has been issued. Montana's regulations in the State's conditionally approved program did not contain this provision. The Secretary expressed in his findings of April 1, 1980, that Montana's regulation for notice to local officials was consistent with SMCRA and 30 CFR 786.23(f). The Secretary based his decision on the premise that since mining is conducted only in six counties and because the issuance of a permit entitles the county to share in the severance tax, local officials are well informed regarding mining activities. Additionally, the Secretary noted that Montana has stated that as a matter of policy the Montana Department of State Lands will notify the local government officials in the local political subdivision within ten days after granting a mining or test pit prospecting permit. However, Montana has now elected to amend Section 26.4.405 of its regulations to specifically require notification of local government officials."

Since the above amendment was not required by the Secretary in his conditional approval, it is considered to be a program amendment under 30 CFR 732.17.

Submission of Revisions

On November 3, 1980, OSM received from Montana revisions to the State regulations intended to satisfy condition numbers 1–5. The State also on November 3, 1980, submitted the additional amendment to its program discussed above.

On August 26, 1981, Montana submitted a single statutory change to the Montana SURA to meet condition 6.

OSM published a notice in the **Federal Register** on October 16, 1981, announcing receipt of these provisions and inviting public comment on whether the proposed program amendments corrected the deficiencies (46 FR 50984–50986). The public comment period ended November 17, 1981. A public hearing scheduled for November 10, 1981, was not held because no one expressed a desire to present testimony. On November 9, 1981, OSM published a notice in the **Federal Register** to cancel the public hearing (46 FR 55275).

On August 26, 1981, when the State submitted the change to meet the single statutory condition of the Secretary's approval, it also made some apparent editorial changes to the Montana SURA. These amendments are not being considered in this **Federal Register** notice and will be the subject of a future **Federal Register** notice pursuant to 30 CFR 732.17.

Secretary's Findings

The Secretary finds the amendments submitted by Montana on November 3, 1980, and August 26, 1981, correct the deficiencies in the Montana program as follows. It should be noted that while the State was in the process of developing its rules, the Montana Secretary of State was developing a new simplified system of codification of rules. On July 1, 1980, when this new system was completed, the Administrative Rules of Montana concerning surface mine reclamation were renumbered according to the new system. This accounts for the difference in the numbering system referred to in the Secretary's Notice of Conditional Approval and that in the State's amendments.

1. Section 26.4.1118 of the Montana regulations reflects the revised Federal regulations pertaining to bonding issued August 6, 1980 (45 FR 52306–52324) and, therefore, corrects deficiency 1.

2. Montana regulation 26.4.1210, as amended, requires that if a cessation order will not completely abate the imminent danger or harm in the most expeditious manner physically possible, the commissioner or his authorized representative shall impose affirmative obligations on the person to whom it is issued to abate the condition, practice, or violation. The order shall specify the time by which abatement shall be accomplished and may require, among other things, the use of existing or additional personnel and equipment. Therefore, the revised Montana regulation is consistent with 30 CFR 843.11(a)(2) and corrects deficiency 2.

3. Montana regulations 26.4.1307, 26.4.1308 and 26.4.1309 provide for award of costs in administrative proceedings, including attorneys' fees consistent with 43 CFR 4.1290–4.1296, and correct deficiency 3.

4. Montana regulation 26.4.1121 requires State agencies and political subdivisions to file bonds before the State regulatory authority may issue a mining permit as required by Section 524 of SMCRA and corrects deficiency 4.

5. Montana regulation 26.4.1201, as amended, provides for frequency of inspections as necessary to enforce compliance with Montana law and regulations consistent with 30 CFR Part 840 and corrects deficiency 5.

6. Section 82–4–222(3) of the Montana SURA, as amended by Senate Bill 244, provides that the small operator assistance program will be implemented to the extent that the State regulatory program has funds for this purpose which is consistent with Section 524 of SMCRA and corrects deficiency 6.

The additional amendment submitted by Montana under 30 CFR 732.17 amends Montana Administrative Rule 26.4.405 to specifically require notification of local government officials in which the area of land is located when a permit has been issued. This amendment is consistent with 30 CFR 786.23(f).

Disposition of Agency and Public Comments

1. The Geological Survey commented that Montana section 26.4.1118 entitled *Bonding: Effect of Forfeiture* should be clarified to indicate that it only pertains to reclamation bonds, and in no way affects Federal lease bonds held by the Department of the Interior for security to assure compliance with the terms and conditions of a Federal coal lease.

The Secretary required as a condition in his November 21, 1980, decision that Montana amend its regulations to delete the phrase "with respect to protection of the hydrologic balance" because the phrase was suspended in the corresponding Federal regulation at 30 CFR 808.12(c). This is the only change made by Montana in section 26.4.1118. Thus, this comment is outside the scope of this rulemaking. However, the Secretary does interpret section 26.4.1118 to pertain only to performance bonds and not lease bonds.

2. The Environmental Policy Institute (EPI), National Audubon Society and the Citizens Mining Project, commented that section 26.4.1307, *Litigation Expenses: When the Department May Award*, of the Montana regulations must be interpreted to mean that fees may be assessed against a citizen only when the citizen acted in bad faith. Also, it must be interpreted to mean that substantial contribution as a basis for an award is a standard and not merely a definition.

In response to the first part of the comment, the Secretary notes that the State in response to a comment during the State rulemaking on section 26.4.1307 indicated that awards against persons other than the permittee and the State regulatory authority may be made only if bad faith or harassment is shown on part of the applicant for the award (See November 3, 1980, letter). In response to the second part of the comment, the Secretary believes that section 26.4.1307(3) of the Montana rules

is consistent with 43 CFR 4.1294 because the Montana provision sets the same criterion of "substantial contribution" as the Federal provision.

3. EPI et al., commented that Montana amendment 26.4.405, *Findings and Notice of Decision*, appeared to have a typographical error because section 26.4.405(3) refers to findings obtained under section 26.4.405 (2) and (3). The commenters further stated that the State regulatory authority acknowledged to them that the section should refer to findings obtained under section 26.4.405 (1) and (2).

The Secretary acknowledges that this is obviously a typographical error and presumes this will be corrected.

Approval Without Condition

Accordingly, the Montana permanent program is hereby fully approved. 30 CFR 926.10 is amended to indicate approval of the November 3, 1980, and August 26, 1981, program amendments. 30 CFR 926.11 which established the conditions of the initial approval is hereby repealed.

Approval of Additional Program Amendment

Accordingly, the program amendment to Montana's permanent program submitted pursuant to 30 CFR 732.17 is hereby approved. 30 CFR 926.10 incorporates approval of the November 3, 1980, program amendment.

The removal of the conditions of the approval of the Montana permanent program and the approval of the program amendment are effective upon publication of this notice.

Additional Findings

Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this approval. This document is not a major rule under E.O. 12291; therefore, no Regulatory Impact Analysis is being prepared on this approval.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

On January 30, 1980, the Administrator of the Environmental Protection Agency transmitted his written concurrence on the Montana permanent program. The amended regulatory provisions approved in this document are not aspects of the Montana permanent program which relate to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151-1175), and the Clean Air Act, as amended (42 U.S.C. 1847 et seq.).

Dated: February 4, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

Accordingly, the Montana permanent program is hereby fully approved. 30 CFR 926.10 is amended to indicate approval of the November 3, 1980, and August 26, 1981, program amendments. 30 CFR 926.11 which established the conditions of the initial approval is hereby repealed.

PART 926—MONTANA

Part 926 of Title 30 is amended as follows:

1. 30 CFR 926.10 is revised to read as follows:

§ 926.10 State regulatory program approval.

The Montana permanent program submitted on August 3, 1979, as amended November 13, 1979, January 4, January 9, January 10, January 12, January 13, January 30, February 1, and February 20, 1980, and as further amended November 3, 1980, and August 26, 1981, is approved effective upon publication of this notice. Copies of the approved program, as amended, are available at:

Montana Department of State Lands, 1625 11th Avenue, Capitol Station, Helena, Montana 59601, Telephone: (406) 449-2074

Montana Department of State Lands, Field Office, 1245 North 29th Street, Billings, Montana 59101, Telephone: (406) 657-2217

Office of Surface Mining, Room 5315, 1100 "L" Street NW., Washington, D.C. 20240, Telephone: (202) 343-4728

§ 926.11 [Removed]

2. 30 CFR 926.11 is hereby removed.

[FR Doc. 82-3866 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD1-80-9-R]

Establishment of Special Anchorage Areas in Boston Inner Harbor, Boston, Mass.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing Special Anchorage Areas near the entrance to Fort Point Channel in Boston Harbor, Boston, Massachusetts at the request of the City of Boston. These Special Anchorage Areas are necessary due to the increased number of pleasure craft utilizing Boston Harbor. It will provide needed anchorage space for small craft in the area and would relieve them of the requirement to carry and display anchor lights while utilizing the Special Anchorage Areas.

EFFECTIVE DATE: This amendment become effective on March 15, 1982.

FOR FURTHER INFORMATION CONTACT: LCDR Theophilus Moniz III, U.S. Coast Guard Marine Safety Office, 447 Commercial Street, Boston, Massachusetts 02109, (617) 223-1475.

SUPPLEMENTARY INFORMATION: On June 15, 1981, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (46 FR 114).

Interested persons were requested to submit comments and forty-three (43) written comments were received. On July 9, 1981, a public hearing was held and sixteen (16) individuals attended within nine (9) choosing to make verbal comments.

Drafting Information

The principal persons involved in drafting this rule are LCDR Theophilus Moniz III, Project Officer, U.S. Coast Guard Marine Safety Office, Boston, Massachusetts and LCDR Thomas F. Murphy, Jr., Project Attorney, Commander (dl), First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

Discussion of Comments

The written public comments received strongly favored the establishment of the proposed Anchorage Areas (39 of the 43 commenters). Many identified themselves as recreational boaters affiliated with the Boston Harbor Sailing Club, a sailing club located in close proximity to the proposed Anchorage Areas. The Department of the Army, Corps of Engineers expressed some concern about Area "C" encroaching on the Fort Point Channel approach. One commenter complained that Anchorage Area "A" extended southward interfering with the approach to Rowes Wharf. The two remaining commenters represented commercial interests opposed to the Anchorage Areas, especially Area "C".

During the public hearing, six commenters voiced their support for the Anchorage Areas. One commenter expressed concern about the proximity of Area "C" to the main shipping channel for Boston Harbor. With an average speed of six (6) knots, a large vessel transitting the area could damage

closely anchored sailboats. This commenter also disapproved of the way Area "C" encroached on the Fort Point Channel. Another commenter complained about Area "A" and the difficult approach that would be required by a vessel attempting to moor on Rowes Wharf. The final commenter expressed her concern about the navigational safety of the Fort Point Channel approach reduced by Area "C". She also agreed with the concerns about the approach to Rowes Wharf.

In response to the comments received, the Anchorage Areas "A" and "C" have been modified to accommodate the commercial interests which were considered warranted in their complaints. Each of the areas were plotted on a large scale chart providing for greater accuracy. The southern boundary of Area "A" was moved northward to allow a more favorable approach to Rowes Wharf and the southern boundary of Area "C" was relocated northward to open up the approach to Fort Point Channel. The eastern boundary of Area "C" was moved away from the main shipping channel.

Summary of Final Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed below, its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

An Environmental Assessment of the proposed rules was completed in February 1981 which resulted in a finding of no significant impact on the quality of the human environment. Environmental information can be obtained from Mr. P. V. Kaselis, Environmental Specialist, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

The only effect of the regulations is the designation of Special Anchorage Areas near the entrance to Fort Point Channel in Boston Inner Harbor which should relieve the congestion by the random anchorage of small craft. Vessels utilizing this limited area would not be required to display anchor lights.

The limits of the Anchorage Areas are to be marked by appropriate navigational aids which are to be provided and maintained by the City of Boston. The designated Special Anchorage Areas will reduce the width of the navigable approaches to Fort Point Channel but will not impede navigation and will have no economic impact on any entity.

The waters adjacent to the west of the designated Special Anchorage Areas are non-navigable U.S. waters declared by Pub. L. 90–312. The shoreline beyond these adjacent non-navigable waters is bounded by City property controlled by the Boston Redevelopment Authority, and the Harbor Towers at India Wharf, which is privately owned. The owners of the Harbor Towers property have been contacted and indicated no objection to this rule.

These Special Anchorage Areas will be for the use of the general public. Administration of them will be exercised by the Harbormaster, City of Boston, pursuant to local ordinances. In Special Anchorage Areas vessels of not more than 65 feet in length, when at anchor, are not required to carry or display anchor lights.

PART 110—ANCHORAGE REGULATIONS

§ 110.30 [Amended]

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended by adding paragraph (m) to § 110.30 to read as follows:

* * * * *

(m)(1) *Boston Inner Harbor A.* The waters of the western side of Boston Inner Harbor adjacent to the entrance to Fort Point Channel bounded by a line beginning at latitude 42°21′26.4″ N, longitude 71°02′56.9″ W; thence to 029° T to latitude 42°21′31.5″ N, longitude 71°02′53″ W; thence 077° T to latitude 42°21′32.6″ N, longitude 71°02′47.3″ W; thence 209° T to latitude 42°21′26.4″ N, longitude 71°02′52″ W; thence along a line bearing 270° T to point of origin.

(2) *Boston Inner Harbor B.* The waters of the western side of Boston Inner Harbor adjacent to the entrance to Fort Point Channel bounded by a line beginning at latitude 42°21′22″ N, longitude 71°02′55.8″ W; thence 207° T to latitude 42°21′20″ N, longitude 71°02′57.3″ W; thence 252° T to latitude 42°21′18.9″ N, longitude 71°03′01″ W; thence 027° T to latitude 42°21′23.1″ N, longitude 71°02′58.3″ W; thence along a line bearing 120° T to point of origin.

(3) *Boston Inner Harbor C.* The waters of the western side of Boston Inner Harbor adjacent to the entrance to Fort Point Channel bounded by a line beginning at latitude 42°21′32.6″ N, longitude 71°02′47.3″ W; thence 138° T to latitude 42°21′28.4″ N, longitude 71°02′42.8″ W; thence 252° T to latitude 42°21′26.4″ N, longitude 71°02′52″ W; thence along a line bearing 029° T to point of origin.

Note.—Administration of the Special Anchorage Areas is exercised by the Harbormaster, City of Boston pursuant to local ordinances. The City of Boston will install and maintain suitable navigational aids to mark the limits of the Anchorage Area.

(33 U.S.C. 2030, 33 CFR 1.05–1(g)(1), 49 CFR 1.46(c))

Dated: December 30, 1981.

L. L. Zumstein,

Rear Admiral, Coast Guard, Commander, First Coast Guard District.

[FR Doc. 82–3729 Filed 2–10–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 164

[CGD 81–081]

Electronic Position Fixing Devices

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule delays for two years the requirement for installation of a continued tracking complementary system to satellite navigation receivers. Vessels meeting the requirement for carriage of an electronic position fixing device by having satellite navigation receivers installed before June 1, 1984, need not install a continual tracking complementary system until June 1, 1987. Vessels meeting the rule by having satellite navigation receivers installed on or after June 1, 1984, must have the continual tracking complementary system installed at the same time. By delaying the requirement, there will be sufficient time for the Coast Guard to complete a study on the incidence of groundings of vessels that use satellite navigation receivers, and, if appropriate, to propose rules that would eliminate the requirement for the complementary system. The delay will also allow vessel owners considering installation of the complementary system to avoid spending funds on a requirement that may be eliminated by such rulemaking.

EFFECTIVE DATE: This final rule becomes effective on March 29, 1982.

SUPPLEMENTARY INFORMATION: The present rule was published as an interim final rule in the **Federal Register** issue of May 31, 1979 (44 FR 31592) because of an expansion of the area of applicability. The final rule was

published without change in the **Federal Register** issue of January 10, 1980 (45 FR 2027).

Drafting Information

The principal persons involved in drafting this rule are Mr. Tom Falvey, Project Manager, Office of Marine Environment and Systems, and Mr. Stanley Colby, Project Attorney, Office of Chief Counsel.

Discussion

The requirements for carriage of electronic position fixing devices became effective for all vessels 10,000 gross tons (grt) or more on June 1, 1980. Vessels 1600 grt to 10,000 grt are required to carry this equipment on June 1, 1982. Under current requirements, acceptable electronic position fixing devices include LORAN C (Type I or II as defined in the Radio Technical Commission for Marine Services (RTCM) Paper 12–78/DO–100 (12/20/77) entitled, "Minimum Performance Standards (MPS) Marine LORAN–C Receiving Equipment"), and a hybrid satellite navigation receiver integrated with a continual tracking, complementary system, such as satellite-OMEGA, satellite-LORAN C, and satellite-doppler. Vessels having "stand alone" satellite systems that are installed before June 1, 1982 are not required to have the complementary tracking system until June 1, 1985. Vessels having satellite systems that are installed on or after June 1, 1982, must have the complementary system installed concurrently. In response to the proposed rules for this rulemaking procedure, published on November 14, 1977 (42 FR 59012), 47 letters of comment were received. Of those 47, three contended that a satellite navigation receiver interfaced with speed and gyro inputs normally is as accurate as a satellite-OMEGA hybrid, especially at times of atmospheric disturbance, such as at dawn or dusk. The Coast Guard, in the preamble to the interim final rule, contended that in the absence of set and drift, the statement probably would be correct; however, in the presence of significant set and drift, a considerable error in position might develop between usable satellite passes. Continuing, the preamble states that assuming a prudent navigator would not rely on a single positioning source, and in consideration of the 3000 "stand alone" satellite navigation receivers in use in 1977, a decision was made to review the incidence of groundings of vessels equipped with satellite navigation receivers through 1981 and to make a final determination on the acceptability of "stand alone" satellite navigation receivers after considering the data.

A review of Coast Guard vessel casualty files from 1977 to 1979 for groundings of vessels 1000 grt or more has shown none to involve vessels using satellite navigation receivers. It now appears appropriate to consider elimination of the requirement for the complementary tracking system. In order to avoid having vessel owners allocate or spend funds to install the complementary tracking system, and to provide sufficient time after the review of vessel groundings through 1981 to complete any appropriate rulemaking procedure, it is deemed necessary in the public interest to delay the requirements for the complementary tracking system for two years. Therefore, vessels having a satellite navigation receiver installed before June 1, 1984, need not install a complementary tracking system until June 1, 1987. Vessels having a satellite navigation receiver installed on or after June 1, 1984, must have the complementary system installed concurrently. This change in effective date does not affect the requirement that vessels 1600 grt to 10,000 grt entering U.S. waters must carry a Loran C or a satellite navigation receiver by June 1, 1982. If after a review of the incidence of groundings through 1981 it is deemed appropriate, a notice will be issued to propose elimination of the requirement for the complementary tracking system.

Since it would be contrary to the public interest for this delay to be subject to notice and public procedure thereon, it is published as a final rule under the exception provided by 5 U.S.C. 553(b)(3)(B) and is made effective in less than 30 days by the exception provided by 5 U.S.C. 553(d)(3).

The existing rule was reviewed under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979) and determined to be non-major. The postponement of the effective date contained in this document is determined not to be a significant regulation under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT 2100.5, dated May 22, 1980) nor a major rule under Executive Order 12291 of February 17, 1981. It is also certified this postponement will not have a significant economic impact on a substantial number of small entities.

PART 164—NAVIGATION SAFETY REGULATIONS

In accordance with the preceding, Part 164 of Title 33, Code of Federal Regulations, is amended by revising § 164.41(e) to read as follows:

§ 164.41 Electronic position fixing devices.

* * * * *

(e) Each satellite navigation receiver installed before June 1, 1984 that meets paragraph (d) (1) and (2) of this section must meet paragraph (d)(3) of this section on June 1, 1987.

(Sec. 2, 94 Stat. 1477 (33 U.S.C. 1231(a)); 49 CFR 1.46(n)(4))

Dated: December 9, 1981.

W. E. Caldwell,

Rear Admiral, Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc. 82–3726 Filed 2–10–82; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 111

Facing Identification Marks on Official Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends postal regulations to modify the specifications for printing the official mail imprint and to add the requirement that a Facing Identification Mark (FIM) be printed on certain official mail postcards, letter-size envelopes and self mailers. State employment security agencies mailing under the U.S. Department of Labor indicia would also be required to comply with the official mail indicia format required of the executive and judicial branches of the Government. The addition of FIM is expected to improve the processing of official mail of the executive and judicial branches of the United States Government.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: William Maguire, (202) 245–4353.

SUPPLEMENTARY INFORMATION: On May 22, 1981, the Postal Service published for comment in the **Federal Register** a revision of 137.24 of the Domestic Mail Manual to modify the specifications for printing the offical mail imprint and adding the requirement of a Facing Identification Mark (FIM). (46 FR 27970).

The Postal Service received written comments from four federal agencies in response to this proposal. The commenters generally favored the proposal, but requested certain changes which are discussed below.

Three commenters suggested that the proposed effective date of the rule be changed, so that existing contracts would not have to be amended. After discussing this issue directly with the General Services Administration (GSA), which had requested a change to the effective date and is responsible for regulating federal agency envelopes, we made the effective date April 1, 1982. This will accommodate the GSA Federal Supply Schedule.

One commenter asked whether contracts written prior to the effective date must be modified. The regulation only affects procurement contracts entered into after the effective date.

One commenter requested that the FIM mark be allowed on mailing pieces in which postage is paid by permit imprints or meter tapes. The commenter suggested that prohibiting this would require agencies to undergo "uneconomical double ordering, distribution, and stocking of various size envelopes". We don't understand this objection, since Federal agencies using permit imprint envelopes already must order and inventory them separate from mailing envelopes preprinted with the standard penalty indicium. Similarly, agencies using meters must order, distribute, and stock envelopes with no indicia printed in the upper right corner. This rulemaking only changes the format requirement for the standard penalty indicium. It does not change federal agencies' existing ordering, distribution, inventorying, or usage procedures for any of the four types of penalty indicia envelopes. Moreover, § 137.273a(9) of the DMM presently authorizes postmasters to allow Government agencies to put meter impressions on surplus supplies of Postage and Fees Paid envelopes for a limited period so no envelopes need be wasted.

As to permit imprint envelopes, the use of the FIM pattern on such mail would add nothing positive and could have certain negative effects. Permit imprint mail must consist of a minimum of 200 pieces or 50 pounds and be arranged by the mailer so that the address side of all pieces faces the same way. This mail, which must be presented to a post office acceptance unit with a mailing statement, does not go through the facer-canceler. The letters have already been faced by the mailer and there is no postage affixed to be cancelled, so the FIM mark, which is used only to face mail without stamps or meter imprint, would add nothing useful. Moreover, if a piece of permit imprint mail had a FIM mark on it and improperly entered the mailstream through other than a post office acceptance unit, the FIM mark would cause the mail to be treated as Postage and Fees Paid mail and the Postal Service would lose the revenue for that piece.

The same commenter noted that envelopes *without* a FIM pattern whose intended use is for metered or imprint mail could accidentally enter the mailstream without an imprint or a meter strip. If this happened, the Postal Service could lose revenue if the error were not discovered, or there could be a mail delay, or a postage due condition. We recognize these possible results of mail that is unpaid. However, these results could happen now, without regard to FIM. The primary purpose of FIM on federal agency letter-size envelopes with the standard penalty indicium is to efficiently process this mail through postal mechanization, specifically, the Facer/Canceler operation. However, Federal mail affixed with metered postage does not need FIM for facing when processed through this equipment, and permit imprint mail should not be processed through this equipment. The presence of a FIM mark would make it more difficult to identify mail with metered postage omitted, or improperly mailed permit imprint envelopes, while the absence of a FIM mark would provide quicker identification and correction of these erroneous situations.

One commenter expressed concerns that postage overcharges and delays might occur with FIM because the same FIM pattern is being used for Business Reply Mail (BRM). In the second step of the mail processing operation, BRM is routed to a separate holdout according to the ZIP Code. FIM mail that is not BRM follows a different processing route. There is, therefore, no problem with delay or overcharging.

One commenter requested that the Postal Service place a postal cancellation mark on FIM mail, since this would provide the date and city where the mailing piece entered the mailstream. FIM mail which is processed through the Facer/Canceler will receive a cancellation mark. However, routing penalty mail which is already faced through this equipment would require additional processing, and would therefore increase processing costs which are ultimately reflected in postal rates. We are not adopting this suggestion for all penalty mail.

One commenter said that the proposed rule's rearrangement of the indicium would require envelope contractors to make a new printing plate for each agency's letter-size envelopes, and that, since larger than letter-size envelopes (flats) were not covered by the proposal, two printing plates would have to be maintained. Apparently, the commenter overlooked section 137.242c of the proposal, which permits but does not require the FIM pattern and use of the postal emblem on flats.

One commenter suggested changing the Revenue, Pieces and Weight (RPW) numerical code on letter-size mail to an optical-reader code, making it possible for the Postal Service to read the RPW number electronically and transmit volume figures to computer accounts to be used in the billing system. Since this suggestion is beyond the scope of this rulemaking, we are not adopting it at this time. We are, however, forwarding the comment to the appropriate division for analysis and such action as deemed appropriate.

The same commenter requested that FIM marks be permitted on official matter carried outside the U.S. Mail, despite the provisions of proposed 137.246b. The commenter said that if an agency had to resort to an alternate carrier, it would still want its mail to be clearly identified as government mail, and considered that a FIM mark would so identify it. We believe the commenter misconstrues 137.246b. This provision, which was adopted after notice and comment rulemaking in 1979 (44 FR 41777), would not prevent an agency from using Postage and Fees Paid envelopes (with the FIM pattern) for items carried outside the mails if carried by the agency's employees, or by contractors for subsequent entry into the mail, or if postage is paid after written agreement is entered into with the Postal Service. As to items which may be carried outside the mail because they are not covered by the Private Express Statutes, use of the official mail indicium (with the FIM pattern) is prohibited because it may mislead the public for such items to bear the legend "Postage and Fees (have been) Paid". It may also inhibit the ability of the Postal Service to ensure that postage is paid if the item is subsequent deposited in the mails.

Upon consideration of all the comments, the Postal Service hereby adopts the following changes to the Domestic Mail Manual, which is incorporated by reference in the **Federal Register** (39 CFR 111.1).

Part 137—Official Mail

In part 137.2, revise .24 to read as follows:

.24 *Indicia*

.241 There are four general types of official penalty mail indicia: (a) standard penalty indicium, (b) official

metered indicium, (c) official permit imprint indicium, and (d) official business reply indicium. Each type must conform with an authorized format, as described in 137.242–137.245.

.242 *Standard Penalty Indicium.* All official mail using the standard penalty indicium must comply with the following described specifications.

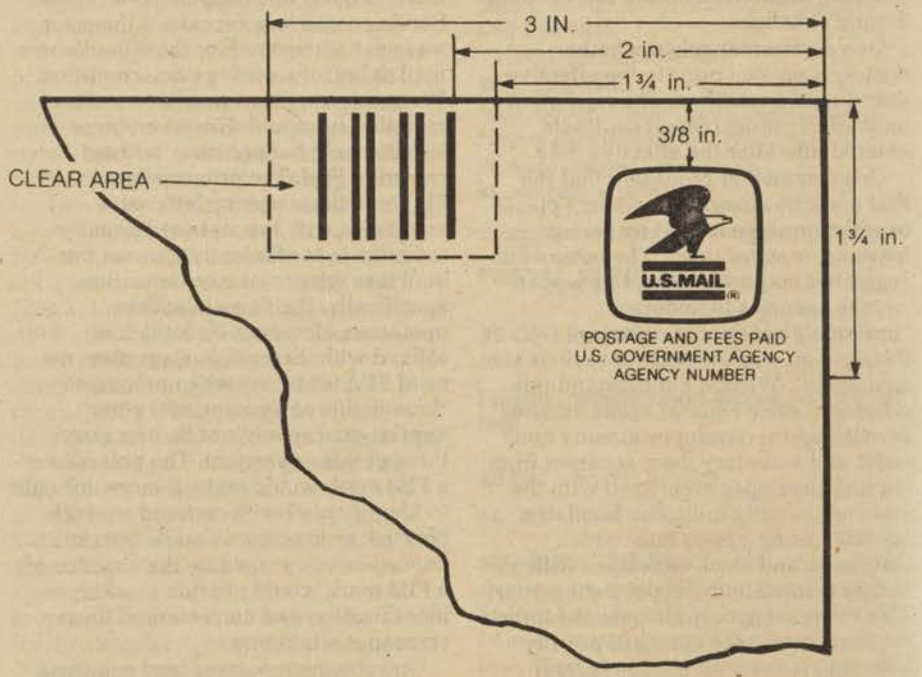
a. The indicium for letter-size mail must be printed and must consist of the postal emblem (see Exhibit 137.242b) located ⅜ of an inch from the top edge of the mail piece; and immediately below the postal emblem, the words "Postage and Fees Paid," the name of the department or agency and the agency sampling number, if assigned.

b. Except for second-class, and bulk third-class mail (see 137.273b and (c)), the Facing Indentification Mark (FIM), a vertical bar code pattern which functions as an orientation mark for automatic facing and canceling equipment, is required as follows:

(1) An area of 3 inches by 1¾ inches in the upper right corner of the address side of each mail piece must be reserved for the indicium and the FIM. The entire indicium, including the postal emblem, must be within 1¾ inches from the right and within 1¾ inches from the top edge of cards, mailing pieces, letter-size envelopes and self mailers, (see 128) but is not required on labels or envelopes larger than letter-size.

(2) The FIM must be positioned in such a manner that the distance from the right edge of the nearest FIM bar is 2 inches plus or minus ⅛ of an inch, and the top of the FIM pattern is *within* ⅛ of an inch from the top edge of the mail piece. It is permissible for the pattern to touch the top edge of the mail piece. The bars must be at least ½ inch long. A clear area free of any other printing must be maintained around the FIM. This clear area begins 1¾ inches from the right edge of the mail piece and extends 1¼ inches to the left. The height of the clear area is ⅝ of an inch down from the top edge. (See Exhibit 137.242b.) Additional specifications for printing the FIM are contained in Publication 12, *United States Postal Service Instructions Facing Identification Marks.* Because the spacing between the vertical bars requires control, the Postal Service provides negatives for printing the FIM pattern. In all cases, Postal Service specifications and negatives must be used. The specifications and negatives for FIM are available from local post offices or from the Manager, Government Revenue and Examination Branch, Finance Department, U.S. Postal Service Headquarters, Washington, D.C. 20260.

Exhibit 137.242b



(3) A FIM must appear on all letter-size mailing pieces procured after April 1, 1982. Stocks of cards, envelopes and self-mailers procured prior to April 1, 1982 which do not bear a FIM may be used until exhausted.

c. The FIM Pattern and use of the postal emblem as part of the indicium is optional on larger than letter-size mail.

d. The postal emblem and FIM pattern may be omitted on self-mailers completely printed by computer with no provision for printing designs other than letters and numbers, provided the items are faced, sorted and tied in bundles by ZIP Code.

e. Any endorsement for a special service or class of mail must be placed approximately ¼ inch below the indicium.

f. The complete return address and the words "Offical Business, Penalty for Private Use, $300" must appear in the upper left corner of the mail piece (see Exhibit 137.242f). The penalty statement may not be handwritten or typewritten.

Exhibit 137.242f



g. Official mail of a designated State extension director must bear in the upper left corner the name of the agricultural college and the name of the post office at which the mail is to be accepted without prepayment of postage, followed by the name and title of the designated officer and the words Cooperative Agricultural Extension Work-Acts of May 8 and June 30, 1914. The words "Postage and Fees Paid U.S. Department of Agriculture," and the agency sampling number must appear in the upper right corner of the address side immediately below the postal emblem. The FIM Pattern must be used as described in 137.242b.

h. Official mailings by agricultural experiment stations must bear in the upper left corner of the address side the name of the station, the name of the post office at which the matter is to be accepted, and the name and title of the officer in charge of the station, followed by the word "Publication." The title of the bulletin or report may be used. The words "Postage Paid U.S. Department of Agriculture," and the agency number must appear in the upper right corner of the address side immediately below the postal emblem. The FIM pattern must be used as described in 137.242b.

i. Official mailings made by cooperative extension agents described in 137.22c must be prepared in accordance with the provisions of 137.242 a through h.

j. Official mailings made by State employment security agencies cooperating with the Department of Labor must bear in the upper left corner the name and complete return address of the state agency and the words "Official Business, Penalty for Private Use, $300". The words "Postage and Fees Paid, Employment Security Mail, LAB–449" must appear in the upper right corner of the address side immediately below the postal emblem. The FIM pattern must be used as described in 137.242b.

.243 *Official Metered Indicium.* Penalty mail may be sent under official postage meter procedures when an agency has obtained a license for each meter in accordance with 137.273a. Mail sent from agency locations licensed to use meters must bear in the upper right corner a meter stamp or tape with the official meter format illustrated in 144.416 and a complete return address in the upper left corner. The FIM pattern and other indicia described in 137.242b must not be used on official metered mail.

.244 *Official Permit Imprint Indicium.* Permit imprints may be used by government agencies to facilitate postage accountability for larger mailings. Unless a meter is used, permit imprints are required for all First-Class, single piece third-class, and fourth-class mailings made by contractors, and for all presort First-Class and fourth-class bulk rate mailings made either by a government agency or its contractors. Departments and agencies wishing to mail under permit imprint procedures must obtain prior authorization and follow the appropriate procedures in 137.273d and 145. The format for official permit imprint mail is as follows:

a. The official permit imprint indicium must appear in a rectangular box in the upper right corner of the mail piece. It consists of the statement of mail class, the words "Postage and Fees Paid," the agency name and a permit number preceded by the letter, "G." The city of mailing and date may be included but are not required. Illustrations of the official mail permit imprint indicium are provided in 145.5e and f.

b. The FIM pattern and the postal emblem must not be included on official permit imprint mail.

c. The complete return address and the words, "Official Business, Penalty for Private Use, $300" must appear in the upper left corner as illustrated in 137.242f.

.245 *Official Business Reply Indicium.* The format described in 137.252 must be used for cards, envelopes and labels furnished by government agencies for reply purposes.

.246 *Official Penalty Mail Markings.* The markings required in 137.242 through .245:

a. May be used only to transmit official mail, and

b. Must not be used on items carried outside the U.S. Mail except under the following circumstances:

(1) When official items are carried by employees of the originating agency;

(2) When official items are carried by contractors for subsequent entry into the U.S. Mail under the provisions of 137.253 and .254; or

(3) When agencies reach written agreement with the Manager, Government Revenue and Examination Branch, Finance Department, U.S.P.S. Headquarters, to account for and pay postage on official items carried outside the U.S. Mail to avoid violation of the Private Express Statutes (13 U.S.C. 1693–1699 and 39 U.S.C. 601–606).

.247 *Mail Not Using Official Envelopes or Labels.* Mail of departments and agencies which is not sent by use of official envelopes or labels as provided in 137.242 through .245 must have postage prepaid. The rates and conditions applicable to non-federal government mailers apply.

2. Remove 137.4.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 111.3.

(39 U.S.C. 401(2)(10), 404(a)(2)–(4))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 82-3670 Filed 2-10-82; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2016-4]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) announces today final rulemaking on revisions to the carbon monoxide (CO) and ozone (O_3) portions of the Indiana State Implementation Plan (SIP). The State submitted these revisions to USEPA to satisfy the requirements of Part D of the Clean Air Act (Act). USEPA proposed rulemaking on these revisions to the Indiana SIP in the August 27, 1981 (46 FR 43188) **Federal Register**. One public comment was received.

This notice announces final rulemaking today approving revisions to the Transportation Control Plans (TCP's) for a Lake, Porter, Clark, Floyd, St. Joseph, Elkhart and Allen Counties; approving the O_3 attainment demonstration for Lake, Porter, Clark, and Floyd Counties; and approving the CO strategy for Lake County.

EFFECTIVE DATE: March 15, 1982.

ADDRESSES: Copies of the SIP revision, public comments on the NPR and USEPA's comments are available for inspection at the following addresses:

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

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

Air Pollution Control Division, Indiana Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

Copies of the SIP revision only are available at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Gerald Kellman, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6069.

SUPPLEMENTARY INFORMATION: On June 26, 1979, the State of Indiana submitted, among other items O_3 plans for Lake, Porter, Clark, Floyd, St. Joseph, Elkhart, and Allen Counties and a CO plan for Lake County. The State of Indiana submitted revisions to these plans on May 19, 1980, September 24, 1980, October 9, 1980, and October 15, 1980.

On August 27, 1981 (46 FR 43188) USEPA proposed approval of these SIP revisions, and requested comments from the State and the public. The requirements for an approvable transportation plan were referenced in the August 27, 1981 notice of proposed rulemaking. During the public comment period the State commented on USEPA's proposed action. There were no other comments. Based on the previous submittals and a review of the State's comments, USEPA is today briefly summarizing the proposal, addressing the State's comments and acting on the Indiana submittals as revisions to the federally approved Indiana SIP. A discussion of this rulemaking action is presented below for each geographic area:

Clark and Floyd Counties

Based on measured violations of the O_3 National Ambient Air Quality Standards (NAAQS) in the Indiana portion of the Louisville urban area, Clark and Floyd Counties were designated as nonattainment areas for O_3. The TCP for Clark and Floyd Counties was prepared by the Kentuckiana Regional Planning and Development Agency. The transportation control plan contains measures designed to attain and maintain the NAAQS for O_3 in Clark and Floyd Counties.

Based on review of the TCP and the demonstration of attainment, USEPA approves all portions of the TCP and the demonstration of attainment for O_3 in Clark and Floyd Counties.

St. Joseph and Elkhart Counties

The TCP for St. Joseph and Elkhart Counties was prepared by the Michiana Area Council of Governments. It contains measures designed to reduce the level of hydrocarbon emissions in the area. The strategy projects that the percent reduction in hydrocarbon emissions required to ensure attainment of the O_3 NAAQS in the area will be achieved.

USEPA has reviewed the control strategy developed for St. Joseph and Elkhart Counties. The TCP portion of the control strategy satisfies the TCP requirements of an approvable nonattainment area SIP and USEPA approves it. However, USEPA must examine further the adequacy of the State's control requirements for volatile organic compounds for stationary sources. The adequacy of Indiana's requirements for stationary source controls and the demonstration of attainment will be discussed in a future notice of proposed rulemaking.

Lake and Porter Counties

Based on measured violations of the O_3 NAAQS, Lake and Porter Counties were designated as nonattainment areas for O_3. The TCP for Lake and Porter Counties was prepared by the Northwestern Indiana Regional Planning Commission. The transportation control plan contains measures designed to attain and maintain the NAAQS for O_3 in Lake and Porter Counties.

USEPA has reviewed the O_3 control strategy developed for Lake and Porter Counties. The TCP satisfies the TCP requirements for an approvable nonattainment SIP. Based on this review, USEPA approves the transportation control measures for O_3 and the demonstration of attainment for O_3 in Lake and Porter Counties.

USEPA has reviewed the CO control strategy developed for Lake County. While Indiana's submittal did not include all materials for a demonstration of attainment, USEPA concludes that the final requirements can be met through elements of Indiana's transportation plan required to be submitted as part of the 1982 SIP. These requirements were set forth in detail in the notice of proposed rulemaking 46 FR 43188. Therefore, USEPA approves the CO transportation control measures and demonstration of attainment for Lake County. This action removes the Section 110(a)(2)(I) growth restrictions for carbon monoxide in Lake County.

Allen County

The transportation control plan for Allen County was prepared by the Northeastern Indiana Regional Coordinating Council. It contains measures designed to reduce the level of hydrocarbon emissions in the area. USEPA has reviewed the control strategy developed for Allen County. The TCP portion of the control strategy satisfies all of the TCP requirements for an approvable nonattainment area SIP and USEPA approves it. However, USEPA needs to further examine the adequacy of the State's control requirements for volatile organic compounds for stationary sources. The adequacy of Indiana's stationary source requirements and the demonstration of attainment will be discussed in a future notice of proposed rulemaking.

Public Comments and Responses

In response to the August 27, 1981 notice of proposed rulemaking, the State of Indiana submitted the only comments. EPA has carefully considered the State's

comments in reaching today's rulemaking action. The State's comments and USEPA's response follow:

Comment. The State commented that the Indiana SIP submittal includes a demonstration of attainment for St. Joseph, Elkhart and Allen Counties. The State asked EPA to approve the attainment demonstration for these counties.

Response. In the August 27, 1981 **Federal Register**, USEPA proposed to approve the State's submittal with the exception of the demonstration of attainment for St. Joseph, Elkhart and Allen Counties. The State has not required RACT for stationary sources in these counties. EPA policy requires RACT in all ozone nonattainment areas, unless dispersion modeling has been used for the demonstration of attainment. Because dispersion modeling was not used for these counties and because RACT is required in these counties, EPA will not take action on the attainment demonstration at this time. EPA will take action at a later date after additional air quality data is collected and the need for RACT is reassessed.

Comment. The State objected to the statement in the proposed rulemaking which required the State to replace transportation projects which cannot be implemented with a project of equal or greater air quality benefit. The State cites USEPA policy which requires conformance of transportation plans and programs with the SIP, and not with individual transportation projects.

Response. The State's citation of USEPA policy is correct and USEPA agrees with the State's position. USEPA's statement on replacing nonimplemented projects of equal or greater benefit was intended to refer to achieving the total necessary emission reduction goals and not substitution on a project by project basis.

Comment. The State commented that the proposed rule approves the transportation control measures study for Clark and Floyd Counties, although the study has not been completed.

Response. The proposed rulemaking did not propose approval of the study, but proposes approval of the schedule for completing the process which will lead to the adoption of the plan as well as the commitment to adopt the plan.

Comment. The State disagrees with the requirement in the proposed rule that extensive documentation of attainment for CO in Lake County be provided as part of the 1982 SIP.

Response. Because Indiana's transportation submittals for Lake County did not include all information necessary to demonstrate attainment of the CO standards, USEPA is approving the material submitted as only meeting the requirements of the 1979 SIP. EPA still finds that the additional information specified in the notice of proposed rulemaking (46 FR 433188) is necessary in Indiana's transportation plan and requires that it be submitted as a part of the 1982 CO SIP.

Comment. The State objected to the use of the term "Transportation Control Plan" in reference to the Indiana O_3 and CO SIP. The State asserts that this term is outdated and has a negative connotation. Also, the State points out that the term does not adequately reflect all of the activities contained in this portion of the SIP.

Response. USEPA generally agrees with the State's comments related to the term "Transportation Control Plan," but for reasons of consistency with the proposed notices on this subject and with rulemaking actions for the same requirements in other States, EPA is retaining this term for the final notice.

Summary of Action

Lake County:	
CO Transportation control measures	Approved.
O_3 Transportation control measures	Approved.
CO Demonstration of attainment	Approved.
O_3 Demonstration of attainment	Approved.
Porter County:	
O_3 Transportation control measures	Approved.
O_3 Demonstration of attainment	Approved.
Clark and Floyd Counties:	
O_3 Transportation control measures	Approved.
O_3 Demonstration of attainment	Approved.
St. Joseph and Elkhart Counties:	
O_3 Transportation control measures	Approved.
O_3 Demonstration of attainment	Approved.
Allen County:	
O_3 Transportation control measures	Approved.
O_3 Demonstration of attainment	Approved.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that these revisions to Indiana's SIP will not have a significant economic impact on a substantial number of small entities. This action only approves the State's action and imposes no new requirements.

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

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

(Sec. 110, 172, Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: February 4, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

1. Section 52.770 is amended by adding paragraph (c)(29) as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(29) On June 26, 1979, May 19, 1980, September 24, 1980, October 9, 1980 and October 15, 1980, Indiana submitted transportation control plans and ozone demonstrations of attainment for Lake, Porter, Clark, Floyd, St. Joseph, Elkhart and Allen Counties. It also submitted a carbon monoxide demonstration of attainment for Lake County. EPA is taking no action on the ozone demonstration of attainment for St. Joseph, Elkhart and Allen Counties.

* * * * *

2. Section 52.773 is amended by adding new paragraph (e) as follows:

§ 52.773 Approval status.

* * * * *

(e) The Administrator finds that the carbon monoxide strategy for Lake County satisfies all the requirements of Part D, Title I of the Clean Air Act.

* * * * *

3. The carbon monoxide and ozone attainment dates listed in the table of § 52.783(a) are revised as follows:

§ 52.783 Attainment dates for national standards.

(a) The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Indiana's plan, except where noted.

POLLUTANT

Air quality control region	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
East Central Indiana Intrastate (AQCR 76):							
a. Primary and Secondary	m	m	*h*	*l*	m	l	l.
b. Remainder of AQCR	*a*	*a*	*a*	*a*	e	e	e.
Evansville (Indiana)—Owensboro, Henderson (Kentucky) Interstate (AQCR 77):							
a. Primary and Secondary	m	m	*l*	*l*	m	l	m.
b. Remainder of AQCR	*a*	*a*	d	*a*	e	e	e.
Louisville Interstate (AQCR 78):							
a. Primary and Secondary	m	m	*l*	*l*	m	l	j.
b. Remainder of AQCR	*a*	*a*	*a*	*a*	e	*a*	*a.*
Metropolitan Chicago Interstate (Indiana-Illinois) (AQCR 67):							
a. Primary and Secondary	m	m	*h*	*l*	m	j	j.
b. Remainder of AQCR	*a*	c	*a*	c	*a*	*a*	*a.*
Metropolitan Cincinnatti Interstate (AQCR 79):							
a. Primary and Secondary	m	m	*l*	*l*	m	l	l.
b. Remainder of AQCR	*a*	*a*	d	*a*	e	*a*	*a.*
Metropolitan Indianpolis Interstate (AQCR 80):							
a. Primary and Secondary	m	m	*h*	*l*	m	h	h.
b. Remainder of AQCR	a	a	a	f	a	k,g	k.
Northeast Indiana Intrastate (AQCR 81):							
a. Primary and Secondary	m	m	*l*	*l*	m	l	h.
b. Remainder of AQCR	*a*	*a*	e	e	e	e	e.
South Bend-Elkhart (Indiana) Benton Harbor (Michigan) Interstate (AQCR 82):							
a. Primary and Secondary	m	m	*l*	*l*	m	l	h.
b. Remainder of AQCR	*a*	*a*	*a*	*a*	e	e	e.
Southern Indiana Intrastate (AQCR 83):							
a. Primary and Secondary	m	m	*l*	*l*	m	l	l.
b. Remainder of AQCR	*a*	*a*	*a*	*a*	e	e	e.
Wabash Valley Intrastate (AQCR 84):							
a. Primary and Secondary	m	m	*h*	*l*	m	l	l.
b. Remainder of AQCR	*a*	*a*	*a*	*a*	e	e	e.

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

NOTE.—For actual nonattainment designations, refer to 40 CFR Part 81.

NOTE.—Sources subject to the plan requirement and attainment dates established under section 110(c)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.783

a. July 1975.
b. Five years from plan approval or promulgation.
c. Eighteen-month extension granted.
d. Air quality levels presently below the primary standards.
e. Air quality levels presently below the secondary standards.
f. Thirteen-month extension granted.
g. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.
h. December 31, 1982.
i. December 31, 1985.
j. December 31, 1987.
k. May 31, 1975.
l. None designated.
m. Attainment date will be specified in the future.

[FR Doc. 82-3609 Filed 2-10-82; 8:45 am]

BILLING CODE 6560-38-M

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Part 1517

Public Meeting Procedures

February 4, 1982.

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Final rule amending procedures.

SUMMARY: The Council on Environmental Quality is amending its Public Meeting Procedures to make them consistent with recent judicial direction. Under the former regulations, only Council action which required an affirmative vote of at least two Council Members is subject to the Sunshine Act's open meeting requirement. The proposed revision will apply the Sunshine Act to all meetings of the Council unless otherwise exempted by statute.

DATES: February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Nancy Nord, General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006; (202) 395-5750.

SUPPLEMENTARY INFORMATION: On October 27, 1980 the Court of Appeals for the District of Columbia Circuit ruled that the Council on Environmental Quality's public meeting regulations were not in conformance with the open meeting requirements of the Government in the Sunshine Act because meetings to formulate advice to the President were excluded. The Court also overturned that portion of the regulations defining the term "official collegial Council business." (See *Pacific Legal Foundation* v. *Council on Environmental Quality*, 636 F.2d 1259 (D.C. Cir. 1980), *petition for rehearing denied).* A rule to bring the Council's public meeting regulations into conformity with this case was proposed on July 27, 1981, at page 38389 in the **Federal Register**. Comments were invited for 30 days with the comment period ending August 26, 1981.

The Council received one comment in response to its invitation. The commenter objected to the proposed rule's use of the word "collegial" to describe the kinds of meetings subject to the procedures since all meetings which result in the joint conduct of agency business must be open to the public. In response, the Council has deleted the word "collegial" describing covered meetings. The rule emphasizes, however, that Council actions to advise the President are outside the scope of these procedures when that advice is not formulated in a collegial manner.

The commenter objected to that portion of the proposal which exempted from the Act's coverage actions taken by the Chairman of the Council acting as Director of the Office of Environmental Quality. This portion of the comments is without merit. The Environmental Quality Act of 1970, 42 U.S.C. 4371 (1970), authorizes the Chairman to take certain action in his capacity as Director of the Office of Environmental Quality. When the Chairman is acting in this capacity his actions do not constitute meetings within the meaning of the Act.

The rule being adopted will bring the Council's public meeting requirements into conformity with the Court decision cited above. The rule also eliminates a requirement that the Council hold biweekly meetings. Accordingly, Title 40 of the Code of Federal Regulations is proposed to be amended as set forth below.

REGULATORY FLEXIBILITY ACT CERTIFICATION: This rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The purpose of the rule is to implement the "open meetings" section of the Government in

the Sunshine Act (90 Stat. 1241; 5 U.S.C. 552b).

A. Alan Hill,

Chairman.

PART 1517—PUBLIC MEETING PROCEDURES OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Section 1517.1 is revised to read as follows:

§ 1517.1 Policy and scope.

Consistent with the policy that the public is entitled to the fullest information regarding the decisionmaking processes of the Federal Government, it is the purpose of this part to open the meetings of the Council on Environmental Quality to public observation while protecting the rights of individuals and the ability of the Council to carry out its primary responsibility of providing advice to the President. Actions taken by the Chairman acting as Director of the Office of Environmental Quality and Council actions involving advice to the President when such advice is not formulated collegially during a meeting are outside the scope of this part. In addition to conducting the meetings required by this part, it is the Council's policy to conduct, open to public observation, periodic meetings involving Council discussions of Council business, including where appropriate, matters outside the scope of this part. This part does not affect the procedures set forth in Part 1515 pursuant to which records of the Council are made available to the public for inspection and copying, except that the exemptions set forth in § 1517.4(a) shall govern in the case of any request made to copy or inspect the transcripts, recording or minutes described in § 1517.7.

§ 1517.2 Definitions [Amended]

2. Section 1517.2 is amended by removing paragraph (c) and redesignating paragraph (d) as paragraph (c).

3. Section 1517.3 is amended by revising paragraph (b) as follows:

§ 1517.3 Open meeting requirement.

* * * * *

(b) The Council will conduct open to public observation periodic meetings involving Council discussions of Council business including where appropriate matters outside the scope of this part. Such meetings will be noticed pursuant to § 1517.6.

* * * * *

[FR Doc. 82-3707 Filed 2-10-82; 8:45 am]

BILLING CODE 3125-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6127

[AA-6139, A-062024]

Alaska; Withdrawal of Lands; Partial Revocation of Public Land Order No. 5; Total Revocation of Public Land Order No. 3677

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws and reserves certain lands for use of the Bureau of Land Management as an administrative site in an area known as the Campbell Tract south of Anchorage, and partially revokes Public Land Order No. 5 and totally revokes Public Land Order No. 3677.

EFFECTIVE DATE: February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Beau McClure, Washington, D.C., 202–343–6511, or Robert Sorenson, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513, 907–271–5060.

The lands in paragraph one of this order are included in a withdrawal, Public Land Order No. 5 of June 26, 1942 (FR Doc. 46–13332), as amended, and reserved under the jurisdiction of the War Department for military purposes. Effective June 10, 1965, Public Land Order No. 3677 further withdrew 160 acres already withdrawn by Public Land Order No. 5 for a Department of the Interior administrative site.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and in accordance with section 12(d)(2) of the Act of January 2, 1976, 89 Stat. 1145, 1153, and paragraph III. C. of the document "Terms and Conditions for Land Consolidation and Management in Cook Inlet Area" as clarified August 31, 1976, it is ordered as follows:

1. Subject to valid existing rights, the following described lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, and from selection under Section 6 of the Alaska Statehood Act, 72 Stat. 339, and reserved for use by the Bureau of Land Management for administrative site purposes:

Seward Meridian

T. 12 N., R. 3 W.,
Sec. 2, W½W½E½NW¼, W½NW¼, W½E½W½SW¼, W½W½SW¼;
Sec. 3, S½N½NE¼, S½NE¼NE¼, S½SE¼NW¼NE¼, S½NE¼, SE¼SE¼NW¼, S½NE¼SE¼NW¼, S½SW¼SE¼NW¼, S½SE¼SW¼ NW¼, S½;
Sec. 10, NE¼NE¼, E½NW¼NE¼, NW¼NW¼NE¼, N½SW¼NW¼NE¼, N½N½N½NW¼;
Sec. 11, NW¼NW¼NW¼, W½SW¼NW¼ NW¼.

Containing 730 acres.

T. 13 N., R. 3 W.,
Sec. 34, N½NE¼NE¼;
Sec. 35, NW¼NW¼, N½SW¼NE¼NE¼.

Containing 65 acres.
Aggregating a total of 795 acres.

2. Public Land Order No. 3677 is hereby revoked in its entirety.

3. Public Land Order No. 5 is hereby revoked as to the lands described in paragraph one of this order, excluding the following described tract:

A parcel of land located within the SE¼, sec. 3, T. 12 N., R. 3 W., Seward Meridian, Third Judicial District, State of Alaska; said parcel being described as:

Commencing at the SW corner of said SE¼, thence N., a distance of 800.00 ft., on the west line thereof, to the TRUE POINT OF BEGINNING: thence N. 45° E., a distance of 900.00 ft., thence S. 45° E., a distance of 726.00 ft., thence S. 45° W., a distance of 900.00 ft., thence N. 45° W., a distance of 726.00 ft., to said point of beginning, containing 15 acres, more or less.

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

Garrey E. Carruthers,

Assistant Secretary of the Interior.

February 4, 1982.

[FR Doc. 82-3721 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

43 CFR Part 230

Repeal of Individual Water Right Application Procedures

AGENCY: Bureau of Reclamation, Interior.

ACTION: Final rule.

SUMMARY: In the **Federal Register** dated June 23, 1981, Vol. 46, No. 120, the Bureau of Reclamation (Reclamation) proposed to repeal 43 CFR 230.71–230.84, which established procedures for individual water right applications under Reclamation Law. Reclamation is required to contract with irrigation districts or other entities organized

under State law for repayment of project costs and delivery of project water, and therefore no longer uses the individual water right applications. There are some older Reclamation projects where individual water right applications continue to be used in accordance with repayment contracts which were executed prior to the legislation requiring Reclamation to contract with water user entities instead of individuals. The repeal of 43 CFR 230.71–230.84 is not intended to prevent the continued use of the individual water right applications on those projects.

DATE: The repeal of 43 CFR 230.71–230.84 will be effective February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Vernon Cooper, Special Projects Officer (202) 343–2148.

SUPPLEMENTARY INFORMATION: The Department of the Interior has determined that this rulemaking action does not constitute a "major rule" as defined in section 1(b) of Executive Order 12291. Accordingly, no Regulatory Impact Analysis was prepared. In accordance with the Regulatory Flexibility Act, Pub. L. 96–354, the Department has determined that this rulemaking action will not have a significant economic effect on a substantial number of small entities. The continued use of individual water right applications on older reclamation projects does not require approval by the Office of Management and Budget under 44 U.S.C. 3507 since there are fewer than 10 respondents annually.

Dated: January 18, 1982.

David C. Russell,

Acting Assistant Secretary of the Interior.

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

§§ 230.71–230.84 [Removed]

For the reasons set out in the preamble, 43 CFR Part 230 is amended by removing §§ 230.71 through 230.84.

[FR Doc. 82–3688 Filed 2–10–82; 8:45 am]

BILLING CODE 4310–09–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 25

Relocation Assistance and Land Acquisition for Federal and Federally Assisted Programs; Schedule of Moving Expense Allowances; Individuals and Families

AGENCY: Department of Transportation, (DOT).

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to reflect changes in the moving expense schedules for displaced persons in the States of Arkansas, Montana, Oklahoma and Texas.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: John Murnane, Relocation Assistance Division, Office of Right-of-Way (202–426–0156); or Reid Alsop, Office of the Chief Counsel (202–426–0800), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours Monday–Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To ensure statewide uniformity among all agencies operating under the Act, General Services Administration Regulations, governing agency implementation of the Act, 41 CFR Part 101–6, provide in § 101–6.105–1 that moving expense schedules maintained by the respective State highway departments shall be used, and that the schedules will be approved on a current basis and disseminated by the Federal Highway Administration (FHWA).

The regulations of the Office of the Secretary, 49 CFR 25.153, implementing the Uniform Act, direct the FHWA to establish and maintain the moving expense schedule in Appendix A to Part 25 of Title 49 and to update it semiannually. The purpose of this amendment is to revise the current schedule, which was published on July 16, 1981 (46 FR 36856) to reflect changes in the moving expense schedules that have been made by the following States:

Table I—Personalty—Arkansas, Montana Oklahoma and Texas

Table II—Mobile Homes—Arkansas and Texas

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures. The FHWA has also determined that the changes reflected in this action will have only minimal impact on the affected States and public. Accordingly, a full regulatory evaluation is not required and, under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

Notice and opportunity for comment are not required under DOT regulatory policies and procedures because it is not anticipated that such action would result in the receipt of useful information. Because the moving expense schedules are maintained by the respective State highway departments, the FHWA finds good cause to make these amendments effective on the date that the changes become effective in the States making them. Accordingly, these amendments are effective on January 1, 1982.

Neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the Administrative Procedures Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2).

(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)

(42 U.S.C. 4601 et seq; 41 CFR 101–6.105–1; 49 CFR 25.153)

Issued on: February 2, 1982.

R. A. Barnhart,

Federal Highway Administrator.

49 CFR is amended by revising Appendix A to read as follows:

Appendix A

TABLE I—PERSONALTY

State	Occupant provides furniture										Occupant does not provide furniture	
	Number of rooms of furniture											
	1	2	3	4	5	6	7	8	9	10	First room	Each additional room
Alabama[1]	90	140	190	240	290	300					[1]	[1]
Alaska	75	150	200	250	275	300					15	15
Arizona	50	100	150	200	250	300					25	15
Arkansas	100	160	200	240	280	300					50	30
California	75	100	150	200	250	300					25	15
Colorado	120	180	240	300							30	20
Connecticut	50	90	140	170	230	260	300				15	15

TABLE I—PERSONALTY

State	Occupant provides furniture — Number of rooms of furniture										Occupant does not provide furniture	
	1	2	3	4	5	6	7	8	9	10	First room	Each additional room
Delaware	60	100	140	180	220	260	300				25	15
District of Columbia	100	135	170	210	250	290	300				35	15
Florida	75	120	165	210	255	300					25	25
Georgia	100	140	180	220	260	300					40	10
Guam	48	85	120	168	205	240	300				10	10
Hawaii	65	100	135	175	215	255	295	300			45	30
Idaho	60	100	140	180	220	260	300				20	10
Illinois	50	100	150	200	250	300					25	15
Indiana	50	100	150	200	250	300					25	15
Iowa	75	140	195	240	275	300					30	12
Kansas	60	120	180	240	300						30	10
Kentucky	65	130	195	260	300						35	25
Louisiana	60	100	140	180	220	260	300				40	15
Maine	50	90	125	150	175	200	225	250	275	300	15	10
Maryland	100	150	200	250	300						20	10
Massachusetts	60	130	150	190	225	250	275	300			25	15
Michigan	65	130	180	240	300						50	10
Minnesota	75	150	200	250	300						30	15
Mississippi	100	150	200	250	300						50	25
Missouri	50	100	150	200	250	300					25	10
Montana	100	150	200	250	300						50	25
Nebraska	50	100	150	200	250	300					30	10
Nevada	50	100	150	200	250	300					25	15
New Hampshire	100	150	190	230	270	300					25	15
New Jersey	80	140	195	245	300						25	15
New Mexico[2]	158	235	300								(2)	(2)
New York	80	130	175	215	250	275	300				25	15
North Carolina	70	110	160	210	260	300					40	30
North Dakota	75	125	150	200	250	275	300				30	15
Ohio	50	100	150	200	250	300					30	10
Oklahoma	100	150	200	250	300						40	15
Oregon	75	150	225	300							25	25
Pennsylvania	90	140	200	250	300						30	30
Puerto Rico	75	120	165	210	255	300					25	25
Rhode Island	70	140	210	250	275	300					25	10
South Carolina	105	180	220	300							30	10
South Dakota	100	150	200	250	300						50	15
Tennessee	75	100	150	200	250	300					25	15
Texas	95	140	190	245	300						50	25
Utah	75	100	130	155	180	210	240	270	300		25	15
Vermont	100	150	190	230	270	300					25	15
Virginia	60	105	150	195	240	285	300				40	10
Virgin Islands	105	150	195	240	275	300					35	35
Washington	100	150	200	250	300						25	25
West Virginia[3]	60	100	140	180	220	260	300				25	10
Wisconsin	80	150	210	260	300						50	30
Wyoming	60	120	180	240	260	300					40	20

[1] Furnished units including sleeping rooms. Occupant does not own furniture. First room $30; 2 rooms $50; 3 rooms $75; 4 rooms $95; 5 rooms $120; 6 rooms $140; each additional room $15.
[2] Furnished units including sleeping rooms. Occupant does not own furniture. First room $68; 2 rooms $129; 3 rooms $160; 4 rooms $193; 5 rooms $224; 6 rooms $256; 7 rooms $288; 8 rooms $300—to a maximum of $300.
[3] Where occupant does not provide furniture, allowance for 2 rooms is $40.

TABLE II.—MOBILE HOMES

State	Miles (kilometres)		Area—square feet (square metres)		Width—feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
Alabama			0(0)	200(18.6)			165
			200(18.6)	400(37.2)			225
			400(37.2)	600(55.8)			285
			600(55.8)				300
Alaska	(4)	(4)					300
Arizona			0(0)	300(27.9)		150	
			300(27.9)	400(37.2)			200
			400(37.2)	500(46.5)			250
			500(46.5)				300
Arkansas					0(0)	12(3.7)	200
					12(3.7)	14(4.3)	300
California[1]					0(0)	8(2.4)	(1)
					8(2.4)		(1)
Colorado[2]							(2)
Connecticut[3]					0(0)	8.5(2.6)	100
					8.5(2.6)	10.5(3.2)	150
					10.5(3.2)	12.5(3.8)	200
					12.5(3.8)		250

TABLE II.—MOBILE HOMES—Continued

State	Miles (kilometres)		Area—square feet (square metres)		Width—feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
Delaware			0(0)	400(37.2)			100
			400(37.2)	600(55.8)			150
			600(55.8)	800(74.4)			200
			800(74.4)	1,000(93)			250
			1,000(93)				300
Florida	(5)	(5)					300
Georgia			0(0)	400(37.2)			125
			400(37.2)	500(46.5)			185
			500(46.5)	600(55.8)			245
			600(55.8)				300
Guam			0(0)	300(27.9)			130
			300(27.9)	400(37.2)			180
			400(37.2)	500(46.5)			210
			500(46.5)	600(55.8)			240
			600(55.8)	700(65.1)			270
			700(65.1)				300
Hawaii			0(0)	300(27.9)			130
			300(27.9)	400(37.2)			180
			400(37.2)	500(46.5)			210
			500(46.5)	600(55.8)			240
			600(55.8)	700(65.1)			270
			700(65.1)				300
Idaho			0(0)	200(18.6)			100
			200(18.6)	400(37.2)			150
			400(37.2)	600(55.8)			200
			600(55.8)	800(74.4)			250
			800(74.4)				300
Illinois	0(0)	24(38.6)			0(0)	8.5(2.6)	100
					8.5(2.6)	10.5(3.2)	150
					10.5(3.2)	12.5(3.8)	200
					12.5(3.8)		250
	24(38.6)	50(80.5)			0(0)	8.5(2.6)	150
					8.5(2.6)	10.5(3.2)	200
					10.5(3.2)	12.5(3.8)	250
					12.5(3.8)		300
Indiana					0(0)	8.5(2.6)	150
					8.5(2.6)	10.5(3.2)	185
					10.5(3.2)	12.5(3.8)	250
					12.5(3.8)		300
Iowa	0(0)	25(40.2)			0(0)	8(2.4)	130
					8(2.4)	10(3)	150
					10(3)	12(3.7)	180
					12(3.7)		230
	25(40.2)	50(80.5)			0(0)	8(2.4)	140
					8(2.4)	10(3)	170
					10(3)	12(3.7)	200
					12(3.7)		300
Kansas			0(0)	200(18.6)			80
			200(18.6)	400(18.6)			160
			400(37.2)	600(55.8)			240
			600(55.8)				300
Kentucky [4]					0(0)	8(2.4)	285
					8(2.4)		300
Louisiana					0(0)	10(3)	175
					10(3)	12(3.7)	200
					12(3.7)	14(4.3)	250
					14(4.3)		300
Maine					0(0)	8(2.4)	150
					8(2.4)	10(3)	200
					10(3)	12(3.7)	250
					12(3.7)		300
Maryland			0(0)	200(18.6)			110
			200(18.6)	400(37.2)			140
			400(37.2)	600(55.8)			165
			600(55.8)	800(74.4)			195
			800(74.4)	1,000(93)			220
			1,000(93)	1,200(111.6)			250
			1,200(111.6)				300
Massachusetts			0(0)	200(18.6)			80
			200(18.6)	400(37.2)			140
			400(37.2)	600(55.8)			200
			600(55.8)				300
Michigan					0(0)	8(2.4)	145
					8(2.4)	10(3)	230
					10(3)	12(3.7)	280
					12(3.7)		300
Minnesota [4]					0(0)	8(2.4)	200
					8(2.4)		300
Mississippi			0(0)	300(27.9)			200
			300(27.9)	400(37.2)			250
			400(37.2)				300
Missouri			0	200(18.6)			100
			200(18.6)	400(37.2)			150
			400(37.2)	600(55.8)			200
			600(55.8)	800(74.4)			250
			800(74.4)				300

TABLE II.—MOBILE HOMES—Continued

State	Miles (kilometres)		Area—square feet (square metres)		Width—feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
Montana [4]					0(0)	10(3)	150
					10(3)	12(3.7)	200
					12(3.7)	14(4.3)	225
					14(4.3)		275
Nebraska			0(0)	400(37.2)			100
			400(37.2)	600(55.8)			150
			600(55.8)	800(74.4)			200
			800(74.4)	2,000(93)			250
			2,000(93)				300
Nevada			0(0)	400(37.2)			150
			400(37.2)	500(46.5)			200
			500(46.5)	600(55.8)			250
			600(55.8)				300
New Hampshire	(9)	(9)					300
New Jersey			0(0)	200(18.6)			100
			200(18.6)	400(37.2)			150
			400(37.2)	600(55.8)			200
			600(55.8)	800(74.4)			250
					800(74.4)		300
New Mexico [4 5]	0(0)	20(32.2)			0(0)	8.5(2.6)	206
					8.5(2.6)	10.5(3.2)	279
					10.5(3.2)	12.5(3.8)	288
					12.5(3.8)		300
	20(32.2)	50(80.5)			0(0)	8.5(2.6)	243
					8.5(2.6)	10.5(3.2)	288
					10.5(3.2)		300
New York			0(0)	300(27.9)			150
			300(27.9)	500(46.5)			200
			500(46.5)	700(65.1)			250
			700(65.1)				300
North Carolina [4 6]					0(0)	12(3.7)	200
					12(3.7)		300
North Dakota			0(0)	200(18.6)			125
			200(18.6)	400(37.2)			175
			400(37.2	600(55.8)			225
			600(55.8)	800(74.4)			275
			800(74.4)				300
Ohio [4]	0(0)	10(16)	0(0)	320(29.8)			130
			320(29.8)	500(46.5)			150
			500(46.5)	840(78.1)			170
			840(78.1)	1,120(104.2)			205
			1,120(104.2)				250
	10(16)	25(40.2)	0(0)	320(29.8)			135
			320(29.8)	500(46.5)			155
			500(46.5)	840(78.1)			190
			840(78.1)	1,120(104.2)			220
			1,120(104.2)				275
	25(40.2)	50(80.5)	0(0)	320(29.8)			145
			320(29.8)	500(46.5)			165
			500(46.5)	840(78.1)			200
			840(78.1)	1,120(104.2)			250
			1,120(104.2)				300
Oklahoma					0(0)	10(3)	250
					10(3)		300
Oregon			0(0)	200(18.6)			100
			200(18.6)	600(55.8)			200
			600(55.8)				300
Pennsylvania	(9)	(9)					300
Rhode Island					0(0)	8(2.4)	225
					8(2.4)	10(3)	250
					10(3)	12(3.7)	275
					12(3.7)		300
South Carolina [4]					0(0)	10(3)	175
					10(3)	12(3.7)	200
					12(3.7)	14(4.3)	250
					14(4.3)		300
South Dakota	(8)	(8)					300
Tennessee [4]					0(0)	10(3)	100
					10(3)		150
Texas					0(0)	8.5(2.6)	175
					8.5(2.6)	10.5(3.2)	235
					10.5(3.2)		300
Utah [4]	0(0)	10(16)			0(0)	8(2.4)	140
					8(2.4)	10(3)	145
					10(3)	12(3.7)	165
					12(3.7)		200
	10(0)	25(40.2)			0(0)	8(2.4)	145
					8(2.4)	10(3)	155
					10(3)	12(3.7)	175
					12(3.7)		225
Utah—Continued	25(40.2)	50(80.5)			0(0)	8(2.4)	150
					8(2.4)	10(3)	160
					10(3)	12(3.7)	190
					12(3.7)		250

TABLE II.—MOBILE HOMES—Continued

State	Miles (kilometres)		Area—square feet (square metres)		Width—feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
Vermont [1]	(8)	(8)					300
Virginia			0(0)	200(18.6)			150
			200(18.6)	400(37.2)			200
			400(37.2)	600(55.8)			250
			600(55.8)	800(74.4)			300
Washington	(8)	(8)					300
Virginia			0(0)	300(27.9)			100
			300(27.9)	450(41.9)			150
			450(41.9)	550(51.2)			225
			550(51.2)				300
Wisconsin					0(0)	8(2.4)	150
					8(2.4)	10(3)	200
					10(3)	12(3.7)	250
					12(3.7)		300
Wyoming [4]					0(0)	8.5(2.6)	135
					8.5(2.6)	10.5(3.2)	165
					10.5(3.2)	12.5(3.8)	210
					12.5(3.8)		300

[1] Width to 8' (2.4 m) Length 40' (12.2 m), $200; Length 40' (12.2 m), $300. Width over 8' (2.4 m) Length 40' (12.2 m), $300; Length 40' + (12.2 m), $300.
[2] Under 8' (2.4 m) x 40' (12.2 m)—Unskirted, $150; Over 8' (2.4 m) x 40' (12.2 m)—$300.
[3] Plus $50 for expandable trailer.
[4] $300 for double trailer.
[5] Escort fee included.
[6] Personality Only—Width—Under 10 feet (3 m) $60; 10 feet (3 m) $70; 12 feet (3.7 m) $100; and over Doubles $175.
[7] $50 for extras.
[8] All trailers.
[9] All mobile homes.

[FR Doc. 82-3293 Filed 2-10-82; 8:45 am]
BILLING CODE 4910-22-M

Proposed Rules

Federal Register
Vol. 47, No. 29
Thursday, February 11, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

Federal Employees Health Benefits Program; Open Season and Other Administrative Actions; Public Hearing

AGENCY: Office of Personnel Management.

ACTION: Notice of public hearing.

SUMMARY: The Office of Personnel Management will hold public hearings on its proposals to hold a health benefits open season in May 1982 and to obtain views on proposed administrative changes in the Federal Employees Health Benefits (FEHB) Program.

DATES: The public hearings will be held at the U.S. Office of Personnel Management beginning at 1 p.m. on February 22 and at 10 a.m. on February 23, 1982, in the Auditorium, Ground Floor, 1900 E Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Kevin Burns, Assistant Director for Insurance Programs, Compensation Group, OPM, Room 809, 1717 H St. NW., Washington, D.C. 20415; telephone (202) 632–4670.

SUPPLEMENTARY INFORMATION: On November 12, 1981, interim regulations were published in the **Federal Register** (46 FR 55679), effective November 12, 1981. These interim regulations authorized changes in the regularly scheduled open season by announcement of the Director of OPM through an FPM Bulletin. Also, the open season scheduled for 1981 was postponed to a time to be announced later or to the applicable period during 1982, whichever was earlier.

Subsequent to the publication of OPM's interim regulations, the United States District Court for the District of Columbia ordered the United States Government to hold an open season for a minimum of two weeks beginning on December 7, 1981.

Accordingly, a notice was published in the **Federal Register** (46 FR 59227) on December 4, 1981, announcing a general open season to be held December 7, 1981, through December 31, 1981.

On December 4, 1981, the United States Court of Appeals for the District of Columbia Circuit stayed the prior order of the United States District Court and further directed the United States Government to hold only a limited open season for persons not then enrolled under the FEHB Program. A notice was published in the **Federal Register** (46 FR 61066) on December 15, 1981, announcing this modification.

OPM now proposes to conduct a general open season from May 3, 1982, to and including May 28, 1982, with enrollment changes becoming effective for employees on the first day of the first pay period in July, 1982, and for annuitants on July 1, 1982.

In view of these circumstances, and to assure that all interested parties have an opportunity to present their views, the Director of OPM has decided to hold two days of public hearings on the following proposals:

1. The proposal to conduct a general open season from May 3, 1982, to and including May 28, 1982, with enrollment changes becoming effective for employees on the first day of the first pay period in July, 1982, and for annuitants on July 1, 1982. Among the issues to be addressed are:

(a) What effects, if any, will this proposal have upon the stability of the FEHB Program, particularly with respect to the phenomena of adverse selection and demographic imbalance?

(b) Should the regularly scheduled open season which normally occurs in November–December 1982 also be held if open season is held in May 1982?

(c) Will there be sufficient claims experience to establish rates and benefits for an open season in November–December 1982 following a May 1982 open season?

(d) With what frequency and at what times should future open seasons be held?

2. A proposal to institute a number of other changes to improve the overall administration of the FEHB Program. Among these are:

(a) To discontinue the practice of requiring carriers to offer selected benefits not required of all carriers.

(b) To levy a transfer fee on enrollees who change plans during an open season.

(c) To permit carriers to exclude certain pre-existing health conditions for enrollees who change plans.

(d) To require all plans in the program to accept annuitants.

(e) To impose certain utilization controls such as requiring second surgical opinions and pre-admission diagnostic testing.

(f) To focus more audit effort on claims paid by plans rather than on administrative expenses.

The public will be given an opportunity to make oral presentations. In the discretion of the presiding official, speakers will be limited to a maximum of 7 minutes for their presentations. All requests to make oral presentations for the record should be received no later than February 18, 1982.

OPM will also accept written comments and other appropriate data from any interested party, in advance of the hearings. Written comments and data submitted to OPM should be received no later than February 22, 1982.

Requests to make oral presentations and submission of written comments should be addressed to Kevin Burns, at the office location and telephone number cited above.

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 82-3804 Filed 2-10-82; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF ENERGY

10 CFR Part 378

Diligence Requirements for Federal Coal Leases

AGENCY: Department of Energy.

ACTION: Cancellation of public hearing, and change of address for submitting public comments.

SUMMARY: On December 15, 1981, the Department of Energy (DOE) issued proposed rules regarding diligence requirements for Federal coal leases (46 FR 62226, December 22, 1981). The authority for that proposal was section 302(b) of the DOE Organization Act (Pub. L. 95–91), which transferred to DOE from the Department of the Interior

(DOI) the authority, among others, to issue regulations establishing diligence requirements for operations conducted on Federal leases, including Federal coal leases.

On December 23, 1981, sections 302(b), 302(c) and 303(c) of the DOE Organization Act were repealed by the fiscal year 1982 Department of the Interior and Related Agencies Appropriation Act (Pub. L. 97-100). Repeal of section 302(b) transferred DOE's rulemaking authority for the establishment of coal lease diligence requirements to DOI. Because DOE no longer has authority to issue a final rulemaking, the Denver, Colorado public hearing on the proposed regulation scheduled for February 17 and announced in the December 22, 1981, **Federal Register**, is hereby cancelled.

ADDRESS: DOI has indicated that since rulemaking authority for diligence now belongs to DOI, public comments on DOE's proposed coal diligence regulation should be sent to the U.S. Geological Survey (47 FR 819, January 7, 1982). Specifically, written comments on the proposed rulemaking should be sent to: U.S. Geological Survey, Branch of Coal Management, 653 National Center, Reston, VA 22092.

The above address is in lieu of the DOE address given in the December 22, 1981, **Federal Register** notice. All written comments that are received by DOE will be forwarded to DOI for their consideration.

FOR FURTHER INFORMATION CONTACT: Timothy E. Foley, (Leasing Policy Division), Department of Energy, Room 2113, Federal Building FE-15, 1200 Pennsylvania Ave., Washington, D.C. 20461, (202) 633-9326.

Issued in Washington, D.C., this 3d day of February 1982.

Jan W. Mares,

Assistant Secretary for Fossil Energy.

[FR Doc. 82-3706 Filed 2-10-82; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 82-ASW-5]

Airworthiness Directives; Agusta Model A109A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws a notice of proposed rulemaking (NPRM) which proposed adopting a new airworthiness directive (AD) which would require repetitive inspections and repair, as necessary, of the vertical tail fin of all Agusta Model A109A helicopters. Since publication of the NPRM, the FAA has determined that all affected helicopters have been modified and the proposed inspections are not required. Therefore, the FAA is withdrawing the proposed AD.

DATES: Effective February 15, 1982.

ADDRESS: A copy of the information relied upon may be examined at Office of Regional Counsel, Airworthiness Docket No. 82-ASW-5, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: J. H. Major, Helicopter Policy & Procedures Staff, Aircraft Certification Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring repetitive inspections for cracks and, if necessary, repair of the vertical tail fin on all Agusta Model A109A helicopters was published in 43 FR 25830. This information is contained in Docket No. 17948, Rules Docket, (AGC-204), FAA, 800 Independence Avenue, SW., Washington, D.C. 20591.

In response to the proposal, Atlantic Aviation Corporation submitted a letter dated August 9, 1978, stating that all five U.S. Registered Model A109A helicopters have been modified and further mandatory inspections of the vertical tail fin are not needed. Therefore, this proposed AD is not required at this time.

Withdrawal of the notice does not preclude the agency from issuing another notice in the future, or commit the agency to any course of action in the future.

Withdrawal of the Notice

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), the proposed airworthiness directive that was published in the **Federal Register** on June 15, 1978 (43 FR 25830) is hereby withdrawn.

(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 11.85)

Issued in Fort Worth, Texas, on January 27, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 82-3679 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AWP-1]

Proposed Alteration of VOR Federal Airway V-190

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter VOR Federal Airway V-190 between Phoenix, AZ, and St. Johns, AZ. The proposed change would eliminate the N alternate between Phoenix, AZ, and St. Johns, AZ, and redefine the airway to avoid the newly relocated Williams 4 Military Operations Area (MOA).

DATE: Comments must be received on or before March 15, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 82-AWP-1, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

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:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically

invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–AWP–1." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the 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 docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to redefine VOR Federal Airway V–190 between Phoenix, AZ, and St. Johns, AZ. This action would eliminate the N alternate between Phoenix, AZ, and St. Johns, AZ, and redefine V–190 to avoid the Williams 4 MOA, which has been relocated by separate nonrulemaking action. The Williams 4 MOA was relocated to segregate this military training activity from the busy arrival and departure routes northeast of the Phoenix Airport and now joins the north sides of the Williams 1, 2, and 3 existing MOA's. Redefining V–190 to the north of the Williams 4 MOA would promote safer and more efficient use of the airspace. Section 71.123 of Part 71 was republished on January 2, 1981 (46 FR 409).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

V–190 [Amended]

By removing the words "From Phoenix, AZ, 54 miles, 19 miles, 95 MSL, 59 miles, 115 MSL St. Johns, AZ, including a north alternate via INT Phoenix 051° and St. Johns 263° radials" and substituting for them the words "From Phoenix, AZ, via INT Phoenix 043°T(030°M) and St. Johns, AZ, 290°T(256°M) radials; St. Johns"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); 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, when promulgated, 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 February 5, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82–3667 Filed 2–10–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AWA–14]

Proposed Renumbering of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to renumber certain alternate VOR Federal Airways in the central part of the U.S. This action would eliminate the assignment of alternate airway segments for the affected airways. It is in accordance with International Civil Aviation Organization (ICAO) agreement to phase out alternate airways from the National Airspace System.

DATE: Comments must be received on or before March 15, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Central Region, Attention: Chief, Air Traffic Division, Docket No. 81–AWA–14, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

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:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–AWA–14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA

personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the 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 docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to renumber V–10N, V–12S, and V–13W. There would be no change in the amount of designated controlled airspace as a result of this action. The alternative airway segments are renumbered to eliminate the use of alternate airway assignments. This action would be in accordance with ICAO agreement to phase out alternate airways from the National Airspace System. Section 71.123 of Part 71 was republished on January 2, 1981 (46 FR 409).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

1. *V–10 [Amended]*

By removing the words ", including a N alternate via INT Dodge City 060° and Hutchinson 296° radials excluding the airspace between the main and alternate airway" and ", including a N alternate via INT Emporia 050° and Topeka, KS, 099° radials" and ", including a N alternate via INT Napoleon 005° and Kansas City 060° radials".

2. *V–502 [New]*

By adding "V–502 From Dodge City, KS; INT Dodge City 060°T(049°M) and Hutchinson, KS, 296°T(287°M) radials; Hutchinson; Emporia, KS; INT Emporia 050°T(042°M) and Topeka, KS, 099°T(091°M) radials; Napoleon, MO; INT Napoleon 005°T(358°M) and Kansas City, MO, 060°T(052°M) radials; to Kirksville, MO."

3. *V–12 [Amended]*

By removing the words ", including an S alternate from INT Jefferson City, MO, 308° and TIGER 276° radials via Jefferson City to INT of Jefferson City 042° and TIGER 104° radials"

4. *V–504 [New]*

By adding "V–504 From Napoleon, MO; INT Jefferson City, MO, 308°T(302°M) and TIGER, MO, 276°T(270°M) radials; Jefferson City; INT Jefferson City 042°T(036°M) and TIGER 104°T(098°M) radials; Foristell, MO."

5. *V–13 [Amended]*

By removing the words ", including a W alternate from Des Moines to Mason City via Fort Dodge, IA, excluding the airspace between the main and this W alternate and excluding the airspace above 9,000 feet MSL between Des Moines and Fort Dodge" and "including a W alternate from Mason City to Grantsburg via INT Mason City 349° and Gopher, MN, 188° radials; Gopher, excluding the airspace between the main and W alternate"

6. *V–505 [New]*

By adding "V–505 From Des Moines, IA, via Fort Dodge, IA, excluding the airspace at and above 11,000 feet MSL between 27 miles and 64 miles northwest of Des Moines VOR during the time that the Boone Military Operations Area is activated; Mason City, IA; INT Mason City 349°T(343°M) and Gopher, MN, 188°T(182°M) radials; Gopher; to Grantsburg, WI."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); 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, when promulgated, 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 February 5, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82–3675 Filed 2–10–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 80–CE–29]

Alteration of Transition Area—Atchison, Kansas; Withdrawal of Proposed Rulemaking

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This Notice withdraws the proposal to amend the Atchison, Kansas, transition area. The amendment was proposed so as to permit an additional instrument approach procedure resulting from the installation of a Non-Directional Radio Beacon (NDB). The City of Atchison has advised they do not intend to purchase and install an NDB at this time, thereby precluding any further need for Notice of Proposed Rulemaking, Docket No. 80–CE–29.

EFFECTIVE DATE: February 1, 1982.

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

SUPPLEMENTARY INFORMATION:

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Notice of Proposed Rulemaking, Docket No. 80–CE–29 (46 FR 24194; April 30, 1981), is hereby withdrawn effective February 1, 1982.

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

Issued in Kansas City, Missouri, on February 1, 1982.

Murray E. Smith.

[FR Doc. 82–3438 Filed 2–10–82; 9:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AWA–13]

Proposed Renumbering of Federal Airways

Correction

In FR Doc. 82–2437 appearing on page 4528 in the issue of Monday, February 1, 1982, make the following correction:

On page 4529, in the center column, in the amendments to § 71.123, under "1. V–4 [Amended]", in the second line of the paragraph, "via Hayes," should have read "via Hays, KS,".

BILLING CODE 1505–01–M

Federal Highway Administration

23 CFR Parts 771, 790, and 795

[FHWA Docket No. 82-5]

Environmental Impact and Related Procedures; Public Hearings and Location/Design Approval; Environmental Action Plans

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to rescind the regulation on the development of environmental action plans and to make corresponding changes in the regulation on environmental impact and related procedures and the regulation on public hearings and location/design approval in order to eliminate unnecessary duplication of environmental procedures.

DATE: Comments must be received on or before March 15, 1982.

ADDRESS: Submit written comments, preferably in triplicate, to Federal Highway Administration, FHWA Docket No. 82-5, 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., e.t., Monday through Friday. Those persons desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Ali F. Sevin, Office of Environmental Policy, 202-426-0107, or Mr. Edward V. A. Kussy, Office of the Chief Counsel, 202-426-0791, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 109(h) of Title 23, United States Code, which was added by the Federal-Aid Highway Act of 1970, required the Secretary to promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects of highways are fully considered and that project decisions are made in the best overall public interest.

The Process Guidelines were FHWA's response to § 109(h) and are now codified in Part 795 of Title 23, Code of Federal Regulations. They are also contained in Volume 7, Chapter 7, § 1 of the Federal-Aid Highway Program Manual (FHPM 7-7-1). The guidelines call for each State to develop an action plan which describes the organization to be used and the processes to be followed in the development of Federal-aid highway projects. Under these State adopted action plans, State procedures approved in those plans may be used in lieu of following the procedures set forth in 23 CFR Part 790.

The Process Guidelines/Action Plan approach, implemented during a period when State highway departments were gaining familiarity with the environmental analysis process, has accomplished its objective. The National Environmental Policy Act (NEPA) process, as recently revised by FHWA to incorporate the Council on Environmental Quality (CEQ) regulations (45 FR 71968, October 30, 1980), perpetuates the fundamentals of the Process Guidelines. Only in the area of public hearings and public involvement do the Process Guidelines/Action Plans provide significant additional elements to the highway decisionmaking process not presently included in the NEPA process. Therefore, the FHWA is proposing to rescind its present regulation on Process Guidelines/Action Plans and cancel the companion FHWA directive (7-7-1). At the same time, the regulation on environmental and related procedures (23 CFR Part 771 and FHWA directive 7-7-2) would be amended to preserve the substance of the provision now contained in Part 795 regarding the approval of alternative public involvement procedures. The rescission of Part 795 would also require a technical amendment to 23 CFR Part 790, "Public Hearings and Location/Design Approval."

The FHWA recently sought comments on 23 CFR Part 795 through a **Federal Register** notice published at 46 FR 21620 (April 13, 1981), on the costs, benefits, issues, and degree of controversy of the Process Guidelines/Action Plan requirements. The responses indicated that costs and controversy are not significant, but that while the Process Guidelines/Action Plan program has been effective, it is no longer needed since its goals have been met. Further, comments received emphasized the need to simplify and eliminate duplicative regulations. Approximately 80 percent of the State highway agencies responded and these comments were given careful consideration in the decision to propose rescission of 23 CFR Part 795.

Rescission of Part 795 would not represent a deemphasis of the identification, evaluation, consideration, and mitigation of social, economic, and environmental effects of highway projects. It would not eliminate the section 109(h) requirements, but rather would recognize NEPA as the core of Federal environmental requirements and acknowledge the experience gained under NEPA, its uniform application by Federal agencies and its embodiment of the principles and spirit of 23 U.S.C. 109(h). The successful operation of State Action Plan programs is recognized and these streamlined procedures would allow States to continue to use Action Plans as a State document with greater individual flexibility for their operational needs. Those States which derive benefits from Action Plans would be encouraged to continue to operate under such plans on an optional basis. Section 109(h) would be complied with through the procedures contained in 23 CFR Part 771 (FHPM 7-7-2). Many States now use their NEPA-related procedures to comply with section 109(h). In approving new or different public involvement procedures under the amended procedures proposed today, FHWA would continue to assure that adequate public involvement, consistent with NEPA and 23 U.S.C. 128 is provided.

This regulatory change would not require the States to take any specific action. Alternate public involvement/public hearing and other procedures approved by FHWA for use in lieu of those set forth in 23 CFR Part 790, pursuant to the provisions of 23 CFR Part 795, would remain in effect and could still be utilized. Further, this proposed amendment should not be interpreted to reduce flexibility to seek and obtain approval of alternate procedures. If the current regulations (Part 795) permit approval of any particular procedures (such as, for example, those relating to location/design approval), the amendments proposed today should also be interpreted to permit such alternative procedures to be approved in the future.

Since these proposed amendments would not change FHWA environmental policy, and in view of the fact that the Action Plan regulation has already been the subject of public review and comment, the FWHA has determined that a 30-day comment period is sufficient.

The FHWA has determined that this document contains neither a major proposal under Executive Order 12291 nor a significant proposal under DOT regulatory procedures. The economic impacts of this action would be minimal. Accordingly, under the criteria of the Regulatory Flexibility Act, it is certified that this action, if promulgated, will not have a significant economic impact on a substantial number of small entities. An evaluation of the Action Plan procedures is available for inspection in

the public docket and may be obtained by contacting Mr. Sevin at the address provided above under the heading **"FOR FURTHER INFORMATION CONTACT."**

(23 U.S.C. 109(h), 128, 138, and 315; 49 CFR 1.48(b))

(Catalog of Federal Domestic Assistance Program Numbers 20.205, Highway Research, Planning, and Construction; 20.509, Public Transportation for Nonurbanized Areas; 23.003, Appalachian Development Highway System; 23.008, Appalachian Local Access Roads. 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: February 8, 1982.

R. A. Barnhart,

Federal Highway Administrator.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 23, Code of Federal Regulations, as set forth below.

PART 795 [REMOVED]

1. Part 795, "Process Guidelines for the Development of Environmental Action Plans" is hereby removed from Chapter I.

PART 771—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

§ 771.101 [Amended]

2. In § 771.101, add the following sentence to the end of the section, "This regulation also sets forth procedures to comply with 23 U.S.C. 109(h)."

3. In § 771.111, revise the title of the section to read, "Early coordination, public involvement, and project development" in the table of sections as well as in the main body of the text. Also, in § 771.111, redesignate paragraph (h) as (i) and add a new paragraph (h) to read as follows:

§ 771.111 Early coordination, public involvement, and project development.

* * * * *

(h) In lieu of the procedures required by 23 CFR 790, a State may, to comply with 23 U.S.C. 128, adopt public involvement and other procedures, subject to FHWA approval, which include provisions for one or more public hearings to be held at a convenient time and place, or the opportunity for hearing(s) to be afforded, on any Federal-aid project which requires the acquisition of significant amounts of right-of-way; or substantially changes the layout or functions of connecting roadways or of the facility being improved; or has a significant adverse impact on abutting real property, or otherwise has a significant social, economic, environmental or other effect. The hearing procedures, other public involvement measures, and other procedures approved hereunder must assure reasonable notice to the public of the hearing opportunity as well as the availability of explanatory information, and must be fully coordinated with the NEPA process. Approvals made by FHWA (prior to the effective date of this amendment) of procedures for use in lieu of Part 790 remain valid. Changes in such procedures require FHWA approval and shall be processed in accordance with the requirements of this section.

* * * * *

4. In § 771.119, revise the second sentence of paragraph (b) and revise paragraph (e) as follows:

§ 771.119 Environmental assessments.

(a) * * *

(b) * * * The applicant will accomplish this through an early coordination process (e.g., State Action Plan or comparable document), or through a scoping process. * * *

* * * * *

(e) When a public hearing is required, the environmental assessment (EA) will be prepared in advance of the notice of public hearing. The notice of the public hearing in local newspapers will announce the availability of the applicant's EA and where it may be obtained or reviewed. The Urban Mass Transportation Administration (UMTA) has a public hearing requirement in all applications for capital and operating assistance.

* * * * *

5. In § 771.123, amend paragraph (b) by revising the third sentence as set forth below. Amend paragraph (h) by removing the third sentence; as revised paragraph (h) reads as set forth below:

§ 771.123 Draft environmental impact statements.

(a) * * *

(b) * * * For FHWA, scoping is normally achieved through the public involvement procedures required by § 771.111 and through other early coordination activities. * * *

* * * * *

(h) The draft environmental impact statement (DEIS) shall be circulated for comment by the applicant on behalf of the Administration. The UMTA requires a public hearing during the circulation period of all DEIS's. If a public hearing is required, the DEIS shall be available for a minimum of 30 days in advance of the public hearing. The availability of the DEIS shall be included in any public hearing notice and mentioned at any public hearing presentation with a request for public comments. If a public hearing is not required, a notice shall be placed in a newspaper similar to a public hearing notice advising where the DEIS is available for review, how many copies may be obtained, and where the comments should be sent.

* * * * *

PART 790—PUBLIC HEARINGS AND LOCATION/DESIGN APPROVAL

6. In § 790.2, existing paragraph (a) is revised to read as follows:

§ 790.2 Applicability.

(a) The provisions of this part apply to the extent that alternative procedures have not been approved or provided for by FHWA under Part 771.

* * * * *

[FR Doc. 82-3794 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-22-M

Coast Guard

33 CFR Part 110

[CCGD11-80-08]

Anchorage Grounds, Los Angeles and Long Beach Harbors, California

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to revise the anchorage regulations for Long Beach Harbor, California. The affected area lies along the Long Beach shoreline from the mouth of the Los Angeles River to the west jetty at the entrance to Alamitos Bay. This area has experienced an increase in recreational boating use over the last few years and present marina construction activity will inject over 2,000 more pleasure craft into this area. The need for adequate control of vessel activity in this area is paramount if the safety for the boating public is to be maintained.

DATE: Comments must be received on or before March 10, 1982.

ADDRESSES: Comments should be mailed to Commander(m), Eleventh Coast Guard District, Union Bank Building, 400 Oceangate, Long Beach, CA 90822. The comments received, Environmental Assessment, and other materials referenced in this notice will be available for examination or copying at the Marine Safety Division, Office of the Commander Eleventh Coast Guard District, Room 917, 400 Oceangate, Long Beach, CA 90822. Normal office hours are between 7:30 a.m. and 4:00 p.m. Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Commander Lindon A. Onstad, Marine Safety Division, Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822. Phone Number: (213) 590–2301.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each person submitting a comment should include the writer's name and address, identify this notice (CGD 11–80–08), and give the reasons for the comment. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed postcard or envelope.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting the proposal are: Commander Lindon A. Onstad, Project Officer, Marine Safety Division, Eleventh Coast Guard District; and Commander Rene N. Roussel, Project Attorney, District Legal Office, Eleventh Coast Guard District.

Discussion of the Proposed Rule

Long Beach Harbor, from Alamitos Bay to the month of the Los Angeles River, is an area that has experienced substantial increases in recreational boating activity over the last few years. Queensway Bay, located at the mouth of the Los Angeles River, has been most heavily affected as all forms of watercraft including jet skis, water skiers and high speed power boats operate frequently in the area. During the next two years, Queensway Bay, and adjacent area will experience an even more rapid increase in boating use as several marine construction projects are completed. In all, over 2,000 additional recreational boats can be expected to be berthed in the area. The problems associated with this increase will be aggravated by the reduction of useable water space caused by marina construction. Control of boating activities in the area will be required to insure the continued safety of the boating public.

The intent of these revisions is to provide for the control which will be required. Specifically, this proposal will establish Queensway Bay as a nonanchorage area. It will create a recreational boating anchorage along the Long Beach Shoreline adjacent to Queensway Bay and will modify the northern boundary of adjoining anchorages to conform with the newly established anchorage and nonanchorage areas. The proposal will also provide for control of boating activity in these areas by the City of Long Beach. This aspect of the proposal is consistent with the existing Federal Regulations governing Long Beach Harbor at the mouth of the Los Angeles River (Queensway Bay)(33 CFR 110.214(a)(12)) and is a natural extension of the City's authority. The City of Long Beach will exercise either direct or indirect control over all marinas in Queensway Bay. Prior to drafting this proposal, several groups, including the U.S. Army Corps of Engineers, the City of Long Beach (Marine Department and Harbor Department), Long Beach Port Pilots, THUMS Long Beach Company and the Los Angeles County Flood Control District, were consulted. Their input has been incorporated into the revisions where possible and practical. A preliminary environmental evaluation of the proposed changes has been completed and an initial determination has been made that this proposed action would result in no adverse impact on the quality of the human environment.

Detailed Description

The following changes are proposed to the Anchorage Regulations for Long Beach Harbor:

1. Existing General Anchorage P (Section 110.214(a)(12)) will be redesignated Nonanchorage X and will be expanded to the east to encompass the Long Beach Downtown Marina, Oil Islands Grissom and White, and the area immediately adjacent to Pier J. Present and anticipated boating activity in this area mandates that anchoring of vessels be prohibited to insure unimpeded movement of vessels to and from the various marinas and boat launching facilities. Additionally, it is necessary to insure an unimpeded approach to Oil Islands Grissom and White for vessels transferring oil industry personnel and equipment. The nonanchorage area will be placed under operational control of the City of Long Beach. The City will have direct or indirect control of all the marinas and boat launching facilities in Nonanchorage X. Allowing the City to control the water areas adjacent to these facilities will insure freedom of access, provide for full utilization of the area and enhance the safety of the boaters in the area. Usage of the area will be in accordance with City of Long Beach ordinances and will be monitored by law enforcement personnel of the City of Long Beach.

2. A new General Anchorage P will be established along the Long Beach shoreline from the eastern boundary of Nonanchorage X to the Alamitos Bay West Jetty. The anchorage needs of the recreational and other small craft will predominate in this area. Operational control of the anchorage will lie with the City of Long Beach. This anchorage is being established to provide control over small craft now utilizing the area. The need for such an anchorage has been long recognized and will increase as additional recreational facilities are established along the Long Beach shoreline. Providing for control of Anchorage P by the City of Long Beach will insure its effective and efficient use and allow the city direct involvement with vessels anchoring along its shoreline. Usage of the area will be in accordance with City of Long Beach ordinances and will be monitored by law enforcement personnel of the City of Long Beach.

3. The northern boundaries of Commercial Anchorage E and General Anchorage Q will be realigned to conform with the southern boundaries of the proposed Nonanchorage X and General Anchorage P.

Summary of Draft Evaluation

These proposed regulations are considered to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation of the proposal has not been conducted since its impact is expected to be minimal. The proposed regulations are not considered major in accordance with the guidelines established in E.O. 12291 addressing regulatory review. The amendment imposes no economic burden and benefits all small vessel owners through the effective and efficient management of the water areas of Queensway Bay. In accordance with Sec. 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Proposed Regulations

In consideration of the foregoing, it is proposed to amend Part 110 of Title 33, Code of Federal Regulations as follows:

1. By revising the geographical description of Commercial Anchorage E found in § 110.214(a)(5) introductory text to read as follows:

PART 110—ANCHORAGE REGULATIONS

§ 110.214 Los Angeles and Long Beach Harbors, Calif.

(a) * * *

(5) Commercial Anchorage E (Long Beach Harbor). An area enclosed by a line beginning at the southeastern point of Pier J at latitude 33–44–18.6N, longitude 118–11–06.7W; thence northerly to latitude 33–45–06.5N, longitude 118–11–06.7W; thence easterly to the southern lighted marker on Island White at latitude 33–45–06.3N, longitude 118–09–31.0W; thence southeasterly to latitude 33–44–35.5N, longitude 118–08–10.1W; thence southerly to latitude 33–44–19.0N, longitude 118–08–10.1W; thence westerly to the southwest lighted marker on Island Chaffee at latitude 33–44–20.0N, longitude 118–08–20.0W; thence westerly to the southeast lighted marker on Island Freeman at latitude 33–44–23.6N, longitude 118–09–39.1W; thence along the south shore of Island Freeman to the southwest lighted marker at latitude 33–44–25.2N, longitude 118–09–46.0W; thence westerly to the beginning point.

* * * * *

2. By revising § 110.214(a)(12) to read as follows:

§ 110.214 [Amended]

(a) * * *

(12) General Anchorage P (Long Beach Harbor). An area enclosed by a line beginning at Alamitos Bay West Jetty Light "1" at latitude 33–44–14.2N, longitude 118–07–16.2W; thence northwesterly to the northwest corner of Nonanchorage W at latitude 33–44–20.6N, longitude 118–07–28.5W; thence northwesterly to the southern lighted marker on Island White at latitude 33–45–06.3N, longitude 118–09–31.0W; thence along the eastern shoreline of Island White to the northern lighted marker at latitude 33–45–13.5N, longitude 118–09–31.0W; thence northwesterly to latitude 33–45–37.1N, longitude 118–10–35.5W; thence northerly to the shoreline at latitude 33–45–49.6N, longitude 118–10–35.5W; thence easterly and southerly along the Long Beach shoreline and the Alamitos Bay west jetty to the beginning point.

(i) In this anchorage the requirements of recreational and other small craft shall predominate.

(ii) Anchoring, mooring and recreational boating activities conforming to applicable City of Long Beach ordinances and regulations adopted pursuant thereto are allowed in this anchorage.

* * * * *

§ 110.214 [Amended]

3. By correcting the coordinates for the northeastern corner of Commer-Anchorage E found in the description of General Anchorage Q (§ 110.214(a)(13)) to read latitude 33–44–35.5N, longitude 118–08–10.1W.

4. By adding a new paragraph (a)(18) to § 110.214 to read as follows:

§ 110.214 [Amended]

(a) * * *

(18) *Nonanchorage X (Long Beach Harbor).* Mouth of the Los Angeles River (Queensway Bay). The waters extending westward and northward to the head of navigation from a line beginning at the southeastern point of Pier J at latitude 33–44–18.6N, longitude 118–11–06.7W; thence northerly to latitude 33–45–06.5N, longitude 118–11–06.7W; thence easterly to the southern lighted marker on Island White at latitude 33–45–06.3N, longitude 118–09–31.0W; thence along the eastern shoreline of Island White to the northern lighted marker at latitude 33–45–13.5N, longitude 118–09–31.0W; thence northwesterly to latitude 33–45–37.1N, longitude 118–10–35.5W; thence northerly to the shoreline at latitude 33–45–49.6N, longitude 118–10–35.5W.

(i) In Nonanchorage X the requirements of recreational and other small craft shall predominate.

(ii) No vessel may anchor in this area.

(iii) Mooring and recreational boating activities which conform to applicable City of Long Beach ordinances and regulations adopted pursuant thereto are allowed in Nonanchorage X.

(Sec. 7, 38 Stat. 1053, as amended, (33 U.S.C. 471); sec. 6(g)(1)(A), 80 Stat. 937, (49 U.S.C. 1655(g)(1)(A)); 49 CFR 1.46(c)(1); 33 CFR 1.05–1(g))

Dated: January 27, 1982.

A. P. Manning,

Rear Admiral, Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 82–3255 Filed 2–10–82; 8:45 am]

BILLING CODE 4910–14–M

VETERANS ADMINISTRATION

38 CFR Part 3

Allowance in Lieu of Government-Furnished Headstone or Marker

AGENCY: Veterans Administration.

ACTION: Proposed regulation change.

SUMMARY: The Veterans Administration is proposing to increase the monetary allowance payable in lieu of a Government-furnished headstone or marker from $59 to $63. The need for this action results from the fact that the actual cost of a Government-furnished headstone or marker increased from $59 to $63. The effect of this proposed amendment would be to permit payment of up to $63 in lieu of a Government-furnished headstone or marker.

DATES: Comments must be received on or before March 15, 1982.

We propose to make this change effective October 1, 1981.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until March 23, 1982. Persons visiting the Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting comments will be received by the Central Office Veterans Services Unit in room 132 of the above address. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: T.H. Spindle, Jr., 202–389–3005.

SUPPLEMENTARY INFORMATION: Under 38 CFR 3.1612 the Veterans Administration is authorized to pay a monetary allowance in lieu of furnishing a headstone or marker at Government expense under the provisions of 38 CFR 1.631(a)(2) and (b). The amount of the allowance is the lesser of the actual cost of acquiring a non-Government headstone or marker (or adding identifying information to an existing marker) or the average actual cost of a Government-furnished headstone or marker for the fiscal year preceding the fiscal year in which the non-Government headstone or marker was furnished (or identifying information added). (38 CFR 3.1612(e)(2))

The average actual cost to the Veterans Administration of headstones and markers furnished at Government expense for fiscal year 1981 (October 1, 1980 through September 30, 1981) is $63. Consequently, we are amending 3.1612 to include this information.

The Administrator hereby certifies this proposed rule, if promulgated, will not have a significant economic impact in terms of compliance costs, paperwork

and recordkeeping, or any other regulatory burden on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this proposed rule therefore is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that this regulation affects individual claimants only. It will have no significant impact on small entities in terms of compliance costs, recordkeeping requirements, or effects on competition.

The Veterans Administration has determined that this regulation is nonmajor in accordance with Executive Order 12291 because it simply implements statutory requirements and would have little or no economic impact, in itself.

(Catalog of Federal Domestic Assistance Program Number is 64.101)

Approved: January 21, 1982.

Robert P. Nimmo,

Administrator.

PART 3—ADJUDICATION

The Veterans Administration proposes to amend 38 CFR Part 3 as follows:

In § 3.1612, paragraph (e)(2)(ii) is revised as follows:

§ 3.1612 Monetary allowance in lieu of a Government-furnished headstone or marker.

* * * * *

(e) *Payment and amount of the allowance.* * * *

(2) The amount of the allowance payable is the lesser of the following:

* * * * *

(ii) The average actual cost, as determined by the Veterans Administration, of headstones and markers furnished at Government expense for the fiscal year preceding the fiscal year in which the non-Government headstone or marker was purchased or the services for adding the veteran's identifying information on an existing headstone or marker were purchased. The average actual cost of headstones or markers furnished at Government expense for fiscal year 1980 (October 1, 1979 through September 30, 1980) is $59 and $63 for fiscal year 1981 (October 1, 1980 through September 30, 1981).

* * * * *

[FR Doc. 82-3685 Filed 2-10-82; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 3

Veterans Benefits; Implementing New Legislation

AGENCY: Veterans Administration.

ACTION: Proposed regulation amendments.

SUMMARY: The Veterans Administration is proposing to amend its adjudication regulations to implement certain provisions of a new law, the Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981. The provisions that are the subject of this action are: (1) An increase in the amount of compensation payable to a veteran who has suffered loss or loss of use of two upper extremities; (2) changes in the amount payable and the effective date of a retroactive DIC (dependency and indemnity compensation) award to a child over 18; (3) an increase in the automobile allowance; (4) limitations on the pension reduction for certain hospitalized pensioners; and (5) changes in the 2-year active duty requirement.

DATES: Comments must be received on or before March 15, 1982. We propose to make these changes effective October 1, 1981 or as otherwise noted in the proposed regulation amendments.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until March 23, 1982.

Persons visiting the Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting comments will be received by the Central Office Veterans Services Unit in room 132 of the above address. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr., 202 389–3005.

SUPPLEMENTARY INFORMATION: Section 104, Pub. L. 97–66 amends 38 U.S.C. 314 to increase, effective October 1, 1981, the compensation payable for service-connected loss or loss of use of two upper extremities. Specifically, the rate payable for anatomical loss or loss of use of two hands has been increased from the rate under section 314(l) to the rate under secton 314(m). The rate payable for the anatomical loss or loss of use of both arms at a level, or with complications, preventing natural elbow action with prosthesis in place has been increased from the rate under section 314(m) to the rate under section 314(n). The rate payable for anatomical loss of both arms so near the shoulder as to prevent use of a prosthetic appliance has been increased from the rate under section 314(n) to the rate under section 314(o).

We propose to amend 38 CFR 3.350 (b), (c), (d) and (e) to implement these increases.

Under the authority of 38 U.S.C. 314(p), we are proposing to increase the intermediate and other rates payable to veterans whose service-connected disabilities exceed the requirements of 38 U.S.C. 314 (l) through (n) by reason of loss or loss of use of two upper extremities. Specifically, we propose to increase the rate payable for anatomical loss or loss of use of one hand with anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elbow action with prosthesis in place from the rate between section 314(l) and (m) to the rate between section 314 (m) and (n). We propose to increase the rate payable for loss or loss of use of one hand with anatomical loss of one arm so near the shoulder as to prevent use of a prosthetic appliance from the rate under section 314(m) to the rate under section 314(n). We propose to increase the rate payable for anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elblow action with prosthesis in place with anatomical loss of one arm so near the shoulder as to prevent use of a prosthetic appliance from the rate between section 314 (m) and (n) to the rate between section 314 (n) and (o).

These proposed increases are mandated by the increases in the statutory rates for loss or loss of use of two upper extremities. We propose to amend 38 CFR 3.350(f) to implement them. In addition, we are proposing to amend § 3.350(f) to list each condition warranting an increase under 38 U.S.C. 314(p), but there is no change in the rates for any of these conditions except for the loss or loss of use of two upper extremities.

Section 204(b), Pub. L. 97–66 amends 38 U.S.C. 3010(e) to provide that if a surviving spouse was receiving additional DIC for a child immediately before the child's 18th birthday, the effective date of an award of DIC to the child based on school attendance shall be the date of the child's 18th birthday if

the child files a claim for DIC within 1 year from the child's 18th birthday. Prior to this change the award would have been effective the first day of the month of attainment of age 18. Thus the child would have been paid for the portion of the month that the child was under age 18. Since the surviving spouse was paid additional benefits for the child for the portion of the month that the child was under age 18, duplication of benefits resulted. The amendment of section 3010(e) eliminates this duplication of benefits.

We propose to amend 38 CFR 3.667 to implement the amendment to 38 U.S.C. 3010(e).

Section 204(a), Pub. L. 97–66 amends 38 U.S.C. 413 to limit, in a certain case, the amount of retroactive DIC payable to a child who files a claim late. This amendment of section 413 can best be explained by an example. Consider three children under age 18 entitled to monthly DIC of $389 ($129.66 for each child). On November 15, 1981 payment to one child is discontinued because the child attained age 18 on that date. Effective that date, payment to the two remaining children was reduced to $301 ($150.50 each). On May 15, 1982 the child over age 18 establishes that he or she is entitled to payment from his or her 18th birthday based on school attendance. Payment to the child for the retroactive period of entitlement will be made at the difference between the monthly rate for three children ($389) and the monthly rate for two children ($301), or $88 monthly. Under the rule in effect prior to the amendment of section 413, the child would have been paid his or her full share for the retroactive period ($129.66 monthly) and an overpayment would have been created against the other children for this period.

We propose to amend 38 CFR 3.650 to implement to 38 U.S.C. 413.

Section 301, Pub. L. 97–66 amends 38 U.S.C. 1902(a), effective October 1, 1981, to increase the automobile allowance from $3,800 to $4,400. We propose to amend 38 CFR 3.808 to implement this increase.

Section 602, Pub. L. 97–66 amends 38 U.S.C. 3203 to extend the period when pension to a single veteran may be paid without reduction required while hospitalized if the purpose of the hospitalization is to provide the veteran with rehabilitation services under chapter 17 of title 38, United States Code. The proposed amendment of 38 CFR 3.551 implements the amendments to 38 U.S.C. 3203.

Section 604, Pub. L. 97–66 adds section 3103A to title 38, United States Code. Section 3103A provides that certain persons who are discharged or released from active duty before completing the shorter of (1) 24 months of continuous active duty, or (2) the full period for which the person was called or ordered to active duty, are not eligible for Veterans Administration benefits based on that period of service. Section 3103A applies to any person who originally enlists (enlisted person only) in a regular component of the Armed Forces after September 7, 1980. It also applies to any other person (enlisted as well as officer) who enters on active duty after October 16, 1981 and who has not previously completed a continuous period of active duty of at least 24 months or been discharged or released from active duty under 10 U.S.C. 1171 (early out).

In addition to discharge under 10 U.S.C. 1171, there are four exceptions to this minimum active duty requirement. These are (1) The minimum active duty requirement does not apply to a person who is discharged or released from active duty for a disability incurred or aggravated in line of duty; (2) the minimum active duty requirement does not apply to a person who has a disability that the Administrator has determined to be compensable under chapter 11 of title 38, United States Code; (3) the minimum active duty requirement does not apply to the provision of a benefit for or on account of a service-connected disability, condition, or death; and (4) it does not apply to chapter 19 (insurance) benefits.

A comparison of the entitlement requirements for the programs covered by Part 3, Title 38, Code of Federal Regulations (compensation, pension, specially adapted housing, the automobile allowance, the clothing allowance, the burial allowances and the plot-interment allowance) with the provisions of and exceptions to section 3103A, discloses that section 3101A will not affect entitlement to any of these programs. (Pension is payable only for wartime service; since service after September 7, 1980 is during peacetime, pension entitlement would not be affected.)

Section 3103A precludes application of the minimum length of service requirement in 10 U.S.C. 977 to Veterans Administration programs.

We propose to revise 38 CFR 3.12a to reflect the provisions of section 3103A. Although section 3103A has no effect on any program covered by Part 3 of Title 38, Code of Federal Regulations (the subject of this amendment), 38 CFR 3.12a is needed to help to determine entitlement under other Veterans Administration programs.

The Administrator hereby certifies these proposed rules, if promulgated, will not have a significant economic impact, in terms of compliance costs, paperwork and recordkeeping, or any other regulatory burden, on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that these regulations implement a legislative enactment. Pursuant to 5 U.S.C. 605(b), these proposed rules are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Veterans Administration has determined in accordance with Executive Order 12291 that these regulations are nonmajor because they simply implement statutory requirements and would have little or no economic impact, in themselves.

(Catalog of Federal Domestic Assistance Program numbers are 64.100, 64.104.109 and 64.110)

Approved: January 21, 1982.

Robert P. Nimmo,

Administrator.

PART 3—ADJUDICATION

The Veterans Administration proposes to amend 38 CFR Part 3 as follows:

1. Section 3.12a is revised as follows:

§ 3.12a Minimum active-duty service requirement.

(a) *Definitions.* (1) The term "minimum period of active duty" means, for the purposes of this section, the shorter of the following periods.

(i) Twenty-four months of continuous active duty. Non-duty periods that are excludable in determining the Veterans Administration benefit entitlement (e.g., see § 3.15) are not considered as a break in service for continuity purposes but are to be subtracted from total time served.

(ii) The full period for which a person was called or ordered to active duty.

(2) The term "benefit" includes a right or privilege but does not include a refund of a participant's contributions under 38 U.S.C. 32.

(b) *Effect on Veterans Administration benefits.* Except as provided in paragraph (d) of this section, a person listed in paragraph (c) of this section who does not complete a minimum period of active duty is not eligible for any benefit under title 38, United States Code or under any law administered by the Veterans Administration based on that period of active service.

(c) *Persons included.* Except as provided in paragraph (d) of this section,

the provisions of paragraph (b) of this section apply to the following persons:

(1) A person who originally enlists (enlisted person only) in a regular component of the Armed Forces after September 7, 1980 (a person who signed a delayed-entry contract with one of the service branches prior to September 8, 1980, and under that contract was assigned to a reserve component until entering on active duty after September 7, 1980, shall be considered to have enlisted on the date the person entered on active duty); and

(2) Any other person (officer as well as enlisted) who enters on active duty after October 16, 1981 and who has not previously completed a continuous period of active duty of at least 24 months or been discharged or released from active duty under 10 U.S.C. 1171 (early out).

(d) *Exclusions.* The provisions of paragraph (b) of this section are not applicable to the following cases:

(1) To a person who is discharged or released under 10 U.S.C. 1171 or 1173 (early out or hardship discharge).

(2) To a person who is discharged or released from active duty for a disability adjudged service connected without presumptive provisions of law, or who at time of discharge had such a service-connected disability, shown by official service records, which in medical judgment would have justified a discharge for disability.

(3) To a person with a compensable service-connected disability.

(4) To the provision of a benefit for or in connection with a service-connected disability, condition, or death.

(5) To benefits under chapter 19 of title 38, United States Code.

(e) *Dependent or survivor benefits—*

(1) *General.* If a person is, by reason of this section, barred from receiving any benefits under title 38, United States Code (or under any other law administered by the Veterans Administration) based on a period of active duty, the person's dependents or survivors are also barred from receiving benefits based on the same period of active duty.

(2) *Exceptions.* Paragraph (e)(1) of this section does not apply to benefits under chapters 19 and 37 of title 38, United States Code. (38 U.S.C. 3103A)

2. Section 3.350 is amended as follows:

(a) By removing the word "rendering" and inserting the word "making" in the first sentence and removing the word "rendered" and inserting the word "done" in the last sentence of paragraph (a)(3)(i).

(b) By removing the word "intermediate" following the word "rate" in paragraph (f)(2) (i) and (iii) and by inserting the word "other" preceding the word "eye" in paragraph (f)(2)(iii).

(c) By revising the introductory portion of paragraph (b) preceding subparagraph (1) and paragraphs (c), (d), (e) and (f)(1) as follows:

§ 3.350 Special monthly compensation ratings.

* * * * *

(b) *Ratings under 38 U.S.C. 314(l).* The special monthly compensation provided by 38 U.S.C. 314(l) is payable for anatomical loss or loss of use of both feet, one hand and one foot, blindness in both eyes with visual acuity of 5/200 or less or being permanently bedridden or so helpless as to be in need of regular aid and attendance.

* * * * *

(c) *Ratings under 38 U.S.C. 314(m).* (1) The special monthly compensation provided by 38 U.S.C. 314(m) is payable for any of the following conditions:

(i) Anatomical loss or loss of use of both hands;

(ii) Anatomical loss or loss of use of both legs at a level, or with complications, preventing natural knee action with prosthesis in place;

(iii) Anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elbow action with prosthesis in place with anatomical loss or loss of use of one leg at a level, or with complications, preventing natural knee action with prosthesis in place;

(iv) Blindness in both eyes having only light perception;

(v) Blindness in both eyes leaving the veteran so helpless as to be in need of regular aid and attendance.

(2) *Natural elbow or knee action.* In determining whether there is natural elbow or knee action with prosthesis in place, consideration will be based on whether use of the proper prosthetic appliance requires natural use of the joint, or whether necessary motion is otherwise controlled, so that the muscles affecting joint motion, if not already atrophied, will become so. If there is no movement in the joint, as in ankylosis or complete paralysis, use of prosthesis is not to be expected, and the determination will be as though there were one in place.

(3) *Eyes, bilateral.* With visual acuity 5/200 or less or the vision field reduced to 5 degree concentric contraction in both eyes, entitlement on account of need for regular aid and attendance will be determined on the facts in the individual case.

(d) *Ratings under 38 U.S.C. 314(n).* The special monthly compensation provided by 38 U.S.C. 314(n) is payable for any of the conditions which follow. Amputation is a prerequisite except for loss of use of both arms. If a prosthesis cannot be worn at the present level of amputation but could be applied if there were a reamputation at a higher level, the requirements of this paragraph are not met; instead, consideration will be given to loss of natural elbow or knee action.

(1) Anatomical loss or loss of use of both arms at a level, or with complications, preventing natural elbow action with prosthesis in place;

(2) Anatomical loss of both legs so near the hip as to prevent use of a prosthetic appliance;

(3) Anatomical loss of one arm so near the shoulder as to prevent use of a prosthetic appliance with anatomical loss of one leg so near the hip as to prevent use of a prosthetic appliance;

(4) Anatomical loss of both eyes.

(e) *Ratings under 38 U.S.C. 314(o).* (1) The special monthly compensation provided by 38 U.S.C. 314(o) is payable for any of the following conditions:

(i) Anatomical loss of both arms so near the shoulder as to prevent use of prosthetic appliance;

(ii) Conditions entitling to two or more of the rates (no condition being considered twice) provided in 38 U.S.C. 314(l) through (n);

(iii) Bilateral deafness rated at 60 percent or more disabling (and the hearing impairment in either one or both ears is service connected) in combination with service-connected blindness with bilateral visual acuity 5/200 or less.

(2) *Paraplegia.* Paralysis of both lower extremities together with loss of anal and bladder sphincter control will entitle to the maximum rate under 38 U.S.C. 314(o), through the combination of loss of use of both legs and helplessness. The requirement of loss of anal and bladder sphincter control is met even though incontinence has been overcome under a strict regimen of rehabilitation of bowel and bladder training and other auxiliary measures.

(3) *Combinations.* Determinations must be based upon separate and distinct disabilities. This requires, for example, that where a veteran who had suffered the loss or loss of use of two extremities is being considered for the maximum rate on account of helplessness requiring regular aid and attendance, the latter must be based on need resulting from pathology other than that of the extremities. If the loss or loss of use of two extremities or being permanently bedridden leaves the person helpless, increase is not in order on account of this helplessness. Under no circumstances will the combination

of "being permanently bedridden" and "being so helpless as to require regular aid and attendance" without separate and distinct anatomical loss, or loss of use, of two extremities, or blindness, be taken as entitling to the maximum benefit. The fact, however, that two separate and distinct entitling disabilities, such as anatomical loss, or loss of use of both hands and both feet, result from a common etiological agent, for example, one injury or rheumatoid arthritis, will not preclude maximum entitlement.

(4) *Helplessness.* The maximum rate, as a result of including helplessness as one of the entitling multiple disabilities, is intended to cover, in addition to obvious losses and blindness, conditions such as the loss of use of two extremities with absolute deafness and nearly total blindness or with severe multiple injuries producing total disability outside the useless extremities, these conditions being construed as loss of use of two extremities and helplessness.

(f) *Intermediate or next higher rate.* An intermediate rate authorized by this paragraph shall be established at the arithmetic mean, rounded to the nearest dollar, between the two rates concerned. (38 U.S.C. 314 (p))

(1) *Extremities.* (i) Anatomical loss or loss of use of one foot with anatomical loss or loss of use of one leg at a level, or with complications, preventing natural knee action with prosthesis in place, shall entitle to the rate between 38 U.S.C. 314(l) and (m).

(ii) Anatomical loss or loss of use of one foot with anatomical loss of one leg so near the hip as to prevent use of prosthetic appliance shall entitle to the rate under 38 U.S.C. 314(m).

(iii) Anatomical loss or loss of use of one foot with anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elbow action with prosthesis in place, shall entitle to the rate between 38 U.S.C. 314(l) and (m).

(iv) Anatomical loss or loss of use of one foot with anatomical loss or loss of use of one arm so near the shoulder as to prevent use of a prosthetic appliance shall entitle to the rate under 38 U.S.C. 314(m).

(v) Anatomical loss or loss of use of one leg at a level, or with complications, preventing natural knee action with prosthesis in place with anatomical loss of one leg so near the hip as to prevent use of a prosthetic appliance, shall entitle to the rate between 38 U.S.C. 314(m) and (n).

(vi) Anatomical loss or loss of use of one leg at a level, or with complications, preventing natural knee action with prosthesis in place with anatomical loss or loss of use of one hand, shall entitle to the rate between 38 U.S.C. 314(l) and (m).

(vii) Anatomical loss or loss of use of one leg at a level, or with complications, preventing natural knee action with prosthesis in place with anatomical loss of one arm so near the shoulder as to prevent use of a prosthetic appliance, shall entitle to the rate between 38 U.S.C. 314(m) and (n).

(viii) Anatomical loss of one leg so near the hip as to prevent use of a prosthetic appliance with anatomical loss or loss of use of one hand shall entitle to the rate under 38 U.S.C. 314(m).

(ix) Anatomical loss of one leg so near the hip as to prevent use of a prosthetic appliance with anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elbow action with prosthesis in place, shall entitle to the rate between 38 U.S.C. 314(m) and (n).

(x) Anatomical loss or loss of use of one hand with anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elbow action with prosthesis in place, shall entitle to the rate between 38 U.S.C. 314(m) and (n).

(xi) Anatomical loss or loss of use of one hand with anatomical loss of one arm so near the shoulder as to prevent use of a prosthetic appliance shall entitle to the rate under 38 U.S.C. 314(n).

(xii) Anatomical loss or loss of use of one arm at a level, or with complications, preventing natural elbow action with prosthesis in place with anatomical loss of one arm so near the shoulder as to prevent use of a prosthetic appliance, shall entitle to the rate between 38 U.S.C. 314 (n) and (o).

* * * * *

3. In § 3.551, paragraph (g) is added as follows:

§ 3.551 Reduction because of hospitalization.

* * * * *

(g) *Hospitalization for rehabilitation*—(1) *General.* The reduction required by paragraph (c)(2) or (c)(3) of this section shall not be made for up to three additional calendar months after the last day of the third month referred to in paragraph (c)(2) of this section, or after the last day of the month referred to in paragraph (c)(3) of this section, under the following conditions:

(i) The Chief Medical Director, or designee, certifies that the primary purpose for furnishing hospital or nursing home care during the additional period is to provide the veteran with a prescribed program of rehabilitation under chapter 17 of title 38, United States Code designed to restore the veteran's ability to function within the veteran's family and community; and

(ii) The veteran is admitted to a Veteran's Administration hospital or nursing home after October 16, 1981.

(2) *Continued hospitalization for rehabilitation.* The reduction required by paragraph (c)(2) or (c)(3) of this section shall not be made for periods after the expiration of the additional period provided by paragraph (g)(1) of this section under the following conditions:

(i) The veteran remains hospitalized or in a nursing home after the expiration of the additional period provided by paragraph (g)(1) of this section; and

(ii) The Chief Medical Director, or designee, certifies that the primary purpose for furnishing continued hospital or nursing home care after the additional period provided by paragraph (g)(1) of this section is to provide the veteran with a program of rehabilitation under chapter 17 of title 38, United States Code, designed to restore the veteran's ability to function within the veteran's family and community.

(3) *Termination of hospitalization for rehabilitation.* Pension in excess of $60 monthly payable to a veteran under this paragraph shall be reduced at the end of the calendar month in which the primary purpose of hospitalization or nursing home care is no longer to provide the veteran with a program of rehabilitation under chapter 17 of title 38, United States Code designed to restore the veteran's ability to function within the veteran's family and community. (38 U.S.C. 3208(a)).

4. Section 3.650 is amended as follows:

(a) By removing the introductory portion preceding paragraph (a).

(b) By revising the introductory portion of paragraph (a) preceding subparagraph (1) and by adding paragraph (c) so that the added and revised material reads as follows:

§ 3.650 Rate for additional dependent.

(a) *Running awards.* Except as provided in paragraph (c) of this section where a claim is filed by an additional dependent who has apparent entitlement which, if established, would require reduction of pension, compensation or dependency and indemnity compensation being paid to another dependent, payments to the person or persons on the rolls will be reduced as follows:

* * * * *

(c) *Retroactive DIC award to a school child*—(1) *General.* If DIC (dependency

and indemnity compensation) is being currently paid to a veteran's child or children under 38 U.S.C. 413(a), and DIC is retroactively awarded to an additional child of the veteran based on school attendance, the full rate payable to the additional child shall be awarded the first of the month following the month in which the award to the additional child is approved. The rate payable under the current award shall be reduced effective the date the full rate is awarded to the additional child. The rate payable to the additional child for periods prior to the date the full rate is awarded shall be the difference between the rate payable for all the children and the rate that was payable before the additional child established entitlement.

(2) *Applicability.* The provisions of paragraph (c)(1) of this section are applicable only when the following conditions are met:

(i) The additional child was receiving DIC under 38 U.S.C. 413(a) prior to attaining age 18; and

(ii) DIC for the additional child was discontinued on or after attainment of age 18; and

(iii) After DIC has been discontinued, the additional child reestablishes entitlement to DIC under 38 U.S.C. 413(a) based on attendance at an approved school and the effective date of entitlement is prior to the date the Veterans Administration receives the additional child's claim to reestablish entitlement. (38 U.S.C. 413(b)).

(3) *Effective date.* This paragraph is applicable to DIC paid after September 30, 1981. If DIC is retroactively awarded for a period prior to October 1, 1981, payment for the period prior to October 1, 1981 shall be made under paragraph (a) of this section and payment for the period after September 30, 1981, shall be made under this paragraph.

5. Section 3.653 is amended as follows:

(a) By inserting the words "or her" following the words "sent to him" in paragraph (c) (1) and (2).

(b) By revising paragraph (b) (gender changes) as follows:

§ 3.653 Foreign residence.

* * * * *

(b) *Retroactive payments.* Any amount not paid to an alien under this section, together with any amounts placed to the alien's credit in the special deposit account in the Treasury or covered into the Treasury as miscellaneous receipts under 31 U.S.C. 123–128 will be paid to him or her on the filing of a new claim. Such claim should be supported with evidence that the alien has not been guilty of mutiny, treason, sabotage or rendering assistance to an enemy, as provided in § 3.902(a). (38 U.S.C. 3109).

* * * * *

6. In § 3.667, paragraph (a)(3) is revised as follows:

§ 3.667 School attendance.

(a) *General.* * * *

(3) An initial award of DIC (dependency and indemnity compensation) to a child in the child's own right is payable from the first day of the month in which the child attains age 18 if the child was pursuing a course of instruction at an approved school on the child's 18th birthday, and if a claim for benefits is filed within 1 year from the child's 18th birthday. In the case of a child who attains age 18 after September 30, 1981, if the child was, immediately before attaining age 18, counted under 38 U.S.C. 441(b) for the purpose of determining the amount of DIC payable to the surviving spouse, the effective date of an award of DIC to the child shall be the date the child attains age 18 if a claim for DIC is filed within 1 year from that date. (38 U.S.C. 3010(e))

* * * * *

7. In § 3.808, the introductory portion preceding paragraph (a) is revised as follows:

§ 3.808 Automobiles or other conveyances; certification.

A certification of eligibility for financial assistance in the purchase of one automobile or other conveyance in an amount not exceeding $4,400 (including all State, local and other taxes where such are applicable and included in the purchase price) and of basic entitlement to necessary adaptive equipment will be made where the claimant meets the requirements of paragraphs (a), (b), and (c) of this section.

* * * * *

[FR Doc. 82-3686 Filed 2-10-82; 8:45 am]
BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 266

Privacy Act of 1974; Privacy of Information

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes to claim an additional exemption from specified provisions of the Privacy Act of 1974 for its system of records within which Equal Employment Opportunity (EEO) investigative case files are maintained. This exemption is being proposed in order to provide greater protection of the privacy rights of third parties whose records, by virtue of EEO statutes and regulations, are included in the case files without their consent, during the EEO investigative research process. The Postal Service also proposes to clarify the description of the existing exemption for the same system of records.

DATE: Comments must be received on or before March 15, 1982.

ADDRESS: Comments may be mailed to Records Officer, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, D.C. 20260, or delivered to Room 8121 at the above address between 8:15 AM. and 4:45 PM. Comments received may also be inspected at Room 8121 between 8:15 AM and 4:45 PM.

FOR FURTHER INFORMATION CONTACT: A. Scott Hamel, (202) 245–4142.

SUPPLEMENTARY INFORMATION: Pursuant to subsections (j) and (k) of 5 U.S.C. 552a, the head of a Federal agency may promulgate rules exempting certain systems of records from designated provisions of section 552a. In reviewing and handling EEO cases under system of records USPS 030.010, Equal Employment Opportunity—EEO Discrimination Complaint Investigations, the Postal Service has considered two privacy issues: (1) The right of access to the file by the subject of the records, and (2) the need to protect the privacy of third parties whose records are included in the case files without their consent. Records of third parties may become part of a file as the investigator researches the case and looks at the records of both the complainant and other individuals for comparative purposes.

The interest here is in protecting the privacy of third parties from the individual who has filed the complaint and upon whom the case file is maintained. Third party records that eventually prove to be irrelevant will be destroyed when the investigator's final report is submitted; however, all precautions need to be taken to protect them from disclosure until that time. Third party records that prove to be relevant and therefore must remain in the case file as supporting documentation will be purged of personal identifiers when the final

report is submitted. These records also require protection prior to such time as they are purged. Premature disclosure of this material or the disclosure of information furnished in confidence to the Postal Service would have a disruptive effect on enforcement efforts. Therefore the Postal Service proposes that the material in the system be subject to disclosure under the circumstances set forth in the proviso to 5 U.S.C. 552a(k)(2) relating to the exemption of material compiled for law enforcement purposes.

This system of records is already exempt from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552(k)(5). This document also proposes to clarify that the (k)(5) exemption applies only to the extent that information in the system is subject to exemption as relating to the identity of a source who furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility, or qualifications of an individual for employment.

PART 266—PRIVACY OF INFORMATION

Accordingly, the Postal Service proposes to amend Title 39, Code of Federal Regulations Part 266 as set forth below:

In § 266.9 revise paragraph (b)(6) to read as follows:

§ 266.9 Exemption.

* * * * * *

(b) * * *

(6) Equal Employment Opportunity—EEO Discrimination Complaint Investigations, USPS 030.010 from 5 U.S.C. 552a (d)(1)–(4), (e)(4) (G) and (H) and (f) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2) as material compiled for law enforcement purposes and (k)(5) as relating to the identity of a source who has furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility, or qualifications of an individual for employment.

(39 U.S.C. 401)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 82-3677 Filed 2-10-82; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 2011-2]

Approval and Promulgation of State Implementation Plans: Texas Submission of Volatile Organic Compound (VOC) Regulations for Set II Control Technique Guideline Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This action proposes approval of revisions to the Texas State Implementation Plan (SIP) which were submitted by the Governor on July 25, 1980. Specifically, the State has revised the General Rules and Regulation V to include new definitions and legally enforceable regulations for the source categories addressed in the EPA Control Technique Guideline (CTG) documents issued between January 1978 and January 1979 (Set II CTGs). These additional control measures are required as part of the ozone nonattainment area control strategies developed to meet the requirements of Part D of the Clean Air Act (hereinafter referred to as the Act).

DATE: Interested persons are invited to submit comments or request a hearing on this proposed action on or before March 15, 1982.

ADDRESSES: Written comments should be submitted to the address below:

Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270.

Copies of the State's submittal and copies of the test methods and procedures are available for inspection during normal business hours at the address above and at the following locations:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 "M" Street, SW., Washington, D.C. 20560

Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723

FOR FURTHER INFORMATION CONTACT: Donna Ascenzi, Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION:

Introduction

Provisions of the Act required States to revise their SIPs for areas that had not attained the National Ambient Air Quality Standards (NAAQS). Each State was to submit a SIP revision by January 1, 1979, providing for the attainment of the primary NAAQS as expeditiously as practicable, but no later than the end of 1982 (or the end of 1987 for areas with approved extensions which have particularly difficult ozone or carbon monoxide problems).

The requirements for an approvable SIP were set out in section 110 and Part D of the Act. The Administrator's memorandum of February 24, 1978, published in the **Federal Register** at 43 FR 21673 (May 19, 1978), summarized the elements that an approved SIP must contain in order to meet the requirements of Part D. EPA also published at 44 FR 20372 (April 4, 1979), a General Preamble for proposed rulemaking on approval of SIP revisions for nonattainment areas, summarizing the major considerations guiding EPA's evaluation of nonattainment area plan revisions. EPA published the General Preamble in order to assist the public in commenting on the approvability of the State SIP revisions.

For areas not attaining the ozone NAAQS, the Administrator's memorandum and the General Preamble stated that, at a minimum, the stationary source portion of an approvable ozone SIP revision must include legally enforceable regulations that apply reasonably available control technology (RACT) to those volatile organic compounds (VOC) sources for which EPA had published a CTG by January 1978, and provide for adoption and submittal of additional legally enforceable RACT regulations on an annual basis beginning January 1980 for VOC sources covered by CTGs that have been published by January of the preceding year. RACT requirements for the Set II CTG source categories were to be adopted and submitted to EPA by July 1, 1980 (44 FR 50371, August 28, 1979). However, because State regulatory processes took longer than anticipated, but in most cases good faith efforts were being made to adopt the necessary regulations, EPA notified States (at 45 FR 78121, November 25, 1980) that plan revisions setting forth RACT regulations for the following Set II CTG sources were due January 1, 1981:

Factory Surface Coating of Flat Wood Paneling

Petroleum Refinery Fugitive Emissions (Leaks)

Pharmaceutical Manufacture

Rubber Tire Manufacture

Surface Coating of Miscellaneous Metal Parts and Products

Graphic Arts (Printing)
Dry Cleaning, Perchloroethylene
Gasoline Tank Trucks, Leak Prevention
Petroleum Liquid Storage, Floating Roof Tanks

On July 25, 1980, after adequate notice and public hearing, the Governor of Texas submitted, among other things, revisions to Regulation V which consisted of legally enforceable regulations for the following Set II CTG source categories: petroleum liquid storage in external floating roof tanks, leaks from gasoline tank trucks, surface coating of miscellaneous metal parts and products and flat wood paneling, graphic arts, perchloroethylene dry cleaning, pharmaceutical manufacture, and petroleum refinery fugitive emissions. The submittal also contained revisions to the General Rules, which included definitions of new terms used in conjunction with the above mentioned source categories. In addition, on December 18, 1980, the State submitted certification that there were no pneumatic rubber tire manufacturing sources within the ozone nonattainment areas.

EPA has reviewed the State's submittal of July 25, 1980 and developed an evaluation report [1] which discusses the technical aspects of the revisions in detail. This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 office and the other addresses listed above.

The remainder of today's notice summarizes EPA's review of the State's submittal and solicits comment on EPA's proposed action on the revisions.

Revisions to Regulation V

As previously noted, the State has revised Texas Air Control Board (TACB) Regulation V entitled, "Control of Air Pollution from Volatile Organic Compounds," to include legally enforceable regulations which address the application of RACT to the Set II CTG source categories listed above. EPA has reviewed the revisions to Regulation V in comparison to EPA's CTG documents. The CTGs provide information on available air pollution control techniques and contain recommendations of what EPA calls the "presumptive norm" for RACT. EPA believes that the submitted regulations represent RACT, except for the following.

1. Subchapter 115.193(b), as it pertains to the control of VOC emissions from surface coating operations for miscellaneous metal parts and products, contains an exemption for such facilities which will emit, when uncontrolled, less than 100 pounds per day. The State must provide an evaluation of how this exemption affects the reductions achieved for this source category. The State has committed to submit this additional information. Therefore, EPA proposes to approve this portion of the regulation with the understanding that the State will submit the documentation.

2. The State has not included appropriate test methods and procedures for determining compliance with the applicable standards and/or emission limitations for the following Set II CTG source categories; leaks from gasoline tank trucks, surface coating of miscellaneous metal parts and products and flat wood paneling, graphic arts, perchloroethylene dry cleaning, pharmaceutical manufacture, and petroleum refinery fugitive emissions. The lack of such test methods renders these regulations federally unenforceable. However, under 40 CFR 52.12, sources, subject to SIPs which do not specify test methods and procedures, will be tested by means of the appropriate test methods and procedures prescribed in 40 CFR Part 60, for purposes of federal enforcement. Since the Agency has promulgated test methods and procedures under 40 CFR Part 60 which are applicable to several of the Set II CTG source categories, the following source categories will be subject to the test methods and procedures prescribed in Part 60 for purposes of federal enforcement; surface coating of miscellaneous metal parts and products and flat wood paneling, graphic arts, and pharmaceutical manufacture. For the remaining source categories which are not covered by the test methods and procedures specified under 40 CFR Part 60 (i.e., petroleum refinery fugitive emission, perchloroethylene dry cleaning, and gasoline tank truck leaks), EPA proposes to use the test methods and procedures adopted by the State of Louisiana for these source categories, and approved by EPA on October 29, 1981, (at 46 FR 53412) for purposes of federal enforcement. Therefore, EPA proposes to approve these portions of Regulation V on this basis.

EPA has also reviewed the revisions to the General Rules and proposes to approve the revisions.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This proposed regulation is not major because it imposes no new requirements.

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

This notice of proposed rulemaking is issued under the authority of sections 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7502.

Dated: December 9, 1981.

Frances E. Phillips,

Acting Regional Administrator.

Certification of no Significant Impact for a Substantial Number of Small Entities

Action: Proposed approval of revisions to the Texas State Implementation Plan and the proposed inclusion of three test methods.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the proposed SIP approvals under sections 110 and 172 of the Clean Air Act, if promulgated, would not have a significant economic impact on a substantial number of small entities. The approval would only approve state actions and would impose no new requirements.

The proposal to include the three test methods in the Texas SIP, if promulgated, also would not have significant impact on a substantial number of small entities since it adds no new requirements. It would, if promulgated, merely identify the test method EPA will be use for a particular source category for ascertaining compliance.

Dated: February 4, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-3683 Filed 2-19-82; 8:45 am]
BILLING CODE 6560-38-M

[1] EPA Review of Texas' State Implementation Plan Revisions for Set II CTG Source Categories, May 1981.

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40 CFR Part 123

[SW-7-FRL-2047-5]

Nebraska Application for Interim Authorization, Phase I, Hazardous Waste Management Program; Public Hearing and Comment Period

AGENCY: Environmental Protection Agency, Region VII.

ACTION: Notice of public hearing and public comment period.

SUMMARY: EPA regulations to protect human health and the environment from the improper management of hazardous waste were published in the **Federal Register** on May 19, 1980 (45 FR 33063). Subsequent amendments and additions to this promulgation have occurred since that date. These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Nebraska application for Phase I interim authorization, inviting public comment, and giving notice of a public hearing to be held on the application.

DATES: Comments on the Nebraska interim authorization application must be received by March 31, 1982.

Public Hearing: EPA will conduct a public hearing on the Nebraska interim authorization application at 2 p.m., on March 16, 1982. An evening session of the hearing shall also be conducted on March 16, 1982, at 7 p.m. if a written request to hold such a session is received by Mr. Robert L. Morby of EPA at the address below no later than March 9, 1982. If an evening session is held, notification shall be provided through news releases. The Environmental Protection Agency reserves the right to cancel the public hearing if significant public interest in a hearing is not expressed. If you are interested in participating in the public hearing, please notify Mr. Morby at the address below no later than March 12, 1982. The State of Nebraska will participate in any public hearing held by EPA on this subject.

ADDRESSES: Copies of the Nebraska interim authorization application are available during business hours at the following locations for inspection and copying by the public:

Water and Waste Management Division, Department of Environmental Control, Box 94877, State House Station, Lincoln, Nebraska 68509, 402/471–2186. Business Hours: 8–5. $0.20 per page copying charge

U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, 816/374–6534. Business Hours: 7:30–5. $0.20 per page copying charge

U.S. Environmental Protection Agency, Office of Solid Waste, 401 M Street, S.W., Washington, D.C. 20460, 202/382–2210. Business Hours: 7:30–4:30.

The public hearing will be held at: Department of Environmental Control, Room 2B, 301 Centennial Mall South, Lincoln, Nebraska 68509, March 16, 1982, 2 p.m.

Submit written comments to: Robert L. Morby, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby, 816/374–6531.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified state programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for issuance of interim authorization, the State hazardous waste program must:

(1) have had enabling authority in existence prior to August 17, 1980, and

(2) be substantially equivalent to the Federal program. A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123 Subpart F (45 FR 33479). As noted in the May 19, 1980, **Federal Register**, copies of complete State submittals for Phase I interim authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal, unless significant public interest is not expressed.

Regulatory Analysis: The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Dated: February 2, 1982.

John J. Franke, Jr.,

Regional Administrator, Region VII.

[FR Doc. 82–3619 Filed 2–10–82; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 123

[SW–2–FRL 2047–8]

New York, New Jersey and Puerto Rico; Applications for Phase I Interim Authorization for Their Hazardous Waste Management Programs

AGENCY: Environmental Protection Agency, Region II.

ACTION: Notice of public hearing and public comment period.

SUMMARY: The Environmental Protection Agency (EPA) has promulgated regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (as amended) to protect human health and the environment from the improper management of hazardous waste. Phase I of the regulations was promulgated in the **Federal Register** on May 19, 1980 (45 FR 33063), with subsequent amendments. These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. New York, New Jersey and Puerto Rico have submitted applications for Phase I interim authorization of their State programs. Today, EPA is announcing the availability for public review of the New York, New Jersey and Puerto Rico applications for Phase I interim authorization, inviting public comment, and giving notice of public hearings to be held on each of the applications. A complete description of the requirements and procedures for State interim authorization is found at 40 CFR Part 123, Subpart F.

DATES: The public hearing on the New York interim authorization application will be held at 10 a.m. on March 18, 1982. Written comments on the New York interim authorization application must be received by March 25, 1982.

The public hearing on the New Jersey interim authorization application will be held at 10 a.m. on March 24, 1982. Written comments on the New Jersey interim authorization application must be received by March 31, 1982.

The public hearing on the Puerto Rico interim authorization application will be held at 10 a.m. on April 6, 1982. Written comments on the Puerto Rico interim authorization application must be received by April 13, 1982.

EPA reserves the right to cancel any of the public hearings if significant interest is not expressed.

ADDRESSES: The public hearing in New York will be held in Meeting Room No. 6, South Mall, Empire State Plaza, Albany, New York. The public hearing in New Jersey will be held at the State Museum Auditorium, 192 West State Street, Trenton, New Jersey. The public hearing in Puerto Rico will be held in the Second Floor Hearing Room of the Environmental Quality Board Building, Calle del Parque 204, Corner of Pumarada, Santurce, Puerto Rico.

Copies of the applications for interim authorization for all three States are available at the following addresses for inspection and copying by the public:

U.S. Environmental Protection Agency, Region II, Solid Waste Branch, Room 1029, 26 Federal Plaza, New York, New York 10278

U.S. Environmental Protection Agency, Headquarters Library, Room 2404, 401 M Street, S.W., Washington, D.C. 20460

In addition, the New York State application is available at: New York State Department of Environmental Conservation, 50 Wolf Road, Room 419, Albany, New York 12233, as well as all New York State Department of Environmental Conservation Regional offices. Addresses of those offices may be obtained by calling (518) 457–6603.

In addition, the New Jersey application is available at:

New Jersey Department of Environmental Protection, Bureau of Hazardous Waste, 3rd Floor, 32 East Hanover Street, Trenton, New Jersey 08625, (609) 292–9877

New Jersey Air Pollution Control Bureau, Southern Field Office, 100 Lawin Road, Cherry Hill, New Jersey 08034

New Jersey Air Pollution Control Bureau, Newark Field Office, 1100 Raymond Boulevard, Room 510, Newark, New Jersey 07102

In addition, the Puerto Rico application is available at:

Mr. Beato Alvardo, Solid, Toxic & Hazardous Waste Program, Environmental Quality Board, Calle del Parque 204, 3rd floor, Corner of Pumarada, Santurce, Puerto Rico 00910, (809) 725–8992

U.S. Environmental Protection Agency, Caribbean Field Office, FDA Building, Stop 8/12, Avenida Fernandez Juncos, Puerta de Tierra, Santurce, Puerto Rico 00902–0792

Please address written comments and requests to speak at the hearings to: Ms. Barbara Kropf, U.S. Environmental Protection Agency, Region II, Solid Waste Branch, 26 Federal Plaza, Room 1029, New York, New York 10278, (212) 264–3407.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Kropf (212) 264–3407.

SUPPLEMENTARY INFORMATION: On May 19, 1980 (45 FR 33063), pursuant to the requirements of Sections 3001 through 3006 of the Resource Conservation and Recovery Act of 1976 (Act), as amended, EPA promulgated Phase I of its regulations to protect human health and the environment from the improper management of hazardous waste. EPA Phase I regulations established, among other things: the initial identification and listing of hazardous wastes; the standards applicable to generators and transporters of hazardous waste, including a manifest system; and the "interim status" standards applicable to existing hazardous waste management facilities before they receive permits. Section 3006 of the Act provides for the authorization of a State to administer and enforce a hazardous waste management program in lieu of the Federal program. The Act and EPA regulations provide for two different types of EPA approval of State programs: (1) Interim Authorization, which will become effective in phases and which may extend for 24 months after the final component of Phase II of the Federal program has become effective and (2) Final Authorization. Although for Final Authorization, States must have programs which are "equivalent to" and "consistent with" the full Federal program, during Interim Authorization States need programs that are "substantially equivalent" to the Federal program.

The States of New York and New Jersey and the Commonwealth of Puerto Rico submitted applications for Phase I Interim Authorization of their hazardous waste management programs. This notice solicits public comment on whether the State programs, as set forth in the applications, meet applicable EPA guidelines set forth in 40 CFR Part 123. Copies of the State submittals are available for public inspection and comment as noted above. Public hearings are to be held on the submittals, unless significant public interest is not expressed.

Conduct of Hearing

The hearings are intended to provide an opportunity for interested persons to present their views and submit information for consideration by EPA in the decision whether to grant Interim Authorization for Phase I of the RCRA program. There will be separate hearings for each State as noted above.

A transcript of the comments received at the hearings will be prepared. To insure accurate transcription, participants should provide written copies of their statements to the hearing chairperson. The hearings will be informally structured. Representatives from the States will testify first and present a short overview of the State program. Other commenters will then be called in the order in which their requests were received by EPA.

As time allows, persons who did not sign up in advance but who wish to comment on the State's application for Phase I Interim Authorization will also be given an opportunity to testify. As a general rule, in order to insure maximum participation and allotment of adequate time for all speakers, participants should limit the length of their statements to 10 minutes.

Dated: February 3, 1982.

Richard T. Dewling,

Acting Regional Administrator, Environmental Protection Agency.

[FR Doc. 82–3715 Filed 2–10–82; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 180

[PP 1E2478/P207; PH–FRL–2022–1]

Methyl Eugenol/Malathion Combination; Proposed Exemption From Tolerance

Correction

In FR Doc. 82–316, appearing at page 652, in the issue for January 6, 1982, make the following change:

On page 653, in the second column, in § 180.1067 paragraph (c) should be changed to read as follows:

(c) The maximum actual dosage per application per acre shall be 28.35 grams (one ounce avoirdupois) methyl eugenol and 9.45 grams (one-third (0.33) ounce avoirdupois) technical malathion.

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 426

Acreage Limitation: Reclamation Rules and Regulations and Draft Environmental Impact Statement

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of a postponement of scheduled public hearings on proposed rules and draft environmental impact statement.

SUMMARY: This notice postpones indefinitely the public hearings on proposed rules and regulations and the draft environmental impact statement on acreage limitation which were announced in the **Federal Register** notice (46 FR 63331) published on December 31, 1981. The hearings, scheduled to take place during the last two weeks of February, 1982, are being postponed due to impending action by Congress to reform Federal Reclamation laws dealing with acreage limitation.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper, (202) 343–2148.

Dated: February 3, 1982.

Robert N. Broadbent,

Commissioner, Bureau of Reclamation.

[FR Doc. 82–3346 Filed 2–10–82; 8:45 am]

BILLING CODE 4310–09–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 11

[CGD 79-173]

Temporary Licenses and Endorsements

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action withdraws the Notice of Proposed Rulemaking, Docket Number 79-173, published in the **Federal Register** on August 18, 1980 (45 FR 54776). The proposed notice invited the public to participate in the development of regulations which would have established temporary licenses and endorsements to be effective only during a national emergency, when licensed officers may not be available in sufficient numbers to man all the vessels required to meet the needs of commerce.

FOR FURTHER INFORMATION CONTACT: Commander Daniel E. Struck, Merchant Vessel Personnel Division (G-MVP), Room 1400, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-2240.

SUPPLEMENTARY INFORMATION: An alternative approach to the proposed rulemaking is to have regulations drafted and ready to be published in the event that a national emergency causes a sudden increase in shipping. The approach outlined in the proposed rulemaking was chosen in lieu of this alternative since it was felt, at the time of publishing, that it would be beneficial to have the procedures in the regulations although they would not be put into effect until there was a need. The Coast Guard is now of the opinion that the alternative approach would be more beneficial. The Coast Guard is in the process of revising the entire structure of merchant marine licenses, pursuant to Public Law 96-378. The proposed procedures for temporary licenses and endorsements could be affected by this revision. In addition, the procedures for issuing temporary licenses or endorsements would be better addressed when and if the need arises. Only five comments were received on the proposed rules; however, they were not the basis for the decision to withdraw this rule.

The Notice of Proposed Rulemaking, docket number 79-173, which proposed to add Part 11 published in the **Federal Register** on August 18, 1980 (45 FR 65776), is hereby withdrawn.

Dated: February 8, 1982.

Clyde T. Lusk, Jr.,

Rear Admiral, Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 82-3727 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-14-M

46 CFR Part 401

[CGD 81-088]

Great Lakes Pilotage Rates

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to amend the Great Lakes Pilotage Regulations. These amendments would increase the basic pilotage rates by nine percent in the U.S. Great Lakes pilotage system, eliminate the smallest category in the "range of pilotage units" table, and permit temporarily registered pilots to hold financial interests in pilot organizations. The elimination of the smallest category in the "range of pilotage units" table has the effect of producing an additional 1½ percent of revenue to the pilot organizations. These changes are made in order to increase the revenue received by the pilot organizations so that they may cover their increased operating costs.

DATE: Comments must be received on or before March 15, 1982.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/44) (CGD 81-088), U.S. Coast Guard, Washington, D.C. 20593. Between the hours 7 a.m. and 5 p.m., Monday through Thursday, comments may be delivered to, and are available for inspection and copying at the Marine Safety Council (G-CMC/44), Room 4402, Department of Transportation, Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Hartke (G-MVP-4/14), Room 1400, Department of Transportation, Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593. (202) 755-8683.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their name and address, identify this notice (CGD 81-088) and the specific section of the proposal to which the comment applies, and give the reasons for the comment. Persons desiring acknowledgment that their comment has been received should enclose a stamped self-addressed postcard or envelope.

The comment period on this proposal is limited to 30 days. This will assist in meeting an effective date of April 1, 1982 for a final rule so that the effective date of our rate adjustment may coincide with the effective date of Canada's rate adjustment.

The proposal may be changed in view of the 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 at the Marine Safety Council address noted above. 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.

Drafting Information

The principal persons involved in drafting this rule are: John J. Hartke, Project Manager, Office of Merchant Marine Safety, and LT Michael Tagg, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulations

The Coast Guard has completed a review of revenues earned and expenses incurred by the three Great Lakes pilot organizations during 1981. Revenue requirements for 1982 have been developed and the number of vessels, their size, and route patterns have been projected for 1982.

It is proposed to increase the basic rates for pilotage on the Great Lakes by nine percent so that the pilot organizations may cover their increased operating costs.

As of the end of September 1981, the number of ships entering the Great Lakes System was 31 percent less than the same period last year. It is expected that for the entire season, traffic will be down by 25 percent from the 1980 level.

While traffic has decreased, the costs of providing pilotage services have not, because many of the pilot association's costs are fixed costs. Pilot boats and dispatching facilities must continue to be maintained and staffed regardless of the traffic level. Pilot travel has not decreased as would be expected with less traffic. With reduced traffic levels, turnaround time is longer. Pilots who would normally take another ship from the location of their last assignment must now either remain in hotels longer or be transferred to different locations via commercial transportation. Having a pilot at the proper location at the proper time now becomes relatively more expensive.

In an effort to deal with the decrease in expected revenues resulting from the reduced traffic levels, the pilot organizations have taken steps to reduce their costs including reducing the number of pilots on their rolls.

The charges which are imposed for pilotage services are established in accordance with a formula and table contained in 46 CFR 401.400. The formula is used to obtain a quantity referred to as "pilotage units" through the following computation:

$$\text{Pilotage units} = \frac{\text{length} \times \text{breadth} \times \text{depth}}{10{,}000}$$

The table provides weighting factors which are assigned at various increments throughout the range of pilotage units obtained by use of the formula. This is the table as it is presently found in § 401.400:

Range of pilotage units	Weighting factor
0 to 99	0.85
100 to 129	1.00
130 to 159	1.15
160 to 189	1.30
190 and over	1.45

Once the weighting factor is determined by use of this table, it is multiplied by the basic rates and charges for pilotage services found in 46 CFR 401.405, 401.410, 401.420, and 401.425 to obtain the amount that any individual vessel should pay for pilotage service.

The Coast Guard is proposing to eliminate the first category (0–99) in the "range of pilotage units" and the corresponding "weighting factor" of .85. The first category in the table would then become 0–129 with a weighting factor of 1.

It is estimated that approximately 15 percent of the trips made in the system during 1982 will be by first category vessels. It will cost an additional 15 percent more for these first category vessels because they will move from a .85 weighting factor to a weighting factor of 1.

This is proposed because the revenue generated by this first category, in most cases, is insufficient to cover the costs of providing pilotage services to the first category vessel. None of the various costs of the pilot organizations (dispatching, pilot boats, pilot travel, etc.) are related to the size of the vessel, so it costs the pilot organization the same regardless of the ship's size. It is therefore proposed to eliminate the first category in the range of pilotage units table (0–99) and the corresponding weighting factor of .85. The new first category would then be 0–129 with a weighting factor of 1.

This proposed change in the range of pilotage units table and weighting factor is estimated to produce an additional increase in revenue of approximately one-and one half percent. The proposed new table would appear as follows:

Range of pilotage units	Weighting factor
0 to 129	1.00
130 to 159	1.15
160 to 189	1.30
190 and over	1.45

The Coast Guard is also proposing to amend § 401.320(b) to permit temporarily registered pilots to hold stock and other financial interests. Presently, only fully registered pilots may hold stock or other financial interests in a pilot organization and a pilot may not be fully registered once he reaches the age of 70. The proposed change would permit pilots who have reached the age of 70 to remain eligible to own the stock or other financial interests in a pilot organization. A registered pilot, in addition to his piloting capabilities, may be an asset to the pilot organization because of his experience and managerial abilities and this change is proposed in order to permit the pilot organizations to retain an individual in a managerial capacity rather than forcing that person to retire simply because of his age.

It is also proposed to institute a charge of $452 to pilot a vessel through the Black Rock Canal. There is presently no established rate to transit that area because, in the past, vessels didn't use that canal. In recent years, however, vessels have transited the canal and it is now appropriate to have a specific rate to cover the piloting of a vessel through the Black Rock Canal. The fee of $452 is the combination of a lockage and a movage.

These proposed regulations are considered to be nonsignificant and, accordingly, a regulatory evaluation has been prepared and placed in the public docket as required by the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 dtd 5–22–80). The DOT Order requires that each draft evaluation include an economic analysis which quantifies, to the extent practicable, the estimated cost of the regulations to the private sector, consumers, and Federal, State, and local governments, as well as the anticipated benefits and impacts of the regulations. The estimated cost of this proposal is $552,000. This figure is the amount of additional revenue the U.S. pilots should receive under this proposal based on the projected 1982 traffic and the increased amount that shippers would have to pay for pilotage services on the Great Lakes. The benefit of this rule is the value of avoiding or minimizing costly delays and disruptions in shipping attributable to the failure to retain qualified pilots and to attract new qualified pilots. The overall efficiency of the pilotage system is enhanced by having an appropriate number of pilots available to provide the required services. The regulatory evaluation from which this information is taken has been included in the public docket and can be obtained from the Marine Safety Council at the address indicated above. It has also been determined that these regulations are non-major under E.O. 12291.

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1166) requires an initial regulatory flexibility analysis for proposed regulations having a significant economic impact on a substantial number of small entities. The pilotage fees in question account for less than five percent of the total shipping costs and will not have a significant impact on the shipping industry. The proposed regulations will impose no additional paperwork burden on the users. For these reasons it has been determined that the proposed regulations do not fall within the purview of the Act. Pursuant to section 605(b) of the Act, it is certified that the proposed regulations will not have a significant economic impact on a substantial number of small entities.

In the development of this proposal, U.S. and Canadian shipping associations and pilot organizations were consulted.

PART 401—GREAT LAKES PILOTAGE REGULATIONS

In consideration of the foregoing, the Coast Guard proposes to amend Part 401 of Title 46 of the Code of Federal Regulations as set forth below:

1. By revising § 401.320(b) to read as follows:

§ 401.320 Requirements and qualifications for authorization to establish pools.

No voluntary association shall be authorized to establish a pool unless:

* * * * *

(b) The stock, equity, or other financial interests coupled with voting rights or exercise of any right of control in the management of the voluntary association is held only by member Registered pilots registered pursuant to §§ 401.200, 401.210, or § 401.220(e), excluding Applicant Pilots.

* * * * *

2. By revising § 401.400(b) to read as follows:

§ 401.400 Calculation of pilotage units and determination of weighting factor.

* * * * *

(b) Weighting factor table:

Range of pilotage units	Weighting factor
0 to 129	1.00
130 to 159	1.15
160 to 189	1.30
190 and over	1.45

* * * * *

3. By revising § 401.405 to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under § 401.420, the following basic rates shall be payable for all services and assignments performed by the U.S. Registered Pilots in the areas described in § 401.300.

(a) district 1:

(1) For passage through the District or any part thereof, $7.89 for each statute mile, plus $105 for each lock transited, but with a minimum basic rate of $230 and a maximum basic rate for a through trip of $1010.

(2) For a movage in any harbor, $347.

(b) District 2:

(1) Southeast Shoal to Toledo or any point to Lake Erie west of Southeast Shoal, $538.

(2) Between points on Lake Erie west of Southeast Shoal, $318.

(3) Southeast Shoal to Port Huron Change Point or any point on the St. Clair River when pilots are not changed at Detroit Pilot Boat, $937.

(4) Southeast Shoal to Detroit/Windsor or any point on the Detroit River, $538.

(5) Southeast Shoal to Detroit Pilot Boat, $390.

(6) Toledo or any point on Lake Erie west of Southeast Shoal and Port Huron Change Point, when pilots are not changed at Detroit Pilot Boat, $1086.

(7) Toledo or any point on Lake Erie west of Southeast Shoal and Detroit/Windsor or any point on the Detroit River, $699.

(8) Toledo or any point on Lake Erie west of Southeast Shoal and the Detroit Pilot Boat, $538.

(9) Detroit/Windsor or any point on the Detroit River and between points on the Detroit River, $318.

(10) Detroit/Windsor or any point on the Detroit River to Port Huron Change Point or any point on the St. Clair River, $706.

(11) Detroit Pilot Boat to any point on the St. Clair River, $706.

(12) Detroit Pilot Boat to Port Huron Change Point, $548.

(13) Between points on the St. Clair River, $318.

(14) Port Huron Change Point to any point on the St. Clair River, $390.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario, $920.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario or any point in Sault Ste. Marie, Ontario other than the Algoma Steel Corporation Wharf, $772.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan, $347.

(4) For a movage in any harbor, $347.

4. By revising § 401.410 to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (c) of this section, the basic rates for each 6 hour period or part thereof that a U.S. pilot is on board in the undesignated waters shall be:

(1) In Lake Ontario, $186.

(2) In Lake Erie, $230.

(3) In Lakes Huron, Michigan and Superior, $186 plus $177 for each time a U.S. pilot performs the docking or undocking of the ship.

(b) Between Buffalo and any point on the Niagara River below the Black Rock Lock, $452.

(c) When in direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, or between Port Colborne and Southeast Shoal, and the vessel's master plans to use an appropriate certificate in lieu of a pilot, the ship shall pick up or discharge the pilot at the Cleveland pilot boat. No charge is to be made for the transit between Southeast Shoal and the Cleveland pilot boat or between the Cleveland pilot boat and Southeast Shoal unless the services of the pilot are utilized.

5. By revising § 401.420 to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) Except as provided in this paragraph, whenever the passage of a ship is interrupted and the services of a U.S. pilot are retained during the period of the interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of $29 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of $460 for each continuous 24 hour period during which the interruption continues. There is no charge for an interruption caused by ice, weather, or traffic, except during the period beginning the 1st of December and ending on the 8th of the following April. No charge shall be made for an interruption if the total interruption ends during the 6 hour period for which a charge has been made under § 401.410.

(b) When the departure or movage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which the pilot is ordered, whichever is later, the ship shall pay an additional charge calculated on a basic rate of $29 for each hour or part of an hour including the first hour of the delay, with a maximum basic rate of $460 for each continuous 24 hour period of the delay.

(c) When a U.S. pilot reports for duty as ordered and the order is cancelled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of $174;

(2) A charge for reasonable travel expenses if the cancellation occurs after the pilot has commenced travel; and

(3) If the cancellation is more than one hour after the pilot reports for duty at the designated boarding point or after the time for which the pilot is ordered, whichever is later, a charge calculated on a basic rate of $29 for each hour or part of an hour including the first hour, with a maximum basic rate of $460 for each 24 hour period.

(6) By revising § 401.428 to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point or for boarding at other than the normal boarding point.

If a U.S. pilot is carried beyond the normal change point or is unable to board at the normal boarding point the pilot shall be paid at the rate of $177 per day or part thereof, plus reasonable travel expenses to or from the pilot's base. These charges are not applicable if the ship utilizes the services of the pilot beyond the normal change point and the ship is billed for those services. The change points to which this section applies are designated in § 401.450.

(Sec. 5, 74 State. 260 (46 U.S.C. 216c); sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4); 49 CFR 1.46(d))

Dated: February 8, 1982.

Clyde Lusk, Jr.,

Rear Admiral, Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc. 82-3728 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 82-44; FCC 82-51]

American Telephone and Telegraph Co.; Restrictions on Resale and Sharing of Private Line Services To Form Equivalents of Message Telecommunications Service and Wide Area Telecommunications Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule and memorandum opinion and order.

SUMMARY: The Commission will decide whether restrictions in the American Telephone and Telegraph Company's (AT&T) private line tariffs which forbid the use of private line service in such a way as to form equivalents of AT&T's Message Telecommunications Service (MTS) and Wide Area Telecommunications Service (WATS) are in the public interest. The provisions were first filed by AT&T after the Commission decided that private line services could not be resold or shared in such a manner as to form MTS/WATS equivalents. Since that time, however, the Commission has decided that there should be competition rather than monopoly in the provision of MTS and WATS and that MTS and WATS should themselves be subject to resale and sharing. Thus, AT&T's tariff restrictions may not be consistent with current Commission policies.

DATE: Comments must be received on or before February 26, 1982.

ADDRESS: Secretary's Office, Room 222, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kent Nakamura (202) 632-6917.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order and Notice of Proposed Rulemaking

Adopted: January 28, 1982.
Released: February 4, 1982.

In the matter of American Telephone and Telegraph Company, restrictions on resale and sharing of private line services to form equivalents of message telecommunications service and wide area telecommunications service, CC Docket No. 82-44.

1. Various tariffs of the American Telephone and Telegraph Company (AT&T) contain provisions which prohibit the resale and sharing of private line services to form equivalents of Message Telecommunications Service (MTS) or Wide Area Telecommunications Service (WATS). These sections effectively prevent the public from using their private line services [1] in such a manner as to function as substitutes for AT&T's two public switched network telephone services, MTS and WATS.[2] For the reasons indicated below, we seek comment on whether these tariff provisions remain in the public interest in light of changes in Commission policy occurring since these restrictions were filed.

Background

2. The kinds of tariff provisions here under consideration may be found in various AT&T private line tariffs.[3] For example, sections 2.2.2(C) and 2.2.5 of AT&T's Tariff F.C.C. No. 260 provide as follows:

2.2.2(C). Switched private line service furnished for voice or alternate voice communications may be used:

(1) By the Customer [4] for communications between stations of the same Customer;

(2) By the Customer for communications between stations of the same customer and a User [5] connected to the service;

(3) By a User for communications between stations of that User and stations of that customer.

4. By a given User for communications between stations of that User and stations of the same User.

2.2.5 Resale and sharing of a private line service may not encompass the conversion of that private line service into Local Exchange Service, Message Telecommunications Service, Wide Area Telecommunications Service, or the equivalents thereof.

3. The origin of these types of tariff provisions can be traced back to the Commission's *Specialized Common Carrier* decision, 29 F.C.C. 2d 870 (1971, *recon. den.*, 31 F.C.C. 2d 1106 (1971), *aff'd sub nam. Washington Utilities and Transportation Commission v. F.C.C.*, 513 F. 2d 1142 (9th Cir.), *cert. denied*, 423 U.S. 836 (1975). There, we decided to allow new entrants into the market for specialized communication services.[6]

4. Subsequently, in *Resale and Shared Use* (Docket No. 20097), 60 F.C.C. 2d 261, *recon.*, 62 F.C.C. 2d 588, *aff'd sub nom. American Telephone and Telegraph Company v. F.C.C.*, 572 F.2d 17 (2d Cir.), *cert. denied*, 439 U.S. 875 (1978), we decided that the restrictions on resale and sharing contained in the private line tariffs of many domestic carriers, including AT&T's, were unlawful. However, consistent with our decision in *Specialized Common Carrier* to permit entry only into the market for specialized communications services, we forbade the unlimited resale and sharing of a private line service in a manner which would convert it into MTS or WATS or the equivalent thereof:

> Where analog voice communication services are concerned, as was the case in *Execunet*, [7] the distinctions between private line services and MTS or WATS which were cited in *Execunet* and related decisions clearly govern.

62 F.C.C. 2d at 602-603 (fn. omitted). [8] Similarly, and to the same end, we declined to order the removal of restrictions on the resale and sharing of MTS and WATS. 60 F.C.C. 2d 290-293.

5. AT&T filed the restrictive tariff revisions in response to the Commission's decisions to limit the use which resellers might make of private line service. Aeronautical Radio, Inc. (ARINC) and the Air Transport Association (ATA) filed jointly a petition to reject one of those filings. We declined, stating that we

> "Did not contemplate that sharing and resale arrangements would directly compete with the MTS and WATS services, nor will we permit such arrangements in the name of unlimited resale and sharing to circumvent our long standing policy that private line services may not be used to create competitive substitutes for the switched-voice public message services."

American Telephone and Telegraph Company, 64 F.C.C. 2d 1003, 1009 (1977). We also emphasized the linkage between the limitations imposed upon the specialized carriers in *Specialized*

[1] *Eg.* Foreign Exchange Service, Common Control Switching Arrangements, Television Program Transmission Service, Dataphone (R) Digital Service, Multischedule Private Line.

[2] The Commission has found MTS and WATS be like communication services under Section 202(a) of the Act. *See* American Telephone and Telegraph Company, 70 F.C.C. 2d 593, *recon. den.* 79 F.C.C. 2d 10 (1980), *review pending sub nam.* Aeronautical Radio, Inc. *et al.* v. F.C.C., No. 80-1876 (D.C. Circuit, filed July 31, 1980).

[3] See, e.g., Tariff FCC No. 267, 6th revised page 13, Section 2.2.5(D); Tariff FCC No. 269, page 13, Section 2.2.1(B)

[4] The "customer" is defined in Section 2.5 of the tariff as the entity which orders service and which is responsible for payment of all charges and compliance with all telephone company regulations.

[5] A "User" is defined in Section 2.5 as a "person, firm, corporation or other legal entity who is designated by the Customer as being allowed to communicate over private line service furnished to the Customer in accordance with 2.2 preceding."

[6] The Order did not define "specialized" services, however, 81 F.C.C. 2d 179.

[7] MCI Telecommunications Corp., 60 F.C.C. 2d 25, *reversed* MCI v. FCC, 561 F. 2d 365 (D.C. Cir.), *cert. denied*, 434 U.S. 1040 (1978).

[8] The court in MCI v. FCC, discussed *infra*, later held that Specialized Common Carrier could not be read to have restricted the OCC's to the provisions of private line service. 561 F.2d 379.

Common Carrier and the limitations imposed upon resellers in *Resale and Shared Use:*

> [W]hat we will not permit the specialized carriers to do under *Execunet* and its progeny, we likewise will prohibit resellers and shared users from doing. Thus, because the specialized carriers are not authorized to directly compete with the MTS and WATS service, neither can resellers and shared users of private line services.

American Telephone and Telegraph Company supra at n. 11. [9]

6. Since AT&T filed the tariff revisions in questions, there have been a number of significant developments. First, in *MCI v. FCC, supra,* the court held that this Commission has no statutory basis for limiting MCI's offering of Execunet, a service which we found to have all the essential characteristics of MTS/WATS. Moreover, it held that AT&T did not have a Commission-granted monopoly over those services. 561 F. 2d 379–380.

7. In response, the Commission instituted Docket No. 78–72 to decide whether the public interest was served by competition in the provision of MTS/WATS. *See MTS and WATS Market Structure,* 67 F.C.C. 2d 757 (1978). The Commission ultimately decided that competition in the provision of MTS/WATS was in the public interest, particularly since

> the impact of cross-elasticity among services has blurred any economic distinction between switched services such as MTS and WATS and so-called private line service. In a very real sense, there is no separate or separable MTS-WATS market and it makes little sense to attempt to create a separate policy for such a market.

MTS and WATS Market Structure, 81 F.C.C. 2d 177, 203–204 (1980).

8. Finally, in Docket No. 80–54, *Resale and Shared Use of Common Carrier Domestic Public Switched Network Services,* 83 F.C.C. 2d 167 (1980), *recon. den.,* 86 F.C.C. 2d 820 (1981), *review pending sub nom. Southern Pacific Communications Company v. F.C.C.,* No. 81–1594 (D.C. Cir., filed May 28, 1981), the Commission decided that MTS and WATS should be subject to unlimited resale and sharing as well. As a result of AT&T tariff revisions implementing that decision, both MTS/WATS and private line services may now be resold. [10] In short, the Commission has removed the barriers to the provision of MTS/WATS and has over the years changed its policy of limiting competition to the provision of specialized or private line communication services. However, while MTS/WATS resale is now permitted, the resale and sharing of private line service to form MTS/WATS equivalents is not.

Discussion

9. Ordinarily, restrictions on use of services by customers are unlawful unless the injury to the public outweighs the private benefit derived from such use. *See, e.g., Carterfone,* 13 F.C.C. 2d 420 (1968), *recon. den.* 14 F.C.C. 2d 605 (1969). In the past, we considered the public injury to be competition that encroached upon MTS/WATS services which we implicitly assumed should be provided on a monopoly basis. 29 F.C.C. 2d 885, 915; 60 F.C.C. 2d 321. Responding to these policies, AT&T filed the tariff provisions here at issue, and the Commission denied petitions to reject them. [11]

10. Since that time, however, the Commission has reevaluated the monopoly status of MTS/WATS. Indeed, as noted above, we have concluded that the public interest is better served by competition rather than monopoly provision of MTS/WATS. Under these circumstances, the question naturally arises as to whether these restrictions, which prevent one form of MTS/WATS competition, now provide any public interest benefits which outweigh the restrictions they continue to impose on customers and whether they are consistent with current Commission policy. In particular, since resale of MTS/WATS is now permitted, there is no apparent reason to forbid resale of private line services to form MTS/WATS equivalents while at the same time allowing the resale of MTS and WATS.

11. The public benefits obtained from resale and sharing were extensively documented in *Resale and Shared Use* and in Docket No. 80–54. It is worth reiterating some of them here. First, resale and sharing would tend to force dominant carriers to use cost-based rates, long a goal of this Commission. Any attempt by a carrier to segment a market by offering a substitutable service at a non-compensatory rate would, in the absence of restrictions on resale and sharing, result in a migration of customers from the nondiscounted service to the discounted service, forcing the carrier to align rates for the discounted service more closely with costs. Because of existing restrictions in AT&T's private line tariff, however, it is possible that our prescription of resale and sharing of private line service in *Resale and Shared Use* was less efficacious then it might have been in forcing private line rates towards costs. The removal of these restrictions would, it seems, allow the broadest possible application of resale.

12. Second, removal of these restrictions should result in the better management of specialized communications networks and more efficient use of existing services. Large business or government users who have extensive private line networks might, for example, resell off-peak capacity to residential users. [12] Third, resellers and sharers may choose to serve specialized submarkets not presently served by underlying carriers, responding to the needs of users not presently met. [13]

13. Yet another reason why we perceive the public interest to be no longer served by these tariff provisions is because services identical to those available under AT&T's Tariff 260 are also available to the OCCs under AT&T Tariff F.C.C. No. 266, "Facilities for Other Common Carriers." The latter tariff, however, does not explicitly limit the OCCs' use of private line service. (Any assumed limitations on the use of these services by the OCCs were, of course, rejected by the court in *MCI v. FCC, supra.*) Thus, the limitations on the customer's use of private line service in Tariff 260 and the lack of such limitations in Tariff 266 raise questions of unreasonable discrimination under Section 202(a) of the Act.

14. In light of the foregoing, we think it appropriate to investigate this matter and to require AT&T and, inferentially, those supporting its positions, to demonstrate why, in light of our changed policies, continued retention of these types of tariff provisions is in the public interest. Moreover, given the extensive record compiled to date in Docket Nos. 20097, 78–72 and 80–54, we think that one round of comments should be sufficient. [14]

15. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), 201–205 and 218 of the Communications Act, 47 U.S.C. sections 154(i), (j), 201–205 and 218, and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, That a rulemaking proceeding is initiated with respect to the issues discussed in this order. Comments in

[9] Presently before the Commission is a petition for reconsideration of it decision by ARINC/ATA. We will withhold action on this petition until competition of this proceeding.

[10] Obviously, since MTS and WATS may now be resold, it appears that argument which justified restrictions against formation of MTS/WATS equivalents have been undermined.

[11] American Telephone and Telegraph Company, 64 F.C.C. 2d 1003, *supra.*

[12] *Compare* 60 F.C.C. 2d 301.

[13] *Id.*

[14] The tariffs of a few OCCs contain restrictions similar to those here at issue. In view of AT&T's dominant carrier status and its overwhelming share of the market for private line services, it seems reasonable to consider AT&T's tariffs first.

this proceeding are due on February 26, 1982.

16. It is further ordered, pursuant to Sections 208 and 403 of the Communications Act, 47 U.S.C. 208, 403 That the American Telephone and Telegraph Company demonstrate why tariff restrictions preventing the use of its private line services in such a way as to form MTS/WATS equivalents are not unjust, unreasonable and unduly discriminatory under Sections 201 and 202 of the Communications Act, 47 U.S.C. 201–202.

17. It is further ordered, That in reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

18. For purposes of this non-restricted informal rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time of issuance of a notice of proposed rulemaking until the time a draft order proposing a substantive disposition of such proceeding is placed on the Commission's Sunshine Agenda. In general, an *ex parte* presentation is an written or oral communication (other than formal written comments/pleadings and oral arguments) between a person outside the Commission and a Commissioner or a member or the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any written comments previously filed in the proceeding must prepare a written summary of that presentation. On the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation discussed above must state on its fact that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* § 1.1231 of the Commission's rules, 47 CFR 1.1231.

19. It is further ordered, That the Secretary shall cause a copy of this order to be published in the **Federal Register.**

20. Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354) it is certified, That Sections 603 and 604 of that Act do not apply because this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b) (1980 Supp.) With the demise of TELPAK, AT&T's bulk discounted private line service, there is substantially less economic incentive to use AT&T's private line services to create networks that duplicate MTS/WATS. It further appears that the primary impact of this rule, if promulgated, will be upon the large existing private line networks of large business and government users, including those who have petitioned the Commission to resolve uncertainties raised by the manner in which they presently use their privat line services.

(Secs. 1, 2, 4, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602; 48 State as amended; 1064, 1066, 1070, 1071, 1072, 1075, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82–3574 Filed 2–10–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 97

[PR Docket No. 80–136; RM–2910; RM–2939; RM–3281; RM–3302; FCC 82–49]

Amateur Station Identification Requirements; Denial of Petition for Reconsideration

AGENCY: Federal Communications Commission.

ACTION: Denial of petition for reconsideration and closing of docket.

SUMMARY: This document denies the petition for reconsideration in PR Docket 80–136, concerning amendment of the Commission's rules regarding amateur station identification requirements. The Commission held that it was clear that the call sign only had to be given when the amateur radio operator finished his conversation with another operator. It also said that a brief phrase or two uttered after the call sign had been given is not a violation. In addition, the Commission said it had complied fully with rule making procedures, even though every detail of the final rule amendments had not been specifically discussed in its Report and Order.

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

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554, (202) 632–4964—Room 5218.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

(Proceeding Terminated)

Adopted: January 28, 1982.

Released: February 4, 1982.

In the matter of Amendment of § 97.84(a) of the Amateur Radio Service Rules. PR Docket No. 80–136, RM–2910, RM–2939, RM–3281, RM–3302.

1. The Commission has before it a Petition for Reconsideration of the action it took on October 1, 1981, in its Report and Order in PR Docket No. 80–136, FCC 81–461, 46 FR 50799 (October 15, 1981). The petition was timely filed on October 28, 1981, by D. Popkin of Englewood, New Jersey.

Background

2. As amended, § 97.84 of the Amateur Radio Service Rules provides, *inter alia*, that effective October 23, 1981, amateur radio operators need transmit the station call sign only at the end of each communication and at ten minute intervals. Prior to the amendments, a station was required to identify at the beginning and end of each transmission; to identify at ten minute intervals; and, to transmit the call sign of the station with which communications were exchanged.

The Petition

3. Petitioner requests reconsideration on the following grounds:

a. That the amended rule to require station identification at the end of each communication differed from the proposal which required identification at the end of an exchange of transmissions.

b. That there was no discussion in the Report and Order of petitioner's suggestion, in comments he filed in the proceeding, to require station identification 10 to 30 seconds before the end of the conversation.

c. That an absence of discussion in the Report and Order on the points raised in a. and b., *supra*, did not comply with the procedural requirements of Section 1.425 of the Commission's Rules.

Discussion

4. Petitioner is correct in stating that the wording of § 97.84(a) in the proposal and in the final amended rule differed. The proposal read: " * * * ends each single transmission or exchange of transmissions, * * * " while the final rule amendment read: " * * * at the end of each communication." The

petitioner's concern is that our final wording will require the giving of the call sign more often than the proposed wording and thus it "would become more unwieldy than the rule it attempted to simplify." Such is not the case. The question is one of semantics. The meaning that we ascribe to the word "communication" in the rule is not the narrow meaning that the petitioner gives it. When the rule speaks of giving the station identification at the end of each communication it means when one has finished a conversation with another amateur operator. This meaning is supported by the fact that if the conversation with the person operating the other station continues for ten minutes or more, the call sign must be given at ten minute intervals "during a communication." The quoted words are contained in the final rule amendments which we adopted.

5. Mr. Popkin's second ground for requesting reconsideration is that the station identification should be made "between 10 or 30 seconds (depending on Commission need) of the end." He believes that this would enable an amateur operator to say "a few short words or comments at the end of a communication without being in violation." The change petitioner requests is not necessary. Any operator who signs off with: "This is WZXXX Good Night", or any other combination of a few extra words at the end of his/her communication, is in compliance with the station identification requirement of § 97.84 and will not be charged with a violation of the rule. In brief, the Commission looks to substance not to form where adherence to its rules is concerned.

6. Petitioner's third ground goes to the Commission's procedures in rule making matters. The Administrative Procedure Act (APA) requires that the Commission issue a Notice of Proposed Rule Making before it adds, deletes or changes substantive rules. After the required notice is given, the Commission must give interested persons an opportunity to participate in the rule making through submission of comments. After consideration of the relevant matter presented, the Commission must incorporate in the rules adopted a concise, general statement of their basis and purpose. Section 1.425 of the Commission's Rules, which implements Section 553(c) of the APA, is virtually a verbatim statement of the APA requirement.

7. With respect to the difference in wording in the proposal and final rules; and, with respect to not incorporating petitioner's suggestion for identification with a 10 to 30 seconds' leeway before the communication ends, petitioner alleges that we did not follow Section 1.425 because there was no discussion of these matters in the Report and Order. We believe that the Report and Order clearly explicates the basis and purpose of the rule amendments. In *Automotive Parts & Accessories Association, Inc.* v. *Boyd*, 407 F. 2d 330, 337 (1968), the court cautioned against an overly literal reading of the statutory terms "concise" and "general". In that same case, at page 338, the court declared:

> We do not expect the agency to discuss every item of fact or opinion included in the submissions made to it in informal rule making.

In the instant proceeding, the Commission was engaged in informal rule making.

8. In *Automotive Parts, supra*, the court likened informal rule making proceedings to legislative committee hearings. It said that its (the court's) paramount objective is to see whether the agency, given an essentially legislative task to perform, has carried it out in a manner calculated to negate the dangers of arbitrariness and irrationality in the formulation of rules for general application in the future. Further, the court noted:

> Rule makers, as the delegates of legislative power, are no more likely than their delegators to make everybody happy with a particular exercise of that power. Our function is to see only that the result is reasonable and within the range of authority conveyed, that it has been formulated in the manner prescribed, *and that the disappointed have had the opportunity provided by Congress to make their views prevail.* (Italic added.)

9. We complied fully with the requirement mandated by Section 553(c) of the APA and § 1.425 of our Rules. One need only to read paragraphs 7 and 8 of our Report and Order (PR Dkt. No. 80–136; FCC 81–461) to observe the thoroughness with which the purpose of the rule amendments was stated. Moreover, petitioner's views were considered. However, petitioner's assumption that the Report and Order must contain a discussion of each comment filed in the proceeding is in error.

Conclusion

10. For all of the reasons set forth above, the instant Petition for Reconsideration should be denied. Accordingly, it is ordered, That the Petition for Reconsideration, filed by D. Popkin, is denied. This proceeding is hereby terminated and the docket is closed.

11. For information concerning this Memorandum Opinion and Order, call Maurice J. DePont, (202) 632–4964.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82–3572 Filed 2–10–82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 29
Thursday, February 11, 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

Federal Grain Inspection Service

Extension of Interim Assignment of Geographic Area to the Eastern Iowa Grain Inspection and Weighing Service, Inc.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that the Federal Grain Inspection Service (FGIS) is extending an interim assignment of geographic area to Eastern Iowa Grain Inspection and Weighing Service, Inc., Blue Grass, Iowa. This geographic area is in the northern section of the State of Illinois, and had previously been serviced by the Illinois Department of Agriculture, Springfield, Illinois.

EFFECTIVE DATE: April 1, 1982.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405, Auditors Building, Washington, D.C. 20250; telephone (202) 447–8525.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The April 15, 1981, issue of the **Federal Register** (46 FR 22014) contained a notice from the FGIS announcing that the Illinois Department of Agriculture amended its designation to delete a portion of its geographic area in the northern section of the State of Illinois.

This geographic area was assigned on an interim basis to the Eastern Iowa Grain Inspection and Weighing Service Inc. (Eastern Iowa), for the period April 1, 1981, through March 31, 1982, for the performance of official inspection services.

The purpose of this notice is to extend that interim assignment of geographic area from March 31, 1982, to the scheduled termination of designation of Eastern Iowa, on July 31, 1983, so as to provide official service under the U.S. Grain Standards Act, as amended (7 U.S.C. 71, *et seq.*), in the specified geographic area. Requests for service in the specified geographic area, as stated in the April 15, 1981, issue of the **Federal Register**, should continue to be directed to Eastern Iowa at 1908 South Stark Street, Davenport, Iowa 52802; telephone (319) 322–7149.

(Sec. 8, Pub. L. 94–582; 90 Stat. 2873 (7 U.S.C. 79))

Dated: February 5, 1982.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 82–3689 Filed 2–10–82; 8:45 am]

BILLING CODE 3410–EN–M

Forest Service

Environmental Impact Statement: Fluorspar Prospecting in Lusk Creek Area Shawnee National Forest, Pope County, Illinois; Cancellation Notice

A supplement to the draft environmental impact statement for a proposal to prospect for fluorspar and associated minerals within a part of the Lusk Creek Area was distributed to the public and filed with the Environmental Protection Agency on December 15, 1980.

I am terminating the preparation of an EIS because the environmental analysis and public response to the DEIS and the supplement, indicate that there will be no significant environmental impacts from the proposed action.

The environmental analysis will be documented in a combined Decision Notice, Environmental Assessment and Finding of No Significant Impact. Copies of the environmental documents may be obtained from Kenneth Henderson, Forest Supervisor, Shawnee National Forest, 317 East Poplar Street, Harrisburg, Illinois 62946.

Dated: January 20, 1982.

Jack L. Craven,

Acting Director of Planning, Programming and Budgeting.

[FR Doc. 82–3637 Filed 2–10–82; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Bear Creek Watershed, Alabama; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest V. Todd, State Conservationist, Soil Conservation Service, P.O. Box 311, Auburn, Alabama 36830, telephone (205–821–8070).

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bear Creek Watershed, Geneva and Houston Counties, Alabama.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Ernest V. Todd, State Conservationist, has determined that an environmental impact statement is not needed for this action.

This project concerns a plan for watershed protection and flood prevention. The planned works of improvement include the installation of conservation land treatment, critical area treatment, and about 13 grade stabilization structures.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Ernest V. Todd. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the

environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 15, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 5, 1982.

Ernest V. Todd,

State Conservationist.

[FR Doc. 82-3656 Filed 2-10-82; 8:45 am]

BILLING CODE 3410-16-M

Camp Creek Watershed, Nebraska; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Albert E. Sullivan, State Conservationist, Soil Conservation Service, Federal Building, Room 345, 100 Centennial Mall N., P.O. Box 82502, Lincoln, Nebraska 68501. Telephone: 402-471-5300.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Camp Creek Watershed, Lancaster and Cass Counties, Nebraska.

The environmental assessment of this federally assisted action indictaes that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Albert E. Sullivan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This Watershed Plan describes a plan of accelerated land treatment including terraces, grassed waterways or outlets, diversions, grade stabilization structures, critical area plantings, farmstead and feedlot windbreaks, irrigation pit or regulating reservoirs, waste treatment lagoons, pasture and hayland plantings, and range seedings. These conservation practices will reduce soil depletion by sheet and rill erosion, increase production, reduce voiding and depreciation of land by gully erosion, reduce flood plain deposition, improve water quality, and reduce sediment yields

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Mr. Albert E. Sullivan.

No administrative action on implementation of the proposal will be taken until March 15, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted program and projects is applicable)

Dated: February 1, 1982.

A. E. Sullivan,

State Conservationist.

[FR Doc. 82-3655 Filed 2-10-82; 8:45 am]

BILLING CODE 3410-16-M

Dover Recreational Park RC&D Measure, Tenn.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Donald C. Bivens, State Conservationist, Soil Conservation Service, 675 U.S. Courthouse, Nashville, Tennessee, 37203, telephone 615-251-5471.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Dover Recreational Park, RC&D Measure, Stewart County, Tennessee.

The environmental evaluation of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Donald C. Bivens, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the development of the area formerly known as the Lick Creek Recreation Area to provide water-based recreation opportunities for area residents. Planned works of improvement include construction of picnic shelters, enhancement of existing picnic areas, development of an outdoor games area with equipment, designation of nature trail, construction of a fishing pier, and development of a swimming beach and nature study area.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Donald C. Bivens. An environmental assessment has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental assessment are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 15, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Donald C. Bivens,

State Conservationist.

February 5, 1982.

[FR Doc. 82-3653 Filed 2-10-82; 8:45 am]

BILLING CODE 3410-16-M

Erin's Southern Gage Flood Prevention RC&D Measure, Tenn.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Donald C. Bivens, State Conservationist, Soil Conservation Service, 675 U.S. Courthouse, Nashville, Tennessee, 37203, telephone 615-251-5471.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Erin's Southern Gage Flood Prevention,

RC&D Measure, Houston County, Tennessee.

The environmental evaluation of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Donald C. Bivens, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention of Southern Gage Company facilities in Erin. Planned works of improvement include construction of a concrete retaining wall, concrete curbs, gutters and piping, installation of submersible electric pumps, construction of water diversions similar to speed bumps, and strengthening of the earthen dike at the west side of the Southern Gage site. In conjunction with these improvements, concrete steps will be constructed at the north personnel entrance and approximately 280 linear feet of stream channel bank along the east retaining wall will be armored to prevent sloughing.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Donald C. Bivens. An environmental assessment has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental assessment are available to fill single copy requests at the above address.

No Administrative action on implementation of the proposal will be taken until March 15, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Donald C. Bivens,

State Conservationist.

February 5, 1982.

[FR Doc. 82-3654 Filed 2-10-82; 8:45 am]

BILLING CODE 3410-16-M

Uncle John Creek Watershed, Okla.; Finding of No Significant Import

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald R. Vandersypen, Assistant State Conservationist, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624-4404.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500), and the Soil Conservation Service Guidelines (7 CFR Part 650), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for two floodwater retarding structures and conservation land treatment remaining to be installed in the Uncle John Creek watershed project, Canadian and Kingfisher Counties, Oklahoma.

The environmental assessment of this federally-assisted action indicates that the action will not cause significant impacts to the human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624-4360. The finding of no significant impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the Finding of No Significant Impact is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until March 15, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and project is applicable)

Dated: February 3, 1982.

Donald R. Vandersypen,

Assistant State Conservationist (Water Resources).

[FR Doc. 82-3652 Filed 2-10-82; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 39617; Order 82-1-143]

Air Wisconsin, Inc.; Order To Show Cause

On December 4, 1980, Air Wisconsin filed a notice of intent to suspend service at Jamestown, North Dakota. By Order 81-2-15, we required Air Wisconsin to continue providing essential service for 30 days past the 90 day notice period, beginning March 3, 1981, or until a fit, willing, and able replacement carrier inaugurated service. Orders 81-3-177, 81-4-165, and 81-6-16 extended the service obligations in 30 day segments to July 2, 1981. On June 15, 1981 Big Sky inaugurated service and Air Wisconsin's obligation terminated.

On May 8, 1981, Air Wisconsin filed an application seeking interim compensation of $36,561 per month. The Board, by Order 81-6-187, established an interim rate of $29,249 per 30-day period. Total interim payments were $102,509.

On August 26, 1981, Air Wisconsin filed a petition requesting final compensation of $321,968—$219,459 above the interim amount paid. Following several letters discussing appropriate investment base and rate of return with the staff, Air Wisconsin informally agreed to a final compensation of $204,682, or $102,173 above the interim amount already paid. We tentatively find and conclude that this should be the appropriate final rate of compensation for Air Wisconsin's provision of essential air service at Jamestown, North Dakota, during the period March 3 through June 14, 1981. See attachments[1] for details of the rate calculation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102 and 419, and the regulations promulgated in 14 CFR Parts 302 and 324;

1. We direct Air Wisconsin, Inc., to show cause why we should not adopt the tentative findings and conclusions set forth above;

2. All further procedures shall be in accordance with the rules of practice, particularly Rules 302 *et seq.*, and if there is any objection to the rate proposed in this order, notice of it shall be filed within 7 days, and, if notice is filed, written answer and supporting documents shall be filed within 14 days after the date of service of this order;

3. If notice of objection is not filed within 7 days, or if notice is filed and answer is not filed within 14 days after

[1] Attachments filed with the original document.

service of this order, we shall deem all parties to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and we may enter an order fixing the final rate of compensation specified here; and

4. We shall serve this order on Air Wisconsin, Inc.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor

Secretary.

[FR Doc. 82-3708 Filed 2-10-82; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Montana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Montana Advisory Committee to the Commission will convene at 9:00 a.m., and will end at 12:00 noon, on March 6, 1982, at the Travel Lodge, Last Chance Gulch, Helena, Montana 59601. The purpose of this meeting is to plan the research on the effectiveness of civil rights enforcement in the state of Montana.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Angela V. Russell, Box 333, Lodge Grass, Billings, Montana 59050, (406) 248-7421 or the Rocky Mountain Regional Office, Brook Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202, (303) 837-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 8, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-3622 Filed 2-10-82; 8:45 am]

BILLING CODE 6335-01-M

Ohio Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 10:00 a.m., and will end at 3:00 p.m., on March 6, 1982, at the Christopher Inn, 300 East Broad Street, Columbus, Ohio, 43215. The purpose of this meeting is to discuss the civil rights issues in the state, and plan activities for calendar year 1982 and fiscal year 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Henrietta H. Looman, 1222 Woodland Avenue, N.W., Canton, Ohio, 44703, (216) 454-2278 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 10, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-3734 Filed 2-10-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 14-81]

Foreign-Trade Zone No. 14, Litle Rock; Application for Subzone at Sanyo Manufacturing Corp. Plant, Forrest City, Arkansas; Record Open for Surrebuttal Comments

At the request of Counsel for the Committee to Preserve American Color Television (COMPACT) and North American Philips Corporation, the record in this case is reopened until February 26, 1982.

Comments during this period are limited to surrebuttals on the material submitted during the period for rebuttals which closed on January 8, 1982 (46 FR 59569, 12-7-81).

Dated: February 5, 1982.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 82-3693 Filed 2-10-82; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Float Glass From Belgium; Revised Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of revised preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on float glass from Belgium. On June 5, 1981, the Department published the preliminary results of this review. For that notice the Department used information for a period prior to July 18, 1980. These revised preliminary results are based on information for July 1, 1980 through March 31, 1981. The Department has received and verified new information from the two known exporters, Glaceries de Saint-Roch, S.A. and Glaverbel, S.A. As a result of this new information, the Department has preliminarily determined the net subsidy is 0.29 percent *ad valorem.* Because this rate is *de minimis,* the Department intends to instruct the Customs Service not to collect countervailing duties for entries during the period July 18, 1980 through February 19, 1981 and intends to establish a zero duty deposit rate for future entries. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Claire A. Rickard, Office of Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1487).

SUPPLEMENTARY INFORMATION:

Background

On June 5, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 30160) a notice of the preliminary results of its administrative review of the countervailing duty order on float glass from Belgium (46 FR 10905, February 5, 1981) and invited comment by interested parties. On September 3, 1981 a hearing was held at the request of the petitioner. The petitioner argued that, because the data we had utilized was for a period prior to the July 18, 1980 suspension of liquidation, we had no legal authority to conduct a section 751 review relying on that information. The Department believes that it did have the authority to use such data to establish a revised duty deposit rate for future entries as it was the most recent information available at the time of the review.

However, the Belgian government and the float glass companies stated that they would furnish new data for a revised period of review which is after the date of suspension of liquidation. This notice of revised preliminary results relies on the updated information to determine the countervailing duties due and the duty deposit rate for future entries.

Scope of the Review

The merchandise covered in this review is Belgian flat glass

manufactured by the float process. It is currently classifiable under item numbers 543.21 through 543.69 of the Tariff Schedules of the United States. Entries of float glass which has been substantially further manufactured (e.g., into tempered glass or laminated glass) are not subject to this countervailing duty order.

The review covers Glaverbel, S.A. and Glaceries de Saint-Roch, S.A. ("GSR"), the two known exporters of this merchandise to the United States. The revised time period covered by this review is July 1, 1980 through March 31, 1981.

Using updated information we have received from the Belgian government, we preliminarily determined that the float glass producers benefit from four subsidy programs: An interest rebate, capital grants, exemptions from certain property taxes, and an exemption from local taxes.

Analysis of Programs

The Belgian government provides to companies located in qualifying regional development areas interest rebates for a five year period of up to 5 percent on ¾ of the initial investment by a firm. GSR received a rebate during the review period amounting to 0.03 percent *ad valorem*. Glaverbel did not take advantage of this program during our review period.

Both GSR and Glaverbel received capital premiums, normally granted by the government for the acquisition of industrial buildings or equipment, during the review period. Following administrative practice, we have allocated the grants over half the useful life of the assets purchased with the grant money. We determined the average useful life of these assets to be 10 years. The total *ad valorem* value of these grants is 0.24 percent for the two firms.

An exemption from the Précompte Immobilier, a tax on the theoretical rental income of all property owned by a firm, may be granted to firms located in qualifying areas in Belgium. For GSR and Glaverbel we calculated the total *ad valorem* value of the subsidy to be 0.02 percent.

The fourth subsidy program is an exemption from certain local taxes. The value of this subsidy is 0.01 percent *ad valorem* for GSR. Glaverbel did not receive any local tax exemption.

Verification

We verified the submission of the Belgian government through access to certain government and company books and records. Documents examined included regional cadastral revenue records, government documents relating to capital grants, company financial statements, and production and sales records.

Revised Preliminary Results of the Review

As a result of our review of the updated time period, we now preliminarily determine the aggregate net subsidy rate for the period July 1, 1980 through March 31, 1981 conferred upon the production of float glass from Belgium to be 0.46 percent *ad valorem* for GSR, 0.10 percent *ad valorem* for Glaverbel, and 0.29 percent *ad valorem* countrywide. These rates are *de minimis.d*

Therefore, the Department intends to instruct the Customs Service not to assess countervailing duties on unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after July 18, 1980, and entered before February 20, 1981. On February 20, 1981, the International Trade Commission ("the ITC") notified the Department that the Beligian government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Because the calculated rate is *de minimis,* even if the ITC should find that there is injury or likelihood of injury to an industry in the United States, as provided in section 104(b)(2) of the TAA, the Department shall instruct the Customs Service not to assess countervailing duties on unliquidated entries of float glass from Beligium entered, or withdrawn from warehouse, for consumption on or after February 20, 1981, and exported on or before March 31, 1981.

Further, because the calculated rate is *de minimis*, the Department intends to instruct the Customs Service not to collect a cash deposit of estimated countervailing duties on any shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. This waiver of deposit shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, the existing deposit of estimated duty at the 2 percent *ad valorem* rate set forth in the **Federal Register** notice of February 5, 1981 shall continue to be required on each entry, or withdrawal from warehouse, for consumption of this merchandise and liquidation shall continue to be suspended.

Interested parties may submit written comments on these revised preliminary results on or before March 15, 1982 and may request disclosure and/or a hearing on or before February 26, 1982. Any request for an administrative protective order must be made within 5 days from the date of publication. The Department will publish the final results of its administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C 1675 (a)(1)) and §355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

Feburary 8, 1982.

[FR Doc. 82-3730 Filed 2-10-82; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement; Atlanta, Ga. SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning June 1, 1982 in the Atlanta, GA SMSA. The cost of the project is estimated to be $410,000. The maximum federal participation amount is $369,000. The minimum amount required for non-federal participation is $41,000. The project number is 04–10–82000–01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: March 12, 1982.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. McMillan, Regional Director, (404) 881–4091.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management

assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities that can possibly enhance the BDC program effort-i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included n Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 26, 1982 at 1:00 pm.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Dated: February 2, 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82–3633 Filed 2–10–82; 8:45 am]

BILLING CODE 3510–21–M

Financial Assistance Application Announcement; Augusta, Ga. SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning June 1, 1982 in the Augusta, GA SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 04–10–82017–01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: March 12, 1982.

ADDRESS: Atlanta Regional Office Minority Business Development Agency, 1371 Peachtree Street, NE, Suite 505, Atlanta, Georgia 30309

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. McMillan, Regional Director (404) 881–4091.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contracts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award

document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of over $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. Cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Means cash that is contributed or donate by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 26, 1982 at 1:00. PM

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance

Dated: February 5, 1982.

Charles F. McMillam,

Regional Director.

FR Doc. 82-3632 Filed 2-10-82; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement; Greenville-Spartanburg, S.C. SMSA

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning June 1, 1982 in the Greenville-Spartanburg, SC SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 04-10-82016-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: March 12, 1982.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. McMillan, Regional Director, (404) 881-4091.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer tham a full range of management and technical assistance; and serve as a conduit-through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the

application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A–95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 26, 1982, at 1:oo PM.

11.800 Minority Business Development
(Catalog of Federal Domestic Assistance)

Dated: February 5, 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82-3631 Filed 2-10-82; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement; San Francisco Region

The Minority Business Development Agency announces that it is seeking applications under its program to operate six San Francisco Region projects for a twelve-month period beginning July 1, 1982. The aggregate total costs of the projects is $1,950,000.

Funding Instrument: It is anticipated that the funding instruments as defined by the Federal Grant and Cooperative Agreement Act of 1977 will be Cooperative Agreements.

Program Descriptions: Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible minority clients in areas related to the establishment and operation of businesses. These proposed projects are specifically designed to provide business information counseling, financial packaging assistance, and assistance in identifying and exploiting business opportunities and new/or expanding markets.

* ONE COOPERATIVE AGREEMENT UNDER THE BUSINESS DEVELOPMENT CENTER (BDC) PROGRAM to operate a pilot project for a 12-month period beginning July 1, 1982 in the Tuscon SMSA. This pilot project will operate at a cost not to exceed $170,000 and the project I. D. Number is 09-10-82012-01.

* ONE COOPERATIVE AGREEMENT UNDER THE BUSINESS DEVELOPMENT CENTER (BDC) PROGRAM to operate a pilot project for a 12-month period beginning July 1, 1982 in the San Francisco SMSA. This pilot project will operate at a cost not to exceed $700,000 and the project I. D. Number is 09-10-82003-01.

* ONE COOPERATIVE AGREEMENT UNDER THE BUSINESS DEVELOPMENT CENTER (BDC) PROGRAM to operate a pilot project for a 12-month period beginning July 1, 1982 in the Riverside SMSA. This pilot project will operate at a cost not to exceed $410,000 and the project I. D. Number is 09-10-82006-01.

** ONE COOPERATIVE AGREEMENT UNDER THE BUSINESS DEVELOPMENT CENTER (BDC) PROGRAM to operate a pilot project for a 12-month period beginning July 1, 1982 in the Fresno SMSA. This pilot project will operate at a cost not to exceed $250,000 and the project I. D. Number is 09-10-82010-01.

** ONE COOPERATIVE AGREEMENT UNDER THE BUSINESS DEVELOPMENT CENTER (BDC) PROGRAM to operate a pilot project for a 12-month period beginning July 1, 1982 in the Bakersfield SMSA. This pilot project will operate at a cost not to exceed $170,000 and the project I. D. Number is 09-10-82014-01.

** ONE COOPERATIVE AGREEMENT UNDER THE BUSINESS DEVELOPMENT CENTER (BDC) PROGRAM to operate a pilot project for a 12-month period beginning July 1, 1982 in the Oxnard SMSA. This pilot project will operate at a cost not to exceed $250,000 and the project I. D. Number is 09-10-82018-01.

* The closing date for submitting an application is March 15, 1982. An application kit is available upon written request.

** The closing date for submitting an application is March 29, 1982. An application kit is available upon written request.

The pre-application conference to assist all interested applicants will be held at 450 Golden Gate Avenue, San Francisco, California 94102, Room 13029, (13th Floor) on February 22, 1982 at 10:00 a.m.

MBDA offers competitive Cooperative Agreements to all individuals, non-profit organizations, for-profit firms, local and state governments, federally recognized American Indian Tribes and educational institutions to perform the functions of a BDC which are:

To provide management and technical assistance to qualified minority firms.

To develop and maintain an inventory of existing minority businesses and prospective entrepreneurs, and

To provide brokering service that will foster and promote new business ownership, business expansions, market opportunities and new capital sources.

Legal services are excluded.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. A fee for services for assistance provided clients will be charged. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for the firms with gross sales of over $500,000. Cost sharing contributions can be in the form of cash contributions, fee for services, or in-kind contributions.

The program is subject to OMB Circular A-95 requirements.

Proposals are to be mailed to the following address: Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 450 Golden Gate Avenue, Box 36114, San Francisco, California 94102.

FOR FURTHER INFORMATION CONTACT:

Mr. Mikel Cook at 415/556-6733.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: January 29, 1982.

R. V. Romero,

Regional Director.

[FR Doc. 82-3645 Filed 2-10-82; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Reino Aventura; Receipt of Application for Permit

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), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name Reino Aventura (P294) b. Address Rio Tiber 87-8°-P. Col Cuauhtemoc, Mexico 5, D.F.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Bottlenose dolphins (*Tursiops truncatus*), 3.

4. Type of Take: Animals will be temporarily transferred from a facility in Galveston, Texas to Reino Aventura.

5. Location of Activity: ————

6. Period of Activity: 1982.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

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 15, 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, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: February 5, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-3723 Filed 2-10-82; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammal Permit Applications; 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. 184 issued to Dr. Roger Payne, New York Zoological Society, Weston Road, Lincoln, Massachusetts 01773 on May 11, 1977, is modified as follows:

1. Section B is modified by deleting Section B-8 and substituting a new B-8 as follows:

8. This Permit is valid with respect to the taking authorized herein until December 31, 1982.

This modification is effective February 11, 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.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: February 4, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-3724 Filed 2-10-82; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammal Permit Applications; 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), Permit No. 335 issued to Dr. James R. Gilbert, University of Maine at Orono, Orono, Maine 04469 on May 13, 1981 (46 FR 27514) is modified as follows:

Section A-1 is changed to read:

Of these, thirty (30) adult harbor seals may be instrumented with epoxy attached radio tabs.

This modification is effective February 5, 1982.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: February 5, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-3725 Filed 2-10-82; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent to Grant Exclusive Patent License

The National Technical Information Service (NTIS), Department of Commerce, intends to grant to Medical Instrument Research Associates, Inc. having a place of business at Waltham, Massachusetts 02154, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Macula Disc Camera with Improved Resolution," U.S. Patent Application No. 6-239,498 (dated March 2, 1981). The availability of this invention for licensing was announced in the **Federal Register** (46 FR 56002, November 13, 1981). Copies of the Patent Application may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: February 2, 1982.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 82-3700 Filed 2-10-82; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Additional Import Controls on Certain Wool Textile Products from the Socialist Republic of Romania

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling men's and boys' suit-type and other wool coats in Category 433/434 at a level of 230,000 square yards equivalent and women's, girls' and infants' wool sweaters in Category 446, at 6,720 dozen, produced or manufactured in Romania and exported during the twelve-month period which began on April 1, 1981 and extends through March 31, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), and October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409)).

SUMMARY: Under the terms of the Bilateral Wool and Man-Made Fiber

Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania, the United States Government has decided to control imports of wool textile products in Categories 433/434 and 446, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on April 1, 1981, in addition to those categories previously designated.

EFFECTIVE DATE: February 11, 1982.

FOR FURTHER INFORMATION CONTACT:
Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–2184).

SUPPLEMENTARY INFORMATION: On March 25, 1981, there was published in the **Federal Register** (46 FR 18576) a letter dated March 19, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of wool and man-made fiber textile products, produced or manufactured in Romania, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period which began on April 1, 1981 and extends through March 31, 1982. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports of wool textile products in Categories 433/434 and 446, produced or manufactured in Romania and exported to the United States during the same twelve-month period. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of wool textile products in Categories 433/434 and 446, produced or manufactured in Romania and exported during the twelve-month period which began on April 1, 1981, in excess of the designated levels of restraint. The levels have not been adjusted to reflect any imports after March 31, 1981. Imports in Category 446 during the April-December 1981 period amounted to 2,940 dozen and will be charged. During the same period imports in Category 433/434 amounted to 87,960 square yards equivalent and will also be charged. As the data become available, further charges will be made in both categories to account for the period which began on January 1, 1982 and extends to the effective date of this action.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

February 8, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on March 19, 1981 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain wool and man-made fiber textile products, produced or manufactured in Romania.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on February 11, 1982 and for the twelve-month period beginning on April 1, 1981 and extending through March 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption, of wool textile products in Categories 433/434 and 446, produced or manufactured in Romania and exported on and after April 1, 1981, in excess of the following levels of restraint:

Category	12-mo level of restraint [1]
433/434	230,000 square yards equivalent.
446	6,720 dozen.

[1] The levels of restraint have not been adjusted to reflect any imports after March 31, 1980. Imports during the period, April–December 1981 have amounted to 2,940 dozen in Category 446 and 87,960 square yards equivalent in Category 433/434.

Wool textile products in Categories 433/434 and 446 which have been exported to the United States prior to April 1, 1981 shall not be subject to this directive.

Wool textile products in Categories 433/434 and 446 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24,1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409)).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.82–3731 Filed 2–10–82; 8:45 am]

BILLING CODE 3510–25–m

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Record of Decision for Binary Chemical Munitions Program

Pursuant to regulations implementing procedural provisions of the National Environmental Policy Act (40 CFR, § 1505.2) the Department of the Army on February 8, 1982, announced its decision to establish an integrated binary production facility at Pine Bluff Arsenal, Arkansas.

The decision will provide for the establishment of a single industrial complex at Pine Bluff Arsenal, a military reservation where other conventional munitions and military items are currently produced and stored. These latter operations would continue with those of the new complex, which would be located on a 380-acre site and would house production facilities for critical binary chemical precursors, binary munitions load and packout operations, as well as necessary support facilities for utilities, administration, waste treatment, safety and security.

Alternatives to this action were considered and included (1) procurement of binary munitions and/or precursor chemicals from nonmilitary sources; (2) production of chemical munitions filled with lethal agent as in the past; and (3) no development or production of binary chemical munitions (no action). The no-action alternative was considered to be unacceptable because of national security needs. The other alternatives were considered to be less satisfactory than the preferred alternative because of nonavailability of components and/or potentially significant higher costs (Alternatives

1&2), and greater human and environmental risks (Alternative 2).

In the event a cost-effective commercial supply of the critical chemical precursor of the BIGEYE bomb would become available, the Army would redirect its actions to provide for the industrial procurement of this chemical and limit BIGEYE bomb binary facilities at Pine Bluff Arsenal to those needed for load, packout and support operations. No additional environmental impacts would be created in this approach than those anticipated for full-scale operations described in the Final Programmatic Environmental Impact Statement (PEIS) for the binary program which was filed with the Environmental Protection Agency on December 4, 1981—consequently, as with the selected alternative, no significant environmental impacts would occur.

Interested individuals or organizations may review or obtain copies of the Department of the Army Record of Decision for this action at the Army Environmental office (DAEN–ZCE), Room 1E676, Pentagon, Department of the Army, Washington, DC 20310 (Telephone (202) 694–3434).

Dated: February 8, 1982.

Lewis D. Walker,

Deputy for Environmental, Safety and Occupational Health, OASA (IL&FM).

[FR Doc. 82–3713 Filed 2–10–82; 8:45 am]

BILLING CODE 3710–08–M

Corp of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Kansas and Osage Rivers Mineral Intrusion Study

AGENCY: Kansas City District, Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS)

SUMMARY: 1. The primary purpose of this study is to provide for future mineral intrusion abatement on socioeconomic, aquatic, and terrestrial environments along the Smoky Hill, Saline, and Solomon Rivers in eastern Saline and western Dickinson Counties, Kansas, near the towns of New Cambria, Solomon, and Sand Springs. The area of improvement will also include the Kansas River.

2. Reasonable alternatives that will be studied include:

a. No Federal Action. This measure would result in a continuation of mineral intrusion as it is presently occurring.

b. Interception and Subsurface Disposal. This measure would involve drilling a series of relief wells to intercept saline ground water. The collected saline water would be subsequently injected into deep geological formations lying 3,000 to 3,200 feet below the land surface.

c. Interception and Evaporation Ponds. This measure would involve the collection of saline ground water as in 2.b.; however, the disposal of the saline water would be by means of one or two evaporation ponds.

d. In-Channel Storage. This measure would involve retention and storage of mineralized surface water in that portion of the river channel where the majority of salt intrusion is located. Fresh water would be diverted around the stored saline water via two concrete-lined channels totaling 8 miles in length. The stored saline water would be flushed downstream during periods of high flow.

e. Dilution From Existing Lakes. This measure would use releases from the water stored in the multipurpose pool at the existing Tuttle Creek or Milford Lakes to dilute the Kansas River during periods of high chloride concentrations.

3. Scoping Process:

a. Public Involvement: A public involvement program was developed as a means of soliciting public views on these alternatives and has already begun. A public workshop was held 21 October 1980 in Salina, Kansas, which addressed mineral intrusion problems on the Smoky Hill, Saline, and Solomon Rivers. Two scoping meetings, involving Federal and state agencies, were held in Topeka, Kansas, on 13 February 1980 and 19 May 1981. Additional public meetings will be held to provide additional information for the Draft Feasibility Report (DFR) and DEIS). These documents will be distributed to the public and Federal/state agencies for review and comment. The participation of the public and all interested Government agencies is invited during all stages of the study planning process.

b. Environmental consultation and review will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and other applicable laws, regulations, and guidelines.

c. The Kansas City District estimates that the DEIS and DFR for the mineral intrusion study will be available for public review and comment in January 1983.

ADDRESS: Questions concerning the proposed study and the DEIS should be directed to Mr. Dick Taylor, Chief, Environmental Resources Section, Corps of Engineers, 700 Federal Building, Kansas City, Missouri 64106. Phone: (816) 374–3762 or FTS 758–3672.

Dated: February 2, 1982.

Paul D. Barber,

Chief, Engineering Division.

[FR Doc. 82–3635 Filed 2–10–82; 8:45 am]

BILLING CODE 3710–KN–M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of subsection (d) of section 1C of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Monday, 15 March 1982, Plaza West, Rosslyn, Virginia.

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on the Department of Defense Intelligence Information System.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 8, 1982.

[FR Doc. 82–3709 Filed 2–10–82; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Office of the Secretary.

Grants for Special Educational Programs for Students Whose Families Are Engaged In Migrant and Other Seasonal Farmwork; College Assistance Migrant Program

AGENCY: Department of Education.

ACTION: Notice of extension of closing date for transmittal of applications for fiscal year 1982.

This notice extends the closing date of February 19, 1982 for the transmittal of applications under the College Assistance Migrant Program (CAMP) to provide academic and supporting services and financial assistance to students who are engaged, or whose families are engaged, in migrant and other seasonal farmwork. (**Note.**—The previous application notice for this

program was published in the **Federal Register** on October 28, 1981, at 46 FR 53315.)

The authority for CAMP is contained in Section 418A of Title IV of the Higher Education Act, as amended by Pub. L. 96–374 (20 U.S.C. 1070d–2).

Eligible applicants are institutions of higher education (IHEs) and other public or nonprofit private agencies in cooperation with IHEs.

The purpose of CAMP is to provide grants to IHEs and other agencies, in cooperation with IHEs, to design and implement projects of academic and supporting services and financial assistance to address the special educational needs of migrant and seasonal farmworker students and to enhance the opportunity of these students for success at the postsecondary education level.

New Closing Date for Transmittal of Applications: An applicant must mail or hand deliver its application for a grant to the U.S. Department of Education by March 22, 1982.

Applications Delivered by Mail: An applicant that sends its application by mail must address its application to the U.S. Department of Education, Application Control Center, Attention: 84.149, Washington, D.C. 20202–3561.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly-dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an applicant sends its application through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

The Secretary encourages an applicant to use registered or, at least, first class mail. The Secretary notifies a late applicant that its application will not be considered.

Applications Delivered by Hand: An applicant that hand delivers its application must take the application to the U.S. Department of Education, Application Control Center, Regional Office Building 3, Room 5673, Seventh and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered appliacation betaween 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

The Application Control Center does not accept an application that is hand delivered after 4:30 p.m. on the closing date.

Program Information: The Secretary awards CAMP grants to IHEs and other agencies, in cooperation with IHEs, for projects of academic and supporting services and financial assistance to address the special educational needs of migrant and seasonal farmworker students and to enhance the opportunity of these students for success at the postsecondary education level.

The Secretary makes these grants to IHEs and other agencies, in cooperation with IHEs, to assist migrant and seasonal farmworker students who are enrolled or are admitted for enrollment on a full-time basis in the first academic year at an IHE. CAMP provides assistance to help migrant and seasonal farmworker students in—

(1) Making the transition from secondary school to postsecondary school;

(2) Generating the motivation necessary to succeed in postsecondary school; and

(3) Developing the skills necessary to succeed in postsecondary school.

Available Funds: The Secretary estimates that there will be $1.063—$1.160 million available for FY 1982 grants. The Secretary estimates that these funds will support 3–5 projects with grants funded at between $100,000 and $400,000. These estimates, however, do not bind the U.S. Department of Education to a specific number of grants nor to the amount of any grant unless that amount is otherwise specified by statute or regulations. An applicant may propose a project of one to three years. However, the continued funding for projects approved for more than one year is subject to the availability and amount of a Congressional appropriation.

Application Forms: A prospective applicant may obtain application forms and instructions by writing to Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W. (ROB–3, Room 3608), Washington, D.C. 20202–3303.

An applicant must prepare and submit its application in accordance with the regulations, instructions, and forms included in the grant application package. The grant application package is intended to aid applicants in applying for assistance under this program. Nothing in the grant application package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations governing this program.

The Secretary strongly urges that the narrative portion of an appliation not exceed 30 pages. The Secretary also urges that an applicant not submit information that is not requested.

Special Procedures: An applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on its application.

In its application, an applicant must provide—

(1) The comments of each clearinghouse that commented on its application; or

(2) A statement that the applicant used the procedures of Part I of OMB Circular A–95 but did not receive any clearinghouse comments.

Applicable Regulations: The regulations that apply to CAMP include the following:

(1) The Migrant Education High School Equivalency Program and College Assistance Mirgrant Program Regulations (34 CFR Part 206) that were published in the **Federal Register** on July 6, 1981 (at 46 FR 35072) as final regulations.

(2) The Education Department General Administrative Regulations (EDGAR, 34 CFR Parts 75 and 77).

(3) The Grants Administration Regulations (34 CFR Part 74).

Further Information: For further information, contact Mr. Joseph P. Bertoglio, Acting Director, Division of Program Coordination and Support, Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W. (ROB–3, Room 3608), Washington, D.C. 20202–3303. Telephone No. (202) 245–2222.

(20 U.S.C. 1070d–2)

(Catalog of Federal Domestic Assistance No. 84.149; Migrant Education/College Assistance Migrant Program)

Dated: February 4, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-3617 Filed 2-10-82; 8:45 am]

BILLING CODE 4000-01-M

Grants for Special Educational Programs for Students Whose Families Are Engaged In Migrant and Other Seasonal Farmwork; High School Equivalency Program

AGENCY: Department of Education.

ACTION: Notice of extension of closing date for transmittal of applications for fiscal year 1982.

This notice extends the closing date of February 19, 1982 for the transmittal of applications under the High School Equivalency Program (HEP) to provide academic and supporting services and financial assistance to students who are engaged, or whose families are engaged, in migrant and other seasonal farmwork. (**Note.**—The previous application notice for this program was pubished in the **Federal Register** on October 28, 1981, at 46 FR 53314.)

The authority for HEP is contained in Section 418A of Title IV of the Higher Education Act, as amended by Pub. L. 96-374 (20 U.S.C. 1070d-2).

Eligible applicants are institutions of higher education (IHEs) and other public or nonprofit private agencies in cooperation with IHEs.

The purpose of HEP is to provide grants to IHEs and other agencies, in cooperation with IHEs, to design and implement projects of academic and supporting services and financial assistance to address the special educational needs of migrant and seasonal farmworker students and to enhance the opportunity of these students for success at the secondary education level.

New Closing Date for Transmittal of Applications: An applicant must mail or hand deliver its application for a grant to the U.S. Department of Education by March 22, 1982.

Applications Delivered by Mail: An applicant that sends its application by mail must address its application to the U.S. Department of Education, Application Control Center, Attention: 84.141, Washington, D.C. 20202-3561.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly-dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an applicant sends its application through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

The Secretary encourages an applicant to use registered or, at least, first class mail. The Secretary notifies a late applicant that its application will not be considered.

Applications Delivered by Hand: An applicant that hand delivers its application must take the application to the U.S. Department of Education, Application Control Center, Regional Office Building 3, Room 5673, Seventh and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

The Application Control Center does not accept an application that is hand delivered after 4:30 p.m. on the closing date.

Program Information: The Secretary awards HEP grants to IHEs and other agencies, in cooperation with IHEs, for projects of academic and supporting services and financial assistance to address the special educational needs of migrant and seasonal farmworker students and to enhance the opportunity of these students for success at the secondary education level.

The Secretary makes these grants to IHEs and other agencies, in cooperation with IHEs, to assist migrant and seasonal farmworker "drop-out" students in obtaining the equivalent of a secondary school diploma and subsequently gaining employment or being admitted to an IHE or other postsecondary education or training.

Available Funds: the Secretary estimates that there will be $5.584-$5.851 million available for FY 1982 grants. The Secretary estimates that these funds will support 13-18 projects with grants funded at between $100,000 and $400,000. These estimates, however, do not bind the U.S. Department of Education to a specific number of grants nor to the amount of any grant unless that amount is otherwise specified by statute or regulations. An applicant may propose a project of one to three years. However, the continued funding for projects approved for more than one year is subject to the availability and amount of a Congressional appropriation.

Application Forms: A prospective applicant may obtain application forms and instructions by writing to Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W. (ROB-3, Room 3608), Washington, D.C. 20202-3303.

An applicant must prepare and submit its application in accordance with the regulations, instructions, and forms included in the grant application package. The grant application package is intended to aid applicants in applying for assistance under this program. Nothing in the grant application package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those spcifically imposed under the statute and regulations governing this program.

The Secretary strongly urges that the narrative portion of an application not exceed 30 pages. The Secretary also urges that an applicant not submit information that is not requested.

Special Procedures: An applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A-95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A-95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on its application.

In its application, an applicant must provide—

(1) The comments of each clearinghouse that commented on its application; or

(2) A statement that the applicant used the procedures of Part I of OMB Circular A-95 but did not receive any clearinghouse comments.

Applicable Regulations: The regulations that apply to HEP include the following:

(1) The Migrant Education High School Equivalency Program and College Assistance Migrant Program Regulations (34 CFR Part 206) that were published in the **Federal Register** on July 6, 1981 (at 46 FR 35072) as final regulations.

(2) The Education Department General Administrative Regulations (EDGAR, 34 CFR Parts 75 and 77).

(3) The Grants Administration Regulations (34 CFR Part 74).

Further Information: For further information, contact Mr. Joseph P. Bertoglio, Acting Director, Division of Program Coordination and Support, Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W. (ROB–3, Room 3608), Washington, D.C. 20202–3303. Telephone No. (202) 245–2222.

(20 U.S.C. 1070d–2)

(Catalog of Federal Domestic Assistance No. 84.141; Migrant Education/High School Equivalency Program)

Dated: February 4, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82–3618 Filed 2–10–82; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

February 11, 1982.

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meetings:

I. A meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on February 17, 1982, at the offices of the IEA, 2 Rue Pascal, Paris 16, France, beginning at 10:00 a.m. This meeting is being held in order to permit representatives of some of the members of Subcommittee A to participate in a meeting of a Joint Government/Industry Design Group for the preparation of the fourth IEA allocations system test (AST–4). That Group has been established by the IEA and is meeting at Paris on February 17.

The Agenda for the meeting is as follows:

1. Adoption of the Agenda.
2. Composition of Joint SEQ/IAB Design Group.
3. Introductory Remarks.
4. Scope and Objectives of Test:
—Testing of Pricing Principles;
—Testing of Dispute Settlement Centre;
—Other New Featurs Compared with AST–3.
5. Date of Test.
6. Work Program and Meeting Schedule:
—AST–4 Test Guide;
—Test-run Questionnaire A/ Questionnaire B data;
—NESO/ISAG/Secretariat Briefing (Early 1983 proposed);
—Clearance of data for use in Test;
—Dates and places of future meetings.

II. A meeting of the IAB to the IEA be held on February 17, 1982, at the office of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 2:30 p.m.

The Agenda for the meeting is as follows:

1. Opening remarks.
2. Correspondence and communications with Reporting Companies.
3. Future IAB activities.
4. Transfer of IAB Chairmanship.

III. A meeting of the IAB to the IEA will be held on February 18, 1982, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is being held in Paris on that date.

The Agenda for the meeting is under the control of the SEQ. It is expected that the following draft Agenda will be followed:

1. Adoption of the Draft Agenda.
2. Record of Minutes and Matters Arising.
3. December Assessment. January Assessment.
4. Quarterly Oil Forecast.
5. Naptha.
6. Pricing in an Emergency.
7. Stocks and Stock Policies.
8. Demand Restraint—Luxembourg. Demand Restraint Reviews.
9. 1982 Work Program.
10. Base Period Final Consumption.
11. Any other business.
12. Dates of next meetings.

As permittted by 10 CFR section 209.32, the usual 7-day notice period has been shortened because unanticipated procedural delays prevented processing in sufficient time to provide such notice.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., February 3, 1982.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 82–3896 Filed 2–10–82; 10:01 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Little America Refining Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Censent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Little America Refining Co. (LARCO) as a final order of the Department.

EFFECTIVE DATE: February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor, Economic Regulatory Administration, RG–30, 12th & Pennsylvania Avenue N.W., Washington, D.C. 20461 (202) 633–9165.

SUPPLEMENTARY INFORMATION: On November 25, 1981, 46 Fed. Reg. 57723, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with LARCO on November 14, 1981 which would not become effective sooner than 30 days after publication of that notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The Consent Order constitutes a comprehensive settlement concerning LARCO's compliance with the Federal petroleum price and allocation regulations for the period August 19, 1973 through January 27, 1981. In settlement of all matters raised in the audit, LARCO agrees to pay $2,175,000 in three bi-monthly installments. The Consent Order is neither a admission by LARCO nor a finding by DOE of a violation of the afforementioned regulations.

Seven comments were received. None of the comments objected to the settlement. Each of he commentors requested that a portion of the refund paid by LARCO pusuant to the Consent Order be paid to them since they were customers of LARCO during the period of the Consent Order.

We agree that refunds should be made to identifiable customers. However, given the operation of the regulations, it is not always possible to identify specific customers or to determine their injury.

The DOE will attempt to identify those customers which purchased product at prices questioned by DOE in the audit. Refunds will be paid to those customers we are able to identify. If we cannot identify such customers or determine their injury, or if the refunds do not exhaust LARCO's payment, the balance not refunded to customers will be disbursed in some other manner, such as payment to the U.S. Treasury.

Based on the comments received, we have determined that the Consent Order should be made final as proposed. Accordingly, the proposed Consent

Order is made final without modification on the date of publication of this notice.

Issued in Washington, D.C. on the 8th day of February, 1982.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 82-3897 Filed 2-10-82 10:02 am]

BILLING CODE 6450-01-M

Jay Petroleum, Inc.; 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 Jay Petroleum, Inc. of Oklahoma City, Oklahoma.

This proposed remedial order charged Jay Petroleum, Inc. with pricing violations in the amount of $376,700.75 in sales of crude oil during the time period September 1, 1973 through January 28, 1981.

A copy of the proposed remedial order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106. On or before February 26, 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 Kansas City, Missouri, on the 26th day of January 1982.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Counsel, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 82-3711 Filed 2-10-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER82-258-000]

Connecticut Light and Power Co., et al.; Filing

February 8, 1982.

The filing Company submits the following:

Take notice that on January 29, 1982, the Connecticut Light and Power Company (CL&P) filed a proposed change to the Transmission Service Agreement dated as of September 25, 1980, between CL&P, the Hartford Electric Light Company, Western Massachusetts Electric Company, Holyoke Water Power Company, and Holyoke Power and Electric Company (collectively referred to as the "Northeast Utilities companies") and Connecticut Municipal Electric Energy Cooperative (CMEEC).

CL&P states that the proposed change would increase the rate of return on common equity of the Northeast Utilities companies from 14.5 percent to 17.0 percent and would increase revenues from service under the Transmission Service Agreement by approximately $131,000 based on the 12-month period ending December 31, 1981.

CL&P further states that the proposed change is intended to provide a just and reasonable rate of return to the Northeast Utilities companies on their investment in transmission facilities used by CMEEC. CL&P proposes an effective date of April 1, 1982.

According to CL&P copies of the filing were served upon CMEEC, which is the only utility receiving service under the Transmission Service Agreement.

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 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3593 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1991-001]

Thomas W. Coppock; Application

February 8, 1982.

The filing individual submits the following:

Take notice on January 27, 1982 Thomas W. Coppock filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President-Director, Philadelphia Electric Power Company

Vice President-Director, Susquehanna Power Company

Vice President-Director, Susquehanna Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 1, 1982. Protects will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3594 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-263-000]

Indiana & Michigan Electric Co.; Filing

February 8, 1982.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on January 29, 1982, tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (I&M), Modification No. 9 dated January 1, 1982 to the Interconnection Agreement dated February 21, 1964 between Public Service Company of Indiana, Inc. (Service Company) and I&M, I&M's Rate Schedule FERC No. 24.

AEP states that Sections 1 and 2 of Modification No. 9 provide for an increase in the demand charge for Short Term and Limited Term Power to $1.25 per kilowatt per week and $6.50 per kilowatt per month respectively, when I&M is the supplying party, and $1.05/kW-week and $5.50/kW-month respectively when Service Company is the supplying party.

AEP requests that both schedules become effective on January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Public Service Company of Indiana, Inc., the Public Service Commission of Indiana, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, 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 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3595 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-262-000]

Indiana & Michigan Electric Co.; Filing

February 8, 1982.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on January 29, 1982, tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (I&M), Modification No. 9 dated January 1, 1982 to the Agreement dated January 2, 1977 between the City of Richmond, Indiana and Indiana & Michigan Electric Company, I&M's Rate Schedule FERC No. 70.

AEP states that Sections 1 and 2 of Modification No. 9 provide for an increase in the demand charge for Short Term and Limited Term Power to $1.25 per kilowatt per week and $6.50 per kilowatt per month respectively. This rate applies to I&M only.

AEP requests that both schedules become effective on January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Richmond Power & Light Company, the Illinois Commerce Commission, the Michigan Public Service Commission, and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital 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 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3596 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-257-000]

Kansas Gas & Electric Co.; Filing

February 8, 1982.

The filing Company submits the following:

Take notice that Kansas Gas & Electric Company (KGE) on January 29, 1982, tendered for filing a Transmission Agreement and related Service Schedules between the Company and Kansas Electric Power Cooperative, Inc. (KEPCo).

Kansas Gas & Electric Company states that the filing represents the culmination of KEPCo's purchase into the Wolf Creek generating station and the resultant assumption of the full requirements power supplier to its individual member cooperatives, eight of whom were formerly full requirements customers of KGE. This filing will provide KEPCo the necessary vehicle to provide service to its members in the KGE power supply area.

Copies of the filing were served upon KEPCo and the Utilities Division of the Kansas Corporation Commission.

KGE requests waiver of the Commission's notice requirements in order to allow an effective date of January 1, 1982.

Any person desiring to be heard or to protest said Application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules and practice of procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

FR Doc. 82-3597 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-256-000]

Oklahoma Gas & Electric Co.; Filing

February 8, 1982.

The filing Company submits the following;

Take notice that on January 29, 1982, Oklahoma Gas and Electric Company (OG&E), tendered for filing Revised Sheet Nos. 4 through 16 and Nos. 28–29 to its FERC Electric Tariff, 1st Revised Volume No. 1, containing revised rates and charges, and a revised Index of Purchasers, applicable to OG&E's 22 municipal and 3 rural electric cooperative sales-for-resale customers. The revised rates are contained in proposed Rate Schedules WM–1, WM–2, and WC–1 applicable to municipalities and cooperatives, respectively. Also proposed is a change in the rates charged for wheeling and transmission service agreements with Southwestern Power Administration (SWPA) and Western Farmers Electric Cooperative, Inc., (WFEC). OG&E proposes an effective date of March 31, 1982.

OG&E states that copies of the filing have been sent to its municipal and cooperative customers, to SWPA and its customers, WFEC, the Corporation Commisssion of the State of Oklahoma and the Arkansas 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. 20406, in accordance with §§ 1.8 and 1.10 of the Commission's rules or practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3598 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-259-000]

Public Service Co. of Indiana, Inc., Proposed Tariff Change

February 8, 1982.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc. (PSCI) on January 29, 1982, tendered for filing pursuant to the Interconnection Agreement between PSCI and Central Illinois Public Service Company a Ninth Supplemental Agreement to become effective March 29, 1982.

PSCI states that said Supplemental Agreement increases the demand charge for Short Term Power from 85¢ per kilowatt per week to $1.05 per kilowatt per week.

According to PSCI copies of the filing were served upon Central Illinois Public Service Company, Illinois Commerce Commission and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20406, 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 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3599 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-80-001]

Public Service Company of Oklahoma; Compliance Filing

February 8, 1982.

The filing Company submits the following:

Take notice that on January 28, 1982, Public Service Company of Oklahoma filed revised Rate Schedules RE-5 and RE-6 in compliance with the Commission's January 8, 1982 order.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 26, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3600 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-557-001]

Philadelphia Electric Co.; Compliance Filing

February 8, 1982.

The filing Company submits the following:

Take notice that on January 18, 1982, Philadelphia Electric Company filed revised rate schedules in compliance with the Commission's letter order of December 11, 1981 which approved the proposed settlement in this docket.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 26, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3601 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-260-000]

Southern Indiana Gas & Electric Co.; Proposed Tariff Change

February 8, 1982.

The filing Company submits the following:

Take notice that Southern Indiana Gas and Electric Company on January 29, 1982, tendered for filing pursuant to Service Schedule G—Firm Power of the Interconnection Agreement between the United States of America, acting by and through the Administrator of the Rural Electrification Administration, Hoosier Energy Rural Electric Cooperative, Inc., Public Service Company of Indiana, Inc. and Southern Indiana Gas and Electric Company, Rate Schedule FERC No. 222, a Notice to terminate such Service Schedule G—Firm Power on December 31, 1981.

Such Notice of Termination is in accordance with Article 8 of an additional Interconnection Agreement, dated April 15, 1977, between the parties.

A copy of the filing was served upon Hoosier Energy Rural Electric Cooperative, Inc., Public Service Company of Indiana, Inc. and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20406, 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 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection at the Federal Energy Regulatory Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3602 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-261-000]

Union Electric Co., Filing

February 8, 1982.

The filing Company submits the following:

Take notice that on January 29, 1982, Union Electric Company (Union) tendered for filing an Amendment dated December 1, 1981 to the Wholesale Electric Service Agreement dated June 27, 1977, between the City of Rolla, Missouri and Union. Said Amendment primarily provides for a new delivery points.

Union requests an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8,

1.10). All such petitions or protests should be filed on or before February 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3603 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 5, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-AEC OIL & GAS INC			RECEIVED:	01/07/82	JA: TX				
8213888	F-7B-041489	4236732072		102-2		PETREY # 1	WEATHERFORD (ATOKA MI	63.9	INTRASTATE GATHER
-AMERICAN PETROFINA COMPANY OF TEXAS			RECEIVED:	01/07/82	JA: TX				
8213875	F-04-041102	4235531174		103		W C RIVERS #6	AGUA DULCE FIELD (HAR	30.0	TENNESSEE GAS PIP
-AMERICAN QUASAR PETROLEUM CO			RECEIVED:	01/07/82	JA: TX				
8213949	F-8A-042744	4244530952		103		TRUETT FLACHE #2-71	BROWNFIELD S (FUSSELM	0.0	
-AMMEX PETROLEUM INC			RECEIVED:	01/07/82	JA: TX				
8213964	F-03-042942	4214931109		102-2		AMANDA UNIT #1	GIDDINGS (AUSTIN CHAL	180.0	CLAJON GAS CO
-AMOCO PRODUCTION CO			RECEIVED:	01/07/82	JA: TX				
8213911	F-08-042091	4200332514		103		BLOCK 9 FUHRMAN MASCHO UNIT #105	FUHRMAN-MASCHO	5.1	PHILLIPS PETROLEU
8213984	F-8A-043171	4230330244		102-4		HERMAN WUENSCHE #1	WILSON WEST (CLEARFOR	6.6	
8213977	F-06-043104	4207330405		102-4		JOHN M DIXON #1	SOUTHERN PINE /TRAVIS	288.0	TEXAS UTILITIES F
-ANDERSON PETROLEUM INC			RECEIVED:	01/07/82	JA: TX				
8213862	F-7C-040499	4243532448		103	107-TF	GUY WYATT ASKEW B 2-42	SAWYER (CANYON)	100.0	SUTTON COUNTY PIP
8213866	F-7C-040616	4243532502		103	107-TF	GUY WYATT ASKEW 1-44	SAWYER (CANYON)	75.0	SUTTON COUNTY PIP
-ARIES PETROLEUM INC			RECEIVED:	01/07/82	JA: TX				
8213910	F-7B-041993	4205933182		102-4		W L LAWRENCE A #1	J R G CANYON	500.0	SOUTHWESTERN GAS
-ARKANSAS LOUISIANA GAS CO			RECEIVED:	01/07/82	JA: TX				
8213747	F-06-029223	4231530535		103		CROMER (SHALLOW GAS) #2	RODESSA (CHARGED)	40.0	ARKANSAS LOUISIAN
-ATKINSON & FRASER			RECEIVED:	01/07/82	JA: TX				
8213930	F-7B-042603	4213332724		103		R B WEDDINGTON A #1	LEE RAY (LAKE)	32.0	LONE STAR GAS CO
-AUSTEX ENERGY CO INC			RECEIVED:	01/07/82	JA: TX				
8213928	F-7B-042530	4236332742		102-4		HAROLD SLEMMONS A #1-A (95817)	WILLIE MAE (3RD CONGL	145.0	SOUTHWESTERN GAS
8213919	F-7B-042270	4236332740		102-4		MALLORY #1	WILDCAT	410.0	SOUTHWESTERN GAS
-BAKER BIRDWELL & T A WALKER			RECEIVED:	01/07/82	JA: TX				
8213740	F-03-023037	4203931515		102-4		GERTRUDE LEIDER #1	MANVEL (LISSIE 1100)	146.0	HOUSTON PIPELINE
-BLOCKER EXPLORATION CO			RECEIVED:	01/07/82	JA: TX				
8213789	F-04-035382	4247932134		102-2		JOHN R BLOCKER 1045-3 (80268)	BLOCKER RANCH (OLMOS	0.5	HOUSTON PIPELINE
8213788	F-04-035381	4247900000		102-2		JOHN R BLOCKER 1843-1 (ID# 79891)	BLOCKER RANCH(OLMOS N	0.2	HOUSTON PIPELINE
-BTA OIL PRODUCERS			RECEIVED:	01/07/82	JA: TX				
8213794	F-08-035996	4237133293		103	107-TF	8004 JV-P GRANDE #2	PECOS GRANDE (WOLFCAM	1800.0	LONE STAR GAS CO
-C L GAGE JR			RECEIVED:	01/07/82	JA: TX				
8213752	F-7B-030285	4236700000		103		ROBERT RIGGS 2-A	GARNER NW (4400)	270.5	NATURAL GAS PIPEL
-CAROLINA GROUP INC			RECEIVED:	01/07/82	JA: TX				
8213766	F-7B-031715	4214330488		108		SIMMS #1	LUSBY (MARBLE FALLS)	21.0	NORTHERN GAS PROD
-CARTER EXPLORATION CO			RECEIVED:	01/07/82	JA: TX				
8213799	F-02-036578	4223931543		102-4		WEARDEN CORP #1	WEARDEN (VICKSBURG 53	200.0	TRANSCONTINENTAL
-CHAMPLIN EXPLORATION INC			RECEIVED:	01/07/82	JA: TX				
8213751	F-03-030180	4205130871		103		STEGMUELLER #7	GIDDINGS (AUSTIN CHAL	300.0	CLAJON GAS CO
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	01/07/82	JA: TX				
8213764	F-03-031579	4205131059		102-2	103	ALBERT SCHULTZ #1	GIDDINGS	171.9	FERGUSON CROSSING

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213840	F-03-039044	4205100000		102-2	103	ANTON KENSEK #1	GIDDINGS	0.0	FERGUSON CROSSING
8213769	F-03-031898	4205130987		102-2	103	BENNIE SUPAK #1	GIDDINGS	235.0	FERGUSON CROSSING
8213803	F-06-037169	4236500000		103	107-TF	CARTHAGE GAS UNIT 15 #5	CARTHAGE (COTTON VALL	0.0	TENNESSEE GAS PIP
8213785	F-06-035016	4236531230		103	107-TF	CARTHAGE GAS UNIT 35 #2	CARTHAGE (COTTON VALL	766.5	TEXAS GAS TRANSMI
8213784	F-03-035015	4205100000		102-2	103	DOROTHY STECK #1	GIDDINGS	0.0	FERGUSON CROSSING
8213759	F-03-030774	4205100000		102-2	103	ELIZABETH LUSKA #1	GIDDINGS	0.0	FERGUSON CROSSING
*8213842	F-04-039218	4235531802		102-4	103	G P WARDNER #157	STRATTON (G-29 RES 2)	682.5	TENNESSEE GAS PIP
8213853	F-08-040315	4243130994		103		I W TERRY #10	CONGER SW	162.0	NORTHERN NATURAL
8213991	F-08-043213	4243131041		103		I W TERRY #12	CONGER SW (PENN)	60.0	NORTHERN NATURAL
8213883	F-03-041427	4205100000		102-2	103	JENKINS GARRETT #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
8213871	F-03-040834	4205131798		102-2	103	JUNELL BRINKMAN A #1	GIDDINGS (AUSTIN CHAL	264.0	FERGUSON CROSSING
8213765	F-03-031669	4205131032		102-2	103	LENWOOD WALLACE #1	GIDDINGS	188.0	FERGUSON CROSSING
8213737	F-06-030248	4220330569		102-3	103	LETOURNEAU #2	T A THOMPSON SURVEY	282.0	HYDROCARBON TRANS
-CHEVRON U S A INC				RECEIVED:		01/07/82 JA: TX			
8213891	F-08-041606	4200332663		103		COLUMBUS GRAY 19 #22	FUHRMAN MASCHO	236.0	PHILLIPS PETROLEU
8213896	F-08-041698	4200332502		103		COLUMBUS GRAY 21 #20	FUHRMAN MASCHO	44.0	PHILLIPS PETROLEU
8213895	F-08-041697	4200332682		103		COLUMBUS GRAY 21 #23	FUHRMAN MASCHO	56.0	PHILLIPS PETROLEU
8213890	F-08-041604	4200332501		103		COLUMBUS GRAY 22 #18	FUHRMAN MASCHO	104.0	PHILLIPS PETROLEU
8213885	F-08-041448	4200332500		103		COLUMBUS GRAY 22 #19	FUHRMAN MASCHO	228.0	PHILLIPS PETROLEU
8213881	F-09-041214	4218130775		103		W A DARTER 3 #4	SHERMAN (DAVIS 8400)	548.0	LONE STAR GAS CO
8213882	F-09-041228	4218130775		103		W A DARTER 3 #4	SHERMAN (7500 SAND)	19.0	LONE STAR GAS CO
-CITIES SERVICE COMPANY				RECEIVED:		01/07/82 JA: TX			
8213859	F-06-040426	4234730507		102-4		DELONEY A #1	APPLEBY NORTH (TRAVIS	351.0	
-CLAYTON W WILLIAMS JR				RECEIVED:		01/07/82 JA: TX			
8213835	F-03-038697	4205100000		102-2		LOIS GRAHAM A-2	GIDDINGS	0.0	VALERO TRANSMISSI
-CLYDE HOUSTON				RECEIVED:		01/07/82 JA: TX			
8213951	F-78-042769	4213333195		103		MAC #1	FOSTER (MARBLE FALLS)	42.0	ODESSA NATURAL CO
8213952	F-78-042770	4213332933		103		WALKER #1	FOSTER (MARBLE FALLS)	28.0	ODESSA NATURAL CO
-CONOCO INC				RECEIVED:		01/07/82 JA: TX			
8213753	F-10-030607	4206500000		108		BURNETT #33A	WEST PANHANDLE	19.0	CITIES SERVICE GA
8213754	F-10-030608	4206500000		108		BURNETT #51A	WEST PANHANDLE	11.0	CITIES SERVICE GA
8213755	F-10-030609	4206500000		108		BURNETT #52A	WEST PANHANDLE	21.0	CITIES SERVICE GA
8213756	F-10-030616	4206500000		108		H T DEAHL #1	WEST PANHANDLE	3.0	CITIES SERVICE GA
8213757	F-10-030624	4206500000		108		WHITE DEER INV CO #1	WEST PANHANDLE	7.0	CITIES SERVICE GA
-CORDOVA RESOURCES INC				RECEIVED:		01/07/82 JA: TX			
8213962	F-78-042934	4213332544		103		BONNIE BROOKS #4	EASTLAND COUNTY REGUL	0.4	ODESSA NATURAL CO
8213963	F-78-042935	4213300000		108	103	SHIRLEY #1	EASTLAND COUNTY REGUL	0.4	ODESSA NATURAL CO
8213965	F-78-042952	4213300000		108		UNDERWOOD HEIRS #1	EASTLAND COUNTY REGUL	0.4	ODESSA NATURAL CO
-CORPUS CHRISTI OIL AND GAS CO				RECEIVED:		01/07/82 JA: TX			
8213901	F-04-041807	4242731563		102-4		F B GUERRA	LA REFORMA W (5580')	0.0	TENNESSEE GAS PIP
-COTTON PETROLEUM CORPORATION				RECEIVED:		01/07/82 JA: TX			
8213850	F-10-040072	4229530965		103		KEMP A-2	FRASS (MORROW UPPER)	450.0	
-CPC EXPLORATION INC				RECEIVED:		01/07/82 JA: TX			
8213997	F-03-043226	4205131702		102-4		A G MCNEESE #3 12625	CALDWELL (AUSTIN CHAL	100.0	FERGUSON CROSSING
8213993	F-03-043222	4205131633		102-4		GEORGE CROOK #2 LEASE NO 12543	CALDWELL (AUSTIN CHAL	100.0	FERGUSON CROSSING
8213996	F-03-043225	4205130433		102-4		GEORGE H CROOK #1 LEASE NO 12543	CALDWELL (AUSTIN CHAL	100.0	FERGUSON CROSSING
8213995	F-03-043224	4205131207		102-4		LEGGIO UNIT LEASE NO 13810	CALDWELL (AUSTIN CHAL	100.0	FERGUSON CROSSING
8213994	F-03-043223	4205131025		102-2		MATCEK A LEASE NO 13585	CALDWELL (AUSTIN CHAL	100.0	FERGUSON CROSSING
8213972	F-03-043016	4214931159		102-2		PETERS HAMFF UNIT #1 LEASE NO 14070	GIDDINGS (AUSTIN CHAL	100.0	PHILLIPS PETROLEU
8213992	F-03-043220	4205131551		102-4		RATCLIFFE #2 LEASE NO 12046	CALDWELL (AUSTIN CHAL	100.0	FERGUSON CROSSING
8213998	F-03-043227	4205113751		102-4		T G RATCLIFFE #3 LEASE NO 12046	CALDWELL (AUSTIN CHAL	100.0	FERGUSON CROSSING
8213945	F-03-042680	4214930732		102-2		TAYLOR LEASE NO	GIDDINGS (BUDA)	100.0	PHILLIPS PETROLEU
8213946	F-03-042687	4214930953		102-2		TAYLOR-MITSCHKE LEASE NO 13999	GIDDINGS (AUSTIN CHAL	100.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CRAIN OIL CO				RECEIVED:	01/07/82	JA: TX			
8213880	F-7C-041182	4210500000		103		UNIVERSITY 18	FARMER (SAN ANDRES)	0.0	
8213879	F-7C-041181	4210532607		103		UNIVERSITY 23 #3	FARMER (SAN ANDRES)	0.0	
8213878	F-7C-041180	4210500000		103		UNIVERSITY 3N	FARMER (SAN ANDRES)	0.0	
-CRB OIL & GAS INC				RECEIVED:	01/07/82	JA: TX			
8213860	F-03-040449	4214931066		102-2		CLARA #1	GIDDINGS (AUSTIN CHAL	182.0	PHILLIPS PETROLEU
8213868	F-01-040639	4250731408		102-4		LEE RANCH #5	LEE RANCH (SAN MIGUEL	110.0	NORTHERN NATURAL
-DAMSON OIL CORPORATION				RECEIVED:	01/07/82	JA: TX			
8213924	F-02-042432	4223931601		102-4		CLARENCE BULLER #1	WILDCAT	550.0	VALERO GAS TRANSM
8213857	F-02-040369	4225530619		102-4		GREEN GAS UNIT #3	MCCASKILL	16.3	VALERO TRANSMISSI
8213858	F-02-040382	4225530249		102-4		T E GREEN #1	MCCASKILL NE (REKLAW)	82.8	VALERO TRANSMISSI
-DAWSON OPERATING CO INC				RECEIVED:	01/07/82	JA: TX			
8213808	F-7B-037693	4236332588		103		PADGETT #1	PALO PINTO CO REG (GA	146.0	SOUTHWESTERN GAS
-DEEP RIVER GAS & OIL EXPL CO INC				RECEIVED:	01/07/82	JA: TX			
8213953	F-7B-042772	4236731276		103		WHITE #1 (80577)	WORLEY (STRAWN)	72.0	ENERGY PIPELINE C
-DELTA DRILLING CO				RECEIVED:	01/07/82	JA: TX			
8213855	F-06-040359	4236500000		108		ROSA JONES #1 81009	CARTHAGE (CV)	0.0	TEXAS GAS TRANSMI
-DELTA OIL & GAS CO				RECEIVED:	01/07/82	JA: TX			
8213925	F-7B-042433	4242932809		103		JOE ROGERS A	CADDO NORTH (DUFFER)	0.0	LONE STAR GAS CO
8213893	F-7B-041665	4242900000		108		JR COODY 1 U 1L	PIT-ROM (CONGL ZONE A	4.5	LONE STAR GAS CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	01/07/82	JA: TX			
8213886	F-7B-041449	4236332587		103		CITY OF GORDON #1	RINGO	33.0	
8213887	F-10-041480	4229530931		103		JAMES ROLAND WHEAT #2-455	LIPSCOMB	400.0	
-DISCOVERY OPERATING INC				RECEIVED:	01/07/82	JA: TX			
8213828	F-7C-038465	4241330731		102-4	103	BEARCE A #1	JKT (CANYON)	54.7	NORTHERN NATURAL
-DORCHESTER EXPLORATION INC				RECEIVED:	01/07/82	JA: TX			
8213909	F-08-041948	4243130905		103		REYNOLDS 3A #1	CONGER (PENN)	2930.0	ESPERANZA PIPELIN
-DOYLE W CLAWSON JR				RECEIVED:	01/07/82	JA: TX			
8213904	F-7B-041839	4205933065		103		CHARLES H FOSTER #1	FREDDA (DUFFER LIME)	230.0	SOUTHWESTERN GAS
-EDWIN L COX				RECEIVED:	01/07/82	JA: TX			
8213979	F-02-043128	4212300000		103		ANGERSTEIN #4	S COTTONWOOD CREEK	54.5	LONE STAR GAS CO
8213980	F-02-043129	4212331080		103		BUEHRIG #6	S COTTONWOOD CREEK	17.4	LONE STAR GAS CO
8213978	F-02-043127	4212331081		103		BUEHRIG #7	S COTTONWOOD CREEK	6.6	LONE STAR GAS CO
-EDWIN L & BERRY R COX				RECEIVED:	01/07/82	JA: TX			
8213932	F-03-042606	4232131110		103		COX-DAWDY #1	WILDCAT S W LUCKY	547.0	
-EL PASO NATURAL GAS COMPANY				RECEIVED:	01/07/82	JA: TX			
8213739	F-7C-22719	4243519201		108-ER		DAVIS F #1	SONORA CANYON UPPER	21.0	EL PASO NATURAL G
8213728	F-7C-028980	4243530702		108-ER		DEBERRY A #8	SONORA CANYON UPPER G	15.0	EL PASO NATURAL G
8213744	F-10-025898	4217923755		108-ER		VAN SANT #1	PANHANDLE WEST - BROW	27.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED:	01/07/82	JA: TX			
8213936	F-7C-042635	4246131775		102-4		ROSA H BARNETT F #3	AMACKER-TIPPETT SW (W	46.8	EL PASO NATURAL G
-ENSERCH EXPLORATION INC				RECEIVED:	01/07/82	JA: TX			
8213787	F-05-035359	4216130143		107-TF		C C THOMPSON #1	FREESTONE	224.0	TEXAS UTILITIES F
-ESPERANZA ENERGY CORP				RECEIVED:	01/07/82	JA: TX			
8213811	F-7B-037707	4235330998		103		JORDAN #6	WHITE (GARDNER)	4.5	ESPERANZA PIPELIN
-EXCELSIOR OIL CORP				RECEIVED:	01/07/82	JA: TX			
8213914	F-06-042117	4245900000		103	107-TF	J R GUNN #1	ROSEWOOD (COTTON VALL	127.0	WESTERN GAS CORP
-EXXON CORPORATION				RECEIVED:	01/07/82	JA: TX			
8213923	F-08-042392	4249531337		103		BROWN-ALTMAN B #19	EMPEROR EAST (CLEAR F	15.0	PIONEER NATURAL G
8213894	F-7C-041674	4239931551		108		FT CHADBOURNE ODOM LIME UNIT #2810	FORT CHADBOURNE	5.8	EL PASO NATURAL G
8213776	F-10-033797	4219530739		103		HANSFORD GAS UNIT #18 #2L	HANSFORD (MORROW LOWE	306.0	NORTHERN NATURAL
8213854	F-10-040321	4219530798		103		OIL DEVELOPMENT CO OF TX #5	HANSFORD (MARMATON)	11.0	NORTHERN NATURAL
-FAGADAU ENERGY CORP				RECEIVED:	01/07/82	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8213954	F-09-042775	4223733495		103		BRADSHAW-HOLT-MARTIN UNIT(2)
-FELDERHOFF PRODUCTION CO				RECEIVED:	01/07/82	JA: TX
8213873	F-09-041945	4233731175		103		J E ELROD #1 (19316)
-FRANKS PETROLEUM INC ETAL				RECEIVED:	01/07/82	JA: TX
8213792	F-06-035849	4236531092		103		J D MIMS #1
8213913	F-06-042103	4241900000		103		MAJORS #1
-GALAXY OIL COMPANY				RECEIVED:	01/07/82	JA: TX
8213981	F-03-043149	4204130622		102-2		THOMPSON SPRINGFIELD #1
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED:	01/07/82	JA: TX
8213915	F-06-042152	4242330486		103		KINSEY #2
-GHR ENERGY CORP				RECEIVED:	01/07/82	JA: TX
8213877	F-04-041179	4247932479		102-4	107-TF	LUNDELL #14
-GLENN COPE				RECEIVED:	01/07/82	JA: TX
8213738	F-10-021590	4248300000		108-ER		C T PALMER #1
-GULF OIL CORPORATION				RECEIVED:	01/07/82	JA: TX
8213912	F-08-042102	4237133337		107-DP		FIRST NATL BAND OF MIDLAND-TR I-D
*8213829	F-01-038522	4201331174		103		HENDERSON ET AL GAS UNIT #2 #2
-H-M OIL CO				RECEIVED:	01/07/82	JA: TX
8213865	F-04-040615	4213352590		103		HERMINIA G ROGERS #2
-HENDERSON CLAY PRODUCTS INC				RECEIVED:	01/07/82	JA: TX
8213982	F-06-043160	4240130833		107-TF		PRICE GAS UNIT #1
8213814	F-06-037864	4240131185		102-2	107-TF	ROMAN GAS UNIT #1 #2
-HIGH CHAPPARAL OIL CO				RECEIVED:	01/07/82	JA: TX
8213938	F-03-042638	4247300000		102-4		COWAN-ZOLLMAN-HIGH CHAPPARAL #2
8213937	F-03-042637	4247330337		102-4		COWAN-ZOLLMAN-HIGH CHAPPARAL #4
-HNG OIL COMPANY				RECEIVED:	01/07/82	JA: TX
8213966	F-10-042987	4221131260		103		SHELL FEE "53" #1
-HULEN H LEMON				RECEIVED:	01/07/82	JA: TX
8213927	F-7C-042444	4238300000		103		HUGHES EST #1
-HUMBLE EXPLORATION CO INC				RECEIVED:	01/07/82	JA: TX
8213843	F-03-039354	4228730927		102-2	103	ANGELA MARIA #1
8213805	F-03-037577	4228700000		102-2	103	HERA #1
8213839	F-03-038982	4214930957		102-2	103	ISIS #1
-HURLEY PETROLEUM CORPORATION				RECEIVED:	01/07/82	JA: TX
8213959	F-06-042846	4236531170		103		ROBERT WALTON UNIT #2
8213960	F-06-042859	4236531075		103		SCOTT MCGEE UNIT #2-T
-INDIAN WELLS OIL CO				RECEIVED:	01/07/82	JA: TX
8213986	F-7C-043189	4223531765		102-2		BELLOWS 57 1
8213867	F-7C-040623	4210533465		103	107-TF	ROBERTSON #6A-1
8213985	F-7C-043188	4223531761		103		WINTERBOTHAM 29-3
8213987	F-7C-043193	4223531717		103		WINTERBOTHAM 30 3
-J CLEO THOMPSON & JAMES CLEO THOMPS				RECEIVED:	01/07/82	JA: TX
8213969	F-7C-043003	4210533358		103	107-TF	MEADOWS #2
-J E CONNER				RECEIVED:	01/07/82	JA: TX
8213807	F-7B-037679	4242932815		103		K STOKER "B" #2
-J F CORLEY & S C WOODS TRUSTEES				RECEIVED:	01/07/82	JA: TX
8213796	F-03-036226	4248131497		108		W C LEVERIDGE AGENT UNIT #2
-JAMES K ANDERSON INC				RECEIVED:	01/07/82	JA: TX
8213939	F-7C-042647	4239932010		103		LISSO #1 RRC LEASE #09057
-JOHN A TAYLOR				RECEIVED:	01/07/82	JA: TX
8213823	F-10-038422	4221131316		103		NIX #1
-KADANE OIL CO				RECEIVED:	01/07/82	JA: TX
8213971	F-09-043011	4209700009		102-4		AMOCO BRATCHER UNIT #1

FIELD NAME	PROD	PURCHASER
CRAFTON WEST (CONGL)	0.0	CITIES SERVICE OI
SUNSET (CONGLOMERATE)	30.0	CITIES SERVICE
PAXTON (HILL)	274.0	UNITED GAS PIPELI
PAXTON	26.0	UNITED GAS PIPE L
BRYAN (AUSTIN CHALK)	182.0	PRODUCERS GAS CO
CHAPEL HILL NE (TRAVI	47.5	ETEXAS PRODUCERS
CARR (LOBO)	5.0	VALERO TRANSMISSI
PANHANDLE EAST	12.0	EL PASO NATURAL G
ROJO CABALLOS-DEVONIA	710.0	
FASHING (EDWARDS LIME	350.0	NATURAL GAS PIPEL
THOMAS LOCKHART (HOCK	0.0	VALERO TRANSMISSI
OAKHILL (COTTON VALLE	374.0	HYDROCARBON TRANS
OAKHILL N W (COTTON V	375.0	UNITED GAS PIPELI
COROLLA (YEGUA 5882)	190.0	LONE STAR GAS CO
COROLLA	297.0	LONE STAR GAS CO
CANADIAN SE (DOUGLAS)	100.0	PALO DURO PIPELIN
SPRABERRY (TREND AREA	28.1	EL PASO NATURAL G
GIDDINGS (AUSTIN CHAL	42.3	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	167.9	PHILLIPS PETROLEU
BETHANY (COTTON VALLE	0.0	TENNESSEE GAS PIP
BETHANY (COTTON VALLE	180.0	TENNESSEE GAS PIP
PROBANDT (CANYON)	109.5	NORTHERN NATURAL
OZONA (CANYON SAND)	91.3	DELHI PIPELINE CO
BROOKS (CANYON K)	27.0	NORTHERN NATURAL
BROOKS (CANYON K)	127.0	NORTHERN NATURAL
OZONA (CANYON SAND)	275.0	PHILLIPS PETROLEU
STEPHENS COUNTY REGUL	21.0	WARREN PETROLEUM
BERNARD EAST (7700')	0.0	TENNESSEE GAS PIP
ENOCH JOHNSON (MORRIS	20.0	UNION TEXAS PETRO
GLAZIER N W (MORROW U	0.0	PHILLIPS PETROLEU
HANDY NW (K-3)	273.7	CCGP LTD

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-KARL WEHMEYER & ASSOCIATES LTD				RECEIVED:	01/07/82	JA: TX			
8213973	F-02-043021	4229731643		108		JOSEPHINE MCCLELLAND #1	SUNRISE (QUEEN CITY)	10.0	TEXAS EASTERN TRA
8213918	F-02-042183	4229731842		108		JOSEPHINE MCCLELLAND #2	SUNRISE (QUEEN CITY)	12.0	TEXAS EASTERN TRA
8213917	F-02-042182	4229732010		108		JOSEPHINE MCCLELLAND #3	SUNRISE (QUEEN CITY)	8.0	TEXAS EASTERN TRA
-KEITH D GRAHAM				RECEIVED:	01/07/82	JA: TX			
8213989	F-03-043195	4214931134		102-2		RAY UNIT #1	GIDDINGS (AUSTIN CHAL	208.4	SOUTH CEN-TEX GAS
8213988	F-03-043194	4205131802		102-2		RIES "A" #1	GIDDINGS (AUSTIN CHAL	81.4	CHAMPLIN PETROLEU
-LA SALLE ENERGY CORP				RECEIVED:	01/07/82	JA: TX			
8213780	F-01-034214	4217700000		102-2		REMSCHEL #1	PEACH TREE	79.1	TIPPERARY GATHERI
-LADD PETROLEUM CORPORATION				RECEIVED:	01/07/82	JA: TX			
8213983	F-7B-043162	4236731818		103		L B WILSON #3-C	TOTO (CADDO CONGLOMER	83.0	LONE STAR GAS CO
-LEAR PETROLEUM CORPORATION				RECEIVED:	01/07/82	JA: TX			
8213863	F-03-040582	4218530276		102-2		LEAR #1 MCDUFFIE	IOLA (SUBCLARKSVILLE)	720.0	PRODUCER'S GAS CO
-LIVELY ENERGY & DEVELOPMENT CORP				RECEIVED:	01/07/82	JA: TX			
8213795	F-01-036028	4243532496		103	107-TF	EPPS #3	HOLMAN RANCH N (PENN)	0.1	INTRATEX GAS CO
-LOCATOR SERVICE INC				RECEIVED:	01/07/82	JA: TX			
8213874	F-7B-041046	4209330865		102-4		L V PARKS A #1	DELEON N (STRAWN)	115.0	SOUTHWESTERN GAS
-LOGUE AND PATTERSON INC				RECEIVED:	01/07/82	JA: TX			
8213990	F-03-043200	4237330504		103		J T DABNEY #3	CAMP RUBY (YEGUA 3645	73.0	HOUSTON PIPE LINE
8213852	F-03-040291	4248100000		103		JOE E VITERA EST #1	MENEFEE	73.0	TRANSCONTINENTAL
-LONDON & WAGGONER				RECEIVED:	01/07/82	JA: TX			
8213816	F-09-038137	4249732075		103		YANCEY #2	BOONSVILLE (BCG)	128.0	SOUTHWESTERN GAS
-MARSHALL EXPLORATION INC				RECEIVED:	01/07/82	JA: TX			
8213976	F-06-043099	4236530842		108		J A HARRISON #1	BELLE BOWER (TRAVIS P	16.0	TENNESSEE GAS PIP
8213786	F-06-035311	4218330421		103		OUIDA GREEN #1-L	WILLOW SPRINGS (TRAVI	115.0	WESTERN GAS CORP
-MAY PETROLEUM INC				RECEIVED:	01/07/82	JA: TX			
8213933	F-10-042619	4219530771		102-4		PAZOURECK A #1	SPEARMAN EAST (COUNCI	109.5	PHILLIPS PETROLEU
-MCCORMICK OPERATING CO				RECEIVED:	01/07/82	JA: TX			
8213892	F-06-041618	4240131200		102-2	107-TF	MALONEY GAS UNIT #3	OAK HILL (COTTON VALL	325.0	HYDROCARBON TRANS
8213856	F-03-040368	4220131128		102-4		SWEENEY EST #1	LANGHAM CREEK (YEGUA	55.0	TEXAS INC
-MCFARLANE OIL CO INC				RECEIVED:	01/07/82	JA: TX			
8213779	F-02-034075	4223931282		103		BERTHA DELL MCDOWELL #2 ID #N/A	GABRYSCH (5700)	200.0	UNITED GAS PIPELI
-MCKENZIE OPERATING CO INC				RECEIVED:	01/07/82	JA: TX			
8213800	F-7B-036642	4236300000		102-4		COLLINS #1-A	VAN DYKE (CISCO 600)	83.0	INTRASTATE GATHER
8213802	F-7B-037012	4236300000		102-4		EICHLER #1	MINERAL WELLS S (WHIT	274.0	INTRASTATE GATHER
-MCMAHON-BULLINGTON DRLG CO				RECEIVED:	01/07/82	JA: TX			
8213768	F-09-031865	4223700000		108		CRAFT #3 88979	NORTHRIDGE (ATOKA CON	11.0	TEXAS UTILITIES F
-MCMILLAN OPERATING CO				RECEIVED:	01/07/82	JA: TX			
8213922	F-7B-042368	4209330850		103		JOINER #1	MITTIE (MARBLE FALLS)	73.0	LONE STAR GAS CO
-MCMORAN PRODUCTION CO				RECEIVED:	01/07/82	JA: TX			
8213897	F-02-041719	4205731102		102-4		ST 663-L #3	SIX-SIXTY (4200')	921.0	MATAGORDA PIPE LI
8213846	F-04-039933	4270030021		102-4		STATE TRACT 1064-L N/2 #A-1	BLOCK 1064-L	795.0	VALLEY PIPE LINE
8213847	F-04-039934	4270030025		102-4		STATE TRACT 1064-L N/2 #A-2	BLOCK 1064-L	1825.0	VALLEY PIPE LINE
-MGF OIL CORP				RECEIVED:	01/07/82	JA: TX			
8213920	F-08-042348	4231732259		103		CLINE #1	SPRABERRY (TREND AREA	13.6	PHILLIPS PETROLEU
8213782	F-08-034673	4231732264		103		MCKASTLE #1	SPRAYBERRY (TREND ARE	0.0	PHILLIPS PETROLEU
8213900	F-08-041802	4243130985		103		SELLERS #1	TRIPLE M (WOLFCAMP LO	99.0	PHILLIPS PETROLEU
8213903	F-7C-041829	4238319660		103		UNIVERSITY 17-D #1	SPRABERRY (TREND AREA	104.0	J L DAVIS
8213902	F-7C-041821	4238331959		103		UNIVERSITY 8-A #1	SPRABERRY (TREND AREA	99.0	J L DAVIS
-MITCHELL ENERGY CORPORATION				RECEIVED:	01/07/82	JA: TX			
8213746	F-09-028668	4249731755		103		A S C C U #3-7	ALVORD SOUTH (CADDO C	0.0	
8213745	F-09-027660	4249731881		103		ALVORD (3000 STRAWN) UNIT #1-14	ALVORD (3000 STRAWN)	0.0	NATURAL GAS PIPEL
8213735	F-09-15851	4249730495		108-ER		ANNA RENSHAW #1 70920	BOONSVILLE (BEND CONG	12.0	NATURAL GAS PIPEL

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8213732	F-09-004968	4249700000		108-ER		ANNIE HAMILTON #4 37092	BOONSVILLE BEND CONG	19.8	NATURAL GAS PIPEL
8213961	F-09-042924	4249732121		103		BERNICE PEEK #3	BOONSVILLE (BEND CONG	64.8	NATURAL GAS PIPEL
8213812	F-09-037745	4249732043		103		C C ROBINSON #2	BOONSVILLE (BEND CONG	340.0	NATURAL GAS PIPEL
8213861	F-7C-040492	4210532956		103	107-TF	CHILDRESS 15 #2	KAMA (CANYON)	175.0	VALERO TRANSMISSI
8213820	F-03-038365	4214900000		102-2		GEBERT UNIT A #1	GIDDINGS (AUSTIN CHAL	25.0	SOUTH CEN-TEX
8213763	F-09-031196	4249731860		103		GEORGE ELSOM #3	BOONSVILLE (BEND CONG	320.0	NATURAL GAS PIPEL
8213844	F-09-039738	4249731993		103		GUNHILD-WEBER #2	BOONSVILLE (BEND CONG	300.0	NATURAL GAS PIPEL
8213813	F-03-037746	4214900000		102-2		HOLMES #1 13985	GIDDINGS (AUSTIN CHAL	9145.0	SOUTH CEN-TEX
8213761	F-09-030855	4249731876		103		J A NORWOOD #1	RHOME (CADDO)	200.0	NATURAL GAS PIPEL
8213730	F-09-004183	4249700000		108-ER		J D KARNES #5 28709	BOONSVILLE BEND CONG	1.7	NATURAL GAS PIPEL
8213734	F-09-012291	4249700000		108-ER		J DALY UNIT #1 #1 28616	BOONSVILLE BEND CONGL	10.0	LONE STAR GAS CO
8213736	F-09-019804	4249700000		108-ER		J G MONTFORD #1 40684	BRIDGEPORT (ATOKA CON	18.0	NATURAL GAS PIPEL
8213762	F-09-030859	4249731893		103		J T RICHARDSON #1	BOONSVILLE (BEND CONG	200.0	NATURAL GAS PIPEL
8213907	F-09-041914	4223733314		103		J W LOVING EST #8	JERMYN WEST (CADDO)	0.0	SOUTHWESTERN GAS
8213845	F-7B-039743	4236332617		103		JOHN B WALDRUP #1	MEEKER (4400 CONGLOME	40.0	SOUTHWESTERN GAS
8213778	F-03-033984	4214900000		102-2		JOOST #1	GIDDINGS (AUSTIN CHAL	15.0	SOUTH CEN-TEX GAS
8213848	F-09-039979	4249732110		103		L C NABORS #2	BOONSVILLE (BEND CONG	500.0	NATURAL GAS PIPEL
8213773	F-09-032454	4249731833		103		L W HILL #2	BOONSVILLE (BEND CONG	700.0	NATURAL GAS PIPEL
8213741	F-09-023640	4249700000		108-ER		PAUL R DAY #1 28620	BOONESVILLE (BEN CONG	13.7	NATURAL GAS PIPEL
8213793	F-05-035956	4229330555		103	107-TF	R F JACKSON A-1	POKEY EAST (COTTON VA	300.0	SOUTHWESTERN GAS
8213729	F-09-004045	4249700000		108-ER		R M BOYER GAS UNIT #1 28573	BOONSVILLE BEND CONG	21.1	NATURAL GAS PIPEL
8213743	F-09-025295	4249700000		108-ER		R S DEERING #1 28625	BOONESVILLE (BEND CON	11.6	NATURAL GAS PIPEL
8213830	F-09-038583	4249700000		108		ROY H O'NEAL #1 28764	BOONSVILLE (BEND CONG	11.7	NATURAL GAS PIPEL
8213822	F-03-038367	4228700000		102-2		SCHAUTSCHICK UNIT A #1 14300	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
8213821	F-03-038366	4228730716		102-2		SORRELL UNIT A #1 13722	GIDDINGS (BUDA)	0.0	PGP GAS PRODUCTS
8213819	F-09-038361	4249700000		108		W C FULBRIGHT #1 38658	BOONSVILLE (BEND CONG	11.6	NATURAL GAS PIPEL
8213731	F09-004233	4249700000		108-ER		W MACKEY #1 34120	BOONSVILLE BEND CONG	1.8	NATURAL GAS PIPEL
-MR OIL CO				RECEIVED:		01/07/82 JA: TX			
8213940	F-08-042648	4247500000		108		AMERICAN NATIONAL LIFE INS CO #23	WARD-ESTES NORTH	0.4	CABOT CORP
8213941	F-08-042649	4247500000		108		AMERICAN NATIONAL LIFE INS CO #24	WARD-ESTES NORTH	0.4	CABOT CORP
8213942	F-08-042650	4247500000		108		AMERICAN NATIONAL LIFE INS CO #33	WARD-ESTES NORTH	0.4	CABOT CORP
8213943	F-08-042653	4247500000		108		AMERICAN NATIONAL LIFE INS CO #36	WARD-ESTES NORTH	0.4	CABOT CORP
8213944	F-08-042654	4247500000		108		AMERICAN NATIONAL LIFE INS CO #38	WARD-ESTES NORTH	0.4	CABOT CORP
-NELSON JANSSEN				RECEIVED:		01/07/82 JA: TX			
8213810	F-02-037706	4217500000		108		E LANDGREBE #1	WEESATCHE WEST (COOK	4.0	UNITED GAS PIPE L
-OUTLINE OIL CORP				RECEIVED:		01/07/82 JA: TX			
8213864	F-02-040594	4228500000		107-PE		ROBERTSON #1 72100	SPEAKS SOUTHWEST (120	40.0	HOUSTON PIPE LINE
-PAUL DE CLEVA				RECEIVED:		01/07/82 JA: TX			
8213837	F-7B-038784	4209330761		103		NORTHCUTT #1	BEATTIE N (MARBLE FAL	10.0	SOUTHWESTERN GAS
8213838	F-7B-038785	4209330814		103		WOODRUFF #1	BEATTIE N (MARBLE FAL	133.0	SOUTHWESTERN GAS
-PENNZOIL PRODUCING COMPANY				RECEIVED:		01/07/82 JA: TX			
8213968	F-04-042991	4235531742		103		IRENE WALTON #B-5-D	AGUA DULCE (8,200')	164.0	UNITED GAS PIPE L
8213967	F-04-042990	4235531742		103		IRENE WALTON #B-5-F	AGUA DULCE (7,550')	183.0	UNITED GAS PIPE L
-PETRO-LEWIS CORPORATION				RECEIVED:		01/07/82 JA: TX			
8213947	F-08-042706	4210332446		103		ATLANTIC STATE #5 L	SAND HILLS (TUBB)	10.0	WARREN PETROLEUM
8213948	F-08-042708	4210332446		103		ATLANTIC STATE #5 U	SAND HILLS (MC KNIGHT	20.0	WARREN PETROLEUM
8213934	F-08-042620	4210332429		103		J B TUBB ST #16 L	SAND HILLS (MC KNIGHT	50.0	EL PASO NATURAL G
8213935	F-08-042621	4210332429		103		J B TUBB ST #16 U	SAND HILLS (JUDKINS)	1000.0	WARREN PETROLEUM
8213841	F-08-039212	4210332441		103		JOHNSON STATE #2-L	SAND HILLS (TUBB)	28.0	WARREN PETROLEUM
8213733	F-01-007737	4231130580		102-4	103	RHODE LINDHOLM #1	JAKE HAMON	182.0	TENNESSEE GAS PIP
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		01/07/82 JA: TX			
8213772	F-08-032381	4210330642		108		BARNSLEY #4	SAND HILLS (MC/KNIGHT	23.5	DELHI GAS PIPELIN
8213950	F-08-042760	4249503432		108		CRUM #5	KEYSTONE (DEVONIAN)	19.3	SID RICHARDSON GA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PIONEER PRODUCTION CORPORATION				RECEIVED:	01/07/82	JA: TX			
8213831	F-8D-038589	4229530876		103		SCHULTZ "B" #2-961	MAMMOTH CREEK N (CLEV	0.0	TRANSWESTERN PIPE
-POLK & PATTON INC				RECEIVED:	01/07/82	JA: TX			
8213884	F-09-041437	4223732857		103		WOODS #1	JACK COUNTY REGULAR (	214.6	SOUTHWESTERN GAS
-QUINTANA PETROLEUM CORP				RECEIVED:	01/07/82	JA: TX			
8213818	F-02-038318	4239131309		103		MAUDE WILLIAMS A D-114-L	LAKE PASTURE (FT-730	19.0	UNITED TEXAS TRAN
-R R CO				RECEIVED:	01/07/82	JA: TX			
8213970	F-10-043009	4217930934		103		WORL #3 (ID#00504)	PANHANDLE GRAY	74.9	PHILLIPS PETROLEU
-RANDADO OIL & MINERALS INC				RECEIVED:	01/07/82	JA: TX			
8213834	F-01-038680	4216331957		103		O BREGON #1	PEARSALL (AUSTIN CHAL	7.5	T G P INC
8213832	F-01-038667	4216331935		103		O BREGON #2	PEARSALL (AUSTIN CHAL	14.6	T G P INC
-REYNOLDS DRILLING CO INC				RECEIVED:	01/07/82	JA: TX			
8213775	F-06-033275	4236531186		103	107-TF	BOISE-SOUTHERN #1	CARTHAGE-COTTON VALLE	0.0	UNITED GAS PIPE L
-RIDDLE OIL CO				RECEIVED:	01/07/82	JA: TX			
8213905	F-06-041870	4220330695		102-4		HENRY PITTS #1	LANSING NORTH (PETTIT	91.3	ARKANSAS LOUISIAN
8213906	F-06-041873	4220330695		103		HENRY PITTS #1	LANSING-NORTH (PETTIT	91.3	ARKANSAS LOUISIAN
-RK PETROLEUM CORP				RECEIVED:	01/07/82	JA: TX			
8213876	F-08-041149	4222732399		102-2	102-4	CLAY #1	KNOTT CEMETERY (PENN)	75.0	GETTY OIL CO
-ROME EXPLORATION CO INC				RECEIVED:	01/07/82	JA: TX			
8213749	F-01-030037	4250700000		102-4		PRYOR RANCH #1 E LA PRYOR-BRACERO	EAST LA PRYOR	91.3	VALERO TRANSMISSI
8213750	F-01-030038	4250700000		102-4		PRYOR RANCH #2	EAST LA PRYOR (DEL MO	91.3	VALERO TRANSMISSI
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED:	01/07/82	JA: TX			
8213898	F-04-041720	4250531350		102-4		MERCURIO MARTINEZ #1	LAS OVEJAS LOBO 6	500.0	
-SENTINEL PETROLEUM CORP				RECEIVED:	01/07/82	JA: TX			
8213926	F-7B-042443	4213330681		108		STEPHAN 1 13634	FOSTER MARBLE FALLS	0.0	ODESSA NATURAL CO
-SIGMA EXPLORATION CORP				RECEIVED:	01/07/82	JA: TX			
8213955	F-10-042795	4217900000		107-PE		CROWELL # 1 23068	WEST PANHANDLE	24.0	CABOT CORP
8213956	F-10-042796	4217900000		107-PE		OLLINGER #1 23069	WEST PANHANDLE	4.0	CABOT CORP
-SOUTH BEND OIL & GAS INC				RECEIVED:	01/07/82	JA: TX			
8213767	F-09-031852	4250333449		103		H F BRIDGES #1 (NA)	YOUNG COUNTY REGULAR	529.0	SOUTHWESTERN GAS
-SOUTHFORK OIL CO				RECEIVED:	01/07/82	JA: TX			
8213790	F-03-035531	4204100000		102-2		T J ARHOPULOS #2	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-SOUTHLAND ROYALTY CO				RECEIVED:	01/07/82	JA: TX			
8213974	F-08-043063	4243100000		103		FLINT EST #5	CONGER	5.0	VALERO TRANSMISSI
8213899	F-08-041777	4249500000		103		SUN JENKINS C #11	KEYSTONE	5.0	TRANSWESTERN PIPE
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	01/07/82	JA: TX			
8213957	F-08-042820	4213532966		103		EAST GOLDSMITH HOLT UNIT #2-2	GOLDSMITH EAST HOLT	4.0	PHILLIPS PETROLEU
8213827	F-06-038450	4236500000		108		J R KYLE #1	CARTHAGE	19.0	TEXAS GAS TRANSMI
8213774	F-02-032672	4246900000		108		MCFADDIN #5-22	MCFADDIN (1900)	24.0	TENNESSEE GAS PIP
8213748	F-06-029833	4236531125		103	107-TF	REED EST UNIT #1	CARTHAGE	55.0	UNITED GAS PIPE L
8213826	F-06-038449	4236500000		108		S J NEAL A #2-L	CARTHAGE	16.7	TENNESSEE GAS TRA
-SUPERIOR OIL CO				RECEIVED:	01/07/82	JA: TX			
8213872	F-03-040891	4205131753		102-2	103	I JUNEK #1	GIDDINGS (AUSTIN CHAL	0.0	
-T A D ENERGY				RECEIVED:	01/07/82	JA: TX			
8213889	F-09-041600	4236332467		103		C P CLAYTON #1	PERRIN SW (CONGL 4850	0.0	LONE STAR GAS CO
-TARTAN OIL & GAS				RECEIVED:	01/07/82	JA: TX			
8213836	F-03-038716	4208900000		103		KORENEK #1 (92096)	NADA (YEGUA 6400)	240.0	HOUSTON PIPELINE
-TENNECO OIL COMPANY				RECEIVED:	01/07/82	JA: TX			
8213771	F-08-032356	4230130264		107-DP		BRUNSON #37-1	BRUNSON RANCH	18.3	TENNESSEE GAS PIP
-TEX-STAR PETROLEUM				RECEIVED:	01/07/82	JA: TX			
8213758	F-7C-030631	4239931470		102-4		FULLER #1-T (08573)	HENSON (MISS)	14.0	UNION TEXAS PETRO
-TEXACO INC				RECEIVED:	01/07/82	JA: TX			
8213806	F-08-037663	4232930970		102-4		A A BRADFORD EST NCT-2 #1	BRADFORD RANCH (ATOKA	16.8	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8213999	F-08-043230	4210931505		103		CULBERSON "W" FEE #6
8213849	F-08-040009	4210931462		103		CULBERSON AA FEE #1
8213958	F-8A-042825	4221933124		103		IRA P DELOACHE #20
8213869	F-09-040641	4223733585		103		MARY I CAMPBELL #3
-TEXAS INTERNATIONAL PET CORP				RECEIVED:		01/07/82 JA: TX
8213921	F-03-042364	4205131652		102-2		WILLIAM-TAYLOR #2
-TEXAS OIL & GAS CORP				RECEIVED:		01/07/82 JA: TX
8213833	F-04-038669	4226130462		102-4		ERCK #12
8213824	F-02-038425	4229732670		102-4		HILL H-1
8213870	F-06-040767	4240131202		102-4		JARRELL #1
8213851	F-8A-040240	4226930946		102-4		MASTERSON B #2
8213777	F-10-033609	4235700000		103		POLLARD A #1
8213804	F-04-037463	4226130624		103		STEWART B-4
8213797	F-03-036229	4207131125		102-4	103	U S STEEL #1
-TIPPERARY OIL AND GAS CORP				RECEIVED:		01/07/82 JA: TX
8213815	F-01-037944	4216331637		103		HURT ARTHUR A #1
-TOM BRIGHTMAN				RECEIVED:		01/07/82 JA: TX
8213931	F-09-042605	4250335051		103		WHITTENBURG A #21292
-TRANS CANADA ENTERPRISES OF TEXAS			I	RECEIVED:		01/07/82 JA: TX
8213742	F-04-024195	4204730797		103		HOMER E KILBREATH #1
-TXO PRODUCTION CORP				RECEIVED:		01/07/82 JA: TX
8213783	F-04-034862	4213135139		102-4		BARRERA A-1 RRC ID #92366
8213801	F-02-036846	4228531534		103		HANCOCK H-2 RRC #93434
8213916	F-10-042174	4219530792		103		MCCLELLAN B #1
8213770	F-02-032178	4229732585		102-4		MCCLELLAND #16 RRC ID #92152
-UNION EXPLORATION				RECEIVED:		01/07/82 JA: TX
8213817	F-7B-038296	4205932902		102-4		I H PIPPIN A #2
-VALLEY ENERGY INC				RECEIVED:		01/07/82 JA: TX
8213760	F-02-030825	4223900000		103		M K SIMONS #4
-VALWOOD PRODUCTION CO				RECEIVED:		01/07/82 JA: TX
8213781	F-03-034634	4214930709		102-2		MARVIN BROWN #1
-VANDERBILT RESOURCES CORPORATION				RECEIVED:		01/07/82 JA: TX
8213908	F-01-041936	4217730936		102-4	103	DEBERRY #1
-W & W OIL CO				RECEIVED:		01/07/82 JA: TX
8213798	F-8A-036255	4216500000		103		CATHERINE LAWRENCE A #1
-WARRIOR MANAGEMENT CO				RECEIVED:		01/07/82 JA: TX
8213809	F-01-037702	4231131529		102-4		LINDHOLM #1
-WES-TEX DRILLING COMPANY				RECEIVED:		01/07/82 JA: TX
8213825	F-7B-038433	4235331019		103		COMPTON #4
-WHEELER OIL COMPANY				RECEIVED:		01/07/82 JA: TX
8213975	F-10-043065	4248330806		103		LUMMUS (91523) #1
-WINDSOR PRODUCING CO				RECEIVED:		01/07/82 JA: TX
8213791	F-03-035788	4205130531		102-2		KNOX #1
-6-BAR OPERATIONS INC				RECEIVED:		01/07/82 JA: TX
8213929	F-7B-042533	4204932453		102-4		CHAMBERS B #1

FIELD NAME	PROD	PURCHASER
FORD WEST (4100)	2.2	EL PASO NATURAL G
GERALDINE DELAWARE	1.8	
LEVELLAND	0.0	AMOCO PRODUCTION
NEWPORT S (BEND CONGL	292.0	CITIES SERVICE CO
GIDDINGS (AUSTIN CHAL	109.0	CLAJON GAS CO
MCGILL (8200')	0.0	TRANSCONTINENTAL
CORNELIA (3700')	0.0	DELHI GAS PIPELIN
MINDEN E (PETTIT)	0.0	
MASTERSON STRAWN (543	55.0	DELHI GAS PIPELIN
HANSFORD (MORROW UPPE	547.5	DELHI GAS PIPELIN
SANTA ROSA (10,700')	0.0	TEXAS EASTERN TRA
U S STEEL (VICKSBURG)	0.0	
PEARSALL (AUSTIN CHAL	1.7	T G P INC
YOUNG COUNTY REGULAR	3.0	SUN GAS TRANSMISS
LA GLORIA S (BATOT)	72.0	VALERO INTERSTATE
J R (5618')	0.0	VALERO TRANSMISSI
PROVIDENT CITY (WILCO	0.0	TEXAS EASTERN TRA
GRUVER NW (MORROW UPP	370.0	PANHANDLE EASTERN
OAKVILLE (WILCOX 9700	0.0	DELHI GAS PIPELIN
JULIE ANN (3240 CADDO	3000.0	LONE STAR GAS CO
TEXANA (5700)	146.0	HOUSTON PIPELINE
GIDDINGS (AUSTIN CHAL	0.0	SOUTH CEN-TEX GAS
PEACH CREEK (BUDA)	75.0	VALERO TRANSMISSI
CARM ANN (SAN ANDRES)	0.0	PHILLIPS PETROLEU
BARRANCA (SLICK)	1460.0	TEXAS EASTERN TRA
JMM (CANYON)	0.0	SUN OIL CO
EAST PANHANDLE	8.0	HIGH PLAINS NATUR
GIDDINGS (AUSTIN CHAL	109.5	PGP GAS PRODUCTS
WILDCAT	0.0	ODESSA NATURAL CO

OTHER PURCHASERS VOLUME NO :588

8213829 LONE STAR GAS CO
8213842 COLUMBIA GAS TRANS CORP

CORRECTIONS TO PREVIOUS NOTICES OF DETERMINATION

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
81-32519	OH	Bartlo Oil & Gas	#1 Archwood Leasing	448	07-01-81	C:	103 & 107-TF Approved
81-40420	WV	Allegheny & Western	E. H. Carpenter #1	478	08-07-81	C:	107-DV approved; not 107-TF
82-04908	OK	Lee R. Eller	Hamil #1	547	12-09-81	C:	Applicant name; Well name
82-04917	OK	Lee R. Eller	Scott Pool #2	547	12-09-81	C:	Applicant name
82-04922	OK	Lee R. Eller	Scott Pool #1	547	12-09-81	C:	Applicant name
82-05318	TX	Texasgulf Inc.	Thompson J #1	548	12-09-81	C:	103 approved; 102 withdrawn
82-05921	TX	Geochemical Surveys Inc	Simmons Ranch #6	552	12-14-81	C:	103 & 107-TF approved
82-06114	NM	Mesa Petroleum	Comer #1	553	12-14-81	C:	102-2 & 107-TF approved
82-06116	NM	Yates Petroleum Corp	Cockleburr "RD"State #1	553	12-14-81	C:	102-2 & 107-TF approved
82-06381	NY	Appalachian Energy Inc	P. Carlson #2 A-E-117	554	12-14-81	C:	Well name
82-06428	OK	Louis Davis Oil Co.	Clark #1	554	12-14-81	C:	102-4 approved, not 103
82-06491	OH	Carlton Oil Corp	Butler #1	555	12-14-81	C:	107-DV approved; not 107-DP
82-06492	OH	Carlton Oil Corp	Hendricks #1	555	12-14-81	C:	107-DV approved; not 107-DP
82-06494	OH	Collins-McGregor Oper.	W. P. Hering #1	555	12-14-81	C:	107-TF approved; not 107-DP
82-06604	OH	L & M Petroleum Inc.	Wilbur Hoff #1	555	12-14-81	C:	107-DV approved; not 107-DP
82-06731	TX	Diamond Shamrock Corp	Kenner #1	556	12-22-81	C:	Well name
82-07049	WV	David A Freshwater	Pricy Sampson Lease	557	12-22-81	C:	108-ER approved
82-07322	MT	Midlands Gas Corp	2342-1	558	12-22-81	C:	108-ER approved
82-07323	MT	Midlands Gas Corp	3361 33-36-81	558	12-22-81	C:	108-ER approved
82-07365US(NM)		Mesa Petroleum	Foreman Federal #2	559	12-22-81	C:	102-2 & 107-TF approved
82-07398US(NM)		Southland Royalty Co	Nye #17	559	12-22-81	C:	Well name
82-07454	CO	Kansas-Neb. Nat Gas Co	Vincent #1-8	559	12-22-81	C:	108 approved, not 103
82-07868	AL	Enhanced Energy Resource	U.S. Pipe&Foundry 11-2 #2	562	12-29-81	C:	107-CS approved; not 107-TF
82-07869	AL	Enhanced Energy Resource	U.S. Pipe&Foundry 11-6 #3	562	12-29-81	C:	107-CS approved; not 107-TF
82-07870	AL	Enhanced Energy Resource	U.S. Pipe&Foundry 11-9 #5	562	12-29-81	C:	107-CS approved; not 107-TF
82-07871	AL	Enhanced Energy Resource	U.S. Pipe&Foundry 11-7 #4	562	12-29-81	C:	107-CS approved; not 107-TF
82-08154	OH	Bagley Land Improvement	Bagley Land Improvement #2	564	12-29-81	C:	103 approved; not 107-TF
82-08615	PA	Helen E. Sowers	Blose Gas Well #2	566	01-05-82	C:	107-PE approved; not 107-TF
82-08779	TX	Cassell Oil Co.	G. N. Creech #1	567	01-05-82	C:	103 approved; not 102
82-08893	TX	Champlin Petroleum	Mrs Eva M Jones #2-L	567	01-05-82	C:	103 approved; not 102
82-09104US(CO)		Mesa Petroleum	Eckley Federal 29 #33	568	01-05-82	C:	102-2 & 107-TF approved
82-09105US(CO)		Coseka Resources	Federal #2-34-4-101	568	01-05-82	C:	103 & 107-TF approved
82-09111	NM	Fred Pool Jr	Macho #1	568	01-05-82	C:	102-2 & 107-TF approved
82-09550	AR	Hannah Oil & Gas	Rattlesnake #1-C	570	01-05-82	C:	API #03-083-10051
82-09551	AR	Hannah Oil & Gas	Rattlesnake #1-T	570	01-05-82	C:	API #03-083-10051

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3604 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 5, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-AKERS AND FULTZ INC				RECEIVED:	01/07/82	JA: TX			
8214285	F-09-044524	4223733014		103		ROY CHERRYHOMES E 19091	MARINA MAG (CONGL)	13.7	CITIES SERVICE GA
8214365	F-09-044708	4223732383		103		ROY CHERRYHOMES F #1 18694	MARINA-MAG (CONGL)	10.4	CITIES SERVICE CO
8214156	F-09-044126	4223733755		103		ROY CHERRYHOMES F 95015	MARINA MAG (CONGL GAS	1080.0	CITIES SERVICE GA
-AMERADA HESS CORPORATION				RECEIVED:	01/07/82	JA:.TX			
8214029	F-8A-043429	4216531943		103		SEMINOLE SAN ANDRES UNIT #1908	SEMINOLE SAN ANDRES	0.1	PHILLIPS PETROLEU
-AMOCO PRODUCTION CO				RECEIVED:	01/07/82	JA: TX			
8214331	F-08-044619	4200332600		103		BLOCK 9 FUHRMAN MASCHO UNIT #107	FUHRMAN-MASCHO	10.6	PHILLIPS PETROLEU
8214333	F-08-044621	4200332509		103		BLOCK 9 FUHRMAN MASCHO UNIT #123	FUHRMAN-MASCHO	25.9	PHILLIPS PETROLEU
8214330	F-08-044618	4200332510		103		BLOCK 9 FUHRMAN MASCHO UNIT #130	FUHRMAN-MASCHO	17.2	PHILLIPS PETROLEU
8214334	F-08-044622	4200332776		103		BLOCK 9 FUHRMAN MASCHO UNIT #135	FUHRMAN-MASCHO	8.0	PHILLIPS PETROLEU
8214332	F-08-044620	4200332943		103		BLOCK 9FUHRMAN MASCHO UNIT #116	FUHRMAN-MASCHO	5.1	PHILLIPS PETROLEU
8214113	F-08-044019	4200332280		103		FRANK COWDEN R/A "A" #12	COWDEN NORTH	14.6	WESTAR TRANSMISSI
8214112	F-08-044008	4200332287		103		FRANK COWDEN R/A "D" #15	COWDEN NORTH	0.4	WESTAR TRANSMISSI
8214082	F-06-043762	4220330823		103	107-TF	FRANK DAVIS EST DEEP GAS UNIT #1	WOODLAWN/COTTON VALLE	270.0	EAST TEXAS INDUST
8214322	F-04-044609	4221531131		102-2		J J SWEENEY #7-L	ALAMO/7180/	912.5	CELANESE CORP
8214325	F-04-044609	4221531131		103		J J SWEENEY #7-U	DONNA/6850/	128.1	CELANESE CORP
8214324	F-04-044608	4235531605		103		JANE W BLUMBERG #10	AGUA DULCE/7850/	64.6	AMOCO GAS CO
8214066	F-04-043670	4235531714		103		JANE W BLUMBERG #12	AGUA DULCE/7850/	129.6	AMOCO GAS CO
8214323	F-04-044607	4235531604		103		JANE W BLUMBERG #9	AGUA DULCE/7850/	80.3	AMOCO GAS CO
8214067	F-02-043671	4239131214		103		M E O'CONNOR #51	M E O'CONNOR FIELD (P	51.1	LA ROSA CORP
8214065	F-03-043669	4220131060		102-4		MARSHALL BROTHERS TRUSTS C G U #1	TOMBALL S E (12250 FB	182.1	TENNESSE GAS PIPE
8214329	F-09-044617	4213533461		103		W F COWDEN "C" R/A "B" #30	ANDECTOR (ELLENBURGER	33.6	PHILLIPS PETROLEU
-ANDOVER OIL COMPANY				RECEIVED:	01/07/82	JA: TX			
8214048	F-03-043507	4219931251		103		ARCO #179	BEECH CREEK SW (Y9)	0.0	ARCO OIL & GAS CO
-ARCO OIL AND GAS COMPANY				RECEIVED:	01/07/82	JA: TX			
8214341	F-7C-044653	4223500026		108		W M NOELKE EST #37	SIXTY SEVEN/CANYON	11.5	NORTHERN NATURAL
8214340	F-7C044652	4223510262		108		W M NOELKE EST #39	SIXTY SEVEN/CANYON	5.3	NORTHERN NATURAL
8214339	F-7C-044651	4223510311		108		W M NOELKE EST #43	SIXTY SEVEN/CANYON	4.2	NORTHERN NATURAL
8214342	F-7C-044656	4223530006		108		W M NOELKE EST #45	SIXTY SEVEN/CANYON	5.9	NORTHERN NATURAL
-B & M ENERGY				RECEIVED:	01/07/82	JA: TX			
8214080	F-08-043756	4249531411		103		JOHN SEALY - #6	WARD-ESTES NORTH	1.0	WARREN PETROLEUM
-B D K PRODUCTION CO INC				RECEIVED:	01/07/82	JA: TX			
8214064	F-02-043628	4228500000		102-4		W H BORCHERS WELL #1	KEMPER EAST	55.0	LONE STAR GAS CO
-BALL PRODUCING CO				RECEIVED:	01/07/82	JA: TX			
8214370	F-7B-044721	4236332754		102-4		HART 866 #2	MINERAL WELLS N (ELLE	370.0	LONE STAR GAS CO
-BAR-MAC & HOLLUB DRILLING CO				RECEIVED:	01/07/82	JA: TX			
8214271	F-03-044454	4200131878		102-4		MORTON #6 RRC LEASE 13152	INEZ JAMESON (NAVARRO	57.0	FERGUSON CROSSING
-BELCO PETROLEUM CORPORATION				RECEIVED:	01/07/82	JA: TX			
8214058	F-7C-043561	4210533238		103		UNIVERSITY 3-13	INGHAM QUEENS	0.0	EL PASO NATURAL G
-BLAKE HAMMAN				RECEIVED:	01/07/82	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214203	F-09-044208	4223700000		108		FRICK STRICKLAND 1-C 31243	DARNER-HAMMON BEND CO	21.0	CITIES SERVICE CO
-BLUE RIDGE OIL & GAS EXPLOR INC				RECEIVED:	01/07/82	JA: TX			
8214185	F-7C-044175	4210533397		103	107-TF	BAGGETT #3	ADAMS-BAGGETT RANCH (	19.2	DETROIT-TEXAS GAS
8214184	F-7C-044174	4210533424		103	107-TF	BAGGETT #5	ADAMS-BAGGETT RANCH (	13.2	DETROIT-TEXAS GAS
-BOB T MILLER				RECEIVED:	01/07/82	JA: TX			
8214103	F-7B-043908	4242932911		103		HARRIS-HAWKINS A-1 17407	STEPHENS COUNTY REGUL	30.0	WARREN PETROLEUM
-BTA OIL PRODUCERS				RECEIVED:	01/07/82	JA: TX			
8214124	F-7C-044038	4238331803		103		JACKSON -B- #8	SPRABERRY (TREND AREA	35.0	EL PASO NATURAL G
8214061	F-08-043603	4213533683		103		RATLIFF #55	COWDEN NORTH	1.5	AMOCO PRODUCTION
-BURNS PETROLEUM				RECEIVED:	01/07/82	JA: TX			
8214357	F-03-044674	4214930894		103		CAIN "C" #4	GIDDINGS (BUDA)	72.0	PHILLIPS PETROLEU
8214266	F-03-044429	4214930893		103		CARN B #3	GIDDINGS (AUSTIN CHAL	96.0	PHILLIPS PETROLEU
8214269	F-09-044433	4200933790		103		MCGREGOR #75	VOGTSBERGER NORTH	110.0	CORONADO GATHERIN
-CABANA OIL CORP				RECEIVED:	01/07/82	JA: TX			
8214183	F-7C-044173	4241300000		102-4		BAUGH-SPENCE #10-1 ID#84394	JAN-JERRYE SE	0.0	PRODUCERS GAS CO
8214182	F-7C-044172	4241300000		102-4		BAUGH-SPENCE #15-1 ID#87048	JAN-JERRYE SE	0.0	INTRATEX GAS CO
8214188	F-7C-044178	4241300000		102-4		SPENCE EST #2 GAS ID#74786	JAN-JERRYE SE	0.0	PRODUCERS GAS CO
8214181	F-7C-044171	4241300000		102-4		SPENCE EST #3 ID#82108	JAN-JERRYE SE	0.0	PRODUCERS GAS CO
8214187	F-7C-044177	4241300000		102-4		SPENCE EST #4 ID#85615	JAN-JERRYE SE	0.0	PRODUCERS GAS CO
-CANYON CO				RECEIVED:	01/07/82	JA: TX			
8214275	F-7C-044469	4210533250		103	107-TF	HOOVER ESTATE 2-3B	AMERICAN (CANYON)	30.0	EL PASO NATURAL G
-CHAMPLIN EXPLORATION INC				RECEIVED:	01/07/82	JA: TX			
8214208	F-03-044226	4228730848		102-2		MARY BLACKBURN HARRELL #1	GIDDINGS (AUSTIN CHAL	216.0	CLAJON GAS CO
8214207	F-03-044222	4228730850		102-2		MARY BLACKBURN HARRELL #3 ID #93654	GIDDINGS (AUSTIN CHAL	216.0	CLAJON GAS CO
-CHEVRON U S A INC				RECEIVED:	01/07/82	JA: TX			
8214123	F-08-044035	4222732085		103		A M BELL #47	IATAN EAST (HOWARD)	10.9	GETTY OIL CO
8214138	F-08-044077	4222732342		103		A M BELL #5S	IATAN (SAN ANDRES)	2.0	GETTY OIL CO
8214137	F-08-044076	4222732340		103		A M BELL #6 S	IATAN (SAN ANDRES)	6.0	GETTY OIL CO
8214134	F-08-044073	4222732362		103		A M BELL #7 S	IATAN (SAN ANDRES)	12.0	GETTY OIL CO
8214121	F-08-044033	4222732804		103		G M DODGE #56	IATAN EAST (HOWARD)	14.2	GETTY OIL CO
8214140	F-08-044079	4222732082		103		G M DODGE #58	IATAN EAST (HOWARD)	2.5	GETTY OIL CO
8214196	F-8A-044196	4241531650		103		SACROC UNIT 139-3	KELLY-SNYDER	93.0	EL PASO NATURAL G
8214133	F-8A-044072	4241531934		103		SACROC UNIT 68-11	KELLY-SNYDER	26.0	EL PASO NATURAL G
8214136	F-08-044075	4238931096		103		TXL 17-39 #4	SABRE (DELAWARE)	43.8	CONTINENTAL OIL C
8214135	F-08-044074	4238931151		103		TXL 17-39 #5	SABRE (DELEWARE)	36.5	CONTINENTAL OIL C
8214139	F-08-044078	4222732102		103		W L FOSTER 1-60	IATAN EAST (HOWARD)	1.8	GETTY OIL CO
8214122	F-08-044034	4233531651		103		W L FOSTER 1-66	IATAN EAST (HOWARD)	2.5	GETTY OIL CO
-CIRCLE SEVEN PRODUCTION CO				RECEIVED:	01/07/82	JA: TX			
8214252	F-09-044377	4249731648		103		HOWARD UNIT #1 (LEASE NO 20059)	CHICO WEST	0.0	CITIES SERVICE CO
-CITIES SERVICE COMPANY				RECEIVED:	01/07/82	JA: TX			
8214254	F-10-044396	4206530893		103		DEAHL C #14	PANHANDLE CARSON COUN	9.7	CITIES SERVICE GA
8214002	F-03-043237	4214930857		102-2		KELLY C #1 (14496)	GIDDINGS (AUSTIN CHAL	10.7	FALCON GAS CO
-CLEMENTS ENERGY INC				RECEIVED:	01/07/82	JA: TX			
8214237	F-08-044308	4210332430		102-4		BALL #1	TROPORO EAST (WOLFCAM	129.6	NORTHERN NATURAL
-COASTAL OIL & GAS CORP				RECEIVED:	01/07/82	JA: TX			
8214224	F-10-044279	4237530844		103		MASTERSON "A" 8342P	PANHANDLE (RED CAVE)	7.0	COLORADO INTERSTA
8214225	F-10-044280	4237530870		103		MASTERSON "B" 8360P	PANHANDLE (RED CAVE)	6.0	COLORADO INTERSTA
-COCKRELL CORPORATION				RECEIVED:	01/07/82	JA: TX			
8214288	F-03-044539	4216730833		102-4		MARGENE WEST LLOYD #1	WEST (FRIO)	17.0	
-COKE OIL INC				RECEIVED:	01/07/82	JA: TX			
*8214022	F-7C-043378	4239930965		103		WALTER NIEHUES A #1A	MOTLEY NORTH (ODOM LI	27.7	LONE STAR GAS CO
-COLORADO INTERSTATE GAS CO				RECEIVED:	01/07/82	JA: TX			
8214075	F-10-043697	4237500000		108		MASTERSON J-2	PANHANDLE WEST (RED C	15.0	COLORADO INTERSTA

JD NO	JA LAT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214071	F-10-043693	4237500000		108		MASTERSON 16R	PANHANDLE WEST (RED C	0.0	COLORADO INTERSTA
8214072	F-10-043694	4237530041		108		MASTERSON 43R	PANHANDLE WEST (RED C	10.0	COLORADO INTERSTA
8214057	F-10-043552	4237330045		108		MASTERSON 47R	PANHANDLE WEST (RED C	22.0	COLORADO INTERSTA
8214073	F-10-043695	4237530075		108		MASTERSON 56R	PANHANDLE WEST (RED C	5.0	COLORADO INTERSTA
8214074	F-10-043696	4237500000		108		SNEED 2R	PANHANDLE WEST (RED C	0.0	COLORADO INTERSTA
-COLROD CO				RECEIVED:	01/07/82	JA: TX			
8214227	F-8A-044282	4207931434		103		W R COLEMAN #1 (63501)	BONANZA (SAN ANDRES)	9.0	WARREN PETROLEUM
-CONOCO INC				RECEIVED:	01/07/82	JA: TX			
8214209	F-08-044229	4238900000		108		FORD GERALDINE UNIT #222 I D #21021	GERALDINE FORD	0.3	EL PASO NATURAL G
8214300	F-08-044561	4213533735		103		GIST UNIT #134 I D #19373	FOSTER	2.9	ODESSA NATURAL CO
8214201	F-08-044205	4231700000		108		GRISHAM & GREEMAN #17 I D #22261	SPRAYBERRY TREND	0.2	ADOBE OIL CO
8214200	F-8A-044204	4211500000		108		ODESSA DAVENPORT #1 ID#16213	ACKERLY	4.0	TEXACO
8214070	F-04-043688	4213100000		108		ROBERT DRISCOLL #56	CONOCO-DRISCOLL (DRIS	0.2	TRANSCONTINENTAL
8214199	F-7B-044201	4243300000		108		W Z RUTHERFORD-C-#3 ID #15872	FRANKIRK	0.7	CITIES SERVICE CO
-CONVEST ENERGY CORP				RECEIVED:	01/07/82	JA: TX			
8214059	F-8A-043581	4226330758		102-2		WAYNE WILLIAMS #2-S	WILDCAT	0.0	EL PASO NATURAL G
8214060	F-8A-043582	4226330812		102-2		WAYNE WILLIAMS 3-S	POLLAN (STRAWN "C")	0.0	EL PASO NATURAL G
-COURSON OIL & GAS INC				RECEIVED:	01/07/82	JA: TX			
8214030	F-10-043440	4235700000		103		FIRST NATIONAL TRUST #3-571	ELLIS RANCH	120.0	TRANSWESTERN PIPE
-CROWN EXPLORATION CO				RECEIVED:	01/07/82	JA: TX			
8214111	F-7C-043973	4245100000		102-4		ROBERTSON #1	ALLEN HILL (STRAWN)	0.0	SEAGULL PIPELINE
-DAMERON PETROLEUM CORP				RECEIVED:	01/07/82	JA: TX			
8214046	F-7C-043493	4210532205		103	107-TF	LAURA HOOVER ESTATE #1-67	AMERICAN (CANYON)	10.0	EL PASO NATURAL G
8214104	F-7C-043938	4210533478		102-2		RAY DUNLAP-SEC 91 BLK 1 #1	AMERICAN (SPRABERRY B	144.0	EL PASO NATURAL G
-DANCO OIL & GAS				RECEIVED:	01/07/82	JA: TX			
8214086	F-10-043795	4206530949		103		MCCONNELL #5 (RRC#02982)	PANHANDLE CARSON COUN	2.0	GETTY OIL CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	01/07/82	JA: TX			
8214096	F-7B-043859	4236332731		103		CITY OF GORDON #2	RINGO	536.0	
-DIVERSE ENERGY INC				RECEIVED:	01/07/82	JA: TX			
8214195	F-7B-044190	4236732152		103		BENNETT #1	DIVERSE-BENNETT (GRAN	108.0	EMPIRE PIPELINE C
-DORCHESTER EXPLORATION INC				RECEIVED:	01/07/82	JA: TX			
8214063	F-01-043617	4217731003		103		BRUBAKER #1	GONZALES (AUSTIN CHAL	36.5	
8214062	F-10-043615	4221131193		103		HOBART #1	HEMPHILL (GRANITE WAS	131.0	
-DR R B WILCHAR				RECEIVED:	01/07/82	JA: TX			
8214107	F-7B-043948	4242932704		102-4		M O KENNEDY EST C #1	IVAN (DUFFER)	91.0	LONE STAR GAS CO
-EAGLE ENERGY				RECEIVED:	01/07/82	JA: TX			
8214005	F-08-043251	4237133206		103		RADFORD #1 95355	FORT STOCKTON	72.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	01/07/82	JA: TX			
8214141	F-10-044088	4208726038		108		BRASHEARS #1	PANHANDLE EAST	24.0	EL PASO NATURAL G
8214126	F-7C-044041	4243519232		108		THOMSON E #1	SONORA CANYON UPPER	16.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED:	01/07/82	JA: TX			
8214222	F-7C-044271	4238332013		103		ROCKER B W #17	SPRABERRY (TREND AREA	3.6	EL PASO NATURAL G
8214220	F-7C-044269	4238336009		103		ROCKER B W #18	SPRABERRY (TREND AREA	4.3	EL PASO NATURAL G
8214221	F-7C-044270	4238332014		103		ROCKER B W #19	SPRABERRY (TREND AREA	5.0	EL PASO NATURAL G
8214223	F-7C-044272	4238332160		103		ROCKER B W #20	SPRABERRY (TREND AREA	2.9	EL PASO NATURAL G
8214044	F-7C-043491	4238331846		103		VESTER HUGHES #14	SPRABERRY (TREND AREA	10.8	EL PASO NATURAL G
8214045	F-7C-043492	4238331345		103		VESTER HUGHES #15	SPRABERRY (TREND AREA	7.2	EL PASO NATURAL G
-ENERGY-AGRI PRODUCTS INC				RECEIVED:	01/07/82	JA: TX			
8214363	F-10-044695	4206530907		103		HENRY #1 (ID#04912)	PANHANDLE CARSON	160.0	GETTY OIL CO
-EXXON CORPORATION				RECEIVED:	01/07/82	JA: TX			
*8214303	F-04-044565	4213133979		102-4		A H BADGLEY 30D #88573	SEVEN SISTERS WEST (W	73.0	ARMCO STEEL CORP
*8214265	F-06-044428	4240131051		102-2	107-TF	CHARLES HOLLAND GAS UNIT 1 #1	OAKHILL NW (COTTON VA	215.0	ARMCO STEEL CORP
8214146	F-08-044110	4237133476		103		FORT STOCKTON UNIT #1321	FORT STOCKTON (YATES	123.0	NUECES CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214147	F-08-044111	4237133477		103		FORT STOCKTON UNIT #1624	FORT STOCKTON (YATES	128.0	NUECES CO
8214148	F-08-044112	4237133494		103		FORT STOCKTON UNIT #822	FORT STOCKTON (YATES	1.0	NUECES CO
8214149	F-08-044113	4200332882		103		FULLERTON CLEARFORK UNIT #2119	FULLERTON	15.0	PHILLIPS PETROLEU
*8214047	F-08-043496	4200332834		103		FULLERTON CLEARFORK UNIT #2225	FULLERTON	15.0	PHILLIPS PETROLEU
*8214150	F-08-044114	4200332898		103		FULLERTON CLEARFORK UNIT #531	FULLERTON	15.0	PHILLIPS PETROLEU
8214099	F-08-043884	4200332783		103		FULLERTON CLEARFORK UNIT #619	FULLERTON	15.0	PHILLIPS PETROLEU
*8214087	F-04-043799	4227331542		102-4		K R BORREGOS 562 (95306)	BORREGOS (ZONE 7730'	300.0	ARMCO STEEL CORP
*8214153	F-04-044123	4227331589		103		K R MORGAN M-73 (05154)	BORREGOS WEST (SEG F	18.0	ARMCO STEEL CORP
*8214028	F-03-043417	4247330335		103		KATY GAS FIELD UNIT 1 W-50	KATY (WILCOX 10,200 S	912.0	ARMCO STEEL CORP
*8214003	F-04-043239	4224930935		103		KING RANCH SEELIGSON C-198-F 90404	SEELIGSON (ZONE 20-F-	76.0	ARMCO STEEL CORP
8214100	F-08-043888	4200332833		103		MEANS/SAN ANDRES/UNIT #2160	MEANS	15.0	PHILLIPS PETROLEU
8214145	F-08-044108	4200332778		103		MEANS/SAN ANDRES/UNIT #766	MEANS	15.0	PHILLIPS PETROLEU
*8214284	F-03-044512	4215731139		102-2		PECAN GROVE GAS UNIT 3 #1	PECAN GROVE (8000)	900.0	ARMCO STEEL CORP
8214143	F-10-044105	4239330846		103		R A FLOWERS #4	MENDOTA NW (DOUGLAS L	59.0	TRANSWESTERN PIPE
8214204	F-04-044214	4226130605		103		S K EAST B 38 (95613)	SARITA EAST (FRIO)	1460.0	NATURAL GAS PIPEL
*8214244	F-06-044334	4236531124		103	107-TF	S L HOLMES #3	CARTHAGE (COTTON VALL	100.0	ARMCO STEEL CORP
*8214155	F-04-044125	4226130593		103		SANTA FE RANCH-MULA PAST 29 95614	STILLMAN (SHALLOW)	220.0	ARMCO STEEL CORP
*8214154	F-04-044124	4226130629		103		SANTA FE RANCH-MULA PAST 33 94452	STILLMAN (SHALLOW)	400.0	ARMCO STEEL CORP
8214328	F-04-044616	4248930640		103		SAUZ RANCH MULATOS PAST 169 03366	WILLAMAR	9.0	NATURAL GAS PIPEL
8214144	F-08-044106	4210931474		103		TEXACO FEE D #4	FORD WEST (4100)	3.0	
-FLAG-REDFERN OIL CO				RECEIVED:		01/07/82 JA: TX			
8214229	F-08-044291	4237132633		102-4		MCDONALD #2-L #26425	PUTMAN (ELLENBURGER)	110.0	DELHI PIPELINE CO
8214228	F-08-044290	4237132632		103		MCDONALD STATE (124) #2	PUTMAN (WOLFCAMP)	235.0	DELHI PIPELINE CO
-FOREST OIL CORPORATION				RECEIVED:		01/07/82 JA: TX			
8214097	F-8A-043878	4211531489		103		SCHOOLER #2 (RRC ID 63104)	JO-MILL (SPRAYBERRY)	27.0	TEXACO INC
-FORTUNE PRODUCTION CO				RECEIVED:		01/07/82 JA: TX			
8214101	F-7C-043906	4223531822		103		CRAWFORD #3	BAKER RANCH (CANYON)	188.1	CRA INC
8214102	F-7C-043907	4223531777		103		MURPHEY 1221 #1	CAL SOUTH (CANYON)	31.8	CRA INC
8214142	F-7C-044098	4223531821		103		MURPHEY 1221 #2	CAL SOUTH (CANYON)	79.0	CRA INC
-FRAC INC				RECEIVED:		01/07/82 JA: TX			
8214335	F-08-044629	4200332802		103		THORNBERRY "4W" #2 #26747	FUHRMAN-MASCO	8.2	PHILLIPS PETROLEU
-FULLER PETROLEUM INC				RECEIVED:		01/07/82 JA: TX			
8214336	F-08-044632	4210332622		103		EDWARDS #1 RRC #26816	ARMER (GLORIETA)	28.1	WARREN PETROLEUM
-FURRY OPERATING ACCOUNT				RECEIVED:		01/07/82 JA: TX			
8214257	F-78-044402	4204931894		103		EDWIN & LESTER SPELLMAN #1 (15460)	BROWN COUNTY REGULAR	14.0	ODESSA NATURAL CO
8214256	F-78-044401	4204932373		103		F D WILLIAMS #2 (16381)	BROWN COUNTY REGULAR	47.0	ODESSA NATURAL CO
-GENERAL PRODUCTION CORP				RECEIVED:		01/07/82 JA: TX			
8214262	F-03-044419	4205131367		103		EUGENE ARLEDGE #1	WILLARD (NAVARRO)	0.0	FERGUSON CROSSING
8214261	F-03-044418	4205131716		103		HERBERT LEE DUDLEY UNIT 1 #1	WILLARD (NAVARRO)	0.0	FERGUSON CROSSING
-GETTY OIL COMPANY				RECEIVED:		01/07/82 JA: TX			
8214108	F-08-043951	4230130237		107-DP		GLENN BRUNSON 12-26 #1	BRUNSON RANCH (PENN L	1825.0	INTRATEX GAS CO
-GILLRING OIL CO				RECEIVED:		01/07/82 JA: TX			
8214246	F-04-044341	4235500000		102-4		THOMAS DIX #10	AGUA DULCE (DIX 8600'	273.8	HOUSTON PIPE LINE
-GO OIL CORP				RECEIVED:		01/07/82 JA: TX			
8214358	F-78-044676	4236731868		103		BASWELL #1 (ID NO 93731)	POOLVILLE S W (BEND C	0.0	NATURAL GAS PIPEL
-GRAHAM-MICHAELIS CORP				RECEIVED:		01/07/82 JA: TX			
8214232	F-10-044296	4242100000		108		HILL #1	TEXAS HUGOTON	6.0	PHILLIPS PETROLEU
-GRAND BANKS ENERGY CO				RECEIVED:		01/07/82 JA: TX			
*8214068	F-7C-043674	4246131676		103		DAVIS "29" #1	DAVIS (WOLFCAMP)	36.0	MOBIL OIL CORP
-GRO-TEX				RECEIVED:		01/07/82 JA: TX			
8214226	F-78-044281	4236332761		102-4		CARROLL #1	TOMERLIN (CONGL)	1030.0	SOUTHWESTERN GAS
-GULF OIL CORPORATION				RECEIVED:		01/07/82 JA: TX			
8214353	F-10-044667	4217900000		108		BARRETT "A" #1	PANHANDLE GRAY COUNTY	1.0	CITIES SERVICE CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214354	F-10-044668	4217900000		108		BARRETT "A" #2	PANHANDLE GRAY COUNTY	1.0	CITIES SERVICE CO
8214355	F-10-044669	4217900000		108		BARRETT "A" #3	PANHANDLE GRAY COUNTY	1.0	CITIES SERVICE CO
8214356	F-10-044670	4217900000		108		BARRETT "A" #4	PANHANDLE GRAY COUNTY	1.0	CITIES SERVICE CO
8214351	F-10-044665	4217900000		108		BARRETT "B" #10	PANHANDLE GRAY COUNTY	0.3	CITIES SERVICE CO
8214352	F-10-044666	4217900000		108		BARRETT "B" #11	PANHANDLE GRAY COUNTY	0.3	CITIES SERVICE CO
8214345	F-10-044659	4217900000		108		BARRETT "B" #3	PANHANDLE GRAY COUNTY	0.3	CITIES SERVICE CO
8214346	F-10-044660	4217900000		108		BARRETT "B" #4	PANHANDLE GRAY COUNTY	0.3	CITIES SERVICE CO
8214347	F-10-044661	4217900000		108		BARRETT "B" #5	PANHANDLE GRAY COUNTY	0.3	CITIES SERVICE CO
8214348	F-10-044662	4217900000		108		BARRETT "B" #6	PANHANDLE GRAY COUNTY	0.3	CITIES SERVICE CO
8214349	F-10-044663	4217900000		108		BARRETT "B" #8	PANHANDLE GRAY COUNTY	0.3	CITIES SERVICE CO
8214350	F-10-044664	4217900000		108		BARRETT "B" #9	PANHANDLE GRAY COUNTY	0.3	CITIES SERVICE CO
8214343	F-10-044657	4217900000		108		BARRETT B #1	PANHANDLE GRAY COUNTY	0.3	CITIES SERVICE CO
8214344	F-10-044658	4217900000		108		BARRETT B #2	PANHANDLE GRAY COUNTY	0.3	CITIES SERVICE CO
8214131	F-08-044052	4222700000		103		P E LITTLE #1	KNOTT WEST (DEAN)	41.6	GETTY OIL CO
-HARRISON INTERESTS LTD				RECEIVED:		01/07/82 JA: TX			
8214098	F-7C-043880	4210533502		102-4	103	UNIVERSITY LAND 20-33 #24	HOWARDS CREEK (PENN)	0.0	INTRATEX GAS CO
-HENRY URBANCZYK				RECEIVED:		01/07/82 JA: TX			
8214009	F-10-043278	4217900000		108		BASS E CLAY (00666) #1	PANHANDLE GRAY COUNTY	15.0	PHILLIPS PETROLEU
8214008	F-10-043277	4217900000		108		BASS E CLAY (00666) #2	PANHANDLE GRAY COUNTY	15.0	PHILLIPS PETROLEU
8214007	F-10-043276	4217900000		108		BASS E CLAY (00666) #3	PANHANDLE GRAY COUNTY	15.0	PHILLIPS PETROLEU
-HILLIARD OIL & GAS INC				RECEIVED:		01/07/82 JA: TX			
8214369	F-06-043685	4206730351		103	107-TF	CAIN ESTATE #1	KILDARE (COTTON VALLE	486.0	TEXAS EASTERN TRA
8214264	F-06-044426	4206730356		103	107-TF	G B JOHNSON #2	KILDARE (COTTON VALLE	720.0	TEXAS EASTERN TRA
8214245	F-06-044339	4206730348		103	107-TF	HASKELL YOUNG #2	KILDARE (COTTON VALLE	558.0	TEXAS EASTERN TRA
-HLH PETROLEUM CORP				RECEIVED:		01/07/82 JA: TX			
8214337	F-7B-044646	4225300000		102-4		C CULLERS & BAILEY "A" #2804 17035	CULLERS & BAILEY (CAN	14.0	PALO DURO PIPELIN
8214338	F-7B-044647	4225331720		103		CLAUDE SMITH #21-1 (17443)	NOODLE N W (CANYON SA	60.0	PALO DURO PIPELIN
-HNG OIL COMPANY				RECEIVED:		01/07/82 JA: TX			
8214250	F-04-044368	4235500000		108		CHAPMAN HEIRS A 792	CHAPMAN RANCH (7300)	37.2	HOUSTON PIPE LINE
8214006	F-7C-043252	4243532542		103	107-TF	GALBREATH 65 #4	SAWYER (CANYON)	298.0	INTRATEX GAS CO
8214084	F-14-043777	4247932908		103	107-TF	HIRSCH EST 1600 #1	JUANITA (LOBO)	193.0	HOUSTON PIPE LINE
8214076	F-7C-043706	4243532557		103	107-TF	KELLY 3 #1	SAWYER CANYON	162.0	INTRATEX GAS CO
8214249	F-7C-044367	4243500000		108		SAWYER "128" #2	SAWYER CANYON	49.9	INTRATEX GAS CO
8214095	F-7C-043858	4243532183		107-TF		SIMMONS 72 #2	SAWYER CANYON	41.5	INTRATEX GAS CO
-IKE LOVELADY INC				RECEIVED:		01/07/82 JA: TX			
8214327	F-7C-044614	4245130763		103		BEN L KEYES #1	SUSAN PEAK SOUTH (STR	54.7	ARCO OIL & GAS CO
-INDIAN WELLS OIL CO				RECEIVED:		01/07/82 JA: TX			
8214042	F-7C-043476	4223531694		103		HARRIS 50-2	PROBANDT (CANYON)	54.8	NORTHERN NATURAL
8214043	F-7C-043477	4210533463		103	107-TF	ROBERTSON #30-2	OZONA (CANYON SAND)	9.1	DELHI GAS PIPELIN
8214093	F-7C-043846	4241331041		103	107-TF	UNIVERSITY 24-1	UNIVERSITY 53 (CANYON	125.0	CRA INC
-INLAND OCEAN INC				RECEIVED:		01/07/82 JA: TX			
8214238	F-02-044310	4217500000		108		LOTTIE SHAPER (05262)	CABEZA CREEK SO	6.0	UNITED GAS PIPELI
-J & C ENERGY INC				RECEIVED:		01/07/82 JA: TX			
8214077	F-7B-043707	4209330910		102-4		ANN YOUNG #4	DELEON N (STRAWN)	106.0	SOUTHWESTERN GAS
-J CLEO THOMPSON & JAMES CLEO THOMPS				RECEIVED:		01/07/82 JA: TX			
8214013	F-7C-043343	4210533442		102-4		UNIVERSITY 29-33 #1	UNIVERSITY 29 (STRAWN	293.0	PHILLIPS PETROLEU
8214083	F-7C-043764	4210530472		108		W R BAGGETT #1	OZONA (CANYON SAND)	127.0	EL PASO NATURAL G
-J M HUBER CORPORATION				RECEIVED:		01/07/82 JA: TX			
8214214	F-10-044257	4223300000		108		CHRISTIAN A #3	WEST PANHANDLE	20.0	PANHANDLE EASTERN
8214213	F-10-044255	4223300000		108		JAMIESON A #1	WEST PANHANDLE	18.0	PANHANDLE EASTERN
8214212	F-10-044254	4223300000		108		PREMIER A #4	WEST PANHANDLE	19.0	PANHANDLE EASTERN
-JEM PETROLEUM CORP				RECEIVED:		01/07/82 JA: TX			
8214255	F-7C-044400	4243500000		108		STITES #2-11	BRANCH NORTH (CANYON	6.0	EL PASO NATURAL G

JD NO	JA DKT	APT NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-JERRY E WYLIE OIL DRILLING COMPANY				RECEIVED:	01/07/82	JA: TX			
8214132	F-7B-044064	4209330876		102-4		DEAN KIRK #1 (17688)	DUSTER NE (MARBLE FAL	54.0	LONE STAR GAS CO
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	01/07/82	JA: TX			
8214273	F-10-044467	4242100000		108		E E OLDAKER	TEXAS HUGOTON	18.0	PHILLIPS PETROLEU
8214274	F-10-044468	4235700000		108		O'DELL A #1	PERRYTON WEST	14.0	NORTHERN NATURAL
-L & M OIL CO				RECEIVED:	01/07/82	JA: TX			
8214248	F-09-044351	4223733769		103		T T WATSON #2 (94164)	ALVORD (ATOKA CONGL)	100.0	CITIES SERVICE CO
-LEEDE OIL & GAS INC				RECEIVED:	01/07/82	JA: TX			
8214206	F-7C-044219	4210522767		103		UNIVERSITY (50) #16	FARMER (SAN ANDRES)	10.0	BIG LAKE GASOLINE
8214205	F-7C-044218	4210532765		103		UNIVERSITY "50" #14	FARMER (SAN ANDRES)	10.0	BIG LAKE GASOLINE
-LIVEOAK PRODUCTION CO				RECEIVED:	01/07/82	JA: TX			
8214106	F-7B-043946	4208332126		102-4		A E RICHMOND "A" #1A	TRICKHAM (CROSSCUT LO	49.5	LONE STAR GAS CO
8214105	F-7B-043945	4208332651		102-4		A FREEMAN #2	TRICKHAM (CROSSCUT LO	30.6	LONE STAR GAS CO
-MARALO INC				RECEIVED:	01/07/82	JA: TX			
8214304	F-08-044569	4200332893		103		DEEPROCK A #7-S	SHAFTER LAKE (SAN AND	20.8	PHILLIPS PETROLEU
-MARIANAS OPERATING CO INC				RECEIVED:	01/07/82	JA: TX			
8214125	F-7B-044039	4208332691		102-4		HORNE #2 (15808)	LITTLE LONGHORN (MORR	37.0	ODESSA NATURAL CO
-MARTIN OIL & GAS CO				RECEIVED:	01/07/82	JA: TX			
8214078	F-03-043717	4205100000		102-2		LIGHTSEY #3	CALDWELL (AUSTIN CHAL	0.0	CLAJON GAS CO
-MCCANN CORP				RECEIVED:	01/07/82	JA: TX			
8214027	F-08-043410	4222732071		103		MEADOR #1-37	VINCENT S (STRAWN)	0.0	GETTY OIL CO
-MINERAL DEVELOPMENT CO LTD				RECEIVED:	01/07/82	JA: TX			
8214296	F-08-044555	4237133163		103		MAGNOLIA "EE" #10 #26136	PECOS VALLEY HIGH GRA	0.2	NORTHERN NATURAL
8214295	F-08-044554	4237133318		103		MAGNOLIA "EE" #11 #26136	PECOS VALLEY HIGH GRA	0.3	NORTHERN NATURAL
8214294	F-08-044553	4237133209		103		MAGNOLIA "EE" #12 #26136	PECOS VALLEY HIGH GRA	0.2	NORTHERN NATURAL
8214293	F-08-044551	4237133305		103		MAGNOLIA "EE" #14 #26136	PECOS VALLEY HIGH GRA	21.9	NORTHERN NATURAL
8214292	F-08-044550	4237133296		103		MAGNOLIA "EE" #15 #26136	PECOS VALLEY HIGH GRA	25.5	NORTHERN NATURAL
8214291	F-08-044549	4237133312		103		MAGNOLIA "EE" #16 #26136	PECOS VALLEY HIGH GRA	21.9	NORTHERN NATURAL
8214299	F-08-044558	4237133155		103		MAGNOLIA "EE" #7 #26136	PECOS VALLEY HIGH GRA	25.5	NORTHERN NATURAL
8214298	F-08-044557	4237133250		103		MAGNOLIA "EE" #8 #26136	PECOS VALLEY HIGH GRA	0.2	NORTHERN NATURAL
8214297	F-08-044556	4237133317		103		MAGNOLIA "EE" #9 #26136	PECOS VALLEY HIGH GRA	23.7	NORTHERN NATURAL
-MITCHELL ENERGY CORPORATION				RECEIVED:	01/07/82	JA: TX			
8214052	F-03-043526	4231300000		108		HENRIETTA STONE #1 31715	MADISONVL SUBCLARKSVL	9.7	LONE STAR GAS CO
8214014	F-09-043344	4223733540		102-4		J W LOVING EST #9-U	JERMYN WEST (CADDO)	61.0	SOUTHWESTERN GAS
8214015	F-09-043346	4249732185		103		J W SMITH #2	BOONSVILLE (BEND CONG	214.0	NATURAL GAS PIPEL
8214016	F-09-043347	4249732213		103		R B TAYLOR #3	BOONSVILLE (BEND CONG	205.0	NATURAL GAS PIPEL
8214053	F-09-043528	4223700000		108		RICHARDS 472 #2 66202	JACKSBORO (ATOKA CONG	8.2	SOUTHWESTERN GAS
8214055	F-09-043537	4249700000		108		SAM KIKER #2 31228	BOONSVILLE (BEND CONG	11.6	NATURAL GAS PIPEL
8214180	F-09-044165	4223733477		103		T H MIDDLEBROOK #1	JACK COUNTY REGULAR	142.0	
8214054	F-09-043531	4236700000		108		T R GARRETSON #2 84771	BOONSVILLE (BEND CONG	7.1	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	01/07/82	JA: TX			
8214109	F-10-043958	4234130715		103		E C BRITIAN #35	PANHANDLE MOORE COUNT	1.7	PANHANDLE EASTERN
8214219	F-8A-044267	4221933245		103		NORTH CENTRAL LEVELLAND UNIT #349	LEVELLAND	1.0	AMOCO PRODUCTION
8214290	F-10-044545	4206500000		108		SEIBER #1	PANHANDLE WEST	19.1	NORTHERN NATURAL
*8214287	F-08-044532	4247532384		103		STATE "A" #4	CAPRITO (DELAWARE MID	38.0	T LONE STAR GAS C
8214289	F-08-044544	4232930153		108		WALTON JUDKINS #1	AZALEA (DEVONIAN)	19.6	LONE STAR GAS CO
-MONSANTO COMPANY				RECEIVED:	01/07/82	JA: TX			
8214176	F-08-044161	4200332541		103		FISHER #10	SHAFTER LAKE (SAN AND	5.0	PHILLIPS PETROLEU
8214270	F-08-044441	4200332540		103		FISHER #11	SHAFTER LAKE (SAN AND	5.0	PHILLIPS PETROLEU
8214178	F-08-044163	4200332988		103		UNIVERSITY 14-18 #3	SHAFTER LAKE (SAN AND	9.0	PHILLIPS PETROLEU
8214177	F-08-044162	4200332744		103		UNIVERSITY 14-18 #8	SHAFTER LAKE (SAN AND	10.0	PHILLIPS PETROLEU
8214179	F-08-044164	4200332759		103		UNIVERSITY 14-25 #6	SHAFTER LAKE (SAN AND	16.0	PHILLIPS PETROLEU
-MORAN EXPLORATION INC				RECEIVED:	01/07/82	JA: TX			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214247	F-7C-044344	4223531648		103		ROCKER BR #4	SPRABERRY (TREND AREA	0.0	NORTHERN NATURAL
-MR OIL CO				RECEIVED:		01/07/82 JA: TX			
8214260	F-08-044406	4247532374		103		BENTLEY #2	PAYTON	5.0	
8214259	F-08-044405	4247532322		103		HAWKINS #6	PAYTON	12.0	
8214258	F-08-044404	4247532375		103		HAWKINS #7	PAYTON	63.0	
8214263	F-08-044422	4247532187		103		UNIVERSITY-A- #8	WARD-ESTES NORTH	26.0	CABOT CORP
-MUELLER ENGINEERING CORP				RECEIVED:		01/07/82 JA: TX			
8214211	F-04-044245	4213100000		108		J S BORDOVSKY - STATE OF TX #A-2	NEELY (BRUNI 1900')	3.0	NATURAL GAS PIPEL
-NORTH STAR PETROLEUM CORPORATION				RECEIVED:		01/07/82 JA: TX			
8214309	F-10-044581	4223300000		108		BIVINS #1-RC (27249)	PANHANDLE WEST (RED C	18.0	PHILLIPS PETROLEU
8214308	F-10-044580	4223300000		108		GARLAND #1-RC (27253)	PANHANDLE WEST (RED C	2.0	PHILLIPS PETROLEU
8214152	F-10-044121	4223300000		108		YAKE-B #1	PANHANDLE WEST (RED C	14.0	PANHANDLE PRODUCI
-OCEAN MINERALS INC				RECEIVED:		01/07/82 JA: TX			
8214031	F-7C-043452	4210532356		102-4		UNIVERSITY 24-29 #1	INGHAM (QUEEN)	54.0	SOUTHWESTERN GAS
8214049	F-7C-043508	4210532566		102-4		UNIVERSITY 24-29 #3	INGHAM (QUEEN)	73.0	SOUTHWESTERN GAS
8214032	F-7C-043453	4210532567		102-4		UNIVERSITY 24-29 #4	INGHAM (QUEEN)	73.0	SOUTHWESTERN GAS
8214050	F-7C-043509	4210532605		102-4		UNIVERSITY 24-29 #5	INGHAM (QUEEN)	73.0	SOUTHWESTERN GAS
8214033	F-7C-043454	4210532604		102-4		UNIVERSITY 25-29 #2	INGHAM (QUEEN)	73.0	SOUTHWESTERN GAS
8214051	F-7C-043510	4210532602		102-4		UNIVERSITY 25-29 #3	INGHAM (QUEEN)	73.0	SOUTHWESTERN GAS
-OTIS ENERGY INC				RECEIVED:		01/07/82 JA: TX			
8214278	F-7B-044479	4213332629		102-2		I N HART #2	EASTLAND COUNTY REGUL	182.5	ODESSA NATURAL GA
8214279	F-7B-044481	4213332628		102-2		I N HART #3	EASTLAND COUNTY REGUL	36.5	ODESSA NATURAL GA
8214277	F-7B-044476	4213332627		102-2		I N HART #4	EASTLAND COUNTY REGUL	182.5	ODESSA NATURAL GA
8214276	F-7B-044476	4213332855		102-2		I N HART #7	EASTLAND COUNTY REGUL	109.5	ODESSA NATURAL GA
8214280	F-7B-044482	4213332807		102-2		J S HART #6	EASTLAND COUNTY REGUL	18.3	ODESSA NATURAL GA
-P C BURNS OIL PRODUCERS				RECEIVED:		01/07/82 JA: TX			
8214151	F-09-044120	4207732003		103		W E SANDERS #2 20628	TALLY (STRAWN)	6.0	SANFORD P FAGADAU
-PARKER & PARSLEY INC				RECEIVED:		01/07/82 JA: TX			
8214215	F-08-044261	4232931021		103		BAKER A #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8214216	F-08-044262	4232931017		103		CRAWFORD #1	SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
8214217	F-08-044263	4232931015		103		MUSIC #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8214218	F-08-044264	4232931014		103		RAY #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
-PAUL E CAMERON JR INC				RECEIVED:		01/07/82 JA: TX			
8214010	F-03-043291	4218500000		102-4		B I COLE #1	IOLA EAST(GEORGETOWN)	380.0	MORGAS CO
-PETRO-LEWIS CORPORATION				RECEIVED:		01/07/82 JA: TX			
8214283	F-08-044492	4210332441		103		ATLANTIC STATE #4	SAND HILLS (MCKNIGHT)	160.0	WARREN PETROLEUM
8214253	F-08-044385	4210332436		103		ATLANTIC STATE #6	SAND HILLS (MCKNIGHT)	94.0	WARREN PETROLEUM
8214114	F-08-047016	4237100000		107-DP		DEWITT PARKE #2	GOMEZ	1000.0	LONE STAR GAS CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		01/07/82 JA: TX			
8214026	F-08-043405	4213520007		108		ALMA #13	TXL (DEVONIAN)	4.0	SHELL OIL CO
8214024	F-08-043403	4200310006		108		EMBAR B #32	GOLDSMITH N (SAN ANDR	22.0	EL PASO NATURAL G
8214025	F-08-043404	4213505823		108		GS ADOBE #38-01	GOLDSMITH (5600)	0.3	EL PASO NATURAL G
8214362	F-08-044694	4213520388		108		N PENWELL #133	PENWELL	2.0	EL PASO NATURAL G
8214361	F-08-044592	4213521113		108		N PENWELL #26	PENWELL	4.0	EL PASO NATURAL G
8214023	F-08-043402	4213520134		108		N PENWELL #83	PENWELL (SAN ANDRES)	7.6	EL PASO NATURAL G
-PNS CO				RECEIVED:		01/07/82 JA: TX			
8214017	F-02-043353	4217500000		102-4	103	O J FRIEDRICHS #1	WILHEN (FRIO 3300) FI	73.0	DELHI GAS PIPELIN
-POLK & PATTON INC				RECEIVED:		01/07/82 JA: TX			
8214301	F-7B-044562	4236332011		102-4		HARRY SIKES UNIT #13 ID-82553	KEECHI CREEK (CONGL 4	219.0	LONE STAR GAS CO
-QUANTUM RESOURCES CORP				RECEIVED:		01/07/82 JA: TX			
8214360	F-08-044687	4231732112		103		SCHARBAUER A-11	SPRAYBERRY (TREND ARE	36.5	ALPINE OIL CO
8214359	F-08-044685	4231732160		103		SCHARBAUER A-9	SPRAYBERRY (TREND ARE	36.5	ALPINE OIL CO
-R L BURNS CORP				RECEIVED:		01/07/82 JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214089	F-04-043806	4247931577		103		MIDDLETON #1	BOOTH RANCH (OLMOS)	0.0	LONE STAR GAS CO
8214088	F-04-043801	4247931957		103		MIDDLETON "25" #1	SEGUNDO (OLMOS)	0.0	LONE STAR GAS CO
-RALPH L WAY INC				RECEIVED:	01/07/82	JA: TX			
8214186	F-7C-044176	4238332049		103		UNIVERSITY "10" #8	FARMER (SAN ANDRES)	7.9	NORTHERN NATURAL
-REALITOS EXPLORATORY PROGRAM				RECEIVED:	01/07/82	JA: TX			
8214364	F-02-044706	4246931594		102-4		BERTHA WILLEMIN TRACT I #1	COLETTO CREEK S (4865	45.0	TENNESSEE GAS PIP
-REO INDUSTRIES INC				RECEIVED:	01/07/82	JA: TX			
8214239	F-10-044315	4223300000		103		WHITTENBURG 1-25	PANHANDLE HUTCHINSON	95.0	TRANS-PAN GATHERI
8214235	F-10-044306	4223300000		103		WHITTENBURG 2-1	PANHANDLE HUTCHINSON	95.0	TRANS-PAN GATHERI
8214241	F-10-044317	4223300000		103		WHITTENBURG 33-8	PANHANDLE HUTCHINSON	95.0	TRANS-PAN GATHERI
8214240	F-10-044316	4223300000		103		WHITTENBURG 5-24	PANHANDLE HUTCHINSON	95.0	TRANS-PAN GATHERI
8214236	F-10-044307	4223300000		103		WHITTENBURG 5-8	PANHANDLE HUTCHINSON	95.0	TRANS-PAN GATHERI
-S R G OIL CORP				RECEIVED:	01/07/82	JA: TX			
8214079	F-7B-043752	4247731283		103		B J DAVIS #1 (17522)	THROCKMORTON COUNTY R	40.0	CLEAR FORK GAS CO
-SABID OIL & GAS INC				RECEIVED:	01/07/82	JA: TX			
8214230	F-09-044294	4249700000		108		FANNIE M KNOX ID #28536	BOONSVILLE (BEND CONG	16.5	NATURAL GAS PIPEL
8214231	F-09-044295	4249700000		108		P H STONE ID #28543	BOONSVILLE (BEND CONG	14.0	NATURAL GAS PIPEL
-SAXON OIL COMPANY				RECEIVED:	01/07/82	JA: TX			
8214281	F-7C-044489	4246131801		103		RATLIFF #1	SPRABERRY (TREND AREA	17.5	PHILLIPS PETROLEU
8214041	F-7C-043470	4246131800		103		RATLIFF #2	SPRABERRY (TREND AREA	43.8	PHILLIPS PETROLEU
-SEAGULL OPERATING CO INC				RECEIVED:	01/07/82	JA: TX			
8214282	F-03-044490	4205131051		103		COFFIELD B-4 #1	INEZ-JAMISON (NAVARRO	72.0	FERGUSON CROSSING
-SECURITY PETROLEUM DRILLING INC				RECEIVED:	01/07/82	JA: TX			
8214128	F-10-044049	4217930938		103		EVANS #6 04731	PANHANDLE GRAY COUNTY	72.0	CABOT PIPELINE CO
8214127	F-10-044048	4217930939		103		EVANS #7 04731	PANHANDLE GRAY COUNTY	72.0	CABOT PIPELINE CO
-SHELL OIL CO				RECEIVED:	01/07/82	JA: TX			
8214115	F-8A-044019	4250131870		103		DENVER UNIT #6309	WASSON	0.4	SHELL OIL CO
8214116	F-8A-044020	4216531878		103		DENVER UNIT #6435	WASSON	0.4	SHELL OIL CO
8214117	F-8A-044021	4216532066		103		DENVER UNIT #6436	WASSON	0.4	SHELL OIL CO
8214118	F-8A-044022	4216531874		103		DENVER UNIT #6734	WASSON	5.1	SHELL OIL CO
8214119	F-8A-044023	4216532079		103		DENVER UNIT #6823	WASSON	0.7	SHELL OIL CO
8214120	F-8A-044024	4216531877		103		DENVER UNIT #7432	WASSON	115.8	SHELL OIL CO
-SIMPSON-MANN OIL PRODUCERS				RECEIVED:	01/07/82	JA: TX			
8214367	F-7C-044715	4210533508		103	107-TF	DOROTHY FRIEND #10-1-F	ADAMS-BAGGETT RANCH (	153.0	VALERO TRANSMISSI
8214369	F-7C-044717	4210533542		103	107-TF	J M BAGGETT JR "12" #12-159	ADAMS-BAGGETT RANCH (	177.3	VALERO TRANSMISSI
8214368	F-7C-044716	4210533544		103	107-TF	J M BAGGETT JR "13" #13-164	ADAMS-BAGGETT RANCH (	270.0	VALERO TRANSMISSI
-SIOUX NATURAL GAS CORP				RECEIVED:	01/07/82	JA: TX			
8214321	F-7B-044598	4205932489		102-4		BARTON SCOTT #1	MEXIA CREEK CONGLOMER	0.0	SIOUX PIPELINE CO
8214315	F-7B-044591	4205931846		102-4		R L GRIGGS #1	MEXIA CREEK CONGLOMER	11.0	SIOUX PIPELINE CO
8214314	F-7B-044590	4205932490		102-4		R L GRIGGS #3	MEXIA CREEK CONGLOMER	13.9	SIOUX PIPELINE CO
8214316	F-7B-044592	4205932823		102-4		R L GRIGGS #4	MEXIA CREEK CONGLOMER	0.0	SIOUX PIPELINE CO
8214318	F-7B-044595	4205933008		102-4		R L GRIGGS #6	MEXIA CREEK CONGLOMER	18.3	SIOUX PIPELINE CO
8214319	F-7B-044596	4205933085		102-4		R L GRIGGS #7	MEXIA CREEK CONGLOMER	0.0	SIOUX PIPELINE CO
8214320	F-7B-044597	4205933225		102-4		R L GRIGGS #8	MEXIA CREEK CONGLOMER	0.0	SIOUX PIPELINE CO
8214317	F-7B-044593	4205933214		102-4		R L GRIGGS #9	MEXIA CREEK CONGLOMER	0.0	SIOUX PIPELINE CO
-SOUTHERN CRUDE OIL RESOURCES INC				RECEIVED:	01/07/82	JA: TX			
8214094	F-7B-043854	4236732100		102-4		WILLIAMS #1	LAKE MINERAL WELLS (2	0.0	SOUTHWESTERN GAS
-SPARKMAN PRODUCING CO				RECEIVED:	01/07/82	JA: TX			
8214129	F-04-044050	4221530996		102-4		R L HINOJOSA #1	LA REFORMA E	36.0	VALERO INTERSTATE
-STAHL PETROLEUM CO				RECEIVED:	01/07/82	JA: TX			
8214210	F-10-044239	4248300000		108		LUMMUS #1	EAST PANHANDLE	0.0	WARREN PETROLEUM
-STROUBE EXPLORATION INC				RECEIVED:	01/07/82	JA: TX			
8214157	F-7B-044127	4235331014		103		BROOKS #1 17299	MARYNEAL (CANYON)	10.8	PALO DURO PIPELIN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214158	F-78-044128	4215131165		103		LAWLISS #2 17028	RAVEN CREEK (CANYON S	10.8	PALO DURO PIPELIN
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	01/07/82	JA: TX			
8214190	F-8A-044183	4250132137		103		BENNETT RANCH UNIT #330	WASSON	20.0	SHELL OIL CO
8214035	F-8A-043457	4250132135		103		BENNETT RANCH UNIT #331	WASSON	26.0	SHELL OIL CO
8214036	F-8A-043458	4221933079		103		CENTRAL LEVELLAND UT #160-A	LEVELLAND	5.8	AMOCO PRODUCTION
8214037	F-8A-043460	4221923683		103		CENTRAL LEVELLAND UT #250	LEVELLAND	10.2	AMOCO PRODUCTION
8214040	F-8A-043464	4221933084		103		CENTRAL LEVELLAND UT #251	LEVELLAND	15.0	AMOCO PRODUCTION
8214038	F-8A-043462	4221933082		103		CENTRAL LEVELLAND UT #252	LEVELLAND	3.7	AMOCO PRODUCTION
8214039	F-8A-043463	4221933097		103		CENTRAL LEVELLAND UT #253	LEVELLAND	6.0	AMOCO PRODUCTION
8214034	F-8A-043455	4221933081		103		CENTRAL LEVELLAND UT #254	LEVELLAND	7.0	AMOCO PRODUCTION
8214192	F-04-044185	4213100000		108		L WEIDERKEHR #95	GOVERNMENT WELLS (N W	12.0	TENNESSEE GAS PIP
8214189	F-04-044182	4224900000		108		SEELIGSON UNIT #1-89L	SEELIGSON (ZONE 16D)	7.0	TENNESSEE GAS PIP
8214191	F-8A-044184	4221933211		103		SOUTHEAST LEVELLAND UNIT #267	LEVELLAND	6.0	AMOCO PRODUCTION
-SUPERIOR OIL CO				RECEIVED:	01/07/82	JA: TX			
8214202	F-08-044207	4210931405		102-2	103	COVINGTON STATE #1	COV MORROW	0.0	
-TEXACO INC				RECEIVED:	01/07/82	JA: TX			
8214000	F-8A-043231	4221933225		103		BOB SLAUGHTER BLK #338	SLAUGHTER	0.0	AMOCO PRODUCTION
8214306	F-78-044578	4235331058		103		C W LAMKIN NCT-2 #2	WHITE (GARDNER)	2.6	CORONADO TRANSMIS
8214001	F-8A-043232	4221933123		103		IRA P DELOACHE #21	LEVELLAND	20.1	AMOCO PRODUCTION
8214302	F-08-044564	4237133333		107-DP		L H R GAS UNIT #2	GOMEZ (DEVONIAN)	1460.0	INTRATEX GAS CO
-TXO PRODUCTION CORP				RECEIVED:	01/07/82	JA: TX			
8214018	F-02-043365	4228500000		108		HANCOCK UNIT #3-1	PROVIDENT CITY (WILCO	0.0	TEXAS EASTERN TRA
-THE DOW CHEMICAL COMPANY				RECEIVED:	01/07/82	JA: TX			
8214092	F-01-043822	4212731743		103		BRISCOE RANCH #25	CATARINA SW (OLMOS)	5.0	VALERO TRANSMISSI
8214091	F-01-043813	4212731955		103		BRISCOE RANCH #32	CATARINA SW (OLMOS)	15.0	VALERO TRANSMISSI
8214090	F-01-043812	4212732084		103		BRISCOE RANCH #33	CATARINA SW (OLMOS)	100.0	VALERO TRANSMISSI
-TRANSCONTINENTAL OIL CORPORATION				RECEIVED:	01/07/82	JA: TX			
8214004	F-7C-043249	4241331045		103	107-TF	UNIVERSITY 53-20A #1	UNIVERSITY 53 (CANYON	138.2	CRA INC
-TRAVELERS OIL CO				RECEIVED:	01/07/82	JA: TX			
8214313	F-10-044586	4206500000		108		BURNETT #1 04405	PANHANDLE CARSON COUN	13.0	PHILLIPS PETROLEU
8214310	F-10-044583	4206530656		108		BURNETT #2 04405	PANHANDLE CARSON COUN	13.0	PHILLIPS PETROLEU
8214311	F-10-044584	4206530733		108		BURNETT "A" #4 04506	PANHANDLE CARSON COUN	12.0	PHILLIPS PETROLEU
8214312	F-10-044585	4206530753		108		BURNETT "A" #5 04506	PANHANDLE CARSON COUN	12.0	PHILLIPS PETROLEU
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	01/07/82	JA: TX			
8214286	F-10-044530	4229530866		102-4		EUGENE BOOTH #1	BOOTH-PROCTOR (MORROW	75.0	PALO DURO PIPELIN
-W L BRUCE OPERATOR				RECEIVED:	01/07/82	JA: TX			
8214307	F-10-044579	4206530985		103		ANDERWALD RRC#04911	PANHANDLE	144.0	GETTY OIL CO
-W R EDWARDS JR				RECEIVED:	01/07/82	JA: TX			
8214193	F-10-044188	4223300000		103		BEARKILLER #29	PANHANDLE HUTCHINSON	92.0	PANHANDLE PRODUCI
8214198	F-10-044199	4223300000		103		COBLE CATTLE CO #11-1	PANHANDLE HUTCHINSON	90.0	PANHANDLE PRODUCI
8214197	F-10-044198	4223300000		103		COBLE CATTLE CO #13-1	PANHANDLE HUTCHINSON	90.0	PANHANDLE PRODUCI
8214194	F-10-044189	4223300000		103		COBLE CATTLE CO #15-1	PANHANDLE HUTCHINSON	90.0	PANHANDLE PRODUCI
8214233	F-10-044304	4223300000		103		COBLE CATTLE CO 10-1	PANHANDLE HUTCHINSON	90.0	PANHANDLE PRODUCI
8214234	F-10-044305	4223300000		103		COBLE CATTLE CO 21-1	PANHANDLE HUTCHINSON	90.0	PANHANDLE PRODUCI
-WAGNER & BROWN				RECEIVED:	01/07/82	JA: TX			
*8214012	F-08-043308	4243130689		103		BADE #1-15	CONGER (PENN)	305.0	VALERO TRANSMISSI
*8214011	F-08-043302	4243130858		103		BADE "B" #1-17	CONGER (PENN)	157.0	VALERO TRANSMISSI
8214174	F-08-044146	4243130873		103		GLASS "K" #3-4	CONGER (PENN)	168.0	VALERO TRANSMISSI
8214173	F-08-044145	4243130817		103		HILDEBRAND #18-18	CONGER (PENN)	440.0	VALERO TRANSMISSI
8214172	F-08-044144	4243130684		103		HILDEBRAND #27-2	CONGER (PENN)	227.0	VALERO TRANSMISSI
8214171	F-08-044143	4243130685		103		HILDEBRAND #28-3	CONGER (PENN)	297.0	VALERO TRANSMISSI
8214170	F-08-044142	4243130685		103		HILDEBRAND #29-3	CONGER (PENN)	148.0	VALERO TRANSMISSI
8214169	F-08-044141	4243130698		103		HILDEBRAND #30-2	CONGER (PENN)	183.0	VALERO TRANSMISSI

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8214168	F-08-044140	4243130699		103		HILDEBRAND #31-4
8214167	F-08-044139	4243130726		103		HILDEBRAND #32-20
8214166	F-08-044138	4243130755		103		HILDEBRAND #33-7
8214165	F-08-044137	4243130755		103		HILDEBRAND #34-9
8214164	F-08-044136	4243130775		103		HILDEBRAND #35-12
8214163	F-08-044135	4243130783		103		HILDEBRAND #36-16
8214162	F-08-044134	4243130828		103		HILDEBRAND #37-18
8214161	F-08-044132	4243130835		103		HILDEBRAND #39-10
8214160	F-08-044131	4243130848		103		HILDEBRAND #40-12
8214159	F-08-044130	4243130854		103		HILDEBRAND #41-7
8214175	F-08-044147	4243130772		103		MARGARET #2-13
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:		01/07/82 JA: TX
8214085	F-08-043786	4210332459		103		W N WADDELL 1124
8214326	F-08-044613	4210332592		103		W N WADDELL 1198
8214020	F-08-043369	4210332605		103		W N WADDELL 1199
8214081	F-08-043761	4210332591		103		W N WADDELL 1200
8214021	F-08-043310	4210332614		103		W N WADDELL 1210
8214272	F-08-044464	4210332618		103		W N WADDELL 1212
-WESSELY ENERGY CORPORATION				RECEIVED:		01/07/82 JA: TX
8214130	F-06-044051	4228930458		102-2		KENNEDY #1 95681
-WESTERN RESERVES OIL CO				RECEIVED:		01/07/82 JA: TX
8214242	F-08-044323	4217331117		102-4	103	LITTLE WHIT #1
-WESTERN RESERVES OIL COMPANY				RECEIVED:		01/07/82 JA: TX
8214243	F-08-044324	4217331172		102-4	103	LITTLE WHIT #2
-WILLIAM J AMIS				RECEIVED:		01/07/82 JA: TX
8214110	F-09-043971	4218100000		102-4		E W MCADEN #4
-WILLIAM MOSS PROPERTIES INC				RECEIVED:		01/07/82 JA: TX
8214251	F-7C-044369	4246131620		103		POWELL 24-A #1
-WILLIAM T LEWIS				RECEIVED:		01/07/82 JA: TX
8214366	F-09-044710	4250335130		103		ROGERS #21352
-WILLIAMS PETROLEUM CO				RECEIVED:		01/07/82 JA: TX
8214019	F-7B-043368	4236300000		103		LANDAR #6
-WILSON ENERGY INC				RECEIVED:		01/07/82 JA: TX
8214305	F-7C-044571	4210500000		103		MAGGIE NEAL #7
-WINDSOR PRODUCING CO				RECEIVED:		01/07/82 JA: TX
8214056	F-03-043543	4214931029		102-2	103	MEINHOLDT #1

FIELD NAME	PROD	PURCHASER
CONGER (PENN)	82.0	VALERO TRANSMISSI
CONGER (PENN)	101.0	VALERO TRANSMISSI
CONGER (PENN)	245.0	VALERO TRANSMISSI
CONGER (PENN)	119.0	VALERO TRANSMISSI
CONGER (PENN)	322.0	VALERO TRANSMISSI
CONGER (PENN)	186.0	VALERO TRANSMISSI
CONGER (PENN)	305.0	VALERO TRANSMISSI
CONGER (PENN)	122.0	VALERO TRANSMISSI
CONGER (PENN)	318.0	VALERO TRANSMISSI
CONGER (PENN)	160.0	VALERO TRANSMISSI
CONGER (PENN)	35.0	VALERO TRANSMISSI
UNIVERSITY WADDELL (D	78.6	EL PASO NATURAL G
SAND HILLS (TUBB)	16.2	EL PASO NATURAL G
SAND HILLS (TUBB)	54.5	EL PASO NATURAL G
SAND HILLS (TUBB)	88.7	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	78.0	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	4.3	EL PASO NATURAL G
SUPRON (PETTIT)	630.0	LONE STAR GAS CO
BIG WHIT (WOLFCAMP)	204.5	PHILLIPS PETROLEU
BIG WHIT (WOLFCAMP)	90.4	PHILLIPS PETROLEU
PHILPICK (6450)	94.0	UNION TEXAS PETRO
SPRABERRY (TREND AREA	11.0	MOBIL PRODUCING T
LUCILLE (CONGL)	220.0	SUN GAS TRANSMISS
B R A (CONGLOMERATE)	300.0	TEXAS UTILITIES F
WEGER (NORTH)	11.0	BIG LAKE GASOLINE
GIDDINGS (AUSTIN CHAL	1000.0	CLAJON GAS CO

OTHER PURCHASERS VOLUME NO :589

8214003	E I DUPONT DE NEMOURS & CO INC
8214011	TEXAS UTILITIES FUEL CO
8214012	TEXAS UTILITIES FUEL CO
8214022	UNION TEXAS PET-CORP
8214028	E I DUPONT DE NEMOURS & CO INC
8214047	AMOCO PRODUCTION CO
8214068	LONE STAR CO
8214087	E I DUPONT DENEMOURS & CO INC
8214150	AMOCO PRODUCTION CO
8214153	E I DUPONT DENEMOURS & CO INC
8214154	E I DUPONT DENEMOURS & CO INC
8214155	E I DUPONT DENEMOURS & CO INC
8214244	E I DUPONT DENEMOURS & CO INC
8214265	E I DUPONT DENEMOURS & CO INC
8214284	E I DUPONT DENEMOURS & CO INC
8214287	INTRATEX GAS CO
8214303	E I DUPONT DENEMOURS & CO INC

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3605 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 5, 1982.

JD NO	JA DKT	APT NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-BENSON MINERAL GROUP				RECEIVED:	01/07/82	JA: KS			
8214400		1504720839		102-4		SCHULTZ J #2-11	WIL	109.5	PANHANDLE EASTERN
-CITIES SERVICE COMPANY				RECEIVED:	01/07/82	JA: KS			
8214401	K-79-0789	1508100000		108-ER		IHLOFF A #1	HUGOTON	0.0	COLORADO INTERSTA
-MOBIL OIL CORP				RECEIVED:	01/07/82	JA: KS			
8214402		1507720626		103		BLANCHE WOOD #3	SPIVEY-GRABS	13.0	KANSAS POWER & LI
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ADAMS WELL SERVICE INC				RECEIVED:	01/08/82	JA: OH			
8214471		3416725924		103		COX-DOBBINS #1	AURELIUS	50.0	
-ALL STATES OIL & PRODUCING CO INC				RECEIVED:	01/08/82	JA: OH			
8214472		3410322247		107-TF		CODDING #1	GRANGER	20.0	COLUMBIA GAS TRAN
-AMERICAN EXPLORATION CO				RECEIVED:	01/08/82	JA: OH			
8214473		3415723271		108		L LANDIS #1		10.0	COLUMBIA GAS TRAN
8214475		3415723294		108		S IMMEL #1		10.0	COLUMBIA GAS TRAN
8214474		3415723276		108		SMITH-GINGERICH #2		10.0	COLUMBIA GAS TRAN
-AMERICAN PETROEL INC				RECEIVED:	01/08/82	JA: OH			
8214477		3416726116		103		AUGENSTEIN #1	ADAMS	6.0	
8214476		3416726111		103		AUGENSTEIN #2	ADAMS	5.0	
8214478		3416726450		103		AUGENSTEIN #3	ADAMS	5.0	
8214479		3416726451		103		AUGENSTEIN #4	ADAMS	6.0	
-AMERICAN WELL MANAGEMENT CO				RECEIVED:	01/08/82	JA: OH			
8214480		3408924212		103		THOMAS TOOMEY #1	LICKING	18.0	
-ATWOOD RESOURCES INC				RECEIVED:	01/08/82	JA: OH			
8214481A		3415123633		103		AMOS-REED #1	NEVARRE	15.0	
8214481B		3415123633	D	107-TF		AMOS-REED #1	NEVARRE	15.0	
-BAKER OIL CO				RECEIVED:	01/08/82	JA: OH			
8214482		3416723889		103		WILBERT SLOTER #2	WILBERT SLOTER	0.0	COLUMBIA GAS TRAN
-BANDS COMPANY INC				RECEIVED:	01/08/82	JA: OH			
8214483		3407523327		107-TF		CASTLE NURSING HOMES #3	HARDY	3.0	COLUMBIA GAS TRAN
-BARTLO OIL AND GAS COMPANY				RECEIVED:	01/08/82	JA: OH			
8214486		3410322659		103	107-TF	A NAGY #1	SHARON	15.0	
8214485		3410322657		103	107-TF	H HOLLAND #1	SHARON	20.0	
8214487		3410322706		103	107-TF	JANIS UNIT #2	SHARON	20.0	
8214484		3410322484		103	107-TF	M NAGY #2	SHARON	15.0	
-BELDEN & BLAKE & CO. 78				RECEIVED:	01/08/82	JA: OH			
8214489		3409921324		103	107-TF	D & R MYERS #7 341060	SMITH	36.5	EAST OHIO GAS CO
8214488		3409921323		103	107-TF	J & M SCHENK #1 341033	SMITH	36.5	EAST OHIO GAS CO
-BELL OIL				RECEIVED:	01/08/82	JA: OH			
8214490		3412725353		103		CHARLES KANGAS #1-B	BEAVERTOWN	5.0	NATIONAL GAS CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BEREA OIL AND GAS CORPORATION				RECEIVED:	01/08/82	JA: OH			
8214491		3411925799		103	107-TF	G OKEY #1	SALT CREEK	0.0	COLUMBIA GAS TRAN
8214492		3411925872		103	107-TF	MOORE #4	RICH HILL	0.0	COLUMBIA GAS TRAN
-BERRESFORD ENTERPRISES INC				RECEIVED:	01/08/82	JA: OH			
8214494		3403124273		103		BOB & RICK'S TIMBER CO #1	TIVERTON	0.0	
8214493		3403124198		103		ROBERT & MIRIAM MIKESELL #1	PIKE	0.0	
-BERWELL ENERGY INC				RECEIVED:	01/08/82	JA: OH			
8214495		3407523214		103		T J BOWMAN #2	RICHLAND	18.0	COLUMBIA GAS TRAN
-BUCKHORN OIL COMPANY INC				RECEIVED:	01/08/82	JA: OH			
8214496		3407523215		103		VIVA TOPA FETTERS #1	MONROE	2.0	COLUMBIA GAS TRAN
-CHARLES D LIGHTHIZER				RECEIVED:	01/08/82	JA: OH			
8214554		3411925687		107-TF		KING #3	MADISON	0.0	COLUMBIA GAS TRAN
8214553		3411925682		107-TF		LYNN #2	MADISON	0.0	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED:	01/08/82	JA: OH			
8214497		3403124505		103		M W C D #4-565	TIVERTON	10.0	
-CUYAHOGA EXPLORATION & DEVELOPMENT				RECEIVED:	01/08/82	JA: OH			
8214499		3411122579		103		DECKER #3	GRAYSVILLE	18.2	
8214498		3411122571		103		HOGUE #1	FRANKLIN	0.0	
-DART OIL COMPANY				RECEIVED:	01/08/82	JA: OH			
8214500		3407523148		103	107-TF	C HOXWORTH #12	KILLBUCK	0.0	COLUMBIA GAS TRAN
8214501		3415123461		103		MICKELSON CORP #1	BOLIVAR	40.0	BUCKEYE-FRANKLIN
8214502		3415123462		103		MICKELSON CORP #2	BOLIVAR	40.0	BUCKEYE-FRANKLIN
-DERBY OIL & GAS CORP				RECEIVED:	01/08/82	JA: OH			
8214504		3407523305		103	107-TF	ALBERT SCHLABACH #1	HARDY	12.0	COLUMBIA GAS TRAN
8214506		3407523477		103	107-TF	ALBERT SCHLABACH #2	HARDY	12.0	COLUMBIA GAS TRAN
8214503		3407523299		103	107-TF	ALVIN A SCHLABACH #1	HARDY	12.0	COLUMBIA GAS TRAN
8214505		3407523473		103	107-TF	ALVIN A SCHLABACH #2	HARDY	12.0	COLUMBIA GAS TRAN
-DICK HART				RECEIVED:	01/08/82	JA: OH			
8214526		3407322503		103		BURNS #1	STARR	0.5	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED:	01/08/82	JA: OH			
8214507		3407523100		103	107-TF	ANDY Y MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8214509		3407523171		103	107-TF	IVAN M MAST #1	BERLIN	12.0	COLUMBIA GAS TRAN
8214508		3407523118		103	107-TF	LEVI A RABER #1	BERLIN	12.0	COLUMBIA GAS TRAN
-EDLICO INC				RECEIVED:	01/08/82	JA: OH			
8214511		3408923834		103		YOUNG #2	EDEN	20.0	COLUMBIA GAS TRAN
-ENERGY PRODUCTION INC				RECEIVED:	01/08/82	JA: OH			
8214512		3409921411		103		GROPE UNIT #1	CANFIELD	50.0	EAST OHIO GAS CO
8214513		3409921414		103		SCHULTHEIS #2	CANFIELD	50.0	EAST OHIO GAS CO
-ENERGY RE-DEVELOPMENT				RECEIVED:	01/08/82	JA: OH			
8214514		3416724921	D	108		LANDINGS UNIT #1	MARIETTA	0.0	RIVER GAS CO
-ENERGY UNLIMITED INC				RECEIVED:	01/08/82	JA: OH			
8214516		3400922458		103		GOLDSBERRY #1	LODI	0.0	COLUMBIA GAS TRAN
8214515		3400922408		103		JONES #1	LODI	0.0	COLUMBIA GAS TRAN
8214517		3400922459		103		MERRILL #1	LODI	0.0	COLUMBIA GAS TRAN
-ENINUN INC				RECEIVED:	01/08/82	JA: OH			
8214518		3411925652		103	107-TF	MILLER #2	LICKING	20.0	NATIONAL GAS & OI
-ENTERPRISE ENERGY CORP				RECEIVED:	01/08/82	JA: OH			
8214522		3411522641		103		ALLEN #3	CENTER	36.5	
8214521		3411522621		103		HILL #1	MANCHESTER	36.5	
8214520		3405923185		103		MID-OHIO COAL #2	JACKSON	36.5	COLUMBIA GAS TRAN
8214519		3405923016		103		MID-OHIO COAL #7	JACKSON	36.5	COLUMBIA GAS TRAN
-ESTATE OF BARTON A HOLL				RECEIVED:	01/08/82	JA: OH			
8214532		3407322530		103		LCP B-2	MARION	8.5	COLUMBIA GAS TRAN

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JD NO	JA CKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214530		3407322502		103		LINDA L LAMBERT #2	GREEN	7.2	COLUMBIA GAS TRAN
8214531		3407322506		103		PHILIP MICHEL #2	STARR	2.9	GREEN FALLS GAS C
-EVERFLOW EASTERN INC				RECEIVED:	01/08/82	JA: OH			
8214523		3409920732	D	108		MC PHEE #2	ELLSWORTH	1.0	AMERICAN ENERGY S
8214524		3409920910	D	108		WISLER #1-A	GOSHEN	25.0	AMERICAN ENERGY S
-GEO ENERGY INC				RECEIVED:	01/08/82	JA: OH			
8214525		3410322610		103	107-DP	STOSKOPF J #2-1-1	LIVERPOOL	15.5	COLUMBIA GAS TRAN
-HARRY DUGAN OIL CO				RECEIVED:	01/08/82	JA: OH			
8214510		3408924088		103		T & I BILIMAN #4	HICKMAN	100.5	COLUMBIA GAS TRAN
-HERALD OIL & GAS CO				RECEIVED:	01/08/82	JA: OH			
8214527		3405320696		103		EMMETT ELLIOTT #1	ADDISON	0.0	COLUMBIA GAS TRAN
8214528		3405320697		103		ORLAND ELLIOTT #1	ADDISON	0.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:	01/08/82	JA: OH			
8214534		3411522180		103	107-TF	FRANCIS EARICH #1	MOLTA	15.0	COLUMBIA GAS TRAN
8214533		3411122136		103		J BAKER #2	FRANKLIN	27.0	COLUMBIA GAS TRAN
-HORTIN & HUFFMAN				RECEIVED:	01/08/82	JA: OH			
8214535		3408924160		103		HANES-VAN WEY #6	HANOVER	1.0	NATIONAL GAS
-IRVIN PRODUCING COMPANY				RECEIVED:	01/08/82	JA: OH			
8214538		3411925672		103	107-TF	MARVIN HOUK #1	WAYNE	10.0	NATIONAL GAS & OI
8214536		3411522528		103		PENNA FARMS #2	BLOOM	10.0	COLUMBIA GAS TRAN
8214537		3411925304		103	107-TF	WANDA HARRIS #2	SPRINGFIELD	10.0	NATIONAL GAS & OI
-JOHN C MASON				RECEIVED:	01/08/82	JA: OH			
8214566		3407523284		107-TF		MERLE HOOD #5	HARDY	12.0	COLUMBIA GAS TRAN
-JONSU CORP				RECEIVED:	01/08/82	JA: OH			
8214539		3403124321		103		TOM JOHNSTON #1	MONROE	10.0	
-KRAMER EXPLORATION CO				RECEIVED:	01/08/82	JA: OH			
8214540		3410522236		103		TAYLOR #1	PAMEROY	15.0	COLUMBIA GAS TRAN
-L & S OIL & GAS				RECEIVED:	01/08/82	JA: OH			
8214541		3411925812		103		R FISHER #1	NEWTON	25.0	NATIONAL GAS & OI
-LAKE REGION OIL INC				RECEIVED:	01/08/82	JA: OH			
8214546		3407523368		103		JACK BUTLER #1	KILLBUCK	15.0	COLUMBIA GAS TRAN
8214543		3407523127		103		JIM PATTERSON #1	RICHLAND	5.0	COLUMBIA GAS TRAN
8214545		3407523238		103		MARILYN BOLEY #1	RICHLAND	10.0	COLUMBIA GAS TRAN
8214542		3407523200		103		MAUDE LEVENGOOD #1	HILLBUCK	10.0	COLUMBIA GAS TRAN
8214544		3407523236		103	107-TF	THOMAS PATTERSON #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
-LANDPROVEST INC				RECEIVED:	01/08/82	JA: OH			
8214548		3411925263		107-TF		WARDEN WEST #2A	PERRY	25.0	COLUMBIA GAS TRAN
8214547		3411925259		107-TF		WARDEN WEST #3A	PERRY	25.0	COLUMBIA GAS TRAN
-LEADER EQUITIES INC				RECEIVED:	01/08/82	JA: OH			
8214552		3411925871		103	107-TF	BICE-KING #1	CASS	14.0	
8214549		3411522332		103	107-TF	DAVIS #1	MEIGSVILLE	12.0	
8214551		3411925761		103	107-TF	KNICELY #2	SALEM	13.0	
8214550		3411925435		103	107-TF	MCELFRESH #1	MUSKINGUM	15.0	
-LOMAK PETROLEUM INC				RECEIVED:	01/08/82	JA: OH			
8214555		3411924611		107-TF		N MOORE #5	BLUE ROCK	8.0	WILLISTON OIL COR
8214556		3411924629		107-TF		RIBBLE #2	HARRISON	15.0	COLUMBIA GAS TRAN
8214557		3411924689		107-TF		W NORMAN #1	HARRISON	24.0	COLUMBIA GAS TRAN
-M B OPERATING CO INC				RECEIVED:	01/08/82	JA: OH			
8214559		3415123460		103		CARPER UNIT #2	NIMISHILLEN	6.6	REPUBLIC STEEL CO
8214558		3415123459		103		ENTERPRISE ACRES #2	NIMISHILLEN	9.1	REPUBLIC STEEL CO
8214564		3415123539		103		FLINTKOTE CO #25	NIMISHILLEN	6.6	REPUBLIC STEEL CO
8214563		3415123535		103		LINHART UNIT #1	NIMSHILLEN	5.5	REPUBLIC STEEL CO
8214561		3415123476		103		MARTIG #2	MARLBORO	9.1	REPUBLIC STEEL CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214562		3415123534		103		STEGNER #1	NIMISHILLEN	16.4	REPUBLIC STEEL CO
8214565		3415721556		103		WALKER UNIT #2-A	WARREN	18.3	REPUBLIC STEEL CO
8214560		3415123472		103		WESTFALL UNIT #1	MARLBORO	11.0	REPUBLIC STEEL CO
-MILLER DAY ISELI ENERGY CO.				RECEIVED:	01/08/82	JA: OH			
8214572		3411122432		103		BLANEY #1-28	BETHEL	275.0	COLUMBIA GAS TRAN
8214573		3411122433		103		BLANEY #2-28	BETHEL	250.0	COLUMBIA GAS TRAN
8214571		3411122423		103		BLANEY 2-20	WASHINGTON	475.0	COLUMBIA GAS TRAN
8214574		3411122445		103		CLINE #1-25	CENTER	0.0	COLUMBIA GAS TRAN
-MORGAN-PENNINGTON INC				RECEIVED:	01/08/82	JA: OH			
8214580		3407523177	*	107-TF		BELL #1	HARDY	51.1	COLUMBIA GAS TRAN
8214581		3407523180		103		JACK BUREN #1	RICHLAND	6.0	COLUMBIA GAS TRAN
8214578		3407523051		103		L & A BUREN #1	KNOX	9.0	COLUMBIA GAS TRAN
8214579		3407523072		107-TF		LANDFAIR #1	HARDY	36.5	COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC				RECEIVED:	01/08/82	JA: OH			
8214587		3406720438		103	107-TF	BARBIERI-CRAIG UNIT #1	MONROE	18.0	COLUMBIA GAS TRAN
8214589		3410322586		103	107-TF	H A PORTERFIELD #3	WADSWORTH	21.0	BARTLO OIL & GAS
8214588		3406723477		103	107-TF	JAMES BERG #1	MONROE	18.0	COLUMBIA GAS TRAN
8214586		3406720437		103	107-TF	MASTERS-BARBIERI UNIT #1	MONROE	16.0	COLUMBIA GAS TRAN
-OHIO ASSOCIATES				RECEIVED:	01/08/82	JA: OH			
8214590A		3407523165		103		FLINTSTONE FARMS #7	KILLBUCK	20.0	NATIONAL GAS & OI
8214590B		3407523165	D	107-TF		FLINTSTONE FARMS #7	KILLBUCK	20.0	NATIONAL GAS & OI
-OHIO NATURAL FUEL CO				RECEIVED:	01/08/82	JA: OH			
8214591		3475223066		103		SMETZER #2	KNOX	9.0	COLUMBIA GAS TRAN
-OILTECH INC				RECEIVED:	01/08/82	JA: OH			
8214592		3407523319		107-TF		GERALD HIPP #4	HARDY	0.0	COLUMBIA GAS TRAN
-ONEAL PETROLEUM INC				RECEIVED:	01/08/82	JA: OH			
8214593		3411521767		107-TF		GLEN (WHITE) #1	MEIGSVILLE	18.0	COLUMBIA GAS TRAN
8214594		3411522602		107-TF		ROSE PARMITER #1	MORGAN	36.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED:	01/08/82	JA: OH			
8214595		3407322448		103		MATHIAS-SCHMITTER #1	GREEN	11.0	
8214596		3411925914		103		PAUL CUBBISON #1	UNION	10.0	
-PETE MILLER				RECEIVED:	01/08/82	JA: OH			
8214577		3411925768		103		WILLIAM & ELOISE MILLER #2	HOPEWELL	8.0	
-PIONEER OIL COMPANY INC				RECEIVED:	01/08/82	JA: OH			
8214597		3408923627		103		C GUTRIDGE #1	BOWLING GREEN	10.0	NEWZANE GAS CO
-QUAKER STATE OIL REFINING CORP				RECEIVED:	01/08/82	JA: OH			
8214598		3404520692		103		JULIAN #1	RUSH CREEK	18.3	
8214599		3407322483		103		SUNDAY CREEK COAL #35	WARD	9.1	COLUMBIA GAS TRAN
-R D MILLER				RECEIVED:	01/08/82	JA: OH			
8214575		3408924175		103		EUGENE J & JANE RAUCH #1	NEWARK	10.0	NATIONAL GAS & OI
8214576		3410322616		103		THEODOCIA CHRISTY #1	LAFAYETTE	15.0	COLUMBIA GAS TRAN
-RICHARD C MEYER INC				RECEIVED:	01/08/82	JA: OH			
8214570		3403124024		103		CARLTON B MOSS #1	NELLIE SOUTHWEST	1.0	COLUMBIA GAS TRAN
-ROEBLING ENERGY CORPORATION				RECEIVED:	01/08/82	JA: OH			
8214600		3409921160	D	102-2		SCHAADE #4	SPRINGFIELD	9.0	
-TEMPLE OIL & GAS CO				RECEIVED:	01/08/82	JA: OH			
8214601		3411522508		103		ISAAC SMITH #11	YORK	6.0	
8214602		3411522509		103		ISAAC SMITH #12	YORK	6.0	
-THE MUTUAL OIL & GAS COMPANY				RECEIVED:	01/08/82	JA: OH			
8214584		3412122625		103		ORANGE COAL #1-A	ELK	50.0	
8214585		3412122627		103		ORANGE COAL 4-A	ELK	50.0	
8214582		3411122522		103		R L ROSSI #1-M	SENECA	5.0	COLUMBIA GAS TRAN
8214583		3411122523		103		ROSSI #2M	SENECA	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
-TIGER OIL INC				RECEIVED: 01/08/82 JA: OH					
8214603		3416726799		103		DICKSON HEIRS #1	DICKSON HEIRS #1	0.0	RIVER GAS CO
-TOWNER PETROLEUM CO				RECEIVED: 01/08/82 JA: OH					
8214610		3405923097		103	107-TF	BLACKWOOD #6	GUERNSEY	0.0	TENNESSEE GAS PIP
8214609		3405923093		103	107-TF	C COMBS #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8214607		3405923081		103		E TOTH #3	GUERNSEY	0.0	TENNESSEE GAS PIP
8214606		3405923070		103	107-TF	EDDY #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8214612		3405923108		103	107-TF	K DUVALL #2	GUERNSEY	0.0	TENNESSEE GAS PIP
8214605		3405923019		103	107-TF	R DRINKWORTH #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8214611		3405923100		103	107-TF	STEEN #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8214608		3405923087		103		WRIGHT/MAPLES #1	GUERNSEY	0.0	TENNESSEE GAS PIP
-VICTOR MCKENZIE				RECEIVED: 01/08/82 JA: OH					
8214569		3412725374		103	107-TF	DEAVER #1	CROOKSVILLE	4.0	COLUMBIA GAS TRAN
8214568		3412725279		103		GILLENWATER UNIT #1	READING	9.0	NATIONAL GAS & OI
8214567		3404520749		103		VAN FOSSEN #1		2.0	NATIONAL GAS & OI
-WILLIAM F HILL				RECEIVED: 01/08/82 JA: OH					
8214529		3407523336		103		EDWARD C PARSONS #1-A	KNOX	8.0	
-WILLIAM N TIPKA				RECEIVED: 01/08/82 JA: OH					
8214604		3412725122		103		CARL CAMPBELL #3	PIKE	0.0	FORAKER GAS CO IN
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-AMAREX INC				RECEIVED: 01/06/82 JA: OK					
8214386	15085	3512920587		107-DP		HARTMAN #1-35	DEMPSEY	525.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED: 01/06/82 JA: OK					
8214373	11273	3500700000		108		EDWIN A MCGREW UNIT #1	MOCANE-LAVERNE	14.6	TRANSWESTERN PIPE
8214372	11271	3500320591		108		MARY PEKRUL #1	RINGWOOD	11.7	UNION TEXAS PETRO
-BELAMA OIL CO				RECEIVED: 01/06/82 JA: OK					
8214399	09945	3509322004		103		ENSMINGER B #1	RINGWOOD FIELD/SOONER	0.0	CITIES SERVICE GA
-BERRY PETROLEUM CORP				RECEIVED: 01/06/82 JA: OK					
8214393	11951	3507322852		103		RUDD #1-16	NORTH REEDING	36.0	CONOCO INC
8214394	11952	3507322977		103		WHITE #1-23	SOONER TREND	36.0	CONOCO INC
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 01/06/82 JA: OK					
8214388	12095	3515100000		108		DONALD M WHITE #1	STATE LINE	8.5	PANHANDLE EASTERN
8214395	12096	3515100000		108		LOIS PLATT #1	STATE LINE	14.0	PANHANDLE EASTERN
-CON-FORM CORP				RECEIVED: 01/06/82 JA: OK					
8214382	12026	3514300000		103		MCGILL #1		0.0	PHILLIPS PETROLEU
8214381	12025	3514300000		103		MCGILL #2		0.0	PHILLIPS PETROLEU
-CONOCO INC				RECEIVED: 01/06/82 JA: OK					
8214380	09985	3514920070		107-TF		LEPPKE #1	FT COBB	250.0	SOUTHERN NATURAL
-DONALD C SLAWSON				RECEIVED: 01/06/82 JA: OK					
8214396	13698	3501721914		102-4		JONES #1-17	S E HINTON	350.0	MICHIGAN-WISCONSI
-F C D OIL CORP				RECEIVED: 01/06/82 JA: OK					
8214398	11991	3507322701		103		NEWER 1-22	SOONER TREND	18.3	DALCO PETROLEUM I
-F HOWARD WALSH JR				RECEIVED: 01/06/82 JA: OK					
8214387	15817	3501520869		107-DP		RIDLE-BRADFORD #1		365.0	TENNESSEE GAS PIP
8214371	15818	3501521021		107-DP		STEVENS #1		474.0	TENNESSEE GAS PIP
-GULF OIL CORPORATION				RECEIVED: 01/06/82 JA: OK					
8214389	12078	3500735996		108		KORAN #1	LAVERNE	8.0	TRANSWESTERN PIPE
-HARPER OIL COMPANY				RECEIVED: 01/06/82 JA: OK					
*8214397	15290	3503920558		102-2		TOUCHSTONE #1	NE MOOREWOOD	347.0	ARKANSAS LOUISIAN
-J L THOMAS ENGINEERING INC				RECEIVED: 01/06/82 JA: OK					
8214377	12044	3504731300		103		SWIGART #1	SOONER TREND	108.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-JONES EXPLORATION CO				RECEIVED:	01/06/82	JA: OK			
8214375	12004	3513722431		103		HARLEY #1		109.5	AMINOIL USA INC
-KENNEDY & MITCHELL INC				RECEIVED:	01/06/82	JA: OK			
8214374	11885	3515321032		103		WOODWARD #26-412	UNDESIGNATED (NE NE S	125.0	NORTHERN NATURAL
-KLINE & PITTENGER EXPLORATION				RECEIVED:	01/06/82	JA: OK			
*8214376	12016	3506321260		103		PUTNAM #1	CARSON	50.0	PUBLIC SERVICE CO
-LRF CORP				RECEIVED:	01/06/82	JA: OK			
8214385	12100	3506320854		103		WOOTEN #1	DUSTIN	150.0	TRANSOK PIPELINE
-PERIMETER OIL & GAS INC				RECEIVED:	01/06/82	JA: OK			
8214379	12003	3511100000		103		PERIMETER-CRINER #1		36.5	PHILLIPS PETROLEU
-PETROLEUM RESOURCES CO				RECEIVED:	01/06/82	JA: OK			
8214390	11990	3500320808		103		KELTCH #1	S W CHEROKEE	0.0	AMINOIL USA INC
8214392	11986	3500320808		103		MCLAUGHLIN #1	S W CHEROKEE	2.0	AMINOIL USA INC
8214391	11988	3500320714		103		MORGENSON-JENNINGS #1	S W CHEROKEE EXTENSIO	73.0	
-ROXANA PETROLEUM INC				RECEIVED:	01/06/82	JA: OK			
8214378	12045	3508321627		103		MARTIN #2	SOUTH ORLANDO	50.0	EASON OIL CO
-SINGLETERRY OIL & GAS INC				RECEIVED:	01/06/82	JA: OK			
8214384	12068	3504921521		103		FREEMAN #1	WHITEBEAD SOUTHWEST	0.0	WARREN PETROLEUM
-SOUTHWESTERN EXPLOR CONSULTANTS INC				RECEIVED:	01/06/82	JA: OK			
8214383	12066	3508321654		103		MCCONNEL #1	CRESCENT	0.0	EASON OIL CO
**********									
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ATLAS RESOURCES INC				RECEIVED:	01/07/82	JA: PA			
8214403	9787	3706326059	D	102-2		SWANK #5		49.0	COLUMBIA GAS TRAN
-BARON CREST ENERGY LTD PTNSP #5				RECEIVED:	01/07/82	JA: PA			
8214404	9877	3703120970		103		HURRELBRINK #1	MECHANICSBURG	3.6	T W PHILLIPS GAS
-CABOT OIL & GAS CORP				RECEIVED:	01/07/82	JA: PA			
8214415	9948	3703920837		107-TF		GERTRUDE PATTERSON #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8214405	9945	3703920834		102-2		JOHN E RYND JR #1	WAYNE	50.0	TENNESSEE GAS PIP
8214413	9944	3703920834		107-TF		JOHN E RYND JR #1	WAYNE	50.0	TENNESSEE GAS PIP
8214411	9959	3703920719		102-2		ROBERT JOHNSON #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8214420	9958	3703920719		107-TF		ROBERT JOHNSON #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8214408	9953	3703920699		102-2		ROBERT MORRELL #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8214417	9952	3703920699		107-TF		ROBERT MORRELL #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8214421	9961	3703920726		107-TF		THOMAS BLOSE	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8214412	9961	3703920726		102-2		THOMAS BLOSE #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8214409	9954	3703920696		102-2		W L DUNN CONSTRUCTION #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8214418	9955	3703920696		107-TF		W L DUNN CONSTRUCTION #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8214410	9956	3703920721		102-2		W L DUNN CONSTRUCTION #3	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8214419	9957	3703920721		107-TF		W L DUNN CONSTRUCTION #3	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8214407	9951	3703920899		102-2		WALTER SUTTON #1	WAYNE	50.0	TENNESSEE GAS PIP
8214416	9950	3703920899		107-TF		WALTER SUTTON #1	WAYNE	50.0	TENNESSEE GAS PIP
8214406	9947	3703920874		102-2		WAYNE SMITH #1	EAST MEAD	50.0	TENNESSEE GAS PIP
8214414	9945	3703920874		107-TF		WAYNE SMITH #1	EAST MEAD	50.0	TENNESSEE GAS PIP
-CARDINAL OIL CO				RECEIVED:	01/07/82	JA: PA			
8214423	8349	3703920928		107-TF		BETTY JORDAN #80-47 PA CRA-20928	CONNEAUT	0.0	COLUMBIA GAS TRAN
8214435	8361	3703920878		107-TF		ED DUKE #80-28 PA PER CRA-20878	CONNEAUT	0.0	COLUMBIA GAS TRAN
8214424	8350	3703920637		107-TF		JAMES REDDEN #80-2 PA PER CRA-20637	CONNEAUT	0.0	COLUMBIA GAS TRAN
8214434	8360	3703920929		107-TF		JOHN R WILSON #80-42 PA CRA-20939	CONNEAUT	0.0	COLUMBIA GAS TRAN
8214430	8356	3703920843		107-TF		JOHN TAYLOR #80-26 PA PER CRA-20843	CONNEAUT	0.0	COLUMBIA GAS TRAN
8214425	8351	3703920789		107-TF		JOSEPH MORELAND #80-8 PA CRA-20789	CONNEAUT	0.0	COLUMBIA GAS TRAN
8214433	8359	3703920908		107-TF		LEROY WHEELER #80-40 PA CRA-20908	CONNEAUT	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
8214422		3703920938		107-TF		LEWIS DERSCH #80-38 PA CRA-20938	CONNEAUT	0.0	COLUMBIA GAS TRAN
8214432	8358	3703900000		103		PAT CHAMBERLAIN #80-37 PA CRA-20877	CONNEAUT	0.0	COLUMBIA GAS TRAN
8214429	8355	3703920846		107-TF		PAUL INGOLS #80-27 PA PER CRA-20846	CONNEAUT	0.0	COLUMBIA GAS TRAN
8214427	8353	3703921178		107-TF		REVA REVAK #80-29 PA PER ERI-21178	CONNEAUT	0.0	COLUMBIA GAS TRAN
8214426	8352	3703920897		107-TF		RICH H ERTMAN #80-35 PA CRA-20897	CONNEAUT	0.0	COLUMBIA GAS TRAN
8214431	8357	3703920845		107-TF		ROBERT PAYNE #80-23 PA CRA-20845	CONNEAUT	0.0	COLUMBIA GAS TRAN
8214428	8354	3703920906		107-TF		ROBERT THOMPSON #80-39 PA CRA-20906	CONNEAUT	0.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	01/07/82	JA: PA			
8214461	7311	3706321455		108		BERYL JOHNSTON #1	WASHINGTON	14.6	T W PHILLIPS GAS
8214440	7071	3706323365		108		BYRON FRICK #1	WHITE	11.1	PEOPLES NATURAL G
8214464	7396	3706323333		108		C BAUN #3	CANOE	0.0	T W PHILLIPS GAS
8214437	7057	3706322424		108		CROSSGATES INC #3 (RINN)	WHITE	9.6	PEOPLES NATURAL G
8214438	7058	3706322425		108		CROSSGATES INC #4 (RINN)	WHITE	9.6	PEOPLES NATURAL G
8214460	7310	3706321480		108		DONALD WHITE #1	CANOE	4.6	T W PHILLIPS GAS
8214459	7309	3706321414		108		EDWARD CARNAHAN #1	WASHINGTON	5.4	T W PHILLIPS GAS
8214466	7403	3706323138		108		FANNIE BYLER #1	NORTH MAHONING	10.0	T W PHILLIPS GAS
8214465	7397	3706323139		108		FANNIE BYLER #2	NORTH MAHONING	0.0	T W PHILLIPS GAS
8214452	7295	3706322268		108		FERRARO #2	SOUTH MAHONING	4.8	T W PHILLIPS GAS
8214468	7406	3706323117		108		FRANK WAINWRIGHT #1	NORTH MAHONING	11.8	T W PHILLIPS GAS
8214467	7405	3706323118		108		FRANK WAINWRIGHT #2	NORTH MAHONING	11.8	T W PHILLIPS GAS
8214463	7348	3712920839		108		GEORGE H STOUT #1	LOYALHANNA	8.2	T W PHILLIPS GAS
8214456	7302	3706321222		108		HELEN SMITH #1	WEST MAHONING	10.1	T W PHILLIPS GAS
8214453	7299	3706320767		108		HOWARD BAUN #1	BELL	9.5	T W PHILLIPS GAS
8214448	7255	3706320737		108		IDA MAE WEAVER #1	BELL	1.7	T W PHILLIPS GAS
8214450	7269	3706321406		108		J W FAIRMAN #1	WASHINGTON	14.2	T W PHILLIPS GAS
8214449	7256	3706321444		108		J W FAIRMAN #2	WASHINGTON	0.2	T W PHILLIPS GAS
8214436	6657	3706324255		108		JOHN MEANS #2 (74A)	NORTH MAHONING	23.3	CONSOLIDATED GAS
8214451	7294	3706321249		108		JOHN W RITCHIE #1	WEST MAHONING	5.5	T W PHILLIPS GAS
8214441	7074	3706323374		108		JOSEPH DONNELLY #1	WHITE	10.5	PEOPLES NATURAL G
8214454	7300	3706321832		108		KAUFMAN AND MARCY #1	WEST MAHONING	9.7	T W PHILLIPS GAS
8214462	7339	3706320501		108		LEE MILLER #1	BELL	5.0	T W PHILLIPS GAS
8214458	7308	3706321359		108		MARGEATE POTAMKIN #1	SOUTH MAHONING	4.3	T W PHILLIPS GAS
8214439	7061	3706323085		108		RICHARD P RINKUS #5	WHITE	14.6	PEOPLES NATURAL G
8214445	7230	3703320610		108		ROBERT KESTER #3	BELL	8.3	T W PHILLIPS GAS
8214444	7229	3703320611		108		ROBERT KESTER #4	BELL	8.3	T W PHILLIPS GAS
8214443	7228	3703320621		108		ROBERT KESTER #5	BELL	8.3	T W PHILLIPS GAS
8214446	7235	3703320612		108		ROYAL OIL & GAS #4	BELL	13.1	T W PHILLIPS GAS
8214447	7236	3703320623		108		ROYAL OIL & GAS #6	BELL	13.1	T W PHILLIPS GAS
8214442	7226	3703320624		108		ROYAL OIL & GAS CO #7	BELL	13.1	T W PHILLIPS GAS
8214469	7427	3706322318		108		T WASICKI #1	CANOE	8.0	T W PHILLIPS GAS
8214457	7305	3706321466		108		THOMAS N CUSTER #1	CANOE	9.2	T W PHILLIPS GAS
8214455	7301	3706321489		108		WAYNE BAUN #1	CANOE	11.2	T W PHILLIPS GAS
-JOYCE WESTERN CORP				RECEIVED:	01/07/82	JA: PA			
8214470	3610	3702320017		108		WHIPPOORWILL #2	WHIPPOORWILL PA TRACT	6.7	CONSOLIDATED GAS

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WEST VIRGINIA DEPARTMENT OF MINES

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-J & J ENTERPRISES INC				RECEIVED:	02/10/81	JA: WV			
8150921		4701722702		103		J-276	WEST UNION	200.0	CONSOLIDATED GAS
8150922		4701722686		103		J-277	WEST UNION	200.0	CONSOLIDATED GAS
8150923		4701722689		103		J-278	WEST UNION	200.0	CONSOLIDATED GAS
				-TF					

OTHER PURCHASERS

8214376 TRANSOK PIPELINE CO
8214397 TRANSOK P L CO

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3606 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 5, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-MCOR OIL & GAS CORP				RECEIVED:	01/08/82	JA: CA			
8214646	81-6-0042	0402120201		102-4		O F REIMERS #1	MALTON-BLACK BUTTE	150.0	PACIFIC GAS & ELE
-SHELL OIL CO				RECEIVED:	01/07/82	JA: CA			
8214643	81-4-0075	0402964085		103		LOST HILLS 41-22	LOST HILLS	75.0	KERNRIDGE OIL CO
8214642	81-4-0079	0402962975		103		LOST HILLS 71X-22	LOST HILLS	75.0	KERNRIDGE OIL CO
-SHELL OIL CO				RECEIVED:	01/08/82	JA: CA			
8214647	81-6-0060	0401120189		102-4		THOUSAND ACRE RANCH 1-6	STEGEMAN GAS	300.0	PACIFIC GAS & ELE
-TENNECO OIL COMPANY				RECEIVED:	01/07/82	JA: CA			
8214641	81-4-0073	0402959089		102-4		SARGENT 82X-34	RIO VIEJO	15.0	ARCO OIL & GAS CO
-TEXAS OIL & GAS CORP				RECEIVED:	01/08/82	JA: CA			
8214652	81-6-0047	0402120207		102-4		BARHAM 13-1	BOUNDE CREEK	150.0	
8214649	81-6-0048	0402120208		102-4		TORRES 1-1	BOUNDE CREEK	150.0	
8214651	81-6-0054	0402120204		102-4		TORRES 12-1	BOUNDE CREEK	150.0	
8214650	81-6-0049	0402120205		102-4		TORRES 12-2	BOUNDE CREEK	150.0	
8214653	81-6-0057	0411320644		102-4		TRI-VALLEY MOUND FARMS 17-1	MILLAR GAS (MAIN AREA	100.0	
-TXO PRODUCTION CORP				RECEIVED:	01/08/82	JA: CA			
8214648	81-6-0061	0411320645		103		BRANDENBURGER 10-1	TODHUNTERS LAKE GAS	250.0	
KANSAS CORPORATION COMMISSION									
-A E PERKINS				RECEIVED:	01/11/82	JA: KS			
8214614	K-80-0237	1501920024		108-ER		BERTHA GRAY #1	SEDAN PERU	0.0	CITIES SERVICE GA
-MOBIL OIL CORP				RECEIVED:	01/11/82	JA: KS			
8214615	K-81-0720	1518920536		103		FRANCIS M GARVER UNIT #2	PANOMA COUNCIL GROVE	70.0	CITIES SERVICE GA
8214613	K 81-0788	1518920542		103		LEWIS B ELLEXSON UNIT #1	PANOMA COUNCIL GROVE	70.0	NORTHERN NATURAL
MONTANA BOARD OF OIL & GAS CONSERVATION									
-TRICENTROL UNITED STATES INC				RECEIVED:	01/08/82	JA: MT			
8214645	5-81-81	2500521014		108		DEHLBOM 5-6-T30N-R18E	TIGER RIDGE UNIT	13.0	NORTHERN NATURAL
NORTH DAKOTA INDUSTRIAL COMMISSION									
-GETTY OIL COMPANY				RECEIVED:	01/08/82	JA: ND			
8214672	442	3310500862		102-2		TEMPLE #32-5	TEMPLE PROSPECT	175.0	
-GULF OIL CORPORATION				RECEIVED:	01/08/82	JA: ND			
8214666	436	3302500204		102-2		CARUS FEDERAL 1-30-1C	LONE BUTTE	100.0	
8214667	437	3302500198		102-2		HOUGHTON SABROSKY 2-34-4B	LITTLE KNIFE	14.0	MONTANA DAKOTA UT
8214669	439	3302500196		102-2		HOUGHTON SABROSKY 3-34-3B	LITTLE KNIFE	14.0	MONTANA DAKOTA UT
8214668	438	3305301248		102-2		REHBERG 1-8-2D	UNDESIGNATED	7.0	
-KOCH INDUSTRIES INC				RECEIVED:	01/08/82	JA: ND			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214671	441	3300700549		102-2		FEDORA #15-34	TREE TOP	110.0	MONTANA-DAKOTA UT
-LADD PETROLEUM CORPORATION				RECEIVED:	01/08/82	JA: ND			
8214554	424	3305300887		102-2		DUNCAN-FEDERAL #30-24 (RED RIVER	SCAIRT WOMAN	546.9	KOCH HYDROCARBON
-PENNZOIL COMPANY				RECEIVED:	01/08/82	JA: ND			
8214665	435	3305300768		102-2		PENNZOIL-DEPCO #1-15 BN	BULL MOOSE	31.9	KOCH HYDROCARBON
8214664	434	3305301156		102-2		PENNZOIL-DEPCO #1X-15 BN	BULL MOOSE	39.8	KOCH HYDROCARBON
8214663	433	3305301030		102-2		PENNZOIL-DEPCO #15-22 BN	FLAT TOP BUTTE	709.8	KOCH HYDROCARBON
8214670	440	3305301221		102-2		PENNZOIL-DEPCO COVERED BRG #3-22 BN	UNNAMED	3.4	KOCH HYDROCARBON
-SAMEDAN OIL CORPORATION				RECEIVED:	01/08/82	JA: ND			
8214659	429	3310500885		102-2		FEDORENKO #1-21	CATWALK	20.0	PHILLIPS PETROLEU
8214660	430	3310500895		102-2		SOC MINERALS #1	NO NAME	250.0	PHILLIPS PETROLEU
8214661	431	3310500823		102-2		STATE #1	CATWALK	11.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED:	01/08/82	JA: ND			
8214662	432	3300700436		102-2		MESCHKE #1-2	TR	75.0	WESTERN GAS PROCE
8214657	427	3300700559		102-2		ODERMAN #2-26	BIG STICK	75.0	WESTERN GAS PROCE
8214656	426	3300700612		102-2		TENNECO OYHUS 1-2	TR	500.0	WESTERN GAS PROCE
-TEXACO INC				RECEIVED:	01/08/82	JA: ND			
8214655	425	3305301253		102-2		O J ANDERSON #4	BLUE BUTTES	205.0	MONTANA DAKOTA UT
-WILLIAM HERBERT HUNT TRUST ESTATE				RECEIVED:	01/08/82	JA: ND			
8214658	428	3300700394		102-2		ANHELUK-STATE #1 (HEATH-TYLER)	TREETOP	15.0	KOCH HYDROCARBON
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NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
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-ARCO OIL AND GAS COMPANY				RECEIVED:	01/11/82	JA: NM			
8214629		3002527451		103		STATE 731 #1	JALMAT YATES OIL	5.6	PHILLIPS PETROLEU
-COASTAL OIL & GAS CORP				RECEIVED:	01/11/82	JA: NM			
8214622		3002526890		103		ADLONG 5 #2	W SAWYER (SAN ANDRES)	18.0	CITIES SERVICE CO
8214631		3002525881		103		MARR #3	W SAWYER (SAN ANDRES)	18.0	CITIES SERVICE CO
8214625		3002527145		103		PEARL MARR #4	W SAWYER (SAN ANDRES)	8.0	CITIES SERVICE CO
8214626		3002526893		103		SAWYER STATE "4" #2	W SAWYER (SAN ANDRES)	8.0	CITIES SERVICE CO
-DALPORT OIL CORPORATION				RECEIVED:	01/11/82	JA: NM			
8214634		3002500000		108		O L JONES #1	JALMAT TANSILL 7 RIVE	21.0	EL PASO NATURAL G
-JOHN YURONKA				RECEIVED:	01/11/82	JA: NM			
8214623		3002527488		103		E F KING #2	LANGLIE MATTIX	14.0	EL PASO NATURAL G
-MARATHON OIL COMPANY				RECEIVED:	01/11/82	JA: NM			
8214627		3002527185		103		J W GRIZZELL #3	CARY MONTOYA/BRUNSON	7.3	GETTY OIL CO
-MITCHELL ENERGY CORPORATION				RECEIVED:	01/11/82	JA: NM			
8214636		3001500000		102-2		RUNYAN 30 STATE COM #1	BUNTING RANCH	2.3	
-SOUTHLAND ROYALTY CO				RECEIVED:	01/11/82	JA: NM			
8214624		3004524802		103		TEXACO STATE #2	WEST KUTZ	62.0	GAS CO OF NEW MEX
-STEVENS OPERATING CORP				RECEIVED:	01/11/82	JA: NM			
8214633		3000561030		103		O'BRIEN L #11	TWIN LAKES-SAN ANDRES	1.0	TRANSWESTERN PIPE
-TEXACO INC				RECEIVED:	01/11/82	JA: NM			
8214630		3002527133		103		WEST VACUUM UNIT #54	VACUUM GRAYBURG-SAN A	1.0	PHILLIPS PETROLEU
-UNC TEXAS INC				RECEIVED:	01/11/82	JA: NM			
8214632		3003900000		103		BETTY C 2-31	LYBROOK-GALLUP	20.0	MESA PETROLEUM CO
-YATES PETROLEUM CORPORATION				RECEIVED:	01/11/82	JA: NM			
8214635		3000560036		107-TF		KITCHENS "PH" #1	UNDESIGNATED ABO	0.0	TRANSWESTERN PIPE
8214628		3000561012		107-TF		PLAIN "ON" COM #1	UND ABO	0.0	TRANSWESTERN PIPE
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OKLAHOMA CORPORATION COMMISSION									
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-A C RICHARDS				RECEIVED:	01/08/82	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8214721	12180	3504900000		108		R S SHIRLEY #1
-AN-SON CORPORATION				RECEIVED:	01/08/82	JA: OK
8214695	12058	3505320677		103		MILLER #1-16
*8214722	12183	3513700000		108		MORGAN #1
8214694	12077	3501922166		103		PRUITT #3-25
-ARCO OIL AND GAS COMPANY				RECEIVED:	01/08/82	JA: OK
8214731	12140	3509300000		108		LLOYD VICKERY UNIT #2
8214735	11288	3501900000		108		MODELL FORE #1
8214732	12142	3505100000		108		THOMAS CHARLSON #6
-BECK PRODUCTION CO				RECEIVED:	01/08/82	JA: OK
8214734	15541	3504921799		103		SHAYLA #1
-BELAMA OIL CO				RECEIVED:	01/08/82	JA: OK
8214713	09946	3509322003		103		ENSMINGER (A) #1
-BOSWELL ENERGY CORP				RECEIVED:	01/08/82	JA: OK
*8214704	09943	3509321970		103		CRAMER #1
-CONTINENTAL RESOURCES CORP				RECEIVED:	01/08/82	JA: OK
8214714	11923	3509322124		103		GRAHAM 11-1
-CURT BROWN DRILLING CO				RECEIVED:	01/08/82	JA: OK
8214706	12033	3511720982		103		ZIMMERMAN #4
-DALCO PETROLEUM INC				RECEIVED:	01/08/82	JA: OK
8214692	12088	3507322770		103		KOENIG #1
8214693	12087	3507322954		103		LELA #1
-DAWN ENERGY CO				RECEIVED:	01/08/82	JA: OK
8214724	12201	3515321197		103		KELTCH #2-6
-EARLSBORO OIL AND GAS CO INC				RECEIVED:	01/08/82	JA: OK
8214698	12061	3509322176		103		RATZLAFF #2-15
-EL PASO NATURAL GAS COMPANY				RECEIVED:	01/08/82	JA: OK
8214730	12135	3500935571		108		STORY #1
-ENERGY QUEST DRILLING FUND LTD				RECEIVED:	01/08/82	JA: OK
8214737	12019	3507122319		103		PARKER-HAYES #3
-FLINT & ASSOCIATES				RECEIVED:	01/08/82	JA: OK
8214739	12052	3512321112		103		MOBIL #7
-GEMINI OIL CO				RECEIVED:	01/08/82	JA: OK
8214733	15241	3500320726		103		HADDEN #1
-HAWKINS OIL & GAS INC				RECEIVED:	01/08/82	JA: OK
8214708	12110	3515321178		103		MAULER #1-35
-JET OIL COMPANY				RECEIVED:	01/08/82	JA: OK
8214728	15568	3508321765		103		KINCAID #1
-JONES & PELLOW OIL CO				RECEIVED:	01/08/82	JA: OK
8214718	12092	3501922242		103		GRAY 11-1
8214717	12091	3501922232		103		PECK 2-2
-LADD PETROLEUM CORPORATION				RECEIVED:	01/08/82	JA: OK
8214710	11905	3509322042		103		BIERIG "B" #4
8214711	11904	3509322041		103		BIERIG "C" #4
8214709	11906	3509322119		103		SHIDDELL #3 (MISSISSIPPI)
8214736	11947	3509322125		103		WATSON #3 (MISSISSIPPI)
-MAY PETROLEUM INC				RECEIVED:	01/08/82	JA: OK
8214703	12028	3500722083		103		MEIER #1 (OTC UNASSIGNED)
-MUSTANG PRODUCTION CO.				RECEIVED:	01/08/82	JA: OK
8214716	12082	3501121563		103		DUNCAN #1-32
-PETRO-ENERGY EXPLORATION INC				RECEIVED:	01/08/82	JA: OK
8214712	11901	3515121169		103		IRA FOX #1-11
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	01/08/82	JA: OK

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FIELD NAME	PROD	PURCHASER
GOLDEN TREND	7.0	WARREN PETROLEUM
WAKITA TREND	84.0	SUN GAS CO
VELMA	21.5	GETTY OIL CO
CADDO	9.5	
CEDARDALE N E	12.0	MICHIGAN WISCONSI
HEALDTON	19.0	
CHICKASHA	17.0	ARKANSAS LOUISIAN
WHITEBEAD	0.0	WARREN PETROLEUM
RINGWOOD FIELD/SOONER	0.0	CITIES SERVICE GA
RINGWOOD	0.0	PIONEER GAS PRODU
EAST CAMPBELL	0.0	DELHI GAS PIPELIN
HALLETT	21.0	COLORADO GAS COMP
SOONER TREND	91.3	CONOCO INC
SOONER TREND	91.3	CITIES SERVICE GA
SHARON	200.0	NORTHERN NATURAL
WEST ORIENTA	165.0	AMINOIL USA INC
ERICK SOUTH (BROWN DO	22.0	EL PASO NATURAL G
UNNAMED	13.1	CITIES SERVICES G
WEST ALLEN	36.5	SUN GAS CO
SOUTHWEST CHEROKEE	0.0	AMINOIL USA INC
W SHARON	365.0	PRODUCERS GAS CO
MULHALL	9.0	EASON OIL CO
N W TATUMS	120.0	MOBIL OIL CORP
N W TATUMS	180.0	MOBIL OIL CORP
RINGWOOD	191.6	RINGWOOD GATHERIN
RINGWOOD	84.9	RINGWOOD GATHERIN
RINGWOOD(MISSISSIPPI)	246.3	RINGWOOD GATHERIN
RINGWOOD (MISSISSIPPI	136.9	RINGWOOD GATHERIN
MOCANE-LAVERNE GAS AR	91.3	TRANSWESTERN PIPE
GREENFIELD	100.0	DELHI GAS PIPELIN
SOONER TREND	100.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214725	12216	3500700000		108		CROSS A #2	COMO SE TONKAWA	0.0	EL PASO NATURAL G
8214726	12218	3513900000		108		LIVING #1	GUYMON HUGOTON	0.0	PANHANDLE EASTERN
8214723	12188	3501720631		108		LUCUS A #1	N W RICHLAND	4.1	OKLAHOMA GAS & EL
8214705	04295	3504900000		108		SWAGSU #57	GOLDEN TREND	7.5	WARREN PETROLEUM
-READING & BATES PETROLEUM CO				RECEIVED:	01/08/82	JA: OK			
8214697	12065	3503920450		103		LLOYD SCOTT A-2	RED FORK	0.0	MICHIGAN WISCONSI
-SHAR-ALAN OIL CO				RECEIVED:	01/08/82	JA: OK			
8214700	12041	3509322077		103		AUGUST SCHROEDER #1	NORTHEAST FAIRVIEW	102.0	PIONEER GAS PRODU
8214738	12037	3509322116		103		JENSEN #2	NORTHEAST FAIRVIEW	280.0	PIONEER GAS PRODU
8214702	12038	3509322137		103		JENSEN #3	NORTHEAST FAIRVIEW	150.0	PIONEER GAS PRODU
8214699	12042	3509321968		103		JOE HOLLAND #1	N CHESTER	700.0	DELHI GAS PIPELIN
8214701	12040	3509321913		103		MARY SPEECE #1	N W CLEO SPRINGS	80.0	PIONEER GAS PRODU
-SITCO INC				RECEIVED:	01/08/82	JA: OK			
8214707	12164	3507322916		103		ARNOLD #1	WEST ROXANNA	85.0	EASON OIL CO
-TEXACO INC				RECEIVED:	01/08/82	JA: OK			
8214720	12099	3507323094		103		BETTY MENZ #1	OKARCHE NE	14.6	CONOCO INC
8214719	12097	3507322949		103		K SCHROEDER #1	OKARCHE NE	9.1	CONOCO INC
-VIERSEN & COCHRAN				RECEIVED:	01/08/82	JA: OK			
8214727	12221	3501121615		103		PADEN HEIRS #1-31	WATONGA TREND	75.0	DELHI GAS PIPELIN
-W B WILSON				RECEIVED:	01/08/82	JA: OK			
8214729	12119	3507100000		103		STATE 36 #9	UNDESIGNATED	10.9	CHASE GATHERING S
-WALKER & WITHROW INC				RECEIVED:	01/08/82	JA: OK			
8214696	12067	3501721910		103		PORTER #35-1	YUKON	233.0	DELHI GAS PIPELIN
-WARREN DRILLING CO INC				RECEIVED:	01/08/82	JA: OK			
8214740	12080	3509300000		103		NIGHTENGALE #2	RINGWOOD	55.0	PHILLIPS PETROLEU
8214715	12081	3509322179		103		REAMES #2	RINGWOOD	50.0	PHILLIPS PETROLEU
**********									
SOUTH DAKOTA DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT									
**********									
-JERRY A MCCUTCHIN JR				RECEIVED:	01/11/82	JA: SD			
8214644		4006300000		108-ER		MCCUTCHIN #1-28	W SHORT PINE HILLS	0.0	MONTANA DAKOTA UT
**********									
TENNESSEE OIL & GAS BOARD									
**********									
-A-B-C PETROLEUM				RECEIVED:	01/11/82	JA: TN			
8214812	A-869	4115120569		102-2		JAMES YANCEY #1	UNKNOWN	146.0	INTRASTATE ENERGY
8214811	A-870	4115120506		102-2		JAMES YANCEY #2	UNKNOWN	146.0	INTRASTATE ENERGY
-ACE PETROLEUM CO INC				RECEIVED:	01/11/82	JA: TN			
8214758	A-756	4112920625		103		IRA W NORTHRUP #3	PLEASANT RIDGE	7.0	EAST TENNESSEE NA
8214760	A-757	4112920542		103		IRA W NORTHRUP UNIT 1	PLEASANT RIDGE	10.0	EAST TENNESSEE NA
8214759	A-755	4112920663		103		NORTHRUP - MORGAN #1	PLEASANT RIDGE	8.0	EAST TENNESSEE NA
8214808	A-754	4112920004		102-4		VIRGIL SMITH #1	RUGBY	12.0	EAST TENNESSEE NA
8214807	A-753	4112920010		102-4		VIRGIL SMITH #2	RUGBY	14.0	EAST TENNESSEE NA
-B & W OIL CO				RECEIVED:	01/11/82	JA: TN			
8214790	A-768	4112920521		102-2		ADAM-HOWARD UNIT #1	DOUGLAS BRANCH	10.0	EAST TENNESSEE NA
8214788	A-773	4112920974		102-2		DAVIS #1	GLADES EAST	15.0	EAST TENNESSEE NA
8214792	A-737	4112920863		102-2		E SCOTT #1	DOUGLAS BRANCH	10.0	EAST TENNESSEE NA
8214793	A-829	4112920952		102-2		ELEANOR PELC #1	DOUGLAS BRANCH	15.0	EAST TENNESSEE NA
8214786	A-831	4112920554		102-2		LEE BRANSTETTER #3	DOUGLAS BRANCH	15.0	EAST TENNESSEE NA
8214789	A-769	4112910005		102-2		LOY TOMKINS #1	GATEWOOD SCHOOL	0.0	EAST TENNESSEE NA
8214791	A-767	4112910004		102-2		O C DUNCAN UNIT #1	GATEWOOD SCHOOL	10.0	EAST TENNESSEE NA
8214787	A-772	4112920962		102-2		STAGG HEIRS #1	GLADES EAST	12.0	EAST TENNESSEE NA
-B-J INC				RECEIVED:	01/11/82	JA: TN			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214752	A-763	4112910842		102-2		BRADFORD-TINCH EGI #1	INDIAN CREEK	76.6	INTRASTATE ENERGY
8214887	A-847	4112920984		102-4		BROWN-PEMBERTON CA-1981-1 UNIT #1	BOONE CAMP NE	182.8	INTRASTATE ENERGY
8214885	A-849	4104020711		102-2		CARSON HULL-RUGBY LAND CO PFG-V-1 *	UNKNOWN	24.4	INTRASTATE ENERGY
8214794	A-842	4112920852		102-4		DAVID M GALBRAITH EGI #1	UNKNOWN	52.5	INTRASTATE ENERGY
8214886	A-848	4112920963		102-4		IRVING BROWN & RALPH PEMBERTON EGI*	UNKNOWN	161.3	INTRASTATE ENERGY
8214775	A-746	4104920578		102-2		J T LEDBETTER #2		43.8	FENTRESS COUNTY U
8214876	A-784	4115120829		102-2		JOHN V WEST PFG-V-1 #1	GLENMARY	29.2	INTRASTATE ENERGY
8214813	A-868	4115120680		102-2		MILLER-BURKE EGI #1	UNKNOWN	14.6	INTRASTATE ENERGY
8214774	A-747	4115120800		102-4		ONEIDA WOOD INDUSTRIES BJI #1	UNKNOWN	37.9	INTRASTATE ENERGY
8214777	A-744	4112920876		102-2		STARR-JACKS-SCOTT PFG-V-I UNIT #1	INDIAN CREEK FIELD	281.0	INTRASTATE ENERGY
8214776	A-745	4112920893		102-2		THOMAS D MARTIN PFG-V-1 #1	GUM BRANCH	87.6	INTRASTATE ENERGY
-BIG EIGHT ENERGY INC				RECEIVED:	01/11/82	JA: TN			
8214868	A-790	4118520046		102-2		BOB ROBERTS #2-4 PERMIT #2662		0.0	MIDDLE TENNESSEE
8214877	A-776	4118520020		102-2		GUS GEER #1 PERMIT #1882		26.0	MIDDLE TENNESSEE
8214870	A-792	4118520015		102-2		R GEER #1 PERMIT #1863		0.0	MIDDLE TENNESSEE
8214803	A-778	4118520017		102-2		R ROBERTS #1 PERMIT # 1871		12.3	MIDDLE TENNESSEE
8214804	A-779	4118520022		102-2		R ROBERTS #2 PERMIT # 1892		1.4	MIDDLE TENNESSEE
8214869	A-791	4118520043		102-2		R ROBERTS #3 PERMIT #2494		0.0	MIDDLE TENNESSEE
8214802	A-777	4118520013		102-2		TOM SCOTT JR #1 PERMIT #1833		2.0	MIDDLE TENNESSEE
8214805	A-780	4118520045		102-2		TOM SCOTT SR #2 PERMIT #2661		1.5	MIDDLE TENNESSEE
-BILL RAY				RECEIVED:	01/11/82	JA: TN			
8214796	A-798	4115120289		102-2		RUGBY LAND CO #1	UNKNOWN	0.0	INTRASTATE ENERGY
-BLACK GOLD DISCOVERY INC				RECEIVED:	01/11/82	JA: TN			
8214762	A-751	4113320280		102-2		J BILBREY-K SMITH #1	NEW FIELD - WILDCAT	12.0	RURAL GAS GATHERI
8214863	A-752	4113320313		102-2		J H VAUGHN #1	NEW FIELD - WILDCAT	4.8	RURAL GAS GATHERI
8214761	A-750	4113320314		102-2		K CARR-C DUKE #1	NEW FIELD - WILDCAT	12.0	RURAL GAS GATHERI
-CAMAC OIL & GAS CO				RECEIVED:	01/11/82	JA: TN			
8214798	A-802	4115120760		102-2		DUNCAN-ONEIDA WOOD INC #1	UNNAMED	14.0	
8214799	A-801	4112920705		102-2		HEDWIG DITZ #1	UNNAMED	7.5	
8214800	A-800	4112920764		102-2		HEDWIG DITZ #2		1.0	
8214801	A-799	4112920810		102-2		PLATEAU PROPERTIES INC #1		7.5	
8214797	A-803	4112920703		102-2		SCHUBERT #1	UNNAMED	6.0	
-CATOOSA EXPLORATION CORP				RECEIVED:	01/11/82	JA: TN			
8214841	A-850	4104920708		102-2		B & R ENTERPRISES #1		6.5	FENTRESS GAS TRAN
8214748	A-851	4104920749		102-2		B & R ENTERPRISES #2		12.0	FENTRESS GAS TRAN
8214833	A-854	4104920738		102-2		BILL CLARK #1		5.5	FENTRESS GAS TRAN
8214749	A-860	4104920720		102-2		D C CLARK #1		9.5	FENTRESS GAS TRAN
8214835	A-859	4104920786		102-2		D C CLARK #2		10.8	FENTRESS GAS TRAN
8214831	A-852	4104920751		102-2		LOWELL GARRETT #1		8.4	FENTRESS GAS TRAN
8214832	A-853	4104920775		102-2		MONDAY-HEDGECLOTH UNIT #1		11.6	FENTRESS GAS TRAN
8214834	A-863	4104920785		102-2		PEGGY COOK #1		11.0	FENTRESS GAS TRAN
8214842	A-858	4104920721		102-2		PLATEAU PROPERTIES #1		6.0	FENTRESS GAS TRAN
8214838	A-857	4104920750		102-2		PLATEAU PROPERTIES #2		12.5	FENTRESS GAS TRAN
8214839	A-862	4104920754		102-2		PLATEAU PROPERTIES #3		15.0	FENTRESS GAS TRAN
8214840	A-861	4104920755		102-2		PLATEAU PROPERTIES #4		9.0	FENTRESS GAS TRAN
8214836	A-855	4104920707		102-2		RONNIE RAMSEY #1		8.5	FENTRESS GAS TRAN
8214837	A-856	4104920778		102-2		RONNY RAMSEY-BRYAN RAMSEY UNIT #1		10.0	FENTRESS GAS TRAN
-CLOWES & RAY				RECEIVED:	01/11/82	JA: TN			
8214874	A-781	4112920417		102-4		CLARENCE BROWN UNIT #1	UNKNOWN	21.9	INTRASTATE ENERGY
8214875	A-782	4112920745		102-4		GUNTER-BROWN-BROWN UNIT #1	UNKNOWN	73.0	INTRASTATE ENERGY
8214873	A-783	4115120572		102-2		PEMBERTON-BAKER #1	UNKNOWN	36.5	INTRASTATE ENERGY
-CONTINENTAL ENERGY				RECEIVED:	01/11/82	JA: TN			
8214764	A-743	4115120636		102-2		EUNICE PRYOR #1	RUEBEN HOLLOW	20.0	

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214763	A-742	4115120726		102-2		EUNICE PRYOR #2	RUEBEN HOLLOW	20.0	
-CUMBERLAND OIL PRODUCING CO INC				RECEIVED:	01/11/82	JA: TN			
8214783	A-582	4112910449		108		A BRANSTETTER #1	DOUGLAS BRANCH	10.0	EAST TENNESSEE NA
8214781	A-579	4112920518		108		B PELTZ #2	DOUGLAS BRANCH	3.0	EAST TENNESSEE NA
8214785	A-585	4112920515		108		J WELBORN #1	DOUGLAS BRANCH	3.0	EAST TENNESSEE NA
8214784	A-584	4112920556		108		O COLE #2	DOUGLAS BRANCH	0.0	EAST TENNESSEE NA
8214782	A-580	4112920563		108		P L BRANSTETTER #7	DOUGLAS BRANCH	5.0	EAST TENNESSEE NA
8214795	A-830	4112920564		102-2		P L BRANSTETTER #8	DOUGLAS BRANCH	10.0	EAST TENNESSEE NA
8214780	A-578	4112920419		108		PLATEAU PROPERTIES #4	DOUGLAS BRANCH	0.0	EAST TENNESSEE NA
-DELOY MILLER				RECEIVED:	01/11/82	JA: TN			
8214846	A-815	4112920607		102-2		DORTCH-BREYSHAW #1	DAN BRANCH	91.2	GAS LINE PARTNERS
8214830	A-838	4112920708		102-2		DORTCH-FRANK #1	DAN BRANCH	150.0	GASLINE PARTNERSH
8214829	A-837	4112920722		102-2		DORTCH-GERHART #1	DAN BRANCH	200.0	GASLINE PARTNERSH
8214884	A-839	4112920698		102-2		FRANK #1A	DAN BRANCH	100.0	GASLINE PARTNERSH
8214882	A-841	4112920701		102-2		FRANK #2	DAN BRANCH	95.0	GASLINE PARTNERSH
8214881	A-842	4112920759		102-2		FRANK #3	DAN BRANCH	200.0	GASLINE PARTNERSH
8214883	A-840	4112920765		102-2		FRANK WENTLAND #1	DAN BRANCH	80.0	GASLINE PARTNERSH
8214854	A-809	4112920444		102-2		HARNEY-SCOTT UNIT #1	DEER LODGE	125.5	INTRASTATE ENERGY
8214853	A-813	4104920593		102-2		LEWALLEN (PLATEAU PROPERTIES #1)	SHIRLEY	500.0	RED FEATHER GAS &
8214848	A-815	4112920429		102-2		NEIL L FRANK #1	DAN BRANCH	214.0	GASLINE PARTNERSH
8214852	A-814	4112920376		102-2		R H WENTLAND #1	DAN BRANCH	101.8	GAS LINE PARTNERS
8214847	A-817	4112920415		102-2		WENTLAND SUB UNIT #1	DAN BRANCH	215.3	GASLINE PARTNERSH
-DICK HYDE				RECEIVED:	01/11/82	JA: TN			
8214817	A-845	4112920892		102-2		STARR-SEXTON #1	WILDCAT	292.0	INTRASTATE ENERGY
-DIXIE-SHAMROCK OIL & GAS INC				RECEIVED:	01/11/82	JA: TN			
8214890	A-843	4115120729		102-2		BRIMSTONE CO #12	UNNAMED FIELD	136.9	
8214889	A-844	4115120801		102-2		BRIMSTONE CO #13	UNNAMED FIELD	9.1	
8214888	A-845	4115120583		102-2		BRIMSTONE CO #2		9.1	
8214768	A-731	4115120641		102-2		BRIMSTONE CO #4	WILDCAT	9.1	
8214867	A-732	4115120651		102-2		BRIMSTONE CO #6		9.1	
-GOODWIN OIL PROPERTIES INC				RECEIVED:	01/11/82	JA: TN			
8214857	A-805	4112920826		102-2		CLEO LOGAN #1	UNKNOWN	21.9	INTRASTATE ENERGY
-HICKORY CREEK DEVELOPMENT CORP				RECEIVED:	01/11/82	JA: TN			
8214754	A-762	4103120044		102-2		JOHN K TART #1	HICKORY CREEK	75.0	
8214755	A-761	4103120058		102-2		K WOOD #1	HICKORY CREEK	75.0	
8214753	A-760	4103120059		102-2		MARY SUE STROUD #1	HICKORY CREEK	75.0	
8214772	A-727	4103120057		102-2		TONY REED #1	HICKORY CREEK	75.0	
8214773	A-726	4103120056		102-2		V STOTTS #1	HICKORY CREEK	75.0	
-HOMESTEAD ENERGY CORP				RECEIVED:	01/11/82	JA: TN			
8214767	A-812	4115120828		102-4		DWAYNE POTTER UNIT #1A	HUNTSVILLE	0.1	CUMBERLAND NATURA
8214766	A-810	4115120777		102-4		ONEIDA WOODS #6	HUNTSVILLE	0.1	CUMBERLAND NATURA
8214765	A-811	4115120787		102-4		RUTH S VELANDER #2A	STANLEY CREEK	0.1	CUMBERLAND NATURA
-KOPPERS CO INC				RECEIVED:	01/11/82	JA: TN			
8214809	A-774	4112920926		102-2		KOPPERS CO #9	RUGBY	321.2	INTRASTATE ENERGY
-LELAND PETROLEUM PRODUCTION INC				RECEIVED:	01/11/82	JA: TN			
8214770	A-728	4112920647		103		BENNY PELC #1 LPPI	SUNBRIGHT	31.5	
8214771	A-729	4104920559		103		ROBERT E DEARMON #1 LPPI	SUNBRIGHT	20.5	
-MCANALLY PETROLEUM LTD				RECEIVED:	01/11/82	JA: TN			
8214843	A-964	4105120009		102-2		HILL #1		72.0	EAST TENNESSEE NA
-NECKLES ENERGY CO				RECEIVED:	01/11/82	JA: TN			
8214880	A-821	4115110202		102-4		BERTHA PHILLIPS #1	HUNTSVILLE	0.0	CUMBERLAND NATURA
8214878	A-820	4115120644		102-4		BERTHA PHILLIPS #2	HUNTSVILLE	0.0	CUMBERLAND NATURA
8214879	A-822	4115120675		102-4		MARY S BYRD	HUNTSVILLE	0.0	CUMBERLAND NATURA

JD NO	JA JKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PARMA PETROLEUM CORP				RECEIVED:	01/11/82	JA: TN			
8214851	A-806	4115120608		102-2		DOHY LAWHORN #1	GUM BRANCH	355.1	INTRASTATE ENERGY
8214856	A-770	4115120738		102-4		ONEIDA WOODS #1	HUNTSVILLE	21.9	INTRASTATE ENERGY
-PETRO-AMERICA CORP				RECEIVED:	01/11/82	JA: TN			
8214820	A-826	4112920960		102-2		BROOKS-LINDSAY UNIT #1	UNKNOWN	7.3	INTRASTATE ENERGY
8214750	A-765	4112920796		102-2		BROOKS-MILMOW HEIRS UNIT #1	RUGBY	18.2	INTRASTATE ENERGY
8214751	A-754	4112920513		102-2		DUNCAN-SMITH HEIRS #1	UNKNOWN	18.2	INTRASTATE ENERGY
8214821	A-825	4112920989		102-2		DUNCAN-SMITH HEIRS #2	UNKNOWN	21.9	INTRASTATE ENERGY
8214819	A-827	4112920986		102-2		KEN DAVIS #1		21.9	INTRASTATE ENERGY
8214810	A-771	4115120784		102-2		PEMBERTON-BAKER #1	GUM BRANCH	91.2	INTRASTATE ENERGY
8214806	A-755	4112920879		102-4		PEMBERTON-BAKER #2	BOONE CAMP	21.9	INTRASTATE ENERGY
8214822	A-824	4112920932		102-2		R PRESLEY-GRAVES #1	UNKNOWN	21.9	INTRASTATE ENERGY
8214823	A-823	4112920937		102-2		SHIRLEY BOW #1-A	UNKNOWN	36.5	INTRASTATE ENERGY
8214818	A-828	4112920972		102-2		SMITH-DUNCAN #1	UNKNOWN	365.0	INTRASTATE ENERGY
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	01/11/82	JA: TN			
8214814	A-867	4115120780		102-2		BOLES #1	UNKNOWN	21.9	INTRASTATE ENERGY
8214816	A-865	4115120823		102-2		EMMA STRINGFIELD #1	UNKNOWN	21.9	INTRASTATE ENERGY
8214769	A-730	4115120559		102-2		KISER-REED #1	GUM BRANCH	139.4	INTRASTATE ENERGY
8214815	A-866	4115120622		102-2		RUGBY LAND CO - BYRD-COCHRAN-GOAD 1	UNKNOWN	21.9	INTRASTATE ENERGY
-RED FEATHER GAS & OIL INC				RECEIVED:	01/11/82	JA: TN			
8214778	A-736	4104920037		102-4		CARSON HULL B-1	SHIRLEY	357.7	INTRASTATE ENERGY
8214779	A-735	4104920046		102-4		CARSON HULL B-2	SHIRLEY	182.5	INTRASTATE ENERGY
-SRI DRILLING CO				RECEIVED:	01/11/82	JA: TN			
8214827	A-833	4112920976		103		G C PEMBERTON - RALPH PEMBERTON #3	PLEASANT RIDGE	10.0	EAST TENNESSEE NA
8214824	A-836	4112920975		103		G C PEMBERTON #1	PLEASANT RIDGE	13.0	EAST TENNESSEE NA
8214825	A-835	4112920991		103		G C PEMBERTON #2-A	PLEASANT RIDGE	11.0	EAST TENNESSEE NA
8214742	A-882	4112920997		103		G C PEMBERTON #3-A	PLEASANT RIDGE	16.0	EAST TENNESSEE NA
8214744	A-880	4112920998		103		G C PEMBERTON #4A	PLEASANT RIDGE	30.0	EAST TENNESSEE NA
8214746	A-878	4112921008		103		G C PEMBERTON #6-A	PLEASANT RIDGE	1.8	EAST TENNESSEE NA
8214747	A-877	4112921015		103		G C PEMBERTON #7A	PLEASANT RIDGE	15.0	EAST TENNESSEE NA
8214741	A-883	4112921019		103		G C PEMBERTON #8-A	PLEASANT RIDGE	1.8	EAST TENNESSEE NA
8214743	A-881	4112921024		103		G C PEMBERTON #9-A	PLEASANT RIDGE	24.0	EAST TENNESSEE NA
8214745	A-879	4112921002		103		G C PEMBERTON 5-A	PLEASANT RIDGE	3.7	EAST TENNESSEE NA
8214828	A-832	4112920717		103		G C PEMBERTON-R PEMBERTON #2	PLEASANT RIDGE	11.0	EAST TENNESSEE NA
8214862	A-795	4112920709		103		G C PEMBERTON-RALPH PEMBERTON #1	PLEASANT RIDGE	12.0	EAST TENNESSEE NA
8214826	A-834	4112920760		103		NORTHRUP-PEMBERTON #2	PLEASANT RIDGE	12.0	EAST TENNESSEE NA
8214859	A-797	4112920659		103		PEMBERTON-NORTHRUP #1	PLEASANT RIDGE	11.0	EAST TENNESSEE NA
8214858	A-796	4112920688		103		RALPH PEMBERTON #1	PLEASANT RIDGE	13.0	EAST TENNESSEE NA
8214861	A-794	4112920761		103		RALPH PEMBERTON-G C PEMBERTON #2	PLEASANT RIDGE	13.0	EAST TENNESSEE NA
8214860	A-793	4112920658		103		RALPH PEMBERTON-G C PEMBERTON #1	PLEASANT RIDGE	12.0	EAST TENNESSEE NA
-TARTAN OIL COMPANY				RECEIVED:	01/11/82	JA: TN			
8214855	A-807	4112920902		103		JAMES SILVEY #1-A (PERMIT #4158)	SUNBRIGHT	9.0	
8214850	A-808	4112920955		102-2		LEE GRIFFITH #2 PERMIT #4384	UNNAMED	70.0	
-TENNESSEE LAND & EXPLORATION CO				RECEIVED:	01/11/82	JA: TN			
8214866	A-734	4112920824		102-2		GRIFFITH-HOWARD #1 PERMIT #3851	UNNAMED	86.7	
8214872	A-789	4115120638		102-2		HALL LAWHORN #4 PERMIT #3668	GUM BRANCH	5.0	INTRASTATE ENERGY
8214871	A-788	4115120746		102-2		VERNON LAWHORN #5 PERMIT #3816	GUM BRANCH	5.0	INTRASTATE ENERGY
-TRANS TENN ENERGY				RECEIVED:	01/11/82	JA: TN			
8214844	A-818	4115120690		102-2		LORA MAYE SMITH #1	HONEY CREEK SOUTH	50.0	INTRASTATE ENERGY
8214845	A-819	4115120370		102-2		LORA MAYE SMITH #2	HONEY CREEK	50.0	INTRASTATE ENERGY
-W W KEELER & SONS				RECEIVED:	01/11/82	JA: TN			
8214865	A-748	4104920327		102-2		JOSIE HULL SNELLING HEIRS #1	SHIRLEY	21.6	INTRASTATE ENERGY
8214864	A-749	4104920328		102-2		W D HULL HEIRS #1	SHIRLEY	55.8	INTRASTATE ENERGY

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JD NO	JA DAT	API NO	F	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WESTERN RESERVES OIL COMPANY				RECEIVED:	01/11/82	JA: TN			
8214757	A-758	4112920671		102-2		ARNOLD SELF #1	UNKNOWN	47.4	B & W OIL CO
8214756	A-759	4112920856		102-2		DAVIS HEIRS #2	UNKNOWN	93.8	B & W OIL CO
-WILLIAM H YOUNG				RECEIVED:	01/11/82	JA: TN			
8214849	A-733	4115120785		102-2		VELANDER #1	STANLEY CREEK FIELD	1.3	CUMBERLAND NATURA
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-EMERALD ENERGY CO				RECEIVED:	12/14/81	JA: WV			
8214637		4702123511		108		E MILLER #1(47-021-3511)	NORMANTOWN NORTHEAST	25.0	CARNEGIE NATURAL
**********									
WYOMING OIL & GAS CONSERVATION COMMISSION									
**********									
-AMOCO PRODUCTION CO				RECEIVED:	01/11/82	JA: WY			
8214691	NG 250-81	4904120191		103		CHAMPLIN 186 AMOCO "B" #1A (DAKOTA)	BRUFF-DAKOTA	230.0	CITIES SERVICE GA
8214690	NG 249-81	4903721777		102-2		CHAMPLIN 259 AMOCO "B" #1	WILDCAT-FRONTIER	21.0	
8214676	NG231-81	4903721736		102-2		CHAMPLIN 269 AMOCO B #1	UNNAMED-LANCE	85.1	CITIES SERVICE GA
8214681	NG 238-81	4900720485		107-TF		CHAMPLIN 337 AMOCO "F" #1	ECHO SPRINGS - MESAVE	22.1	CITIES SERVICE GA
8214680	NG-237-81	4900720661		107-TF		CHAMPLIN 337 AMOCO J #1 (MESAVERDE)	ECHO SPRINGS - MESAVE	94.0	CITIES SERVICE GA
8214679	NG236-81	4903721748		107-TF		CHAMPLIN 444 AMOCO J #1 (MESAVERDE)	WILDROSE - MESAVERDE	98.9	CITIES SERVICE GA
8214682	NG 239-81	4903721755		107-TF		CHAMPLIN 452 AMOCO "I" #1	SIBERIA RIDGE-MESAVER	109.9	CITIES SERVICE GA
8214685	NG 242-81	4903721605		102-2		CHAMPLIN 533 AMOCO "B" #1	WILDCAT-LEWIS	98.0	CITIES SERVICE GA
8214684	NG 241-81	4904120380		102-2		STATE OF WYOMING "W" #1 (DAKOTA)	BRUFF-DAKOTA	162.0	CITIES SERVICE GA
8214683	NG 240-81	4902320349		102-2		WILSON RANCH UNIT #14 (DAKOTA)	WILSON RANCH-DAKOTA	1279.0	CITIES SERVICE GA
-CIG EXPLORATION INC				RECEIVED:	01/11/82	JA: WY			
8214675	NG 225-81	4903721176		107-TF		STATE 1-36-17-94	WILDROSE	222.0	COLORADO INTERSTA
-EXETER EXPLORATION COMPANY				RECEIVED:	01/11/82	JA: WY			
8214674	NG 216-81	4900921923		103		STATE #15-16	MIKE'S DRAW	50.0	PHILLIPS PETROLEU
-INEXCO OIL COMPANY				RECEIVED:	01/11/82	JA: WY			
8214687	NG 245-81	4900921949		102-4		U W #1-10	SHAWNEE	10.0	INEXCO GASOLINE P
-INTERNORTH INC				RECEIVED:	01/11/82	JA: WY			
8214678	NG235-81	4900921909		103		STATE 025 #3-16	SCOTT	40.0	INTERNORTH INC
8214677	NG234-81	4900921853		103		STATE 025 1-16	SCOTT	30.0	INTERNORTH INC
-LARIAT OIL & GAS				RECEIVED:	01/11/82	JA: WY			
8214689	NG 247-81	4904500000		103		CAROLYN #1	HA CREEK-STEPOUT	35.0	PHILLIPS PETROLEU
-MONSANTO COMPANY				RECEIVED:	01/11/82	JA: WY			
8214686	NG 244-81	4901321113		107-DP		MONSANTO SPRATT #2-4	MADDEN	3205.0	COLORADO INTERSTA
-PANHANDLE WESTERN GAS CO				RECEIVED:	01/11/82	JA: WY			
8214688	NG 246-81	4900526029		103		ELLBOGEN #1	WILDCAT	14.0	PANHANDLE EASTERN
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:	01/11/82	JA: WY			
8214673	NG 215-81	4900720584		103		UNIVERSAL STATE #1-16	WILDCAT (ALMOND)	0.0	CITIES SERVICE GA
**********									
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM									
**********									
-DUGAN PRODUCTION CORP				RECEIVED:	01/11/82	JA: NM 4			
8214639	NM0045-81-PB	3004522062	D	108-PB		GEORGE WASHINGTON #2	WAW FRUITLAND PC	9.4	EL PASO NATURAL G
-JEROME P MCHUGH				RECEIVED:	01/11/82	JA: NM 4			
8214640	NM-1763-80	3004512101	D	108		HARDIE #4	BASIN DAKOTA	23.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	01/11/82	JA: NM 4			
8214638	NM-0005-81	3001523335		102-4		MOBIL CI FEDERAL #11	UNDES PENASCO DRAW MO	0.0	TRANSWESTERN PIPE
**********									
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK									
**********									
-ARAPAHO PETROLEUM INCORPORATED				RECEIVED:	01/11/82	JA: OK 8			

JD NO	JA DKT	API NO	C	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8214616		3511324343		103		SOUTH BUELL #2	SKINNER	2.3	PHILLIPS PETROLEU
-JAMES W WISE				RECEIVED:	01/11/82	JA: OK 8			
8214621		3511300000		103		VIVIAN #1-36	SOUTH ATLANTIC POOL S	90.0	PHILLIPS PETROLEU
-OKLAHOMA DRILLING CORP				RECEIVED:	01/11/82	JA: OK 8			
8214617		3511300000		103		BILL PRATT #6-B	EAST HAPPY HOLLOW	0.0	PHILLIPS PETROLEU
-TRACY OIL & GAS CO				RECEIVED:	01/11/82	JA: OK 8			
8214618		3511300000		103		MAKER #1-A	OSAGE-HOMINY	6.5	PHILLIPS PETROLEU
8214619		3511300000		103		MAKER #2-A	OSAGE-HOMINY	7.3	PHILLIPS PETROLEU
8214620		3511300000		103		MAKER #3-A	OSAGE-HOMINY	15.6	PHILLIPS PETROLEU

CORRECTIONS TO PREVIOUS NOTICES OF DETERMINATION

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
81-30581	TX	Delta Drilling Co.	Jetta Willis #1	439	06-17-81	C:	102-2,103 & 107-TF approved
81-38160	PA	Mrs Jane Shaner Switzer	Decker #1	470	07-16-81	C:	Well name
81-45186	KY	Falcon Energy Company	S.D. McCoy, #F.E.-1	498	09-03-81	C:	Well name
82-07696	KS	Lee Banks	Moberly 1-31	561	12-24-81	C:	Well name
82-07888	WV	FMF Oil & Gas Properties	King #2C	562	12-29-81	C:	Well name
82-08781	TX	Diamex Company	Martin Volz #1	567	01-05-82	C:	102-4,103 & 107-TF approved
82-08841	TX	Delta Drilling Co	Biggs #1	567	01-05-82	C:	102-2,103 & 107-TF approved
82-08874	TX	Delta Drilling Co	D. B. Hardy #1	567	01-05-82	C:	102-2,103 & 107-TF approved
82-09522	OK	Southland Royalty Co	Pittman #1-24	569	01-05-82	C:	108-ER approved
82-09528	OK	Jico Exploration	Jico-Graham #2	569	01-05-82	C:	Well name
82-09719	OK	Woods Petroleum Corp	Wade Coulson #5-1	571	01-05-82	C:	Well name
82-09780	OK	Ricks Exploration Co	Mary Lou #1	571	01-05-82	C:	102-4 & 103 approved
82-09824US(CO)		CIG Exploration Inc	CIGE 78C-16-9-21-P	571	01-05-82	C:	103 & 107-TF approved
82-09854	NM	Mesa Petroleum	Bell Estate #1	571	01-05-82	C:	102-2 & 107-TF approved
82-09857	NM	MTS Ltd Partnership	Ned State #3	571	01-05-82	C:	102-2 & 107-TF approved
82-09858	NM	Mesa Petroleum	Acme #3	571	01-05-82	C:	102-2 & 107-TF approved
82-10724	TX	Joe McGuire	Joe F Bean C #1	575	01-14-82	C:	102-4,103 & 107-TF approved
82-10725	TX	Joe McGuire	Joe F Bean North #1	575	01-14-82	C:	102-4,103 & 107-TF approved
82-12806	OK	Apollo Production Ltd	W. W. Duffy #13-12	584		C:	102-4 & 103 approved

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-3607 Filed 2-10-82; 8:45 am]

BILLING CODE 6717-01-C

Office of the Secretary

Intent To Grant Exclusive Patent License; Atom Sciences, Inc.

Notice is hereby given of an intent to grant to Atom Sciences, Inc., of Oak Ridge, Tennessee, an exclusive license to practice in the United States, the invention described in U.S. Patent No. 3,987,502, entitled "Resonance Ionization For Analytical Spectroscopy." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will contain terms and conditions to be negotiated by the parties in accordance with 35 U.S.C. 209. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice (on or before April 12, 1982) the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license, or

(ii) An application for a nonexclusive license to manufacture, use, and/or sell the invention in the United States, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Signed at Washington, D.C., on this 5th day of February 1982.

R. Tenney Johnson,

General Counsel.

[FR Doc. 82-3624 Filed 2-10-82; 8:45 am]

BILLING CODE 6450-01-M

Intent To Grant Exclusive Patent License; Electronics, Missiles, and Communications, Inc.

Notice is hereby given of an intent to grant to Electronics, Missiles, and Communications, Inc. of White Haven, Pennsylvania, an exclusive license to practice in the United States, the invention described in U.S. Patent No. 4,253,190, entitled "Communications Systems Using A Mirror Kept In Outer Space By Electromagnetic Radiation Pressure." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will contain terms and conditions to be negotiated by the parties in accordance with 35 U.S.C. 209. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice (on or before April 12, 1982) the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license, or

(ii) An application for a nonexclusive license to manufacture, use, and/or sell the invention in the United States, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Signed at Washington, D.C., on this 5th day of February 1982.

R. Tenney Johnson,

General Counsel.

[FR Doc. 82-3623 Filed 2-10-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-5-FRL-2046-8]

Assessment and Collection of Noncompliance Penalties by EPA; Settlement of Action Initiated against United Cement Co., Artesia, MS

AGENCY: Environmental Protection Agency.

ACTION: Informational notice.

SUMMARY: Notice is hereby given that EPA and United Cement Company of Artesia, Mississippi, have concluded a noncompliance penalty proceeding under section 120 of the Clean Air Act, 42 U.S.C. 7420, by execution of a consent agreement and final settlement order on November 13, 1981. The agreement settled this administrative penalty proceeding by assessing no penalty against the company.

DATE: This action constitutes "final agency action" within the meaning of section 307(b)(1) of the Clean Air Act; accordingly, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the Eleventh Circuit within 60 days of today.

ADDRESS: Copies of the signed consent agreement and final settlement order may be examined during normal business hours at the following location: Office of Regional Counsel, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Second Floor, Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: James F. Bycott at the Region IV address given above or at 404/881-3506 (FTS 257-3506).

SUPPLEMENTARY INFORMATION: This penalty proceeding was initiated by EPA, Region IV, pursuant to section 120 of the Clean Air Act by issuance of a Notice of Noncompliance on April 27, 1981, to United Cement Company for alleged violations by the clinker cooler at its Artesia, Mississippi, facility of the particulate matter emissions limitations of EPA's New Source Performance Standards, 40 CFR 60.62(b)(1). In the consent agreement and final settlement order, EPA acknowledged that United Cement submitted test results showing that its clinker cooler was in compliance with the New Source Performance Standards in June 1981. The agreement also states that EPA calculated the noncompliance penalty by the computer model appended to the implementing regulations and that the derived noncompliance penalty is zero, thereby terminating the proceeding.

(Sec. 120, Clean Air Act (42 U.S.C. 7420))

Dated: January 28, 1982.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 82-3634 Filed 2-10-82; 8:45 am]

BILLING CODE 6560-38-M

[TSH-FRL-2043-1; OPTS-59075A]

Arylamine Substitute Polyalkoxy Silane; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM–81–51) under section 5 of the Toxic Substances Control Act (TSCA) on December 28, 1981. Notice of receipt of the application was published in the **Federal Register** of January 13, 1982 (47 FR 1414). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Rachel S. Diamond, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–206, 401 M St. SW., Washington, DC 20460, (202–382–3743).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirments of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On December 28, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–81–51. The manufacturer has claimed its identity, the specific chemical identity, use, production volume, and physical/chemical properities as confidential business information. The generic chemical identity is: arylamine substituted polyalkoxy silane. This substance will be manufactured for a test marketing period not to exceed 24 months. A notice published in the **Federal Register** of January 13, 1982 (47 FR 1414) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments conerning the application.

EPA has established that the test marketing of the substance described in TM–81–51, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment. There were no significant health or environmental concerns for the TME substance. Data submitted with the application indicate that the substance is not acutely toxic via oral, dermal, or inhalation routes of exposure, and it is not a skin or eye irritant. Additionally, no chonic or ecological effects are expected.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) and amounts of manufacture of the new chemical, and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity described in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a 24-month period commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: February 4, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82–3714 Filed 2–10–82; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–51395; TSH–FRL–2047–6]

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 five PMNs and provides a summary of each.

DATE: Written comments by: PMN 82–63, 82–64, 82–65, 82–66, and 82–67, April 3, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51395]" 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 manufacture on the PMNs received by EPA:

PMN 82–63

Close of Review Period. May 3, 1982.

Manufacturer's Identity. Monsanto Company, 800 N. Lindbergh Boulevard, St. Louis, MO 63167.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted benzene sulfonamide.

Use. The manufacturer states that the PMN substance will be used as a polymer additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Flash point—485° F.
Melting point—70° C.
Solubility: water @ 22–25° C—0.062 ± .030 mg/1.
Vapor pressure @ 20° C—< 5.7 × 10^{-7} torr.

Toxicity Data

Acute oral Toxicity LD_{50} (rat)—> 5 g/kg.
Acute dermal toxicity LD_{50} (rat)—Non-irritant.
Skin irritation (rabbit)—Non-irritant.
Eye irritation (rabbit)—Non-irritant.

Environmental Test Data

LC_{50} 96 hr. (fathead minnow)—>100 mg/1.
LC_{50} 96 hr. (rainbow trout)—>100 mg/1.
LC_{50} 48 hr. (daphnia magna)—>20 mg/1.

Exposure. The manufacturer states that during manufacture 11 workers may experience dermal and inhalation exposure 8 hrs/day, 75 days/yr.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is to a publicly owned treatment works (POTW).

PMN 82–64

Close of Review Period. May 3, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided: Annual sales—Over $500,000,000. Manufacturing site—East North Central region. Standard Industrial Classification Code—2821.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyamide-acrylic resin.

Use. Claimed confidential business information.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	2,000	10,000
2nd year	5,000	15,000
3rd year	5,000	30,000

Physical/Chemical Properties

Viscosity @ 25° C—80–110 poises.
Acid number—78–82
Glass transition temperature (Tg, via DSC) 9° C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 6 workers may experience dermal exposure 2 hrs/day, 4 days/yr during sampling or transfer.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to land.

PMN82–65

Close of Review Period. May 3, 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: Polymer of vegetable oil acids, alkane diols and car omonocyclic anhydrides.

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	30,000	100,000
2d year	100,000	300,000
3d year	150,000	450,000

Physical/Chemical Properties

Flash point—197° F.
Viscosity—U+.
Density—1.147.
Acid value—5.3 mg KOH/gm.
Color—1.
Total solids @ 105° C—65%.
Hydroxyl value—30.6 mg KOH/g.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing and use a total of 111 workers may experience dermal and occular exposure up to 6 hrs/day, up to 69 days/yr during withdrawal, analysis, filling, shipping and cleanup.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water with 10–10,000 kg/yr released to land. Disposal is by landfill or incineration.

PMN 82–66

Close of Review Period. May 3, 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 polymer of styrene, alkyl methacrylate and a substituted alkylmethacrylate.

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	0	25,000
2d year	25,000	125,000
3d year	125,000	650,000

Physical/Chemical Properties

Flash point—114° F.
Viscosity—1 to 3 stokes.
Acid value—0.5–3.0 mg KOH/gm.
Color—1–3 Gardner
Total solids 75%± 3.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing and use a total of 108 workers may experience dermal, inhalation and occular exposure up to 7 hrs/day, up to 250 days/yr during analysis, filling, extraction and cleanup.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water with more than 10,000 kg/yr released to land. Disposal is by landfill or incineration.

Close of Review Period. May 3, 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: Disubstituted carbomonocycle.

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	0	5,000
2d year	5,000	18,000
3d year	18,000,	30,000

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing and use a total of 117 workers may experience dermal and occular exposure up to 8 hrs/day, up to 200 day/yr during filling, sampling, testing, thinning and cleanup.

Environmental Release/Disposal. The manufacturer states that less then 10 kg/yr will be released to air and water with 10–10,000 kg/yr released to land. Disposal is by incineration.

Dated: February 3, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-3470 Filed 2-10-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51396; TSH-FRL-2047-5]

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 two PMNs and provides a summary of each.

DATES: Written comments by: April 4, 1982. PMN 82–68 & 82–69.

ADDRESS: Written comments, identified by the document control number "[OPTS–51396]" 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 received by EPA:

PMN 82–68

Close of Review Period. May 4, 1982.

Importer's Identity. Mobay Chemical Corporation, Penn Lincoln Parkway West, Pittsburgh, PA 15205.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of diphenylmethane diisocyanate and hydroxy alkyl ethers.

Use. The importer states that the PMN substance will be used as a component of a synthetic sports surface.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	50,000	100,000
2d year	150,000	300,000
3d year	300,000	500,000

Physical/Chemical Properties

Appearance—Clear, yellowish liquid.
Specific gravity @ 25° C—1.04 g/cm ^{3}.
Boiling point @ 7013 mbar—230° C.
Vapor density—8.5.
Freezing point——13° C.
Odor—Slighty musty.
Solubility: water—Reacts slowly to form CO_2 gas.
Vapor pressure @ 25° C—$<10^{-4}$ mbar.

Toxicity Data. No data were submitted.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

PMN 82–69

Close of Review Period. May 4, 1982.

Importer's Identity. Mobay Chemical Corporation, Penn Lincoln Parkway West, Pittsburgh, PA 15205.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of diphenylmethane diisocyanate and hydroxy alkyl ethers.

Use. The importer states that the PMN substance will be used as a component of a synthetic sports surface.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	10,000
2d year	10,000	15,000
3d year	15,000	25,000

Physical/Chemical Properties

Appearance—Clear, yellowish liquid.
Specific gravity @ 20 ° C—1.11g/cm^3.
Boiling point @ 1013 mbar—115° C.
Vapor density—8.5
Freezing point—128° C.
Odor—Slightly musty.
Solubility: water—Reacts slowly to form CO_2 gas.
Vapor pressure @ 25° C—$<10^{-4}$ mbar.

Toxicity Data. No data were submitted.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

Dated: February 3, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-3471 Filed 2-10-82; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL MARITIME COMMISSION

[Docket No. 81–11]

"50 Mile Container Rules" Implementation by Ocean Common Carriers Serving U.S. Atlantic and Gulf Coast Ports—Possible Violations of the Shipping Act, 1916; Interim Report and Order

The Commission commenced this proceeding by Order of Investigation on February 3, 1981. 46 FR 11357 (1981). Its purpose is to ascertain whether 142 ocean carriers have violated sections 14 Fourth, 16 First, 17 and 18 of the Shipping Act, 1916 (46 U.S.C. 812 Fourth, 815 First, 816 and 817)[1] by engaging in the practices described in the "Management-ILA Rules on Containers" (hereafter "Container Rules"). These rules are embodied in labor contracts collectively bargained for an agreed upon between ocean carriers and direct employer members of management port associations and appropriate organizational units of the International Longshoremen's Association, AFL–CIO (ILA) at U.S. Atlantic and Gulf Coast ports. No ocean shippers are parties to these collective bargaining units. In their simplest form, the Container Rules prohibit ocean carriers from providing shipping containers or trailers to persons located within 50 miles of the carrier's pier, unless the containers or trailers are loaded: (1) By ILA labor; or

[1] The Order of Investigation alleged violations of Shipping Act sections 18(a) and 18(b) and both paragraphs of section 17. Violations of section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844) were also alleged. Section 2 contains the same tariff filing requirements as section 18(b) of the Shipping Act, 1916, insofar as the present inquiry is concerned. Unless otherwise indicated, references to section 18(b) are intended to apply equally to section 2.

(2) by the shipper's own employees at the shipper's own facilities.[2]

The Commission has previously held that carrier conduct derived from an application of an earlier version of the Container Rules (1974 Rules) in the Puerto Rico trade during 1973 and 1975 violated the Shipping Act *Sea-Land Service, Inc.—Proposed Rules on Containers*, 18 S.R.R. 553, 16 S.R.R. 315 (1978), *appeal pending Council of North Atlantic Shipping Associations v. Federal Maritime Commission*, D.C. Cir. Docket No. 78–1776 (hereafter "*Sea-Land*"). In addition, the National Labor Relations Board (NLRB) issued a decision in 1975 which condemned the Container Rules as an unfair labor practice. *Consolidated Express, Inc. v. ILA*, 221 N.L.R.B. 956.[3] The NLRB's decision was later vacated, however, following the Supreme Court's remand of a companion order in *National Labor Relations Board v. International Longshoremen's Association*, 447 U.S. 490 (1980), thereby opening the door to renewed implementation of the Rules by the ILA and affected ocean carriers not bound by the Commission's *Sea-Land* order.

The ILA announced that it would begin enforcing the Container Rules commencing January 1, 1981 on both foreign and domestic commerce shipments. The Commission began this proceeding after receiving complaints from shippers and other information indicating that at least some ocean carriers were adhering to the Container Rules.[4] These practices continued until halted on February 29, 1981 by an injunction issued to preserve the *status quo* pending the remanded NLRB investigation into the Container Rules. *Pascarell v. New York Shipping Ass'n.*, Docket No. 81–13 (D.N.J.), *aff'd* No. 81–0013 (3d Cir. May 20, 1981), 107 L.R.R.M. 2426, *cert. den.* —— U.S. ——, 50 L.W. 3246 (Oct. 5, 1981).[5] Accordingly, the Container Rules were in effect for only two months—January and February, 1981.

PARTIES TO THE PROCEEDING

The New York Shipping Association, Inc., the Council of North Atlantic Shipping Associations and the International Longshoremen's Association, AFL–CIO (jointly), and the Pacific Maritime Association have intervened in support of the individual ocean carriers named as respondents.[6] The International Association of Nonvessel Operating Carriers and the Custom Brokers and Forwarders Association of America intervened in opposition to the Container Rules. The Commission's Bureau of Hearings and Field Operations (Hearing Counsel) is also a party.[7]

Twenty-five ocean carrier respondents requested that they be dismissed from this proceeding on various grounds. On June 12, 1981, Karlander Kangaroo Line, Seapac Container Service and Hanjin Container Lines, Ltd., were dismissed when they presented affidavits demonstrating they did not serve U.S. Atlantic or Gulf ports. An additional 13 Respondents subsequently submitted affidavits indicating that they are either not common carriers by water,[8] do not serve ILA ports,[9] or carry no containers.[10] These Respondents will also be dismissed. In addition, the Commission takes official notice that four other respondent carriers did not offer container service at Atlantic and Gulf ports during January or February, 1981.[11]

Those carriers which sought dismissal without supporting affidavits or which merely alleged that they did not "implement" or "enforce" the Container Rules because they took no action against specific nonconforming containers or offered no rates for consolidated shipments will not be dismissed. The Container Rules seemingly apply to full containerload shipments as well as FAK or "consolidated" shipments and the adoption of the container use policy reflected in the Container Rules, without appropriate tariff amendments, is alone sufficient to violate section 18(b). An announced policy of discrimination may also be sufficient to violate the other Shipping Act sections cited in the Order of Investigation.

There remain 122 ocean carrier Respondents, many of which were members of the New York Shipping Association (NYSA) during January or February, 1981, but most of which have not directly participated in this proceeding.[12]

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[2] The Container Rules as amended through May 27, 1980 are included in Exhibit B to the May 20, 1981 Affidavit of James J. Dickman and involve seven practices expressly identified in the Order of Investigation as possibly violative of the Shipping Act, 1916. These practices are: (1) Refusing to load containers or trailers onto vessels; (2) refusing to deliver containers or trailers; (3) refusing to book cargo or to honor existing bookings; (4) refusing to supply or make available containers, trailers or other equipment owned, leased or used by the carriers at certain off-pier facilities; (5) requiring certain containerizable cargoes to be shipped to the port in a "loose" condition; (6) charging certain shippers for fines assessed against the carrier for violation of the Container Rules; (7) imposing additional charges for stuffing and restuffing containers or trailers at the pier. Future references to "containers" will include "trailers" unless otherwise indicated.

[3] The unfair labor practice involved was a secondary boycott against third or "neutral" party employers prohibited by sections 8(b)(4)(B) and 8(e) of the National Labor Relations Act (29 U.S.C. 158(b)(4)(B) and 158(e)). The present form of these statutes was enacted as part of the 1959 Landrum-Griffith Act (73 Stat. 542) and was intended to eliminate the type of collusive boycott known as "hot cargo clauses." *See* 105 *Cong. Rec.* 15532 (1959); *Woodwork Manufacturers Ass'n v. National Labor Relations Board*, 386 U.S. 612 (1967).

29 U.S.C. 158(e) provides, in pertinent part, that:

[No] labor organization or any employer [shall] enter into any contract or agreement, express or implied, whereby such employer ceases or refrains or agrees to cease or refrain from handling, using, selling, transporting or otherwise dealing in any of the products of any other employer, or to cease doing business with any other person, and any contract or agreement entered into heretofore or hereafter containing such an agreement shall be to such extent unenforceable and void.

Despite this language, a secondary boycott may lawfully, as far as the labor laws are concerned, occur when the parties to a collective bargaining unit are implementing a *bona fide* work preservation practice. The presence or absence of a work preservation rule is a matter within the primary jurisdiction of the NLRB and not the FMC.

[4] On January 22, 1981, the International Association of Nonvessel Operating Common Carriers and other persons filed a complaint against a number of ocean carriers based upon implementation of the Container Rules which is pending before an administrative law judge as FMC Docket No. 81–5. A nonvessel operating common carrier (NVO) issues an ocean bill of lading in its own name, but actually moves the goods by using the facilities of a vessel operating carrier in the same manner as any other shipper. NVO's typically load or consolidate container load shipments on behalf of their shipper clients in addition to undertaking the basic ocean transportation.

[5] The *Pascarell* injunction was issued under section 10 of the Norris-LaGuardia Act (29 U.S.C. 160(e), (h) and (j)), which allows "appropriate temporary relief" pending NLRB investigations in order to preserve the Board's primary jurisdiction over labor disputes. On September 29, 1981, an initial decision was issued upholding the Container Rules. *International Longshoremen's Association et al.*, Case Nos. 2–CC–1364 *et al.*, JD–515–81.

[6] The ocean carriers and all persons siding with them are hereafter referred to as "Respondents" unless otherwise indicated.

[7] The nonvessel operating carrier and customs broker interests (NVO's) and Hearing Counsel are hereafter referred to as "proponents" unless otherwise indicated.

[8] Gulf Atlantic Transportation, MTO Liner Services and West India Shipping Company, Inc.

[9] American President Lines; Showa Line Ltd.; Korea Maritime Transport Co., Ltd.; Uruguayan Line; Seaspeed Services; Tropical Shipping and Transportation Co., Ltd.

[10] Jinyang Shipping Co., Ltd.; R.T. Djakarta Lloyd; American Industrial Carriers; and D.B. Turkish Cargo Lines.

[11] CAST Shipping, Ltd.; Black Star Line; Caribe Cargo Express; and Trans World Systems.

[12] Twelve respondent carriers either expressly joined in or endorsed the position taken by NYSA/CONASA/ILA: Atlantic Container Line, Ltd.; Dart Containerline, Ltd.; Puerto Rico Maritime Shipping Authority; Sea-Land Service, Inc.; Trans Freight Lines, Inc.; United States Lines, Inc.; Compagnie maritime d'Affretement; Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; mitsui O.S.K. lines, Ltd.; Nippon Yusen Kaisha; and Yamashita Shinnihon steamship co., Ltd. NYSA purports to speak for all of its ocean carrier members.

Position of the Parties

Five basic issues have emerged from the proceeding to date: (1) Must practices determining the availability of carrier-controlled containers be published in FMC tariffs; (2) does the 1980 Maritime Labor Agreements Act (MLAA) alter the Commission's jurisdiction over tariff rates and practices; [13] (3) is Commission regulation of the Container Rules precluded or limited by the policies of the National Labor Relations Act; [14] (4) does the refusal to furnish containers to non-ILA consolidators located within 50 miles of the carrier's pier, or the other Container Rules practices described in note 2, *supra*, violate sections 14 Fourth, 16 First, 17, or 18(a) of the Shipping Act, 1916; and (5) which of the Respondents have implemented or would necessarily implement all or part of the Container Rules. The position of the parties on each of these issues is described below.

I. Must Practices Determining the Availability of Carrier-Controlled Containers Be Published in FMC Tariffs?

A. *Proponents.* Proponents argue that the Shipping Act requires tariffs to describe the rates applicable to all transportation services provided by the publishing carrier and to state separately "any privileges or facilities granted or allowed which affect these rates in any manner whatsoever." 46 U.S.C. 817(b)(1) and 844. *See also* 46 CFR 5(c)(5). Proponents claim that this language requires that any restrictions in a common carrier's basic undertaking to serve all shippers indiscriminately be fully disclosed in its tariff. *Japan/Korea-Atlantic & Gulf Freight Conference—Chassis Availability Rules*, 19 S.R.R. 1370, 1374 (1980); *South Atlantic and Caribbean Lines, Inc. (SACL)*, 12 F.M.C. 237 (1969), *aff'd* 424 F.2d 941 (D.C. Cir. 1970). *A. H. Bull S.S. Co.*, 7 F.M.C. 133 (1962); *Intercoastal Investigation*, 1 U.S.S.B.B., 400, 447–450 (1935); *See Puerto Rican Rates*, 2 U.S.M.C. 117, 129 (1930). Proponents further state that the Container Rules involve service restrictions which were specifically adjudged to be mandatory tariff material in *United States v. Sea-Land Service, Inc.*, 424 F. Supp. 1008, 1011–1012; (D.N.J. 1977), *appeal dismissed*, 577 F.2d 730 (3d Cir. 1978), *cert. den.* 439 U.S. 1072 (1979); *SACL, supra*, 12 F.M.C. at 241–242 (1969). *See also Sea-Land, supra*, 16 S.R.R. at 340.

B. *Respondents.* Respondents note that their charges for packing and unpacking containers are already listed in their tariffs and the Commission has not stated exactly what additional material should be published as a result of the Container Rules. The Respondents then argue that section 18(b) is intended to require only the publication of a carrier's "rates and charges", and that the use of carrier-controlled containers is not a matter intended to "change, affect or determine" rates or charges. [15] In fact, Respondents allege that the Commission has never taken any publicly reported action suggesting that rules relating to the use of carrier-owned or leased containers must be published in tariffs and that such rules are customarily omitted from FMC tariffs in most trades. Respondents also argue that the *A.H. Bull, SACL*, and *United States v. Sea-Land* cases, *supra*, dealt with a carrier's refusal to perform a service already stated in its tariff and did not actually hold that container use practices must be published.

II. Does the Maritime Labor Agreement Act Alter the Commission's Jurisdiction Over Matters Which Must Be Filed in FMC Tariffs?

A. *Proponents.* Proponents allege that the MLAA is directed exclusively at section 15's prior filing and approval requirements and expressly retains Commission jurisdiction over tariff practices of all types. [16]

The statute's plain language is, according to Proponents, further reinforced by the Senate Committee's statement that the MLAA preserves Commission jurisdiction to "ensure equal treatment of shippers, cargo, localities, and to prevent abuses made possible by concerted activity of ocean carriers and others." Sen. Report No. 96–854, 96th Cong., 2d Sess. at 2, 10, 13 (1980). Proponents claim it can make no difference whether the "tariff practices" in question are incorporated verbatim into a maritime labor agreement—as are some of the alleged practices in the instant case—or whether they represent a carrier's unilateral interpretation of its obligations under such an agreement. To limit FMC jurisdiction to the latter situation would allegedly allow ocean carriers to avoid regulation of their tariff practices at will by incorporating apppropriate language into collective bargaining agreements. Proponents find further support for FMC jurisdiction over tariff practices included in a collective bargaining agreement in the fact that the discriminatory effects of the Container Rules were specifically mentioned to Congress during its consideration of the MLAA, Senate Report, *supra*, at 8–9; Sen. Doc. 96–107, *Hearings before the Subcommittee on Merchant Marine and Tourism of the Committee of Commerce, Science and Technology*, 96th Cong., 2d Sess. at 16 (June 4, 1980).

B. *Respondents.* Respondents argue that the MLAA was remedial legislation designed to reduce the impact of the *PMA* decision upon labor activities and should be interpreted as totally exempting maritime labor agreements from Shipping Act jurisdiction even when they contain terms which would otherwise be published in a tariff. [17] Respondents believe that only "unilateral" carrier practices—such as the rates charged for stuffing and stripping containers—are subject to continued FMC regulation under section 5 of the MLAA. It is alleged that all aspects of an actual collective bargaining agreement must be exempt; otherwise, MLAA would merely remove Shipping Act jurisdiction with one hand and replace it with the other. Respondents submit that the legislative history quoted by the Proponents concerning preservation of FMC jurisdiction to "ensure equal treatment of shippers, cargo and localities" relates only to complaints concerning

[13] Pub. L. 96–325, 94 Stat. 1021 (August 8, 1980), amending sections 15 and 45 of the Shipping Act, 1916 (46 U.S.C. 814, 841c).

[14] 29 U.S.C. 151 *et seq.*

[15] Proponents note that tariff filing has been described as "a system of rates and charges." *See, e.g., Pacific Steamship Co. v. Cackette*, 8 F.2d 259, 261 (9th Cir. 1925), *cert. den.* 269 U.S. 586 (1925). *Accord, Intercoastal Investigation*, U.S.B.B. 400, 433, (1935); *Certain Tariff Practices of Sea-Land Service*, 7 F.M.C. 504, 507–508 (1963).

[16] 46 U.S.C. 841(c) provides that:

The provisions of this Act and of the Intercoastal Shipping Act, 1933, shall not apply to maritime labor agreements and all provisions of such agreements except to the extent that such provisions provide for the funding of collectively bargained fringe benefit obligations on other than a uniform man-hour basis, regardless of the cargo handled or type or equipment utilized. Notwithstanding the preceding sentence, nothing in this section shall be construed as providing an exemption from the provisions of this Act or of the Intercoastal Shipping Act, 1933, for any rates, charges, regulations, or practices of a common carrier by water or other person subject to this Act which are required to be set forth in a tariff, whether or not such rates, charges, regulations, or practices arise out of, or are otherwise related to a maritime labor agreement.

[17] Respondents focus upon the broad language used in the first sentence of MLAA section 5 which states, in pertinent part, that the Shipping and Intercoastal Acts "shall not apply to maritime labor agreements and all provisions of such agreements * * *." Respondents claim that the second sentence of section 5 merely prevents common carriers from using labor agreements as an excuse to avoid regulation of their own unilateral practices. According to the Respondents, if Congress had intended for the *actual terms* of labor agreements to be regulated as tariff practices, it would have written section 5 to expressly say so. Instead, it wrote a statute which states that only tariff practices "arising out of or related to" labor agreements may be regulated.

nonuniform assessment agreements under section 4 of the MLAA.

III. Is Commission Regulation of the Container Rules Precluded or Limited by the National Labor Relations Act?

A. *Proponents.* Proponents allege that section 5 of the MLAA preserves and clarifies the Commission's jurisdiction over tariff practices and that the so-called "nonstatutory" labor law exemption from Shipping Act regulation is inapplicable to the type of shipper discrimination involved in the Contained Rules. This claim is based upon the Commission's decision in *Sea-Land, Supra,* and the Supreme Court's opinions holding that the presence of some conflict between the Shipping Act and the policy of freely negotiated settlements of labor/management disputes represented by the Labor Relations Act, does not necessarily remove the Commission's authority to regulate. *See Federal Maritime Commission* v. *Pacific Maritime Association (PMA),* 425 U.S. 40, 53–60 (1978), and *Volkswagenwerk, A.G.* v. *Federal Maritime Commission (VW),* 390 U.S. 261 (1968).

Proponents claim that the nonstatutory labor law exemption from Shipping Act regulation is limited to section 15 agreements.[18] Conflict with the labor laws is allegedly a matter to be considered only in determining whether tariff practices are unfair, unjustly discriminatory or unreasonable under the Shipping Act; it does not create a total exemption from Shipping Act regulation. *Burlington Truck Lines v. United States,* 371 U.S. 156, 170 (1962); *Carpenter's Union v. Labor Board,* 357 U.S. 93, 110 (1958). Proponents conclude that general labor policies cannot override an express legislative prohibition against specific ocean carrier practices, and that nothing about the Container Rules or their relationship to a collective bargaining agreement requires exemption from Commission regulation.[19]

B. *Respondents.* Respondents concentrate on the proposition that FMC regulation of the Container Rules impermissibly conflicts with legitimate labor law objectives within the meaning of the Supreme Court's decision in *Burlington Truck Lines, Inc. v. United States, supra. See also PMA, supra.* Respondents claim that the nonstatutory labor agreement exemption from the Shipping Act is co-extensive with the nonstatutory labor agreement exemption from the antitrust laws. Senate Report, *supra,* at 7. *See United Stevedoring Corp. v. Boston Shipping Ass'n (BSA),* 16 F.M.C. 7 (report on remand, 1972); *PMA, supra,* at 58. Consequently, if the Container Rules meet the test for antitrust law exemption described in *BSA, supra,* at 12–13, they would not be subject to Shipping Act regulation.[20] Respondents contend that the Container Rules meet the *BSA* test and, in so doing, argue that the third *BSA* guideline—the imposition of terms on entities outside the bargaining group—has been construed too broadly by the Proponents. According to Respondents, the Container Rules are a work preservation measure valid under section 8(e) of the National Labor Relations Act which necessarily have an adverse economic effect upon third parties. Respondents argue that an *effect* upon third parties does not constitute an impermissible "imposition of terms" upon third parties, *National Woodwork Manufacturers Association v. National Labor Relations Board,* 386 U.S. 612, 627, 635, 644 (1967), and that the Container Rules do not involve an agreement by bargaining unit employers to impose working conditions upon other employers with whom they compete. Respondents contrast *PMA, supra,* where ports outside the bargaining unit were to be bound by the terms agreed upon by PMA and the union.[21]

Respondents also allege that the NLRB is the exclusive forum for judging the lawfulness of secondary boycott schemes and that the Commission is powerless to halt the Container Rules because the Norris-LaGuardia Act prohibits injunctions in cases "involving or growing out of a labor dispute" (29 U.S.C. 101, 104, 114).[22] Respondents cite a recent House of Representatives bill (H.R. 2042, 97th Cong., 1st Sess.) banning the Container Rules as further evidence that the Commission is not presently authorized to regulate in this area. Respondents believe it would be arbitrary and highly unfair if Shipping Act considerations prevented the ILA from exercising work preservation rights available to unions in other industries.

IV. Does the Refusal To Furnish Containers to non-ILA Consolidators Located Within 50 Miles of the Carrier's Pier, or the Other Container Rules Practices Described in Note 2, Supra, Violate Sections 14 Fourth, 16 First, 17 or 18(a) of the Shipping Act, 1916?

A. *Proponents.* Both parties intermingled their arguments concerning the different practices involved in the Container Rules and the different Shipping Act provisions involved. Proponents concentrated their efforts on the claim that the Container Rules constitute unjust discrimination under sections 14 Fourth, 16 First and 17 first paragraph.

Proponents argue that common carriers have a fundamental duty to serve all comers on a reasonable and indiscriminate basis. *Swayne & Hoyt, Ltd. v. United States,* 300 U.S. 297, 303 (1937); *Grace Line, Inc. v. Federal Maritime Board,* 280 F. 2d 790, 792–793 (2d Cir. 1960), *cert. den.* 364 U.S. 933 (1961). Proponents state that the Supreme Court expressly ruled that this duty applies to nonequipment operating carriers in *Interstate Commerce Commission v. Delaware, L. & W. R.R.,* 220 U.S. 235, 252 (1911).

According to Proponents, the record clearly supports a finding that the Container Rules require similarly

[18] If the Container Rules were subject to the criteria for labor law exemptions articulated by the Commission in *BSA, infra,* Proponents alternatively allege that the Container Rules fail to meet the third standard (see note 20, *infra*) because they impose discriminatory conditions on parties outside the collective bargaining unit.

[19] Proponents contend that a breach of a common carrier's duty to treat shippers in a reasonably equal fashion cannot be nullified by entering into a collective bargaining agreement. *Carpenter's Union v. Labor Board,* 357 U.S. 93, 109–111 (1958); *Merchandise Warehouse Co. v. A.B.C. Freight Forwarder Corp.,* 165 F. Supp. 67, 75 (S.D. Ind. 1958); *Galveston Truck Line Corp.,* 73 M.C.C. 617, 625–630 (1957); *See also Montgomery Ward & Co. v. Northern Pacific Terminal Co.,* 128 F. Supp. 475, 518 (D.C. Ore. 1953); *Pickup & Delivery Restrictions, California Rail,* 303 I.C.C. 579, 594 (1958).

[20] The four *BSA* guidelines patterned after the "nonstatutory labor exemption" from the antitrust laws are:

(1) The agreement was bargained for in good faith;

(2) The matter is a mandatory subject of bargaining;

(3) The agreement does not impose terms on entities outside the collective bargaining group;

(4) The union is acting purely in its own self-interest and ot in conspiracy with management.

Failure to meet any one of these guidelines can defeat exemption.

[21] Respondents cite *Intercontinental Container Transport Corp. v. New York Shipping Ass'n,* 426 F. 2d 884 (2d Cir. 1970), as further support for their claim that the Container Rules are exempt from the antitrust laws. There, the court held that the Container Rules were not sufficiently likely to violate the antitrust laws to warrant the issuance of a preliminary injunction against them pending litigation under the Sherman Act.

[22] Respondents allege that a federal court could not enforce an FMC cease and desist order against the Container Rules because this would constitute injunctive relief against a person "participating or interested in a labor dispute" in violation of the Norris-LaGuardia Act. *See Railroad Telegraphers v. Chicago & N.W. R. Co.,* 362 U.S. 330, 339 n. 15 (1960); *Utilities Services Engineering, Inc. v. Colorado Building and Construction Trades Council,* 549 F. 2d 173, 177–178 (10th Cir. 1977); *Brotherhood of R. Trainmen v. Atlantic Coast Line R. Co.,* 362 F. 2d 649, 655 (5th Cir. 1966); *East Texas Motor Freight Lines, Inc. v. Teamsters Local 568,* 163 F. 2d 10 (5th Cir. 1947); *Lee Way Motor Freight, Inc. v. Keystone Freight Lines, Inc.,* 126 F. 2d 931 (10th Cir.), *cert. den.* 317 U.S. 645 (1942).

situated shippers to receive unjustifiably different treatment, and the Commission invalidated virtually identical practices in its *Sea-Land* decision, *supra*, because they deprived NVO's and shippers using non-ILA consolidation services access to facilities and privileges routinely available to other shippers. Allocating the entire burden of ILA work reductions caused by containerization to shippers that are consolidators or use consolidators is allegedly unfair and unreasonable within the meaning of *VW*, because such shippers are not the only persons that enjoy the benefits of containerization. *See* 390 U.S. at 282.

Proponents contend that the Container Rules violate section 16 First as well as section 14 Fourth and section 17, first paragraph, because the provision of containers is a matter ancillary to basic ocean transportation which cannot reasonably be affected by the nature of the cargo being transported. In such circumstances, the carrier has been said to have an absolute duty to treat shippers equally, making it unnecessary to demonstrate the presence of a competitive relationship between affected shippers. *New York Foreign Freight Forwarders & Brokers Ass'n v. Federal Maritime Commission*, 337 F.2d 289 (2d Cir. 1964); *Free Time Practices—Port of San Diego*, 9 F.M.C. 525, 547 (1966); *Valley Evaporating Company v. Grace Line, Inc.*, 14 F.M.C. 16, 21 (1970). Proponents also argue that although an ocean carrier generally enjoys the right to control the use of its equipment, this right is at all times subject to the requirements of the Shipping Act and Respondents have failed to show that their discrimination against shippers who are consolidators or who use consolidators located within 50 miles of a port is reasonable from a *transportation* perspective.

Proponents also argue that the Container Rules require unreasonably different treatment with regard to the handling of substantially identical classes of cargo in violation of sections 17, second paragraph, and 18(a) because the Commission so held in *Sea-Land*, *supra*.

B. *Respondents.* Respondents treat the various antidiscrimination provisions of the Shipping Act as though they impose the same statutory duties (Reply Memorandum, note 57). Respondents argue that the discriminatory aspects of the Container Rules are just and reasonable because they implement a valid work preservation scheme and deprive no person of any benefit to which such person is entitled. Respondents claim that the Commission's sole responsibility is to determine whether the burdens which the Container Rules place upon the affected parties are fairly allocated. *VW*, *supra*, 390 U.S. at 292–295 (Harlan, J., concurring).

According to Respondents, however, fair allocation does not mean *equal* allocation, and the approach to unjust discrimination taken by the Commission in *Sea-land*, *supra*, is incorrect and inconsistent with *VW* because it merely examines the alleged harm to shippers in transportation terms and does not meaningfully consider the underlying labor concerns.[23]

Finally, Respondents contend that (1) only carrier-controlled containers are subject to the Rules; and (2) there is no evidence showing that the Container Rules produce unjust results.[24] Respondents claim that the Proponents have not proven that consolidators located within 50 miles of ports are similarly situated to any other class of shippers, or even that all such persons are shippers; Proponents have simply declared any difference in treatment is unlawful *per se*. Respondents also claim that relevant transportation factors are present which justify discrimination between full containerload and less-than-containerload traffic, including: the efficient and uninterrupted movement of containers over the piers; facilitation of trained dockside labor for handling less-than-containerload cargo; the relative efficiency and cost of full containerload shipments as compared to less-than-containerload shipments;[25] the relatively small volume of freight generated by consolidators; the NVO's lack of a beneficial interest in the goods shipped; and the interests of the shipping public as a whole.

V. Which of the Respondents Have Implemented, or Would Necessarily Implement, any or all of the Practices Covered by the Container Rules?

A. *Proponents.* Proponents submitted 20 affidavits describing some 19 ocean carriers which refused to carry loaded containers or cancelled containerized cargo bookings, refused to provide empty containers to prospective shippers, or required loaded containers to be repacked at the pier during January or February, 1981.[26]

B. *Respondents.* NYSA provided evidence indicating that its members and the ILA intended for the Container Rules to be implemented effective January 1, 1981, but decline to admit that its members actually performed any of the specific practices described in the Order of Investigation. Delta Steamship Company, Compagnie Maritime d'Affretement, Venezuelan Line and Hafskip Ltd., state that they did not implement the Container Rules, but furnish no coorborating evidence despite the fact that one or more of these ocean carriers appear to be NYSA members.

Respondents' evidence also indicates that the Container Rules are intended to apply only to containers owned or leased by the carrier; carriers possess the right to control the loading and unloading of their containers; consolidators provide only a small percentage of the total container traffic handled by Respondents; the Container Rules have a long, *bona fide* history as an ILA bargaining objective; and the ILA considers the Container Rules critical to its survival as an organized labor union.

DISCUSSION AND CONCLUSION

Four of the above-described issues can be decided on the present record. The fifth—whether individual Respondents have or would violate specific Shipping Act provisions—will be referred to an administrative law judge to develop additional evidence and more focused legal argument.

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[23] The *BVW* decision featured a finding that the separate "Mech Fund" agreement raised problems logically and factually distinct from the basic labor problems resolved by the collective bargaining agreement. 390 U.S. at 287. In the instant case, the collective bargaining objectives are allegedly inseparable from the Shipping Act conduct, and the Respondents therefore allege that the Commission cannot measure the fairness of the Container Rules without also assessing their validity as a work preservation measure—a task reserved for the NLRB.

[24] Proponents encourage the Commission to take a broad view of the circumstances which may justify the discriminatory aspects of the Container Rules, and note that the Supreme Court has stated that discrimination may be judged in light of:

> * * * all circumstances and conditions which reasonable men would regard as affecting the welfare of the carrying companies and of the producers, shippers and consumers * * * *Texas & Pacific R. Co. v. Interstate Commerce Commission*, 162 U.S. 947 (1896).

[25] By accepting consolidated containers, ocean carriers allegedly permit transportation efficiencies to occur which benefit less-than-containerload shippers more than full-containerload shippers which makes it fitting for LTL shippers to pay the cost of using ILA Labor or obtaining their own containers. The Container Rules are also said to allow ocean carriers to accept shipments consolidated by non-ILA labor if the containers are owned or leased by the shipper.

[26] The carriers identified as implementing all or part of the Container Rules during 1981 are: Atlantic Container Lines; Barber Blue Sea Line; Dart Containerline Co, Inc.; Farrell Lines; Hapag-Lloyd, A.G.; Korea Shipping Corporation; Maersk Line; Moore-McCormack Line, Ltd.; Naviera Central, C.A.; Nedlloyd Lines; Polish Ocean Line; Prudential Lines, Inc.; Puerto Rico Maritime Shipping Authority; Royal Netherlands Steamship Co.; Sea-Land Service, Inc.; Trans Freight Line; United Arab Lines; United States Lines; and Zim Lines Company.

In order to expedite this proceeding and to focus more clearly on the discriminatory aspects of the Container Rules, the Commission has decided against pursuing civil penalty claims against any ocean carriers which may ultimately be found to have violated the Shipping Act during January or February, 1981. For this reason, the question of whether the respondent carriers violated section 18(b) by implementing specific Container Rule practices not published in their FMC tariffs will also be abandoned.[27]

The basic features of the Container Rules must be published in an ocean carrier's tariff. A tariff notifies the shipping public of the "privileges and facilities" offered by ocean carriers, the conditions applicable to the use of these privileges and facilities, and all rates and charges assessed.[28] A carrier-controlled container is a facility within the meaning of section 18(b), and the privilege of using such containers unquestionably "changes, affects or determines" the rates and charges paid by the shipper. Restrictions on the type of loaded containers which will be transported by the carrier or requirements that certain loaded containers be warehoused or repacked as a condition of transport represent a denial of privileges otherwise available and must also be fully disclosed in a tariff. To transport certain types of containers only on the condition that the shipper pay an additional amount (*i.e.*, the penalty assessed by the ILA) is to impose a "rate or charge" for transportation which may be lawfully collected only when published in the carrier's tariff.

There has been no suggestion that labor law considerations prohibit publication of these aspects of the container rules in ocean carrier tariffs. Indeed, it seemingly advances the Respondents' collective bargaining objectives to publicize the treatment to be afforded loaded containers and requests to use empty containers by providing shippers with the legal notice attributed to tariff publication and filing.

Although the Commission's tariff filing regulations (46 CFR Parts 531 and 536) do not contain provisions specifically prescribing the publication of tariff rules governing the availability of carrier-controlled containers,[29] the Commission has consistently held that section 18(b) imposes a duty to publish analogous information. *Japan/Korea Atlantic and Gulf Conference—Chassis Availability and Demurrage Charges*, 19 S.R.R. 1370 (1980); *F. Powers Co., Inc. v. Orient Overseas Container Lines*, 19 F.M.C. 219 (1976); *A. H. Bull S.S. Co.*, 7 F.M.C. 133 (1962); *Intercoastal Investigation*, 1 U.S.S.B.B. 400, 447 (1935). *See also Borden World Trade, Inc.—Declaratory Order*, 20 S.R.R. 395, 399 (1980) (wherein the Commission stressed the need for clear and complete tariff provisions applicable to shipper use of carrier-owned containers). Moreover, in previous Container Rules litigation, the Commission stated that Container Rules practices could not be performed "unless and until [the carrier's] are amended in the manner prescribed by section [18(b)]." *SACL, supra*, at 242. *Accord United States v. Sea-Land, supra*, where civil penalties were collected from a carrier which continued to implement the Container Rules after the Commission had suspended the tariff provisions governing such practices.[30]

Section 5 of the MLAA did not diminish the Commission's authority to regulate practices which must be described in ocean carrier tariffs. Although various phrases associated with section 5 are susceptible to more than one interpretation, the language of the entire statute and its legislative history taken as a whole firmly support the conclusion that the MLAA preserves the *status quo* concerning Shipping Act regulation of labor-related activities under Shipping Act sections other than section 15. A tariff practice "arising out of or otherwise related to a maritime labor agreement" therefore includes practices described by language taken verbtim from a labor agreement and practices mandated by the terms of the agreement. Any other interpretation would render the second sentence of MLAA section 5 meaningless.

As originally passed by the House of Representatives, H.R. 6613 (which ultimately became the MLAA) simply exempted all "collective bargaining agreements and agreements preparatory thereto" from all Shipping Act regulation. Senate Hearings, *supra*, at 5. It was only during Senate deliberations that a narrower exemption was considered necessay, and the Senate explained that its intention in adding section 5 to H.R. 6613 was to:

> * * * *retain the existing protections* of the Shipping Act for shippers, carriers and localities which may be adversely affected by shipping practices which may arise out of maritime labor agreements." (Emphasis supplied). Senate Report, *supra*, at 13.

The import of this language cannot be fully appreciated without reviewing the adverse reaction to the House version of the bill reflected in the Senate hearing. Shippers, port interests and the Commission opposed H.R. 6613's total exemption of actions taken pursuant to collective bargaining agreements. Senate Hearings, *supra*, at 11 (FMC Vice Chairman Moakley), at 59 (the Boston Shipping Association, Inc.), at 83 and 107 (the International Association of NVOCC's), and at 95–96 (Maryland Port Administration). The Senate Committee described its hearings as follows:

> The witnesses who appeared * * * were nearly unanimous in support of exempting collective bargaining agreements from * * * section 15 of the Shipping Act. The majority of those opposing H.R. 6613 as it passed the House, however, felt the bill went beyond what was necessary to assure free and unfettered collective bargaining, and that it stripped the FMC of jurisdiction to assure equal treatment of shippers, cargo and localities, and to prevent abuses made possible by one [sic] concerted activity of carriers and others. Senate Report, *supra*, at 10.

Vice Chairman Moakley's testimony explained that tariff practices stand on their own and must be defended outside the context of section 15, even if they involve the subject of collective bargaining agreements. Senate Hearings, *supra*, at 12 and 16.[31] The Committee

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[27] A random check of the Commission's tariff files indicates that appropriate tariff provisions were not filed, however.

[28] Section 18(b)(1) provides, in pertinent part, that:

> [E]very common carrier by water in foreign commerce and every conference of such carriers shall file with the Commission and keep open to public inspection tariffs showing all the rates and charges of such carrier or conference of carriers for transportation to and from United States ports and foreign ports between all points on its own route and on any through route which has been established. Such tariffs shall plainly show the places between which freight will be carried, and shall contain the classification of freight in force, and shall also state separately such terminal or other charge, privilege, or facility under the control of the carrier or conference of carriers which is granted or allowed, and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates, or charges, and shall include specimens of any bill of lading, contract of affreightment, or other document evidencing the transportation agreement.

[29] *But see* 46 CFR 531.3(a), 531.5(b)(8)(i), 536.5(b)(8)(xv), 536.9, 536.5(d)(2) and 536.5(c)(5).

[30] *In United States v. Sea-Land, supra*, the carrier's tariff did not provide for the refusal of containers to consolidators and the court held that such a refusal, even though done in reliance on the carrier's labor agreement, was an unlawful failure to observe the provisions of its FMC tariff.

[31] The vice chairman noted that the language of the House Bill was unclear as to whether the agreement alone was to be exempt or whether conduct arising out of the agreement was also to be exempt. He then stated:

> The Commission did not exercise jurisdiction over the [collective bargaining] agreement between management and labor in [the *Sea-Land*] case, but jurisdiction over tariff rules of individual carriers. As the Administrative Law Judge said in his initial decision, "A tariff provision is not an agreement; rather it is a unilateral statement of the author of the tariff * * *." If the Committee does intend to

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was also advised that the Container Rules were the subject of *both* collective bargaining agreements and FMC tariffs when the Commission decided the *Sea-Land* case in 1978. Senate Hearings, *supra*, at 15 and 16. The bill finally enacted was basically the "second alternative" offered to the Senate Committee by Vice Chairman Moakley. This approach was designed to preserve Shipping Act regulations over conduct prescribed by collective bargaining agreements to the extent it was subject to the tariff filing requirements of section 18(b), thereby avoiding a situation where "two carriers [would be] treated differently under the law simply by virtue of their collective bargaining obligations." Senate Report, *supra*, at 17–18. It was also designed to preserve whatever authority the Commission previously possessed to regulate the Container Rules. Too many witnesses expressed concern over the possible loss of Shipping Act jurisdiction over these specific practices, *e.g.*, Senate Hearings, *supra*, at 42, 83–85 and 90–91, for the Senate Committee to foreclose all Commission regulatory authority over them without plainly stating it had reached such a conclusion.

As discussed above, the MLAA creates no statutory limitation on the FMC's jurisdiction over the tariff practices of ocean carriers. The further argument remains, however, that the Container Rules fall within the "nonstatutory labor exemption" from the Shipping Act recognized in *VW* and *BSA*, both *supra*. This possibility was addressed and rejected in the Commission's 1978 *Sea-Land* decision, *supra*, and the instant record provides no basis for reaching a different result.

The Container Rules impose conditions on persons outside the bargaining unit, namely the shippers and consolidators which use the carriers' services, and therefore do not meet the third of the Commission's *BSA* guidelines for exemption from Shipping Act regulation. Although it can be argued that the Respondents' collective bargaining agreement standing alone does not impose terms on outside parties, the Respondents necessarily accomplish such a result when they insist upon adherence to practices which must be published in carrier tariffs. Tariffs establish the exclusive basis upon which the publishing carriers may deal with shippers and therefore provide the vehicle by which the collective bargaining agreement imposes the terms and conditions of the Container Rules upon persons not party to the agreement. The Supreme Court has held that the failure to meet the third *BSA* guideline is sufficient to defeat a claim to a "nonstatutory labor exemption." *PMA*, *supra*, at 61–62.

Commission jurisdiction over the Container Rules is supported by more than their nonconformance with the third *BSA* guideline, however. The Shipping Act's purposes differ from those of the antitrust laws and the *BSA* criteria are not identical to the "nonstatutory" exemption from the antitrust laws articulated in *United Mine Workers v. Pennington*, 381 U.S. 657 (1965) and *Amalgamated Meat Cutters v. Jewel Tea Co.*, 381 U.S. 676 (1965). In *BSA*, the Commission announced that it would apply an analytic approach for evaluating practices arising out of collective bargaining agreements which reflects the weighing of shipping and labor interests prescribed by *VW*.[32] Although one aspect of this broadly conceived analysis is the application of four specific guidelines derived from the antitrust law exemption, a transportation practice arising out of a collective bargaining can meet the four specific guidelines and still be subject to Shipping Act regulation under the "final analysis" portion of the *BSA* test. 16 F.M.C. at 12–13.

The Container Rules have a direct and practical impact upon both labor and shipping interests.[33] Nonetheless, a particular method of resolving labor/management conflict as an unjust ocean carrier practice would not undermine the basic collective bargaining process created by the National Labor Relations Act, whereas the absence of Shipping Act regulation would eliminate the fundamental premise of the Shipping Act and othe common carrier statutes—that similarly situated shippers be treated equally.[34] Moreover, the courts have recognized that common carrier obligations take precedence over carriers' implementation of analogous "hot cargo" practices created by collective bargaining agreements. *Burlington Truck*, *supra*;[35] *Carpenters'*

exempt all activities in implementation of collective bargaining activities from Shipping Act scrutiny, that intent must be made clear in the bill. Senate Hearings, *supra*, at 16.

[32] The Commission stated:

In the final analysis, the nature of the activity must be scrutinized to determine whether it is the type of activity which attempts to affect competition under the * * * Shipping Act. The impact upon business which this activity has must then be examined to determine the extent of its possible effect upon competition, and whether any such effect is a direct and probable result of the activity or only remote. Ultimately, the relief requested or the sanction imposed by law must then be weighed against its effect upon the collective bargaining agreement. 16 F.M.C. at 13.

[33] The Container Rules seemingly concern a mandatory subject of collective bargaining and the Commission must treat them as lawful under the labor laws pending the NLRB's evaluation of their status under 28 U.S.C. 158(e). The Affidavit of James J. Dickman describes the history of the Container Rules and establishes that the ILA agreed to handle containers loaded by non-ILA labor in return for major income and other compensation concessions (*e.g.*, the GAI or guaranteed annual income plan) and the right to stuff and strip certain consolidated containerload shipments. *See Sea-Land*, *supra*, 16 S.R.R. at 326–332, 346, for an exposition of these uncontested facts. Respondents further claim the Container Rules are critical to the ILA's survival. No evidence was presented to substantiate or disprove this relatively extreme assertion. Although the ILA has experienced a major membership reduction during the past twenty years, an inability to implement the Container Rules is unlikely to shift all ILA cargo handling functions to other labor organizations.

[34] It is the integrity of the collective bargaining *process* and not the value of each bargained for benefit which must be balanced against the Shipping Act's guarantees of fair, essentially equal treatment. The effect of regulating ocean carrier practices under Shipping Act sections 14, 16, 17 and 18 is significantly different from the effect of subjecting collective bargaining agreements to the advance filling and approval requirements of section 15. Even if remedying a discriminatory tariff practice presented a plain choice between the protection of a particular union and protection of a particular class of ocean shippers, the more specific legislative purpose of the Shipping Act requires that the Commission choose the latter—provided the final action taken is no broader than necessary to remedy the unjust discrimination in question.

[35] In *Burlington Truck* the Supreme Court held that the IC abused its discretion in awarding new route certificatiions when the record did not show that additional carriers were necessary to provide adequate service in the market. The case was remanded to the ICC to take *direct action* against the boycotting carriers, thereby affirming the presence of Interstate Commerce Act jurisdiction over the bargained for conduct which created the controversy. The presently relevant portion of the opinion reads as follows:

The union was free to make [appeals directly to the trunk-line carriers to refuse to serve local carriers], absent inducement of employees, and, as far as the labor laws and the collective agreement were concerned, the employer was free to reject or accede to such requests. But it was precisely at this point that the *Sand Door* case *[Carpenters Union v. Labor Board, supra,]* recognized the power of the Commission to enter cease-and-desist orders against the carriers violating the transportation law and their tariffs. Thus, * * * there was no reason to have assumed that the ordinary processes of the law were incapable of remedying the situation. 371 U.S. at 170.

The *Sand Door* (or *Carpenter's Union*) case cited above noted the ICC's 1957 decision in *Galveston Truck Line Corp. v. Ada Motor Lines, Inc.*, *supra*, with approval and described it as a self-restrained action which did not invalidate hot cargo clauses *per se*, but only enforced Interstate Commerce Act requirements on certain carriers after concluding that a "hot cargo" provision *was not a defense to the charge that the carriers had violated specific statutory duties*. 357 U.S. at 109. Accordingly, the teaching of *Burlington Truck* is this: transportation considerations may not "unduly trench upon" the labor laws, but the labor law interest in the implementation of a collective bargaining agreement is not sufficiently acute to preclude administration of the otherwise applicable antidiscrimination provisions of the Interstate Commerce Act.

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Union v. Labor Board, 357 U.S. 93, 108–111 (1958); *Merchandise Warehouse Co. v. A.B.C. Freight For. Corp.*, 165 F. Supp. 67, 75–76 (S.D. Ind. 1958); *Montgomery Ward & Co. v. Northern Pacific Term. Co.*, 128 F. Supp. 475, 516–519 (D. Ore. 1953). *Cf. Railway Employees v. Florida E. C. Ry. Co.*, 384 U.S. 238, 244–245 (1966) (interpreting the Railway Labor Act in a manner consistent with the defendant's common carrier responsibilities); *Quaker City Motor P. Co. v. Interstate Motor Fr. Sys.*, 148 F. Supp. 226 (E.D. Pa. 1957) (enjoining a motor carrier from refusing to deliver cargo when its employees unilaterally chose to honor the picket line of another union). Application of these cases does not depend on the legality of the collective bargaining contract under the labor laws and the Commission makes no assumptions regarding the Container Rules' status as a legitimate work preservation measure. Shipping Act jurisdiction exists because the Container Rules present distinct Shipping Act questions with important Shipping Act Consequences.

The national policy favoring facilitation of privately negotiated settlements to labor/management disputes does not authorize otherwise unlawful conduct simply because it is incorporated into a collective bargaining agreement,[36] and the Norris-LaGuardia Act's limitations on injunctive relief in cases "involving labor disputes" do not apply where the requested relief represents a *bona fide* effort to enforce another federal statute.[37] The Commission may therefore investigate the Container Rules despite the fact that an adverse Shipping Act decision could ultimately prevent implementation of collective bargaining provisions which may be lawful under the labor laws.

* * * * *

The present record indicates that some of the Respondents have implemented the Container Rules so as to create the type of discrimination prohibited in *Sea-Land, supra*. There are, however, several matters which should be further developed before the Commission finally decides which Shipping Act sections have been violated by which of the remaining Respondents. This proceeding will therefore be referred to an Administrative Law Judge for expeditious resolution of the following questions:

1. Whether, and, if so, exactly how, the present Container Rules differ from the 1974 Rules at issue in *Sea-Land, supra*. Copies of the 1974 and December 6, 1980 versions should be made part of the record and the December 6, 1980 amendments plainly identified. Specific attention should be given to:

(a) the phrase "containers owned, leased or used by the carriers * * *" which appears in Container Rule 1(a)(1). A finding should be made as to whether the word "used" includes shipper owned or leased containers, and, if it does not, what its intended meaning is;

(b) the phrase "containers * * * from a single shipper * * * into which the cargo has been loaded (consolidated) by other than its own employees * * *" which appears in Container Rule 1(a)(2). A finding should be made as to whether full containers loaded *by the employees* of a nonvessel operating common carrier, or other person dealing with the ocean carrier as the shipper of said containers, are included in the Container Rules; and

(c) whether the Container Rules require that the $1,000 per container liquidated damages provided by Rule 7(c) be passed on to the shipper and, if not, whether such a result is likely or possible under the Container Rules; [38]

2. The membership of NYSA during January and February, 1981;

3. The ports at which outstanding injunctions or other circumstances unrelated to the free choice of the ILA precluded carriers from implementing the Container Rules during January and February, 1981;

4. A detailed description of the actions, if any, taken to implement the

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Intervenor Pacific Maritime Association cites the *Burlington Truck* decisions for the opposing proposition that "work preservation rules * * * are exempt from * * * regulation under transportation statutes," (PMA Brief at 18) and attempts to demonstrate that the opinion's component parts somehow exceed the whole. PMA's meticulous disassembly of *Burlington Truck* fails to uncover support for the broad exemption the Respondents seek, however. Only the dissenting Justice (Black) believed the ICC lacked regulatory authority over conduct arising out of collective bargaining agreements. His position cannot be attributed to the four concurring Justices (Goldberg, Warren, Douglas and Brennen) simply because they stated that the ICC on remand should order the carriers:

* * * to provide service in a manner and to the extent compatible with their labor agreements and with both the carriers' and the union's rights and duties under the federal labor laws. 371 U.S. at 177.

When read together, the Opinion of the Court and the concurring opinions indicate that the ICC was expected to prevent further implementation of the "hot cargo" clause in the carriers' collective bargaining agreement in a manner which would not unduly conflict with the National Labor Relations Act. The four concurring Justices differ from the Opinion of the Court only in their use of the qualifying phrase "appropriately limited cease-and-desist order"—a reference to the specific facts of the case which apparently permitted mutual accommodation of both collective bargaining agreement and Interstate Commerce Act obligations. Moreover, the concurring Justices voiced no disagreement with footnote 20 of the Opinion of the Court which states that the grant of permanent operating authority to additional carriers might be a justifiable ICC remedy in a different factual situation. 371. U.S. at 171, note 20.

[36] Agreements lawful under the labor laws may be unlawful under other statutes, and are not exempt from these other statutes merely because of their validity under the labor laws. *See United Mine Workers v. Pennington*, 381 U.S. 657, 664–666 (1965); *Amalgamated Meat Cutters v. Jewel Tea Co.*, 381 U.S. 676, 684–687 (1965) (opinion of Justice White); *VW, supra*, at 312 (dissent of Justice Douglas). When the Supreme Court has considered the lawfulness of work preservation or work extension agreements under the labor laws, its holdings were confined to the validity of such agreements on labor grounds alone. *E.g.*, in *National Woodwork Mfrs. Ass'n v. NLRB*, 386 U.S. 612 (1967), a collective bargaining agreement between a carpenters' union and a general contractors' association providing that union members would not handle premachined doors was found to be an unfair labor practice and the Court further stated:

We likewise do not have before us in these cases, and express no view upon, the antitrust limitations, if any, upon union-employer work-preservation or work-extension agreements. 386 U.S. at 631, note 19.

In *Connell Construction Co. v. Plumbers and Steamfitters*, 421 U.S. 616 (1975) the Supreme Court held that a non-collective bargaining agreement *unlawful* under the Labor Relations Act was *also* subject to federal antitrust liability and stated:

There is no legislative history * * * suggesting that labor-law remedies for section 8(e) violations were intended to be exclusive, or that Congress thought allowing antitrust remedies in cases like the present one would be inconsistent with the remedial scheme of the NLRA. 421 U.S. at 634.

See also United Construction Workers v. Laburnum Corp., 347 U.S. 656, 665 (1954); *Southern S.S. Co. v. Labor Board*, 316 U.S. 31, 47 (1942); *Montgomery Ward & Co., supra*, at 498-499.

[37] The Norris-LaGuardia cases cited by Respondents are distinguishable. *Railroad Telegraphers v. Chicago & N.W. R. Co.*, 362 U. S. 330 (1960), did not involve any unlawful union conduct, and the footnote quoted out of context by NYSA is basically irrelevant to the Court's decision not to invoke the Norris-LaGuardia Act. *Brotherhood of Railroad Trainmen v. Chicago River & I. R. Co.*, 353 U.S. 30 (1957), upheld an injunction issued against unlawful union activity, although the law violated was a labor statute. *Milk Wagon Drivers v. Lake Valley Farm Products, Inc.*, 311 U.S. 91 (1940), involving attempts to halt alleged Sherman Act violations, must be compared with *Allen Bradley Co. v. Electrical Workers*, 325 U.S. 797 (1945), wherein injunctive relief was invoked to halt fully adjudicated Sherman Act violations arising from a labor dispute.

In *Brotherhood of R. Trainmen v. Atlantic Coast Line R. Co.*, 362 F. 2d 649 (5th Cir. 1966), the court stated:

* * * it should be emphasized we deal only with the enjoinability of appellants' activity and not with its legality for any other purpose.

Congress did not * * * make the conduct listed lawful for all purposes. The most logical inference from this fact is that * * * Congress intended only to remedy abuses of judicial equity power relating to injunctions, allowing the law relating to the "legality" of the described activity for other purposes to develop in the court. 362 F. 2d at 653 and note 3.

The decisions dealing with refusals to enjoin motor carriers for alleged violations of their common carrier responsibilities, *East Texas Motor Freight Lines, Inc. v. Teamsters Local 568* and *Lee Way Motor Freight, Inc. v. Keystone Freight Lines, Inc.*, both *supra*, were private party complaints, alleging violations of the Interstate Commerce Act. They involved neither the ICC itself nor an attempt to enforce an order of that agency. *Texas and New Orleans R. Co. v. Brotherhood of R. Trainmen, supra*, denied an injuction to a railroad attempting to implement a permissive authorization granted by the ICC. These cases present no obstacle to the enforcement of an ICC cease and desist order. *See Burlington Truck, supra*.

[38] *See, e.g.*, the March 18, 1981 Affidavit of Joseph M. Henderson, which states that Boston Consolidation Services, Inc., was told by respondent Korea Shipping Corporation that Boston Consolidation would be responsible for any ILA penalties on shipments booked on KSC vessels at New York.

Container Rules during January and February, 1981, by a representative sample of the remaining respondents to be selected by Hearing Counsel. This sample shall consist of 36 different carriers, no more than 20 of which shall be NYSA members, and shall examine the activities of at least three such carriers at each of 12 representative U.S. Atlantic and Gulf ports where implementation of the Container Rules was not barred by court order or other circumstances. The relevant conduct to be described includes any notices or other information communicated to shippers, orally or in writing, indicating that the Container Rules would be applied, as well as actual refusals to supply containers, load cargo, or deliver cargo except upon compliance with conditions prescribed by the Container Rules. Each imposition of Container Rules conditions by each of the selected Respondents should be documented, as well as any attempts to impose responsibility for ILA fines on shippers.

5. A finding as to whether any of the seven enumerated aspects of the Container Rules (*see* note 2, above)—as they were implemented or necessarily would be implemented in the absence of labor law restraints—are unfair, unduly prejudicial or unjustly discriminatory between shippers within the meaning of Shipping Act sections 14 Fourth, 16 First and 17, first paragraph;

6. A finding as to whether any of the seven enumerated aspects of the Container Rules—as they were implemented or necessarily would be implemented in the absence of labor law restraints—are unjust or unreasonable within the meaning of section 17, second paragraph (foreign commerce) and section 18(a) (domestic offshore commerce);

7. A conclusion as to whether unjust discrimination against shippers is prohibited in domestic offshore commerce by virtue of Shipping Act section 14 Fourth, section 16 First, section 18(a), or any combination of the above, or any other provisions of the Shipping Act, 1916;

8. A conclusion as to whether each of the remaining Respondents would violate any of the above-referenced Shipping Act sections if the Container Rules were implemented in their present form and a recommendation as to whether any such Repondent should be ordered to cease and desist from taking such action in the future.

In resolving these remaining issues, Proponents and *any* of the Respondents may introduce such additional evidence as the Presiding Officer deems relevant to whether the Container Rules, as presently formulated, create discriminations or commercial burdens so unreasonable as to violate the above-referenced Shipping Act sections.

Because the Commission has today ruled that the Continer Rules are not exempt from Shipping Act regulation, despite their inclusion in ILA collective bargaining agreements, no further evidence regarding labor conditions shall be accepted by the Presiding Officer. If the Respondents have a defense to the Shipping Act violations alleged in the Order of Investigation, it must be a defense relating to transportation conditions, not national labor relations policy.

Therefore, it is ordered, That Gulf Atlantic Transportation; MTO Liner Services; West India Shipping Company, Inc.; American President Lines; Showa Line Ltd.; Korea Maritime Transport Co., Ltd.; Uruguayan Line; Seaspeed Services; Tropical Shipping transportation Co., Ltd.; Jinyang Shipping Co., Ltd; R.T. Djakarta Lloyd; American Industrial Carriers; D.B. Turkish Cargo Lines; CAST Shipping, Ltd.; Black Star Line; Caribe Cargo Express; and Trans World Systems are dismissed from this proceeding; and

It is further ordered, That this proceeding is assigned for hearing and decision to the Commission's Office of Administrative Law Judges, with a public hearing to be held at a date and place hereafter determined by the Presiding Administrative Law Judge. This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a 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 matters in issue is such that oral hearing and cross-examination are necessary to develop an adequate record; and

It is further ordered, That, pursuant to sections 21 and 27 of the Shipping Act, 1916 (46 U.S.C. 820 and 826), the Respondents shall file with the Presiding Officer within ten business days from the service date of this Order:

1. A verified list of all ocean carriers which were members of the New York Shipping Association during January and February, 1981;

2. A complete and verified copy of the 1974–1977 "Management-ILA Rules on Containers," a complete and verified copy of the December 6, 1980 version of these Rules which identifies the December 6, 1980 changes, if any, and an analysis of each such change describing its intended effect;

3. A verified list of any ports at which injunctions or other factors beyond the ILA's control prevented implementation of the Container Rules during January or February, 1981, and an explanation of what the factor was in each instance. Copies of these submissions shall be simultaneously furnished to all other parties of record; [39] and

It is further ordered, That this order be published in the **Federal Register** and a copy served upon all parties of record; and

It is further ordered, That all future notices, orders, or decisions issued in this proceeding, including notice of the time and place of hearing or prehearing conference, be mailed directly to all parties of record.

By the Commission.*

Francis C. Hurney,

Secretary.

Docket No. 81–11, "50 Mile Container Rules"—Implementation by Ocean Common Carriers Serving U.S. Atlantic and Gulf Coast Ports—Possible Violations of the Shipping Act, 1916

Commissioner Richard J. Daschbach, dissenting

The Commission's instant Order is a sincere effort to make good law but, by ignoring the intent of the Maritime Labor Agreements Act of 1980 (MLAA), as well as the practical and economic consequences of the investigation it proposes, it continues a wasteful and unnecessarily burdensome proceeding.

The Commission has already spent nearly a year investigating the 50-mile container rules, and it has compiled a record sufficient to make two important findings.

First, the 50-mile rules are a practice subject to the tariff filing requirements of section 18(a) of the Shipping Act, 1916.

Second, a plain reading of the MLAA and its legislative history shows that it was not intended to alter the Commission's authority to enforce Shipping Act violations.

However, the instant Order buries these conclusions amidst 40 pages of legal justification for preserving Shipping Act jurisdiction where it has not been seriously challenged, and it continues an investigation which, after the two findings described above have been made, is no longer necessary or defensible.

Any further conclusions which the Commission can reach regarding alleged violations by specific parties and their disposition is inherently remedial and can be more efficiently adjudicated in the currently stayed complaint proceeding (Docket No. 81–5, *International Association of NVOCC's et al. v. Atlantic Container Line et al.*).

In view of the broad jurisdictional issues already resolved and the specific factual matters still requiring adjudication, the complaint proceeding is far more practical, economical, and consistent with the regulatory reform principles of the MLAA

[39] It is not required that each of the 122 Respondents file the same material. It would be sufficient for the New York Shipping Association members and the ILA to respond on behalf of all.

* Commissioner Thomas F. Moakley concurs in the result and will issue a separate opinion. Commissioner Richard J. Daschbach dissents and issues a separate opinion.

than a costly and protracted Commission investigation and hearing.

Docket No. 81–5 addresses the same legal issues as Docket No. 81–11 and is the only vehicle for the parties alleging harm from imposition of the 50-mile rules to seek financial redress of their alleged injuries. The complaint proceeding also reflects the purposes of the MLAA, which specifically *removed* the Commission from active regulation of maritime labor activities while preserving its authority to adjudicate the complaint of any party affected by specific violations of the Shipping Act.

Finally, the complaint proceeding places the financial as well as legal burden of going forward on the aggrieved parties, where it belongs. In view of the Commission's limited budget and personnel resources, cost is a valid issue to be considered in weighing the propriety of initiating or extending any investigation. It is a particularly relevant concern with respect to the instant Order, in which the Commission is embarking on an investigation of sweeping magnitude despite the availability of a more economically feasible alternative.

In addition to its cost, the Commission investigation envisioned by the instant Order has as many drawbacks as the complaint proceeding has advantages.

The Order is skewed in two mutually exclusive directions. On the one hand, it is a scholarly legal treatise on the respective philosophies underlying Shipping Act regulation and national labor law. On the other hand, it tries to re-focus an extant investigation in order to obtain more specific factual information. It simply cannot do both. The more scholarly the treatise, the less suitable a vehicle it becomes for the factual investigation which is allegedly needed here. The treatment of legal issues may be exemplary, but it does not help the Commission determine what Carrier X did to Shipper Y.

The instant Order presents an elaborate defense of Commission jurisdiction where none is needed, thus inviting controversy which might not otherwise arise. The MLAA clearly delineated the Commission's authority regarding maritime labor issues, and a simple re-affirmation of the principles of that statute would be sufficient. In belaboring the issue through 40 pages, the Order may create needless doubts about the Commission's statutory jurisdiction and complicate the premise on which that authority is based. This is the same error which the Commission committed in its overly aggressive assertion of jurisdiction in *Federal Maritime Commission v. Pacific Maritime Association (PMA)*, 425 U.S. 40 (1978), creating regulatory overkill which required statutory modification. The Commission's Order here threatens to rekindle the controversy which the MLAA resolved.

Finally, the cumbersome investigation proposed by the instant Order shows that the Commission continues to swim against the tide of current thinking on the proper role of the Federal government in enforcing the law. An investigation of the scope and magnitude envisioned by the Order here is over-reaching and interventionist regulation at its worst. It thrusts the heavy hand of Federal bureaucracy into a matter which could be more expeditiously and economically resolved through a private complaint proceeding. In so doing, the Commission imposes a major burden upon U.S. industry and labor as well as an unnecessary drain on its own financial and manpower resources.

[FR Doc. 82-3722 Filed 2-10-82; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

Advanced Financial Distress Review Panel Establishment

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463 (5 U.S.C. Appendix I), the Health Resources Administration anounces the establishment by the Secretary, HHS, of the Advanced Financial Distress Review Panel on January 22, 1982, pursuant to section 788B of the Omnibus Budget Reconciliation Act of 1981.

Designation: Advanced Financial Distress Review Panel

Purpose: The Panel will review and evaluate plans to achieve financial solvency submitted by applications for Advanced Financial Distres and will advise the Secretary on the likelihood of success of these plans. In carrying out this function, panel members will visit applicant institution to obtain information.

Authority for this Panel will expire no later than forty-five days after the Panel's recommendations on all plans submitted by schools have been transmitted to the Secretary.

Dated: February 3, 1982.

Jackie E. Nylen,

Advisory Committee Management Officer, Health Resources Administration.

[FR Doc. 82-3643 Filed 2-10-82; 8:45 am]

BILLING CODE 4160-15-M

Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92–463, the Annual Report for the following Health Resources Administration Federal Advisory Committee has been filed with the Library of Congress:

National Advisory Council on Nurse Training

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C., or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201, Telephne (202) 245–6791. Copies may be obtained from Dr. Mary S. Hill, Executive Secretary, National Advisory Council on Nurse Training, Room 3–50, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6681.

Dated: February 3, 1982.

Jackie E. Nylen,

Advisory Committee Management Officer, Health Resources Administration.

[FR Doc. 82-3644 Filed 2-10-82; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

Animal Resources Subcommittee of the Animal Resources Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Subcommittee on Animal Resources, Animal Resources Review Committee, Division of Research Resources, from 1 p.m. on March 11, 1982 to recess and from 8 a.m. to adjournment on March 12, 1982, Conference Room 7, Building 31, National Institutes of Health, Bethesda, Maryland, 20205.

The meeting will be open to the public on March 12 from approximately 1 p.m. to approximately 3 p.m., during which time there will be a brief staff presentation on the current status of the Animal Resources Program, and the Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 11 from 1 p.m. to recess and on March 12 from approximately 8 a.m. to 1 p.m., for the review, discussion and evaluation of individual grant applications submitted to the Laboratory Animal Sciences Program.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Office, Division of Research Resources, Room 5B13, Bldg. 31, National Institutes

of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Laboratory Animal Sciences, 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: February 1, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-3612 Filed 2-10-82; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors, Division of Cancer Cause and Prevention; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, February 25–26, 1982, Building 31C, Conference Room 4, National Institutes of Health, 9000 Rockville, Pike, Bethesda, Maryland 20205. This meeting will be open to the public on February 26, 1982, from 9:00 a.m. to adjournment to discuss aspects of the research and resources activities of the Division. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 25, 1982, from 9 a.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, 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.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary, Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, Building 31, Room 11A04, National Institutes of Health, Bethesda, Maryland 20205 (301/496–6927) will furnish substantive program information.

Dated: February 1, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc.82-3614 Filed 2-10-82; 8:45 am]

BILLING CODE 4140-01-M

Cancer Control Grant Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Control Grant Review Committee, National Cancer Institute, March 8–9, 1982, Conference Room 8, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. This meeting will be open to the public on March 8 from 8:30 a.m. to 9 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 8, from 9 a.m. to adjournment and on March 9, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Robert F. Browning, Executive Secretary, Cancer Control Grant Review Committee, National Cancer Institute, Westwood Building, Room 806, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7413) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.399, project grants and contracts in cancer control, 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 sections 8(b) (4) and (5) of the Circular)

Dated: February 1, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-3613 Filed 2-10-82; 8:45 am]

BILLING CODE 4140-01-M

Clinical Cancer Education Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Cancer Education Committee, National Cancer Institute, February 17–18, 1982, Building 31C, Conference Room 7, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. This meeting will be open to the public on February 17, from 8:30 a.m. to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 17 from 9:30 a.m. to adjournment, and on February 18, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members upon request.

Dr. Margaret H. Edwards, Executive Secretary, Clinical Cancer Education Committee, National Cancer Institute, Blair Building, Room 722, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8855) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower)

(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: February 1, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-3616 Filed 2-10-82; 8:45 am]

BILLING CODE 4140-01-M

Large Bowel and Pancreatic Cancer Review Committee (Large Bowel Cancer Review Subcommittee); Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer Review Committee, (Large Bowel Cancer Review Subcommittee), National Cancer Institute, March 8, 1982, Mariott Hotel Greenspoint, Salon E, 255 East Northbelt Drive, Houston, Texas. This meeting will be open to the public on March 8 from 8:30 a.m. to 9:30 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 8, from 9:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Vincent J. Cairoli, Executive Secretary, Large Bowel Cancer Review Subcommittee, National Cancer Institute, Blair Building, Room 7A05, National Institutes of Health, Bethesda, Maryland 20205 (301/427-8800) will furnish substantive program information.

(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 the Circular)

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention; detection and diagnosis; and cancer treatment research, National Institutes of Health)

Dated: February 1, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-3615 Filed 2-10-82; 8:45 am]

BILLING CODE 4140-01-M

President's Cancer Panel; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, March 29, 1982, Harvard School of Public Health, Amphitheater, G-1, Kresge Bldg., 677 Huntington Avenue, Boston Massachusetts 02115. The entire meeting will be open to the public from 9:00 a.m. to adjournment. Agenda items include discussions to obtain information on grants supported by the National Cancer Institute from scientists of the universities in the Boston area. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of Panel members, upon request.

Dr. Elliott Stonehill, Executive Secretary, President's Cancer Panel, National Cancer Institute, Building 31, Room 11A35, National Institutes of Health, Bethesda, Maryland 20205 (301/496-1148) will furnish substantive program information.

Dated: February 1, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-3611 Filed 2-10-82; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Assessment of Medical Technology; External Insulin Infusion Pump

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of external insulin infusion pump for treatment of diabetes mellitus. The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than May 12, 1982. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed clinical studies, and other information related to the clinical acceptability and relative utility of this technology. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: February 1, 1982.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 82-3657 Filed 2-10-82; 8:45 am]

BILLING CODE 4160-17-M

Assessment of Medical Technology; Topical Oxygen Therapy

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of topical oxygen therapy for treatment of decubitus ulcers. The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than May 12, 1982. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed

clinical studies, and other information related to the clinical acceptability and relative utility of this technology. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: January 28, 1982.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 82-3658 Filed 2-10-82; 8:45 am]

BILLING CODE 4160-17-M

Assessment of Medical Technology; Implantable Chemotherapy Infusion Pump

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of the implantable chemotherapy infusion pump (via the hepatic artery) for treatment of cancer. The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than May 12, 1982. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed clinical studies, and other information related to the clinical acceptability and relative utility of this technology. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: January 28, 1982.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 82-3659 Filed 2-10-82; 8:45 am]

BILLING CODE 4160-17-M

Assessment of Medical Technology; Implanted and External Heparin Infusion Pumps

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of implanted and external heparin infusion pumps for treatment of thromboembolic diseases. The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technolgy. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than May 12, 1982. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed clinical studies, and other information related to the clinical acceptability and relative utility of this technology. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: January 28, 1982.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 82-3660 Filed 2-10-82; 8:45 am]

BILLING CODE 4160-17-M

Assessment of Medical Technology; Pancreas Transplantation

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of pancreas transplantation for treatment of diabetes mellitus. The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than May 12, 1982. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed clinical studies, and other information related to the clinical acceptability and relative utility of this technology. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: January 28, 1982.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 82-3661 Filed 2-10-82; 8:45 am]

BILLING CODE 4160-17-M

Assessment of Medical Technology; Melodic Intonation Therapy

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of melodic intonation therapy for treatment of aphasic patients. The PHS assessment consists of a synthesis of information obtained from appropriate

organizations in the private sector and from PHS agencies and other in the Federal government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than May 12, 1982. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed clinical studies, and other information related to the clinical acceptability and relative utility of this technology. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: January 28, 1982.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc.82-3662 Filed 2-10-82; 8:45 am]

BILLING CODE 4160-17-M

Health Services Developmental Grants Review Subcommittee and Health Care Technology Study Section; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory bodies scheduled to meet during the month of March 1982:

Name: Health Services Developmental Grants Review Subcommittee.
Date and Time: March 1–2, 1982, 9:00 a.m.
Place: Gramercy Inn, Scott Room South, 1616 Rhode Island Avenue, NW, Washington, D.C. 20036.
Open March 1, 9:00 a.m.–9:30 a.m.
Closed for remainder of meeting.

Purpose. The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on March 1, 1982, will be devoted to a business meeting covering administrative matters and reports. During the closed sessions the Subcommittee will be reviewing research grant applications relating to the delivery, organization and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Ms. Elinor Walker, National Center for Health Services Research, OASH, Room 7–50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436–6916.

* * * * *

Name: Health Care Technology Study Section.
Date and Time: March 15–16, 1982, 8:30 a.m.
Place: Gramercy Inn, North Scott Room, 1616 Rhode Island Avenue, NW, Washington, D.C. 20036.
Open March 15, 8:30 a.m.–10:00 a.m.
Closed for remainder of meeting.

Purpose. The Committee is charged with the initial review of health research grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research (NCHSR).

Agenda. The open session of the meeting on March 15 will include a presentation by the Acting Director, NCHSR, and a business meeting covering administrative matters and reports. The closed portion of the meeting will be utilized in a review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, OASH, Room 7–50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436–6196.

Agenda items are subject to change as priorities dictate.

Dated: February 4, 1982.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 82-3691 Filed 2-10-82; 8:45 am]

BILLING CODE 4160-17-M

Office of Health Research, Statistics, and Technology; Assessment of Medical Technology; Plasma Perfusion of a Charcoal Filter

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of plasma perfusion of a charcoal filter for the treatment of pruritis of cholestasic liver disease. The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than May 12, 1982. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed clinical studies, and other information related to the clinical acceptability and relative utility of this technology. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Pierre F. Renault, M.D., Associate Director for Medical and Scientific Evaluation at the above address or by telephone (301) 443–4990.

Dated: January 6, 1982.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 82-3692 Filed 2-10-82; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Seminole Nation Oklahoma; Plan for the Use and Distribution of the Seminole Nation of Oklahoma Judgment Funds in Docket 247 Before the United States Court of Claims

January 29, 1982.

This notice is published in exercise of authority delegated by the Secretary of the Interior to Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated in satisfaction of the award granted to the Seminole Nation of Oklahoma in United States Court of Claims Docket 247 on February 18, 1981. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 21, 1981, and was received (as recorded in the Congressional Record) by the Senate on July 27, 1981, and by the House of Representatives on July 30, 1981. The plan became effective on November 7, 1981, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The funds appropriated on February 18, 1981, in satisfaction of the award granted to the Seminole Nation of Oklahoma in Docket 247 before the United States Court of Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be utilized as provided herein.

The entirety of such funds shall be invested by the Secretary of the Interior and the principal and interest and investment income accrued shall be available for expenditure by the tribal governing body on an annual budgetary basis, subject to the approval of the Secretary, for tribal operations. No portion of such funds shall be distributed in the form of per capita payments.

The tribal Judgment Fund Committee, consisting of fourteen (14) tribal members, representative of each of the bands of the Seminole Nation, is authorized to make recommendations, on at least an annual budgetary basis, to the tribal governing body on the utilization of the funds.

Any such funds used for social or economic development projects shall not be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local programs."

John W. Fritz,

Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 82–3638 Filed 2–10–82; 8:45 am]

BILLING CODE 4310–02–M

Winnebago Tribe, Winnebago, Nebraska; Receipt of Petition for Reassumption of Jurisdiction

January 27, 1982.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.

The Indian Child Welfare Act of 1978 provides, subject to certain specified conditions, that Indian tribes may petition the Secretary of the Interior or reassumption of jurisdiction over Indian child custody proceedings.

This is notice that a petition has been received by the Secretary from the Winnebago Tribe, for the tribal reassumption of jurisdiction over child custody proceedings. The petition is under review, and may be inspected and copied at the Winnebago Agency Office, Bureau of Indian Affairs, Winnebago, Nebraska 68071.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 82–3639 Filed 2–10–82; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[Serial No. A 17000–P]

Classification of Public Lands for State Indemnity Selection; Arizona

In FR Doc. 82–1429, appearing on pages 3036 and 3037 of the issue for January 21, 1982, the following change should be made for Application A 17000–P:

T. 19 N., R. 20 W., should be T. 29 N., R. 20 W.

Dated: February 5, 1982.

William K. Barker,

Acting State Director.

[FR Doc. 82–3650 Filed 2–10–82; 8:45 am]

BILLING CODE 4310–84–M

[Designation Order NM–030–8201]

Off-Road Vehicle Designations; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Off-Road Vehicle (ORV) Designation.

SUMMARY: Notice is hereby given relating to the use of ORV vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989 and regulations contained in 43 CFR Part 8340. The following described lands under the administration of the Bureau of Land Management are designated as open.

The area designated is known as Airport ORV Management Area. This area is located in the Las Cruces/Lordsburg Resource Area of the Bureau of Land Management, Las Cruces District Office and consists of approximately 2,160 acres within Dona Ana County, New Mexico. More specifically it is located off U.S. Highway 70, just east of the Las Cruces/Crawford Airport. Access is provided by the airport frontage road.

This designation is the result of land-use decisions developed with public involvement and input in the Southern Rio Grande Management Framework Plan.

A map of the subject area and review of the environmental assessment which describes the impacts of this designation is available at the Las Cruces District Office, 1705 North Valley Drive, P.O. Box 1420, Las Cruces, New Mexico 88004.

This designation becomes effective on February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Dan Rathbun, District Manager, at the above Las Cruces, New Mexico address or call (505) 524–8551.

Charles W. Luscher,

State Director.

[FR Doc. 82–3647 Filed 2–10–82; 8:45 am]

BILLING CODE 4310–84–M

Oregon; Andrews Grazing Management Plan; Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meeting

The Department of the Interior, Bureau of Land Management, Oregon State Office, will be preparing an Environmental Impact Statement (EIS) on the grazing management program on approximately 1.6 million acres of public land in the Andrews EIS Area of the Burns District in south-central Oregon. Decisionmaking will take place over a several-month period following completion of the final statement.

Public scoping meetings will be held as follows:

March 8, 1982, 7:30 p.m., Denio Community Hall, Denio, Nevada

March 9, 1982, 7:30 p.m., Circuit Court Room, Harney County Court House, Burns, Oregon

March 11, 1982, 7:30 p.m., Basement Conference Room, Oregon State Office, 729 N.E. Oregon Street, Portland, Oregon

At these meetings public comments will be sought to help develop the preferred land use alternative for the area and various alternatives that could realistically be addressed in the EIS. Public participants will also be asked to identify the significant issues to be discussed in detail in the EIS. Possible methods of obtaining public comment on the draft EIS after it is published will be discussed.

The proposed grazing management program will be based on coordinated land use allocations for all resources developed through the Bureau's land use planning system. The objectives of the program are to enhance the vegetative resource, provide quality habitat for wildlife and wild horses, provide a continous supply of livestock forage, reduce soil erosion and sedimentation damage, improve water quality, improve the recreation and visual resources, and protect archeological and historical sites.

The EIS will discuss alternatives to the proposed grazing management program. A no action alternative will be included in the EIS. Other alternatives being considered for discussion include no livestock grazing and at least one higher and one lower level of livestock grazing than that in the proposal.

The EIS will identify the impacts that can be expected from implementation of either the proposed grazing management program or any of the alternatives discussed. The statement will be an analytical tool used in making final decisions for managing livestock grazing in the Andrews EIS area.

Additional information may be obtained from:

Josh Warburton, District Manager, Bureau of Land Management, 74 S. Alvord St., Burns, Oregon 97720, Telephone (503) 573–2071

Gerry Fullerton, Statement Leader, Bureau of Land Management (922), P.O. Box 2965, Portland, Oregon 97208, Telephone (503) 231–6955.

Dated: February 4, 1982.

Philip C. Hamilton,

Chief, Division of Planning and Environmental Coordination, Oregon State Office.

[FR Doc. 82-3649 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Phoenix District, Kingman Resource Area Grazing Advisory Board Meeting

Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Kingman Resource Area (Phoenix District) Grazing Advisory Board will be held on March 17, 1982.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

The agenda for the meeting will include:

1. Review of the Hualapai/Aquarius Rangeland Program Summary.
2. Review of the Rangeland Monitoring Plan.
3. Status of Allotment Management Plans.
4. Range Improvements.
5. Review of the Kingman Resource Area Fire Suppression plan.
6. Report on vandalism of range improvements.
7. Arrangements for future meetings.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 5, 1982.

William K. Barker,

District Manager.

[FR Doc. 82-3651 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-84-M

[M 20688]

Termination of Bureau Motion Classification; Montana

February 3, 1982.

1. Pursuant to Secretarial Order dated November 22, 1974, the following described lands were classified for retention in public ownership for management under principles of multiple use. As disposal is a discretionary action pursuant to Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743), this classification is hereby terminated.

Principal Meridian

T. 28 N., R. 31 E.,
Sec. 10, S½;
Sec. 15, All;
Sec. 23, N½.
T. 28 N., R. 32 E.,
Sec. 8, SE¼NE¼.

The land described contains 1,320 acres in Phillips County.

2. At 8 a.m. on March 16, 1982, the lands described will be relieved of the segregative effect of the above mentioned classification, subject to any valid rights, the provisions of existing withdrawals and the requirements of applicable law.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, P.O. Box 20157, Billings, Montana 59107.

Kannon Richard,

Acting State Director.

[FR Doc. 82-3648 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-84-M

California; Bakersfield District; Off-Road Vehicle Designations

SUMMARY: Previously undesignated public land in Fresno and San Benito Counties, located in the Hollister Resource Area of central California, are designated as open, limited and closed to off-road vehicle use.

DATE: Effective January 31, 1982.

ADDRESS: Any inquiries should be addressed to Garold W. Lamb, Acting District Manager, Bakersfield District, 800 Truxton Avenue, Room 302, Bakersfield, California, 93301, (805) 861–4191

FOR FURTHER INFORMATION CONTACT: 0David E. Howell, Hollister Resource Area Manager, P.O. Box 365, Hollister, California, 95023, (408) 637–8183.

SUPPLEMENTARY INFORMATION: These designations are made in accordance with the authority and requirments of Executive Orders 11644 and 11989 and regulations contained in 43 CFR part 8340.

The affected public lands include 207,250 acres in the Hollister Resource Area located in Fresno and San Benito Counties. These designations are based on land use decisions made in the 1978 Management Framework Plan (MFP) for the Fresno/San Benito Planning Unit. In addition to the public participation and review involved in the formulation of this plan, public participation was solicited through mailings and public meetings held during the summer of 1981, specifically on the Off-Road Vehicle (ORV) Designations. Environmental Assessments have been prepared. These documents are available for public review in the Hollister Resource Area Office of the Bakersfield District.

Designations

A. Vehicle Travel Limited to Existing Vehicle Routes.

This designation was chosen to give maximum resource protection on approximately 164,250 acres while allowing most existing uses to continue.

B. Vehicle Travel Limited to Designated Vehicle Routes.

This designation was chosen for approximately 16,000 acres of the Clear Creek Recreation Area. Areas on the north and south sections of the Recreation Area are designated limited to reduce conflict with grazing lessees, to protect wildlife habitat, and to prevent soil loss. Corridors at Clear Creek, Sawmill Creek and San Carlos Creek are designated limited to protect endangered plant habitat, to reduce stream siltation and to protect wildlife habitat.

C. Closed.

Approximately 2000 acres are closed to vehicle use including current restrictions in the San Benito Mountain Natural Area, archaeological sites,endangered plant habitat, and mined areas.

D. Open.

This designation was chosen for approximately 25.00 acres within the Clear Creek Recreation Area.

Garold W. Lamb,

Acting District Manager.

[FR Doc. 82-3695 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Green River/Hams Fork Coal Region; Call for Expression of Leasing Interest

AGENCY: Bureau of Land Management, Interior.

ACTION: Call for expression of leasing interest within the White River Resource Area, Craig District, Colorado.

SUMMARY: This call for expressions of coal leasing interest, in the White River Resource Area (Green River/Hams Fork Coal Region), is made to obtain specific information on the areas of interest for Federal coal leasing. Information received from these expressions will be merged with data developed by the Department of Interior and will serve as the basis for delineating potential lease tracts. This call for expressions includes expressions from small businesses and public bodies to be used to help identify tracts for the special set aside programs.

DATE: Responses to this notice will be recieved until March 15, 1982.

ADDRESS: Expressions of coal leasing interest should be sent to State Director (932), Bureau of Land Management, 1037 20th Street, Denver Colorado 80202, *and* District Conservation Manager for Resource Evaluation, U.S. Geological Survey, Conservation Division, P.O. Box 580, Grand Junction, Colorado 81502, *and* District Manager, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81626.

FOR FURTHER INFORMATION CONTACT: David Bray, Coal Coordinator, Craig District, BLM, P.O. Box 248, Craig, Colorado 81626; telephone (303) 824–8261.

Curt Smith, Area Manager, White River Resource Area, BLM, P.O. Box 928, Meeker, Colorado 81641; telephone (303) 878–3601.

Ken Smith, Coal Program Specialist, Colorado State Office, BLM, 1037 20th Street, Denver, Colorado 80202; telephone (303) 837–3008.

SUPPLEMENTARY INFORMATION: The official call for expressions of leasing interet in Federal coal is now in effect for the second round of coal leasing activity in the Green River/Hams Fork Coal Region. This call for expressions was described as Phase II in the Federal Register Notice of December 10, 1981, 46 FR 60509. The second round of possible coal leasing is scheduled to begin in March 1984. This specific call for expressions of leasing interest is limited to the areas within the White River Resource Area which have been determined suitable for further consideration for coal development. Any individual, business entity, governmental entity or public body interested in submitting an expression in this area should do so on or before March 15, 1982.

Maps which clearly indicate the areas open for expression of interest and acceptable for further consideration for coal leasing are being printed. The maps may be obtained by contacting any of the above listed names.

This call for expressions of interest is the first step in the activity planning under the Federal coal management program. It is being made before any tract boundaries are delineated within the White River Resource Area. The results of this call will provide significant information that will assist in determining need, and to facilitate lease tract delineations and economic evaluations. Expressions received will be used as a basis for the type, quality, quantity and location of coal which should be considered for leasing.

Expressions of interest from small businesses and public bodies are invited in accordance with the provisions of 43 CFR 3420.1–4. A reasonable number of lease tracts will be reserved and offered through competitive lease sales as special leasing opportunities for those qualifying under the definitions of small businesses and public bodies.

An expression of interest is not an application. The size, location and number of proposed tracts, as indicated by expressions of interest, may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tracts is of approximately equal quality and tonnage as that shown in the expression of interest. Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation and State preferences and priorities.

Expressions of leasing interest should include the following data where applicable:

1. *Quantity needs* (total tonnage, average tons-per-year, and year during which production should commence) for both coal producers and users.

2. *Quality needs* (types and grades of coal) for both producers and users.

3. *Location*

a. Tracts desired by mining companies (narrative description with delineation on a surface minerals management quad map, available for purchase from the BLM State Office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases, the joint BLM/GS delineation team will locate the tract.

4. *Type of Mine*

a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.).

5. *Proposed uses of Coal*

a. By mining companies.

b. By public and private industries.

6. *Where Coal is Consumed (include extra-regional markets)*

7. *Transportation Needs (i.e., railroads, pipelines, etc.)*

a. Existing facilities.

b. Proposed facilities and development timing.

8. *Available Sources of Coal*

a. Presently operative.

b. Contingency or other sources.

9. *Information Relating to Mineral Ownership*

a. Information on surface owner consents previously granted, e.g., a description of the location of the property, whether consents are transferable, etc.

b. Commitments from fee coal owners or for associated non-Federal coal.

10. *Special Qualifications* for public bodies requesting special leasing opportunities. These specific requirements are listed in 43 CFR 3472.2–5.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Management Framework Planning information for White River Resource Area is available through the Craig District Office at the above address.

Cecil Roberts,

Acting State Director, Colorado.

[FR Doc. 82-3735 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-84-M

[N-34147]

Nevada; Realty Action—Non-Competitive Sale Public Lands in Lincoln County, Nevada

February 4, 1982.

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):

Mount Diablo Meridian

T. 6 N., R. 66 E.,
Sec. 22, W½NW¼SW¼NE¼, SW¼SW¼NW¼NE¼.

The above-described land, comprising 7.5 acres, is being offered by direct sale to Fred Jenkins at fair market value.

The lands are being offered as a direct, non-competitive sale to Mr. Jenkins, the owner of the adjoining tract and improvements on the sale tract. Mr. Jenkins constructed a cuber on the sale tract under the mistaken belief that the tract was part of his privately owned land. Disposal by direct sale to Mr. Jenkins will legalize his occupancy of the land, protect his equity investment in the improvements on the land, and resolve a complicated trespass situation.

The lands have not been used and are not required for any federal purpose. Disposal would best serve the public interest. The sale is consistent with the Bureau's planning system. The land will not be offered for sale for at least 60 days after the date of this notice (until April 12, 1982).

Patent, when issued, will contain the following reservations to the United States:

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 deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. An easement for a county road.

2. Those rights for powerline purposes which have been granted to Lincoln County Power District No. 1, its successors or assigns, by Permit No. Nev–060394, under the Act of December 21, 1928, 45 Stat. 1057, 43 U.S.C. 617d.

3. Those rights for communication line purposes which have been granted to Lincoln County Telephone System, it successors or assigns, by Permit No. N–4158, under the Act of March 4, 1911, 36 Stat. 1253, 43 U.S.C. 961.

4. Those rights granted by oil and gas lease, N–30930, made under Section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570. The patent will be issued subject to the rights of the prior permittee or lessee to use so much of the surface of said land as it required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of oil and gas lease, N–30930, and any authorized extension of that lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

Detailed information concerning the sale is available for review at the Nevada State Office, 300 Booth Street, Reno, Nevada.

On or before March 29, 1982, interested parties may submit comments to the State Director, (N–943), P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 82-3698 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 20183]

Oregon; Proposed Withdrawal and Reservation of Lands; Amendment; Correction

In FR Doc. 81–36004 appearing on page 61514, in the issue of Thursday, December 17, 1981, insert the following words in the third line after "Pages 55666–7,": " * * * as amended in the **Federal Register** of May 14, 1981, FR Doc. 81–14455, page 26702, * * * ". Also change the acreage for the proposed withdrawal to read 5.8 acres.

Dated: February 4, 1982.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands, and Minerals Operations.

[FR Doc. 82-3699 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-84-M

[W-71787]

Conveyance; Opening of Lands Acquired in Exchange Action; Park County, Wyoming

Notice is hereby given that pursuant to section 206 of the Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716):

1. The surface estate of the following described land in Park County, Wyoming, was conveyed to Jerry W. and Mary Elaine Housel:

Sixth Principal Meridian

T. 49 N., R. 100 W.,
Sec. 8, S½SE¼;
Sec. 10, S½SW¼, SW¼SE¼.
Containing 200.00 acres.

2. Jerry W. and Mary Elaine Housel conveyed the surface estate to the United States for the following described lands:

Sixth Principal Meridian

T. 49 N., R. 97 W.,
Sec. 4, N½SW¼, NW¼SE¼, SE¼SE¼;
Sec. 9, NE¼NE¼.
Containing 200.00 acres.

3. On March 15, 1982, at 10:00 a.m. the lands conveyed to the United States shall be open to the operation of the public lands laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received on or before publication shall be considered as simultaneously filed. Those received thereafter shall be considered in the order of filing. The mineral estate in the lands conveyed to the United States has always belonged to the United States and has always and continues to be open to the operations of the mining and mineral leasing laws.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

February 1, 1982.

[FR Doc. 82-3694 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Buffalo Resource Area; Intent To Prepare a Resource Management Plan and Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Initiation of a Resource Management Plan and environmental impact statement for the Buffalo Resource Area, Casper District, Wyoming.

SUMMARY: The Casper District is initiating development of a Resource Management Plan (RMP), an integral component of which is an environmental impact statement (EIS). In addition, the public is invited to identify issues to be addressed in the RMP or to comment on issues identified by BLM.

FOR FURTHER INFORMATION CONTACT: For additional information, to be placed on the Buffalo mailing list, or to add to or comment on the issues to be addressed in the RMP contact: Forest Littrell, Area Manager, Buffalo Resource Area, Bureau of Land Management, P.O. Box 670, Buffalo, Wyoming 82834, (307) 684–5586.

LOCATION OF DOCUMENTS: Throughout the development of the RMP, documentation records and completed documents pertaining to the RMP will be available for public review at the Buffalo Resource Area, 300 Spruce Street, Buffalo, Wyoming.

SUPPLEMENTARY INFORMATION: The Casper District is initiating development of a Resource Management Plan (RMP) to guide future management actions on the public lands within the Buffalo Resource Area which includes Johnson, Campbell, and Sheridan counties. Within these three counties, BLM manages 11.3 percent of the surface, approximately .8 million acres, and about 65.6 percent of the mineral estate, approximately 4.8 million acres.

The RMP will be a 10-year comprehensive land use plan. The objective of the RMP is to improve resource management decisions on public lands through a planning process which incorporates public participation, maximizes use of the best available data, identifies significant issues to be addressed and analyzes alternatives for multiple use management. Resource management plans are authorized under the Federal Land Management Policy Act of 1976. Standards, guidelines, and procedures for RMP preparation are contained in 43 CFR Part 1600.

The steps in the RMP process include identification of issues, development of planning criteria to address the issues, collection of inventory data and information, analyses of the management situation, formulation of alternatives, estimation of effects of alternatives, selection of perferred alternatives, selection of the resource management plan, and monitoring and evaluation of the plan. Completion of the RMP is scheduled for June 1983.

The identification of issues focuses the scope and direction of the RMP at the outset of the planning process. BLM has identified two issues: rangeland management and wilderness. Wilderness study areas, previously identified under BLM inventory processes are: Fortification Greek, containing 12,419 acres in Johnson and Campbell Counties, Gardner Mountain, containing 6,423 acres, and North Fork, 10,089 acres, in Johnson County. The public, including other federal agencies and state and local governments, is invited to suggest additional issues to be addressed in the RMP and comment on issues identified by BLM. Comments and suggested issues should be sent to the address indicated above and should be received by BLM on or before March 13, 1982.

Alternatives developed in the RMP process will range from those favoring resource protection to those favoring resource production and will include the no action alterative, which is a continuation of present management. An integral component of the RMP process is an environmental impact statement (EIS).

Public participation will be an essential element of the RMP. Opportunities for public input will be offered throughout the process. In addition to the opportunity to suggest or comment on issues, there will be a 45-day comment period and a public hearing on the draft EIS. Additional public meetings or hearings will be considered when requested and when accompanied by appropriate rationale. Notice of public participation opportunities will be announced through local news media and mailings to interested members of the public.

An interdisciplinary team will be formed to develop the RMP. Disciplines to be represented include: geology, range, realty, forestry, archaeology, sociology, economics, hydrology, wildlife, recreation, soils, and air quality.

Dated: February 4, 1982.

Paul W. Arrasmith,

District Manager.

[FR Doc. 82-3696 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ODECO Oil & Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0605, Block 86, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Land 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 3, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-3640 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 1988 and 2165, Blocks 36 and 35, West Delta 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, executive 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 2, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-3641 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Colorado River Management Plan, Grand Canyon National Park

Pursuant to Section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a plan for recreation use of the Colorado River in Grand Canyon National Park. Copies of the Plan and record of decision are available at the following locations:

Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon, Arizona 86023

Regional Director, Western Region Office/ National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102

National Park Service, Department of the Interior, 18th and C Streets, NW, Washington, D.C. 20240

Record of Decision, Colorado River Management Plan, Grand Canyon National Park

I. The Decision

After eight years of research, planning, and public involvement, the National Park Service (NPS) has adopted a final plan for management of whitewater boating on the Colorado River within Grand Canyon National Park. The major features of the plan are:

A. Two components—(1) the river management plan which presents the general concepts guiding river management for a five to ten year period and (2) the annual operating requirements which are subject to annual revision and contain the detailed information on procedures for complying with the plan.

B. A vigorous monitoring program will be implemented to measure the plan's success in meeting the management objectives and recommending any plan modification,

C. Provision for both motor and oar use, with a three-month oar-only use season from September 15 to December 15, and,

D. Increase in annual user days of approximately 30 percent and 600 percent for commercial and noncommercial operators respectively over 1980 levels.

II. Background

In the early 1970's, the NPS recorded a tremendouus increase in recreational use on the Colorado River within the park. In 1972, over 16,000 people went down the river, an increase of almost 3,000 percent in 7 years. Visitor boating use along the Colorado River for 1972 alone exceeded the 100-year period from 1870 through 1969. This sudden rise in use noticeably impacted the vulnerable inner canyon ecosystem. Trash, charcoal, and human waste were accumulating, multiple trails were developing to points of interest, and the numerous historic and prehistoric sites near the river were being damaged. Due to the increase in use and resultant resource impact, in 1973 the NPS placed an annual use limit of 96,600 user days for recreational river runners and began comprehensive research programs to assist in the formulation of management decisions.

Based upon results from the research program, in 1976 the NPS began development of the Colorado River Management Plan. In March 1976, the scoping process was initiated when 365 participants attended six public meetings which were held throughout the west. Important issues were identified and work on a draft environmental impact statement (EIS) was begun. In December 1977, the NPS issued the draft EIS for public comment. About 2,750 responses to the draft EIS were received either in writing or at one of the 7 public meetings which were held. In August 1979, the NPS released the final EIS and a plan which was based on the final EIS was released in December 1979.

A central feature of the 1979 plan was the phasing-out of motorized craft over a five year period. However, adverse Congressional reaction to this plan was reflected in 1980 when the Hatch Amendment which prohibited a reduction in commercial motorized craft launches below 1978 use levels, was passed as a provision in the 1981 Department of the Interior Appropriation Bill. Based on passage of this amendment, the NPS responded with a decision to modify the 1979 Colorado River Management Plan to allow for a diversity of river running experiences in Grand Canyon National Park.

In June 1981, the NPS issued a revised draft Colorado River Management Plan which responded to the concerns raised by Congress. The 1981 draft plan, embodied most of the content of the 1979 plan. However, unlike the 1979 plan, the 1981 draft plan contained four alternatives which provided for motorized use periods of various lengths. The public comment period for this plan extended from June to August, during which time several hundred public comments were received. The final plan is identical to the draft plan released in June 1981, except that the issue of motorized- and non-motorized use periods has been resolved.

III. Alternatives

There were actually two separate sets of alternatives considered. The final EIS considered seven alternatives, and the 1981 draft plan considered an additional four alternatives.

A. Alternatives considered in the EIS.

Alternative A1. this alternative provided for a maximum of 185,175 commercial user days and 61,695 noncommercial user days. The summer season would have extended from April 1 to September 30. This alternative also provided for a five-year phase out of all motorized craft from the river. This was the preferred alternative in the final EIS and the alternative selected for incorporation in the 1979 plan.

Alternative A2. The no action alternative would have maintained the status quo. This alternative provided for 89,000 commercial and 7,600 noncommercial user days. Winter use was prohibited and motor use was to be phased out as in Alternative A1.

Alternative A3. This alternative provided for an increase in the visitor use level to the physical carrying capacity of the resource (based on the number of overnight camping sites). This alternative provided for 323,232 user days during a six-month summer use season. Winter use was to be

prohibited. Motor use was to be phased out as in Alternative A1.

Alternative A4. This alternative provided for a 50 percent reduction in annual user days. Only 55,000 user days were to be permitted annually. Due to the decrease in impacts associated with decreased visitor use, this alternative is the environmentally preferable alternative.

Alternative A5. This alternative provided for no motorized use from January 1 to June 30. Use levels were to be maintained as in Alternative A2 above.

Alternative A6. This alternative provided for the elimination of motorized use in the lower gorge from Diamond Creek to Grand Wash Cliffs. This alternative eliminated upriver motorized travel from the lower 50 miles of the canyon. Use level remained the same as in Alternative A2.

Alternative A7. This alternative identified several options for allocating use: individual applications, equal allocation commercial operators, and special allocations for educational/organized groups. These options could be overlain on any use level.

B. Alternatives considered in the 1981 draft plan.

All alternatives in this plan provided for visitors to choose between motorized- and oar-powered craft. Since these alternatives were only minor variations of the alternatives presented in the final EIS, they were considered to be entirely within the scope of that document and no additional NEPA document was prepared.

Alternative B1. Under this alternative, motor and oar use were to be permitted all year. A total of 115,500 user days and 54,450 user days was to be permitted annually for commercial and noncommercial users respectively. About 20,000 of these user days were to be available for winter use. The summer season would extend from May 1 to September 30.

Alternative B2. Under this alternative motorized use was to be prohibited during the entire winter season from October 16 through April 15. Use levels were to be the same as Alternative B1.

Alternative B3. This alternative provided for oar only use during three months of the winter season, from October 1 to January 1. Use levels were to be the same as Alternative B1.

Alternative B4. Under this alternative, three two-week oar-only periods were scheduled during the April 16 to October 15 summer season. Use levels were to be the same as Alternative B1.

IV. Monitoring Program

One of the most important elements of this plan is the monitoring program. This comprehensive program is the primary method for measuring the effectiveness of the plan in meeting its stated objectives. This program is designed to identify degradation of either the resource or the quality of the visitor exprerience below existing acceptable levels. The majority of the impacts occur at attraction sites such as sidestreams, cultural sites, and campsites. Accordingly, the monitoring program will focus on these areas. The following specific analysis are called for in this program.

A. Impacts on vegetation will be measured by aerial photography recording and establishment of vegetation transects.

B. Annual wildlife surveys will be taken.

C. Water Quality in the Colorado River and sidestreams will be monitored.

D. Cultural sites will be monitored by periodical photography from fixed points.

E. The quality of the visitor experience will be recorded by encouraging continued public involvement, personal contact, and evaluating letters.

The above strategy ensures that all practicable means to minimize environmental harm have been taken.

V. Rational for the Decision

The Colorado River Management Plan provides a final resolution of issues at three different levels. First, and perhaps most importantly, several long-standing issues which have evoked significant public controversy have been resolved. Foremost among these issues is the allocation between motorized and nonmotorized craft; other significant issues include the establishment of annual use levels, and the allocation user days among concessioners, and between commercial and noncommercial users. Second, the plan formally adopts certain environmental protection measures. These measures are largely a direct application of research findings, and have produced limited public controversy. Third, the plan provides standardization of certain management practices: launch and take out procedures, management of noncommercial and commercial operators, boating safety, information and education, etc. These management practices as adopted are relatively unchanged from existing conditions. As with the issues in the second category, there was little opportunity for meaningful alternatives to be developed around these management issues. Since those issues in the first category are the most controversial and complex, they will be the focus of this section.

Motors vs. Oars. This issue was initially raised during wilderness planning for the park. There was public concern that the Wilderness Act precludes all motorized use in designated wilderness areas. However, Section 4(b)(1) of the Act states "the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue * * *". This provision clearly applies to motor use on the Colorado River. Additionally, studies conducted by the NPS to date reveal there is no measurable difference between resource damage resulting from motor- or oar-powered trips. Since there are no overriding policy or resource considerations, the issue of motor vs. oar use is a philosophical one. The NPS is committed to providing public freedom of choice and therefore recognizes both motor and oar trips as viable. However, in order to accommodate persons who desire an oar trip without any interaction with motorized craft, a three-month oar-only use period was established. This period extends from October to December and includes a portion of the year with favorable weather conditions

Annual Use Levels. Based on research following enactment of the 1973 use ceilings, the NPS concluded that the 1973 use level was not having any significant long term impact on the river environment. Accordingly, a decision was made to raise that use level. The draft EIS rigorously analyzed various use levels from 55,000 to 323,000 annual user days. The final plan provides for a 75 percent increase in annual use over the 1973 level. Since this use level has not been tested, the NPS cannot say definitely what visitor-related resource impacts will result. The active monitoring program will be used to quantify any impacts and provide for any needed modification is user levels.

Commercial vs. Noncommercial Use Level. When the ceiling was placed on annual use in 1973, the ratio of commercial to noncommercial user days was about 12:1. One of the goals of the planning process was to provide for a more reasonable allocation of commercial and noncommercial use. Accordingly, the final plan provides for a commercial to noncommercial ratio of about 2:1. The NPS feels that this ratio will more equitably accommodate the demand of river runners for noncommercial trips.

Dated: January 28, 1982.

Howard H. Chapman,

Regional Director, Western Region, National Park Service.

[FR Doc. 82-3960 Filed 2-10-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82-601 appearing at page 1178 in the issue for Monday, January 11, 1982, please make the following correction:

On page 1180, in the third column, in the paragraph for MC 158139, filed for Lynco Movers, Inc., in the seventh line, the word "*furnished*" should be "furniture".

BILLING CODE 1505-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (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.

FD 29800. By decision of 1-27-82 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1151, Review Board Number 3 approved the transfer to AMERICAN INTERNATIONAL FREIGHT FORWARDING, INC. of Permit No. FF-471 issued to ASTRO INTERNATIONAL FREIGHT FORWARDERS, INC. authorizing the transportation of (a) *used household goods and unaccompanied baggage,* and (b) *used automobiles,* between points in the United States (including Hawaii but excluding Alaska), restricted in (b) above to the transportation of export-import traffic. Representative: Martin R. Martino, 333 So. Glebe Road, Arlington, VA.

Note.—By effective Notice served September 2, 1981, in MC-FC-35484 transferee was authorized to lease for a 1-year period transferor's permit No. FF-471.

MC-FC-79327. By decision of 1/28/82 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to SOUTHERN REALTY EQUITIES, INC., d.b.a. SOUTH/U.S.A. of License No. MC-130570 (Sub-No. 1) issued to SOUTH/U.S.A., INC. authorizing broker operations, at Atlanta, GA, for *passengers and their baggage,* in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in the United States (including Alaska and Hawaii), and extending to points in AL, AR, FL, GA, KY, LA, MO, MS, NC, SC, TN, TX and VA. Representative: Kenneth C. Vincent, 300 Interstate North, Atlanta, GA 30339.

Note.—Transferee is a non-carrier.

MC-FC 79557. By decision of 1-27-82 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JEFFREY B. WILGA d.b.a. WILGA'S EXPRESS, of Easthampton, MA, of Certificate of Registration No. MC-99932 (Sub-No. 1) issued January 21, 1964, to Roger E. Wilga d.b.a. Wilga's Express, of Easthampton, MA evidencing a right to engage in transportation in interstate commerce corresponding in scope to Regular Route Common Carrier Certificate No. 427 dated March 9, 1959 issued by the Massachusetts Department of Public Utilities. Representative: Roger E. Wilga, 161 Northampton St., Easthampton, MA 10127.

MC-FC-79577. By decision of 2/3/82 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number approved the transfer to IDEAL DISPOSAL, INC. of Certificate of Registration No. MC-120044 (Sub-No. 1) issued 7/29/77 to G T S TRANSPORT CO., INC. authorizing the transportation of *general commodities* anywhere with the Commonwealth of Massachusetts over irregular routes. Representative: John F. O'Donnell, Esq., Attorney, 60 Adams St., Milton, MA 02187.

MC-FC-79580. By decision of 1/27/82, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to GENE E. CARTER, d.b.a. GENE E. CARTER TRUCKING of Norton, KS of Certificate No. MC-152643 (Sub-No. 1), issued to JACK L. COLLINS, d.b.a. JACK COLLINS TRUCKING of Hoxie, KS, authorizing transportation of *metal products,* between points in TX and OK, on the one hand, and, on the other, points in Graham, Ellis, Rooks, Sheridan, Norton, Thomas, Decatur, and Rawlins Counties, KS, and Red Willow, Hitchcock, Frontier, Dundy, and Hayes Counties, NE. Representative: Sandra Uhrich, Box 223, Norton, KS 67654.

Note.—TA lease is not sought. Transferee is not a carrier.

MC-FC-79581. By decision of 1-28-82 Review Board 3 approved the transfer to ZIMMER TRUCKING SERVICE, INC., of Brea, CA, of Certificate No. MC-151057 Subs 1 and 2 issued to FASHIONABLE FURNITURE MFG. CO., INC., of Costa Mesa, CA, authorizing (1) new furniture and new furniture parts, between points in CA, on the one hand, and, on the other, points in OR, WA, ID, MT, WY, SD, CO, UT, NV, AZ, NM, TX, and OK; and (2) machinery, between points in Orange County, CA, on the one hand, and, on the other, points in CA, OR, WA, ID, NV, MT, WY, UT, AZ, CO, NM, SD, NE, KS, OK, TX and IN. Representative: Ronald J. Zimmer, 312 Oak Place, Brea, CA 92621. TA lease is not sought. Transferee is not a carrier.

MC-FC-79588. By decision of 1/28/82, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the

transfer to L. S. DAY MOVING AND STORAGE, INC. of Certificate No. MC-2736 issued to GARLEN TURNER, d.b.a. TURNER MOVERS authorizing: *household goods*, as defined by the Commission, between Dayton, OH, and points within 25 miles thereof, on the one hand, and, on the other, points in CT, IL, IN, KY, MA, MI, MN, MO, NY, OH, PA, TN, WV, and WI. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. TA lease is not sought. Transferee is not a carrier.

MC-FC-79596. By decision of 2/1/82, Review Board Number 3 approved the transfer to J & T, INC., of Belchertown, MA, of Permit No. MC-146858 (Sub-No. 4)F issued to AMHERST ENTERPRISES, INC., of North Amherst, MA, authorizing: *beer*, from Newark, NJ, and Philadelphia, to points in ME, NH, VT, MA, CT, and RI, under contract(s) with Lion Distributors, Inc., of Worcester, MA. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128.

Note.—TA lease is not sought. Transferee is not a carrier.

MC-FC-79599. By decision of 1/28/82, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to ARIZONA SOUTHERN CHARTER COACHES, LTD., d.b.a. ARIZONA SOUTHERN CHARTER COACHES of Phoenix, AZ, of Certificate No. MC-152600 (Sub-No. 1F) issued to ROMUALD CHMURA of Phoenix, AZ, authorizing transportation of *passengers and their baggage*, in round-trip, charter and special operations, beginning and ending at points in Arizona and extending to points in the United States (including AK but excluding HI). Representative: Richard J. Herbert, 934 West McDowell Rd., Phoenix, AZ 85007.

Notes.—(1) Transferee is a non-carrier. (2) An application for temporary authority has been filed.

MC-FC-79600. By decision of 1-28-82 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to MORRIS MILLER TRUCKING, INC. of Certificate No. MC-135220 and (Sub-Nos. 1 and 4) isued to BETTY A. MILLER/MORRIS MILLER, EXECUTRIX, of Cassadaga, NY, authorizing the transportation of (1) *malt beverages*, (a) from points in MI to points in NY, and (2) from Toledo, OH, to Buffalo, NY, (2) *returned shipments* of malt beverages and *empty malt beverage containers*, from points in NY to points in MI, (3) *printed matter* and (4) *newspaper supplements* otherwise exempt from economic regulation pursuant to section 203(b)(7) of the Interstate Commerce Act when transported in the same vehicle at the same time with printed matter, from the plant site of the Greater Buffalo Press, Inc. at Buffalo and Dunkirk, NY, to points in MN and NE, and (5) returned shipments of the commodities described in (3) and (4), from points in MN and NE to Buffalo and Dunkirk, NY. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202.

Note.—Transferee is a non-carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-3628 Filed 2-10-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find preliminarly, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an aplicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP2-25

Decided: February 2, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 33513 (Sub-4), filed January 28, 1982. Applicant: PADULA BROS., INC., 2400 69th St., North Bergen, NJ 07047. Representative: Lionel E. Weeks (same address as applicant), 201-868-7466. Transporting *furniture and fixtures*, between points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, MS, NC, NH, NJ, OH, OK, PA, RI, SC, TN, TX, VA, VT, WI, WV, and DC.

MC 85742 (Sub-2), filed January 27, 1982. Applicant: BRADY BROS., INC., 99 Albion Way, West Somerville, MA 02144. Representative: Robert G. Parks, 20 Walnut St. Suite 101, Wellesley Hills, MA 02181, 617-235-5571. Transporting *general commodities* (except household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with The Clorox Company, of Oakland, CA, and its divisions and wholly-owned subsidiaries. Conditions: (1) To the extent any permit issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period

expiring 5 years from its date of issuance, and (2) Issuance of this permit is subject to prior or coincidental cancellation of applicant's written request of Certificate of Registration, MC–85742, Sub 1, issued March 11, 1965.

MC 109593 (Sub-19), filed December 7, 1981. Applicant: H. R. HILL, Box 875/2007 West Shawnee, Muskogee, OK 74401. Representative: Max G. Morgan, P.O. Box 2650, Edmond, OK 73083, 405–348–7700. Transporting *Mercer Commodities*, between points in OK and TX, on the one hand, and, on the other, Memphis, TN, and points in WY, CO, TX, and VA.

MC 138772 (Sub-12), filed January 22, 1982. Applicant: ALL WAYS FREIGHT LINES, INC., P.O. Box 2426, Kansas City, KS 66110. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, 913–234–0565. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Nemaha and Brown Counties, KS, on the one hand, and, on the other, points in NE, IA, MN, IL, MO, AR, OK, TX, CO, and KS.

Note.—The above authority may be tacked or joined at points in Brown and Nemaha Counties, KS, with applicant's regular route authority in MC–138772 Subs 1, 3, 5, and 9.

MC 142603 (Sub-66), filed January 25, 1982. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Barbara J. Withers (same as applicant), (413) 732–6283. Transporting *equipment, furniture and fixtures, raised access computer floors*, between points in the U.S., under continuing contract(s) with Data Supplies, of Norcross, GA.

MC 145583 (Sub-7), filed January 25, 1982. Applicant: XPRESS TRUCK LINES, INC., 2500 E. Butler St., Philadelphia, PA 19137. Representative: Anthony A. Cerone (same address as applicant), 215–535–5353. Transporting *alcohol and alcoholic beverages*, between points in ME, TN, FL, GA, KY, OH, IN, IL, WV, NC, SC, and MI.

Note.—Applicant intends to tack this authority with the authority held in MC–145583, Sub 6X.

MC 147242 (Sub-13F), filed January 21, 1982. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12–90 Plaza Road, Fair Lawn, NJ 07410. Representative: Arthur Liberstein, 888 Seventh Ave., New York, NY 10102, (212) 757–8025. Transporting *exhibit booths and stalls, advertising materials, and miscellaneous products of manufacturers* for display, between points in the U.S., under continuing contract(s) with Target Communications, Inc., of Boston, MA.

MC 147242 (Sub-14), filed January 22, 1982. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12–90 Plaza Road, Fair Lawn, NJ 07410. Representative: Arthur Liberstein, 888 Seventh Ave., New York, NY 10106, (212) 757–8025. Transporting *foam rubber and related products*, between points in the U.S., under continuing contract(s) with General Foam Corp., of Paramus, NJ.

MC 147402 (Sub-11), filed January 25, 1982. Applicant: WACO DRIVERS SERVICE, INC., 138 Atando Ave., Charlotte, NC 28206. Representative: Archie B. Culbreth, Suite 202–2200 Century Parkway, Atlanta, GA 30345, 404–321–1765. Transporting *carbonated beverages*, between points in Mecklenburg County, NC, on the one hand, and, on the other, points in GA, FL, KY, MD, NC, OH, SC, TN, and VA.

MC 148643 (Sub-2), filed January 22, 1982. Applicant: MONTY R. COBLE, d.b.a. ARK CITY WAREHOUSE CO., 1201 South First St., Arkansas City, KS 67005. Representative: Monty R. Coble (same address as applicant), (316) 442–3020. Transporting *malt beverages*, between points in the U.S., under a continuing contract(s) with 101 Beverage, Inc., of Ponca City, OK.

MC 148643 (Sub-3), filed January 25, 1982. Applicant: MONTY R. COBLE, d.b.a. ARK CITY WAREHOUSE CO., 1201 South First St., Arkansas City, KS 67005. Representative: Monty R. Coble (same address as applicant), (316) 442–3020. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 151193, (Sub-22), filed January 22, 1982. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam (same as applicant), (201) 499–3869. Transporting (1) *dairy products, and (2) such commodities* as are dealt in and distributed by supermarkets, between points in the U.S., under continuing contract(s) with Tuscan Dairies, Inc./Tuscan Foods, Inc., of Union, NJ.

MC 153263, filed January 20, 1982. Applicant: ANGELYNES, INC., P.O. Box 563, Loveland, CO 80539. Representative: Robert D. Brown, 401 E. 50th St., Loveland, CO 80537, (303) 669–1360. Transporting *mobile homes, sectional homes, modular homes and relocatable office buildings*, between points in AZ, CO, ID, KS, MT, ND, NE, NV, OK, SD, TX, UT and WY.

MC 15393, (Sub-1), filed January 28, 1982. Applicant: TKN, INC 1242 Shawmut Ave., New Bedford, MA 02741. Representative: Michael F. Morrone, 1150 17th St. NW., Suite 1000, Washington, D.C. 20036, 202–457–1124. Transporting *textile products, granite and granite products, armored electrical cable, conduit, wire, range hoods, kitchen and bathroom fans, heaters, powered attic ventilators, central vacuum systems, door chimes, trash compactors, and commercial building materials*, between points in the U.S., under continuing contract(s) with Nortek, Inc., of Cranston, RI, and its subsidiaries.

MC 159032, (Sub-1), filed January 25, 1982. Applicant: JAY CARLLEY, INC., 3615 N. Emporia St., P.O. Box 4033, Witchita, KS 67219. Representative: James M. Burtch, 100 E. Broad St. Suite 1800, Columbus, OH 43215, 614–228–1541. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 160122, filed January 18, 1982. Applicant: RAMEX TRANSPORTATION, INC., 242 North Walnut, P.O. Box 569, Youngstown, OH 44501. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K St., NW., Washington, D.C. 20005, (202) 783–7900. Transporting *passengers and their baggage, in the same vehicle with passengers*, in special and charter operations, between points in Cuyahoga, Carroll, Mahoning, Stark, Columbiana, Trumbull, Summit, Portage, and Jefferson Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 160233, filed January 25, 1982. Applicant: TWINING TOURS, 1081 Arlington, Ann Arbor, MI 48104. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006, (202) 833–8884. As a *broker*, at Ann Arbor, MI, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in the U.S.

MC 160283, filed January 27, 1982. Applicant: MIDLAND MOVING & STORAGE, INC., 3120 N. Saginaw Rd., Midland, MI 48640. Representative: James R. Davis, 10th Floor, Michigan National Tower, Lansing, MI 48933, 517–372–0235. Transporting *used household goods*, between points in MI, MN, WI, MO, IL, IN, OH, KS, OK, TX, AR, KY, IA, TN, VA, NC, LA, AL, GA, SC, FL, and MS.

Volume No. OP4–37

Decided: February 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

FF 557 (Sub-1), filed January 27, 1982. Applicant: MOVER'S INTERNATIONAL, INC., 18800 Highway 99, Lynnwood, WA 98036. Representative: Robert H. Johnson, P.O. Box 1294, Lynnwood, WA 98036, (206) 775–3888. To engage in operations as a freight forwarder, in connection with the transportation of *household goods, used automobiles* and *unaccompanied baggage*, between points in the U.S.

FF 587, filed January 27, 1982. Applicant: CARGO FREIGHT FORWARDING INC., 168–01 Rockaway Blvd., Jamaica, NY 11434. Representative: Grace Onaga, 375 Park Ave., New York, NY 10152, (212) 759–5400. To engage in operations as a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives, and household goods), between points in the U.S.

MC 53237 (Sub-2), filed January 27, 1982. Applicant: ST. LOUIS TRANSPORTATION CO., 3548 Valleywood, St., Louis, MO 63114. Representative: C. C. Miller, 3548 Valleywood, St. Louis, MO 63114, (314) 428–8391. Transporting *building materials, metal products, and pipe*, between points in and east of KS, NE, ND, OK, SD, and TX.

MC 127487 (Sub-12), filed January 28, 1982. Applicant: HOLT CARGO SYSTEMS, INC., 701 N. Broadway, Gloucester City, NJ 08030. Representative: Thomas J. Holt (same address as applicant), (609) 456–6400. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, WV, and DC.

MC 130607 (Sub-1), filed January 28, 1982. Applicant: COLONIAL PATHWAYS, INC., 125 Schoolhouse Lane, Kennett Square, PA 19348. Representative: Joseph Reisinger, 1106 First Eastern Bank Bldg., Wilkes-Barre, PA 18701, (717) 823–3377. To operate as a *broker*, at Kennett Square, PA, in arranging for the transportation of *passengers and their baggage* in round trip, special and charter operations, beginning and ending at points in DE, and extending to points in the U.S. (except AK and HI).

MC 143127 (Sub-83), filed January 26, 1982. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Catherine Jablonski, 6070 Collett Rd., Victor, NY 14564, (716) 924–9951. Transporting *plastic products*, between points in the U.S., under continuing contract(s) with Mobil Chemical Company, of Macedon, NY.

MC 146067 (Sub-3), filed December 30, 1981, previously noticed in the Federal Register issue of January 14, 1982, and republished this issue. Applicant: CALIFORNIA WASHINGTON EXPRESS, 3554 McReynolds Ave., Modesto, CA 95355. Representative: Jim Pitzer, 15 S. Grady Way—Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) *plastic and plastic products*, (2) *Doors and door sections*, (3) *canned goods*, (4) *Dairy equipment*, (5) *tires*, (6) *potting soil, wood chips, fertilizers*, and (7) *such commodities* as are dealt in or used by grocery and department store chains, between points in the U.S., under continuing contract(s) with Jupiter Engineering, Inc., of Menlo Park, CA, Overhead Door Corp., of California, of Rancho Cordova, CA, Tri Valley Growers, of San Francisco, CA, Airle Manufacturing Co., Inc., of Modesto, CA, Prowler Hub Services, of Riverbank, CA, Black Magic Products, of Sacramento, CA, The Price Co., of San Diego, CA, and Overhead Door Co. of Seattle, Inc., of Seattle, WA.

Note.—The purpose of this republication is to correctly state applicant's contracting shippers.

MC 149057 (Sub-5), filed January 26, 1982. Applicant: C & M TRUCKING, INC., 3500 N. Monroe, Monroe, MI 48161. Representative: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167. Transporting *metal products*, between points in and east of ND, SD, NE, KS, OK, and TX.

MC 157707, filed January 26, 1982. Applicant: C & B FURNITURE TRANSPORT CO., INC., 20422 87th Ave. S., Kent, WA 98031. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *new or used furniture* and *acessories, office machines, furniture* and *fixtures*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 160257, filed January 25, 1982. Applicant: MINIE MINI TRUCKING CORP., 145–39 232 St., Springfield Gardens, NY 11413. Representative: Kenneth M. Piken, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting *chemicals* and *related products*, between points in the U.S., under continuing contract(s) with Smith Chemical and Color Company, Inc., of Jamaica, NY.

MC 160287, filed January 28, 1982. Applicant: C & J TRAVEL & LEASING, INC., 248 Ritter Rd. South, Sewickley, PA 15143. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. To operate as a *broker*, at Sewickley, PA in arranging for the transportation of *passengers*, between points in the U.S.

MC 160297, filed January 28, 1982. Applicant: LAKES AREA TRANSPORT, INC., 79 N.W. 4th St., Forest Lakes, MN 55025. Representative: Timothy H. Butler, 4200 IDS Center, 80 S. 8th St., Minneapolis, MN 55402, (612) 371–3211. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the Foley Company, of Minneapolis, MN, W. T. Carlson Manufacturing Company, Inc., and Wyard Industries, Inc., both of Forest Lake, MN, Abrasive Systems, Inc. of Columbus Heights, MN, and Plastic Products Company, Inc., of Lindstrom, MN.

Volume No. OP5–27

Decided: February 2, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF 588, filed January 28, 1982. Applicant: G. I. FORWARDING, INC., 14727 Alondra Blvd., La Mirada, CA 90638. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067, 213–879–5955. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motor vehicles), between points in HI, on the one hand, and, on the other, points in the U.S.

MC 5449(Sub-2), filed January 26, 1982. Applicant: LARMORE INCORPORATED, 1 Bellecore, P.O. Box 3043, Wilmington, DE 19804. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036, 202–785–0024. Transporting *household goods* as defined by the Commission, between points in AL, AR, CO, CT, DE, FL, GA, IL, IN, KS, KY, LA, MA, MD, ME, MN, MO, MS, NC, NH, NJ, NM, NY, OH, OK, PA, RI, SC, TN, TX, VA, VT, WI, and WV; and between points in AL, AR, CO, CT, DE, FL, GA, IL, IN, KS, KY, LA, MA, MD, ME, MN, MO, MS, NC, NH, NJ, NM, NY, OH, OK, PA, RI, WC, TN, TX, VA, VT, WI, and WV on the one hand, and, on the other, points in the U.S.

MC 9269(Sub-23), filed January 25, 1982. Applicant: BEST WAY MOTOR FREIGHT, INC., 6440 S. 143rd St., Seattle, WA 98168. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *general commodities* (except classes A and B

exposives), between points in WA, OR, CA, NV, AZ, ID, MT, UT, WY, and CO.

MC 48958(Sub-227), filed January 25, 1982. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Ave., Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, amarillo, TX 78189, 806–374–1641. Transporting *general commodities* (except classes A and B exposives, household goods as defined by the Commission, and comodities in bulk), between points in the U.S. under continuing contract(s) with NCH Corporation of Irving, TX.

MC 58738 (Sub-6), filed January 25, 1982. Applicant: MONK'S EXPRESS, INC., Phelps St., Port Dickinson, Binghamton, N.Y. 13901. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, 315–472–8845. Transporting *general commodities* (except classes A and B exposives, household goods as defined by the Commission, and commodities in bulk), between points in Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Madison, Oneida, Onondaga, Oswego, Schuyler, Seneca, Tioga, Tompkins, and Wayne Counties, NY.

Note.—Any certificate issued in this proceeding is subject to the prior or coincidental cancellation, at the applicant's written request, of all existing certificates of Registration.

MC 133219(Sub-32), filed January 25, 1982. Applicant: NEBRASKA BULK TRANSPORTS, INC., P.O. Box 215, Bennet, NE 68317. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *general commodities* (except classes A and B exposives, and household goods as defined by the Commission), between the Facilities of Cargill, Inc. and its subsidiaries at points in U.S., (except AK and HI), on the one hand, and, on the other, points in the U.S., (except AK and HI).

MC 144969 (Sub-44), filed January 15, 1982. Applicant: WHEATON CARTAGE CO., Industrial Park Rd., Pennsville, NJ 08070. Representative: Laurence J. Distefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, 609–825–1400 Ext 2414. Transporting (1) *chemicals and related products*, (2) *printed matter*, between points in Vigo and Clay Counties, IN on the one hand, and, on the other, points in the U.S.

MC 147309 (Sub-2), filed January 26, 1982. Applicant: UNITED SALES & LEASING COMPANY, INC. d.b.a. PATH TRUCK LINES, 3649 East Lake Road, Dunkirk, NY 14048. Representative: Ronald W. Malin, Bankers Trust Bldg-4th floor, Jamestown, NY 14701, (716) 664–5210. Transporting *metal products* and *metal scrap*, between points in the U.S., under continuing contract(s) with Alumax Extrusions, Inc., of Dunkirk, NY.

MC 148408 (Sub-2), filed January 21, 1982. Applicant: SPEED MOTOR EXPRESS OF WESTERN NEW YORK, INC., 11 Botsford Place, Buffalo, NY 14216. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836–1144. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Erie, Niagara, Genesee, Orleans, Monroe, Chautauqua, and Cattaraugus Counties, NY and Erie, Warren and McKean Counties, PA.

MC 152458 (Sub-4), filed January 18, 1982. Applicant: KNOWLES TRUCKING CO., INC., P.O. BOX 309, Tyrone, GA 30290. Representative: Virgil H. Smith, 74 Highway N. Box 245, Tyrone, GA 30290, (404) 969–1980. Transporting *clothing*, between points in the U.S.

MC 155349 (Sub-1), filed January 25, 1982. Applicant: AMERICAN TRANSPORTATION SERVICES, INC., 370 East Main Street, Branford, CT 06405. Representative: James A Travis (same address as applicant), (203) 481–4686. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S.

MC 156998, filed January 25, 1982. Applicant: DEWITT SPARKS d.b.a. SPARKS TRUCKING, 811 Creekway Dr., Lenoir, NC 28645. Representative: Dewitt Sparks (same address as applicant), 704–754–2332. Transporting *hazardous waste*, between points in Mitchell and Caldwell Counties, NC, and points in SC, TN, GA, VA, and FL.

MC 159428, filed January 27, 1982. Applicant: LOREN J. VERBURG and DAVID E. FOWLER d.b.a. EXCELLENT TRUCKING CO., P.O. Box 41, Zeeland, MI 49464. Representative: Suzette M. Harden, 3120 Madison SE, Grand Rapids, MI 49508, 616–452–9786. Transporting (1) *petroleum products*, (2) *lumber and wood products*, (3) *furniture and fixtures*, (4) *pulp, paper and related products*, (5) *printed matter*, (6) *metal products*, (6) *machinery*, (7) *transportation equipment*, (8) *waste or scrap materials not identified by industries producing*, (9) *hazardous materials*, between points in the U.S. under continuing contract(s) with Ex-Cello-O Corporation, of Troy, MI.

MC 159969, filed January 11, 1982. Applicant: ARNIE BREY d.b.a. BREY TRUCKING COMPANY, 131 Moore Lane, Billings, MT 59101. Representative: Charles A. Murray, Jr., 2822 Third Avenue North, Billings, MT 59101, (406) 252–4165. Transporting *motorcycles, snowmobiles, power generators, outboard motors, roto tillers, snow blowers, lawn mowers*, and *water pumps*, between points in King County, WA, on the one hand, and, on the other, points in MT and WY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-3630 Filed 2-10-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 230]

Motor Carriers: Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: February 5, 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 1335 (Sub-7)X, filed February 1, 1982. Applicant: MOTEK TRANSPORT, INC., 345 Main Street, Suite 104, P.O. Box 123, Harleyville, PA 19538. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. Lead and Sub 1F: (1) Broaden (a) frozen fruits and fruit, vegetables and fresh fruits, fresh

vegetables, and fresh berries when moving in the same vehicle with frozen fruits and frozen vegetables, frozen vegetables and fresh fruits, fresh vegetables and fresh berries when moving in the same vehicle with frozen vegetables, frozen berries, coffee beans and tea and fresh fruits, fresh vegetables and fresh berries when moving in the same vehicle with frozen berries, coffee beans and tea, cocoa beans and fresh fruits, vegetables and fresh berries, when moving in the same vehicle with cocoa beans, bananas and fresh fruits, fresh vegetables, and fresh berries, when moving in the same vehicle with bananas, and frozen foods, (lead) and sugar (Sub 1) to "food and related products"; (b) empty frozen food containers to "containers"; and (c) general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)", lead; (2) eliminate the restrictions against the transportation of packing-house products as described in paragraphs A, B and C of the Appendix in Ex Parte No. MC–38, *Modification of Motor Contract Carriers of Packing-House Products,* 46 M.C.C. 23, and against the transportation of fresh foods, fresh vegetables and the commodities described in Paragraphs A, B and C in the Appendix to the report in Modifications of Permits Packing-House Products, 48 M.C.C 628, in foreign commerce between the United States and Canada to or from ports of entry on the United States-Canada Boundary line at Buffalo, Niagara Falls and Alexandria Bay, NY (imposed in MC–F–13820), lead; (3) remove except in bulk restriction, Sub 1; (4) change one-way irregular routes to radial authority, lead and Sub 1; (5) change cities to county-wide authority: Union, Middlesex, Sommerset, Essex, Morris, Hudson and Bergen Counties, NJ for Newark, NJ, Monroe County, NY for Rochester, NY, Monroe and Orleans Counties, NY for points in Monroe and Orleans Counties, NY within 50 miles of Rochester, NY, Talbot County, MD for Trappe, MD, Chautauqua, Cattaraugus, Allegany, Steuben, Schuyler, Cayuga, Onondaga, Oswego, Wayne, Seneca, Yates, Ontario, Monroe, Livingston, Wyoming, Erie, Genesee, Orleans and Niagara Counties, NY, for Brockport, NY and points within 75 miles thereof, and Bucks, Lehigh and Northampton Counties, PA, for Allentown and Bethlehem, PA, lead (irregular routes); and (5) change specific ports of entry in NY to all ports of entry in NY, lead (irregular routes).

MC 41951 (Sub-54)X, filed January 29, 1982. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814. Sub 50F: (1) broaden foodstuffs to "food and related products"; (2) remove commodities in bulk restriction and the facilities limitations; (3) broaden cities to counties: Imlay City, MI, (Lapeer County), Memphis, MI (McComb and St. Clair Counties), Bridgeport, MI (Saginaw County), Greenville, MS, (Washington County, MS and Chicot County, AR), and Millsboro, DE (Sussex County); and (4) change one-way to radial authority.

MC 87952 (Sub-7)X, filed February 1, 1982. Applicant: THORNE TRUCK LINES, INC., P.O. Box 699, Milan, TN 38358. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Sub-No. 6: broaden (1) general commodities except classes A and B explosives and household goods to "general commodities (except classes A and B explosives)"; (2) to all intermediate points in para. (A) 1a, 2, 3a, 4a, 5 and 6a.

MC 99427, (Sub-54)X, filed January 22, 1982. Applicant: ARIZONA TANK LINES, INC., 666 Grand Avenue, Des Moines, IA 50309. Representative: Earl Check, P.O. Box 855, Des Moines, IA 50304. Subs 2, 3, 4, 6, 7, 8, 11, 13, 14, 15, 17, 18, 19, 23, 24, 29, 31, 36, 39 and 41 and E–1 and E–2 letter notices. Broaden: Subs 2, 3, E–1 and E–2 letter notices, to "chemicals and related products and petroleum and petroleum products" from liquid chemicals, mud, chemicals, lost circulation materials, hydraulic fracturing fluid, water and petrochemicals; Subs 6, 19, 23, 24, 29, 31, 36, 41, to "chemicals and related products" from sulphuric acid, liquid sulphur dioxide, fertilizer, ammonium nitrate, fire retardant, soil sealers, hydrofluoric acid, graphite, aqueous ammonical copper solution and gold bearing aqueous deactivated cyanide solution; Sub 7, to "petroleum and petroleum products" from petroleum products; Subs 4, 14, 15, 17, 18, 39, to "food and related products" from sugar, molasses, dried beet pulp/with molasses, liquid sugar, corn syrup, blends of liquid sugar and corn syrup, dry corn products, cottonseed oil, flour; Sub 18, to "clay, concrete, glass or stone products" from lime; remove restrictions; in all subs, in bulk/tank vehicles; Subs 2 and 13, prior rail movement; Sub 11, against transportation of helium originating in Apache County, AZ and against transportation of liquid fertilizer; Sub 14, against transportation of liquid sugar, corn syrup, and blends of liquid sugar and corn syrup, from the plantsite of Holly Sugar Corporation, near Hereford, TX to points in Arizona, Arkansas, Colorado, Louisiana, Kansas, Missouri, New Mexico, Oklahoma, and Texas; Sub 18, "(except asphalt, residual fuel oil and liquefied petroleum gases)"; to radial authority in all Subs; broaden: Sub 4, Chandler and Phoenix facilities to Maricopa County, AZ; Sub 6, Monument facility to Lea County, NM; Sub 7, Ciniza facility to McKinley County, NM; Sub 8, Phoenix to Maricopa County, AZ and Las Vegas to Clark County, NV; Sub 13, Kingman to Mohave County, AZ and facility in Clark County to Clark County, NV; Sub 15, Denver to Denver County, CO and Gallup to McKinley County, NM; Sub 17 and 18, Albuquerque to Bernalillo County, NM; also in Sub 18, Farmington to San Juan County, NM and Cortex to Montezuma County, CO; Sub 19, Ajo, Douglas, Morenci and Hayden to Pima, Cochise, Greenlee, Pinal and Gila Counties, AZ; Sub 23, Tolleson to Maricopa County, AZ; Sub 24, Phoenix to Maricopa County, AZ; Sub 29, San Manuel to Pinal County, AZ; Henderson to Clark County, NV; Phoenix to Maricopa County, AZ and Kokoma to Howard County, IN; Sub 31, Buckeye to Maricopa County, AZ; Sub 36, Tucson to Pima County, AZ; Sub 39, Casa Grande to Pinal County, AZ and Jouston to Harris, Walker, Montgomery, Brazoria, Fort Bend, Liberty and Chambers Counties, TX; and Sub 41, Hayden to Pinal and Gila Counties, AZ.

MC 107107 (Sub-497)X, filed October 9, 1981, previously noticed in the Federal Register of November 2, 1981, and republished as corrected this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42nd Avenue, P.O. Box 425, Opa Locka, FL 33054. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Broaden: Lead and Sub-484, general commodities (with exceptions) to "general commodities (except classes A and B explosives and household goods)"; Sub-406, Palatka to Putnam County, FL; and in Subs 447, 482 and 487, remove originating at/destined to facilities/shippers' association. The purpose of this republication is to correct inadvertent omissions in November 2, 1981, publication.

MC 109595 (Sub-27)X, filed January 29, 1982. Applicant: REX TRANSPORTATION CO., Suite 207 Glausen Bldg. 1520 N. Woodward Ave., Bloomfield Hills, MI 48013. Representative: Wilmer B. Elmer, 615 E. Eight St., Traverse City, MI 49684. Subs 1, 2, 6, 8, 9, 11, 13, 15, 21 and 26, broaden (1) to "petroleum, natural gas and their products" from petroleum products, Sub

1; "chemicals and related products" from alcohol, Sub 2; "clay, concrete, glass or stone products" from cement, Subs 6, 8, 9, 11, 13, 21, and 26; and from white cement, Sub 15, (2) remove in bulk, and in tank vehicle restrictions in various subs, (3) remove restriction to traffic having prior movement by rail from named points, Subs 6, 8, 9, and 13, (4) to allow service at all ports of entry in MI and remove restriction to traffic originating at or destined to Ontario, Canada, Sub 21, (5) Toledo, OH to Lucas County, Sub 1; Indianapolis, IN and points within 15 miles thereof to Marion, Hendricks, Hancock, Morgan, Johnson, Shelby, Boone and Hamilton Counties, Sub 6; Avon, IN to Hendricks County, Subs 8, 9, 13, and Essexville, MI to Bay County, Sub 11; and (6) to radial authority.

MC 117370 (Sub-48)X, filed January 29, 1982. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086 Madison, WI 53705–0086. Sub No. 47 Permit: (1) broaden to "food and related products and materials, equipment and supplies used in the manufacture and distribution of food and related products" from (a) malt beverages and empty malt beverage containers in Parts (1) and (2); (b) canned goods in Part (3); apples in Part (4); creamery and cheese factory supplies in Part (8); butter in Part (11); cheese and creamery and cheese factory supplies in Part (12); cheese and materials, and supplies used or useful in the manufacture and distribution of cheese in Parts (15) and (16); to "food and related products; farm products; and farm supplies" from grain, feed, salt, seed, and agricultural commodities in Part (5) to "feed and feed ingredients and materials, equipment and supplies used in the manufacture and distribution of feed and feed ingredients" from (a) dried whey mixed with animal fat in Part (9); (b) lactose in Part (10); (c) whey, whey by-products, lactose, feeds and feed ingredients, and materials, supplies and equipment used or useful in the manufacture and distribution of such commodities in Parts (13) and (14); (2) between all points in the U.S. under continuing contract(s) with named shippers.

MC 118143 (Sub-2)X, filed January 18, 1982. Applicant: EARLE E. HARRIS BANANA TRANSPORT, INC., P.O. Box 262, McKees Rocks, PA 15136. Representative: Stephen J. Habash, 100 East Broad Street, Columbus, OH 43215. Sub 1, broaden bananas and agriculture commodities exempt from economic regulation, when transported in mixed loads with bananas, to "food and related products and agricultural commodities" and wool waste (carded, spun, woven, or knitted) to "waste or scrap materials"; Wilmington to New Castle County, DE; Weehawken to Hudson County, NJ; remove immediate prior water movement restriction; and broaden to radial authority.

MC 119422 (Sub-74)X, filed April 27, 1981 previously noticed in the **Federal Register** of June 24, 1981, republished as follows: Applicant: EE-JAY MOTOR TRANSPORTS, INC., P.O. Box 1037, East St. Louis, IL 62204. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304. Applicant previously broadened its lead and 27 certificates pursuant to 49 CFR 1137. It initially requested that Wood River, IL in Sub-No. 72 be broadened to Madison and St. Claire Counties, IL and St. Louis and St. Charles Counties, MO. St. Claire and St. Charles Counties were inadvertently omitted from the final publication notice. Notice is hereby given that applicant proposes to broaden Wood River, IL to Madison and St. Claire Counties, IL and St. Louis and St. Charles Counties, MO.

MC 125470 (Sub-59)X, filed January 1, 1982. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Lead and Subs 2, 7, 12, 13, 14, 15, 16, 18, 19, 22, 27, 28, 30, 32, 33, 35, 37, 39, 42, 44, 45, 49, 50, and 57, (1) broaden (a) salt and pepper, in mixed shipments with salt, salt and salt products and additives and supplements used with salt and salt products to "ores and minerals and food and related products", in Subs 7, 13, 15 and 45, (b) livestock, grain, and hay to "farm products", livestock, feed, seed, building materials, farm machinery, and implements, binder twine, petroleum, oil and grease, fencing materials, coal, feed, molasses, salt, and hardware to "such commodities as are dealt in by farm and home supply business houses", livestock, agricultural products, feed and, household goods to "household goods, and such commodities as are used or dealt in by manufacturers and distributors of agricultural products", general commodities (with exceptions) to "general commodities (except Classes A and B explosives)", in Sub 2, (c) mineral mixtures in packages, limestone, limestone products, dicalcium phosphate, and gypsum to "ores and minerals, chemicals and related products and clay, concrete, glass or stone products", Subs 7, 19, 33, and 39, (d) flour, beverages in bulk, in tank vehicles, carbonated beverages and related materials, equipment and supplies to "food and related products", Subs 27, 12(1), 18 and 28, (e) salt and salt products, and materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, in mixed loads with salt and salt products, to "such commodities as are used or dealt in by water treatment, food processing, grocery and institutional supply business houses" in Sub 14(1), 16 and 30, (f) fiberglass and vinyl base protective coatings to "such commodities as are used or dealt in by manufacturers and distributors of fiberglass and vinyl products", Sub 22, (g) iron and steel articles, and fabricated steel articles, and related equipment, materials and supplies to "metal products", Subs 32, 35, 44 and 50, (h) agricultural pesticides to "chemicals and related products", Sub 37, (i) irrigation systems, parts for irrigation systems and related equipment, materials and supplies to "such commodities as are used or dealt in by manufacturers and distributors of irrigation systems", Subs 42 and 49; (2) remove facilities restrictions, and change to county-wide authority: (a) Hutchinson, KS (Reno County), lead (b) Osmond, NE (Pierce County), Sioux City, IA (Woodbury County), Osmond and points within 20 miles thereof (Antelope, Pierce, Wayne, Cedar and Knox Counties, NE), Foster, NE (Pierce County), Foster and points within 25 miles thereof (Wayne, Pierce, Madison, Antelope, Knox and Cedar Counties, NE), Royal and points within 30 miles of Royal (Antelope, Holt, Pierce and Knox Counties, NE), Osmond and points within 15 miles of Osmond (Antelope, Pierce, Wayne, Cedar and Knox Counties, NE), and Creighton and points within 30 miles of Creighton (Knox, Antelope, Cedar, Holt, and Pierce Counties, NE), Sub 2, (c) Hutchinson (Reno County, KS), Lyons (Rice County, KS), Sub 7, (d) Humboldt (Richardson County, NE), Cozad and Beatrice (Dawson and Gage Counties, NE), Sub 12, (e) Hutchinson (Reno County, KS), Woodstock (Shelby County, TN) Sub 13, (f) Lake Point (Tooele County, UT), Williston (Williams County, ND), Sub 14, (g) Little Mountain (Weber County, UT), Sub 15, (h) Saltair and Solar (Salt Lake County, UT), Sub 16, (i) Ottumwa (Wapello County, IA), Sub 18, (j) Weeping Water (Cass County, NE), Subs 19 and 33; (k) Boone (Boone County, IA), Norfolk (Madison County, NE), Sioux Falls (Minnehaha County, SD), Sub 22, (l) Lyons (Rice County, KS), Subs 27, 30 and 45, (m) Norfolk (Madison County, NE), Oskaloosa (Mahaska County, IA), Sub 28; (n) Norfolk (Madison County, NE), Subs 32, 35, 44 and 50, (o)

Columbus, Lindsay and Newman Grove (Platte and Madison Counties, NE), Sub 42; (3) (a) one-way to two-way, Sub 2, regular route, and (b) all irregular routes to radial authority; (4) remove restrictions such as in bulk, size and weight, and Mercer and earth drilling commodities, wherever they appear.

MC 126844 (Sub-99)X, filed January 18, 1982. Applicant: R.D.S. TRUCKING CO., INC., 1713 N. Main Road, Vineland, NJ 18360. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Subs 2, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 18, 19, 21, 22, 25, 27, 28, 31, 34, 36, 38, 40, 41, 43, 44, 45, 49, 50, 51, 53, 54, 57, 60, 61, 62, 64, 66, 67, 70, 72, 73, 74, 75, 76, 77, 85, 87, 88, 89, 90, 94 and 95, broaden (1) to (a) "food and related products" from food and food products, canned or frozen products, olive oil, foodstuffs, meats and meat byproducts, malt beverages, flour and frosting mixes, bread crumbs, coffee, tea and extract, dry pet food, and animal feed and ingredients, in all subs except Subs 9, 13, 28, 64, 66, 70, 75, 76, 90, and 94: (b) "farm products" from agricultural commodities, "chemicals and related products" from fertilizer materials, and "baskets" from empty baskets, in Sub 6; (c) "general commodities (except classes A and B explosives)" from general commodities (with exceptions), in Subs 6 and 70; (d) "chemicals and related products, and cleaning equipment and supplies" from cleaning compounds, bleach, mops, brooms and mop parts, in Sub 90; (e) "pulp, paper, and related products" from paper, paper products, woodpulp, in Subs 9, 28, 64, and 94; (f) "printed matter" from printed letters, in Sub 13; (g) "rubber and plastic products, and clay, concrete, glass or stone products" from plastic and glass containers, in Sub 66; (h) "clay, concrete, glass or stone products" from refractory products, in Sub 76; (i) "machinery" from physical fitness apparatus, in Sub 75; and (j) remove mixed load restriction in Sub 2; (2) remove facilities restrictions and change to (a) Cumberland County, NJ in Subs 2, 27, 31, 44 and 77 from Vineland, NJ, and in Sub 6 from East Vineland, NJ; (b) Atlantic County, NJ in Sub 6 from Landisville and Minotola, NJ—in Sub 12 from Hammonton, NJ—in Sub 13 from Pleasantville, NJ— in Sub 44 from Atlantic City, NJ—and in Sub 64 from Landisville, NJ; (c) Middlesex and Elizabeth Counties, NJ in Sub 6 from Cataret and Elizabethport, NJ; (e) Lake County, IL in Sub 8 from Deerfield, IL; (f) Warren County, IL in Sub 10 from Monmouth, IL; (g) Coles County, IL in Sub 14 from Mattoon, IL; (h) Grand Traverse County, MI in Sub 15 from Traverse City, MI; (i) Chickasaw County, IA in Sub 16 from New Hampton, IA; (j) St. Martin and New Iberia Counties, LA in Sub 18 from Cade and Lozes, LA; (k) West Feliciana County, LA in Subs 19 and 95 from St. Francisville, LA; (l) Washtenaw County, MI in Sub 21 from Chelsea, MI; (m) Potter County, TX in Sub 22 from Amarillo, TX; (n) Jackson County, OH in Sub 25 from Wellston, OH; (o) McMinn County, TN in Sub 28 from Calhoun, TN; (p) Jefferson County, AL in Sub 31 from Birmingham, AL; (q) Sampson County, NC in Subs 34 and 95 from Turkey, NC; (r) Champaign County, IL in Sub 38 from Champaign, IL; (s) Du Page County, IL in Sub 40 from Bensenville, IL; (t) Polk, Mills and Marshall Counties, IA in Sub 41 from Des Moines, Glenwood and Marshalltown, IA; (u) Hall County, NE in Subs 41 and 51 from Grand Island, NE; (v) Franklin County, AL from Red Bay, AL, and Lee County, MS in Sub 42 from Tupelo, MS; (w) Saline, Macon, Carroll and Randolph Counties, MO in Sub 43 from Marshall, Macon, Carrollton and Moberly, MO; (x) Mercer County, NJ in Sub 44 from Teneton, NJ; (y) Houston County, GA in Sub 44 from Pabst, GA—in Sub 72 from Perry, GA; (z) Camden County, NJ in Sub 44 from, Camden, NJ—in Sub 75 from Pennsauken, NJ; (aa) Scott County, MS in Sub 49 from Forest, MS; (bb) Fulton County, OH in Sub 50 from Archbold, OH; (cc) Scotts Bluff, Dodge and Colfax Counties, NE, Mower County, MN and Wapello County, IA in Sub 53 from Scottsbluff, Fremont, and Schuyler, NE, Austin, MN and Ottumwa, IA; (dd) Onondaga County, NY in Sub 57 from Syracuse, NY; (ee) Henry County, OH in Sub 60 from Napolean, OH; (ff) Cuyahoga County, OH in Sub 61 from Cleveland and Solon, OH; (gg) Franklin County, OH in Sub 62 from Columbus, OH; (hh) Rock County, WI and Beadle and Minnehaha Counties, SD in Sub 73 from Beloit, WI and Huron and Sioux Falls, SD; (ii) Warren and Union Counties, NJ and Lancaster County, PA in Sub 74 from Hackettstown and Elizabeth, NJ and Elizabethtown, PA; (jj) Rockingham County, NJ and Burlington County, NJ in Sub 75 from Seabrook, NJ and Edgewater Park, NJ; (kk) Cecil County, MD and Cape May County, NJ in Sub 76 from Leslie, MD and Cape May, NJ; (ll) Passaci County, NJ in Sub 85 from Clifton, NJ; (mm) Ogle, Kankakee and Kane Counties, IL in Sub 87 from Rochelle, Bradley and St. Charles, IL; (nn) Vermilion and Peoria Counties, IL and New Avoyelles County, LA in Sub 95 from Hoopeston and Princeville, IL and Belledeau, LA; (3) remove facilities restrictions and expand to city-wide authority in Subs 6, 13, 16, 27, 64, 70, 76, 89, 90, 41, 88, 45, 54, and 67; (4) to radial authority, all subs; (5) remove commodities in bulk and originating at and/or destined to restrictions, wherever they appear.

MC 142386 (Sub-2)X, filed February 1, 1982. Applicant: HEDLEY BENNETT TRUCKING LIMITED, 1681 Pension Lane, London, Ontario, CN N6A 4C3. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, N.W., Washington, DC 20005. Sub-No. 1 permit, broaden from wet brewers' grain to "food and related products;" to between port of entry on the U.S.-Canada international boundary line, on the one hand, and, on the other, points in the United States, restricted to traffic moving in foreign commerce; and remove restriction limiting service to that originating at specific plantsites in Canada.

MC 144201 (Sub-8)X, filed January 29, 1982. Applicant: V.M.P. ENTERPRISES, INC., 10542 West Donges Court, Milwaukee, WI 53224. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Subs 2F and 4F: (1) Remove in initial movements, in driveaway service restriction, Subs 2F and 4F; (2) change cities to counties: Loudonville and Delaware, OH, (Ashland and Delaware Counties), Sub 2F and Roswell, NM (Chaves County), Sub 4F; (3) change one-way to radial authority, Subs 2F and 4F; (4) remove the facilities limitation, Sub 2F; and (5) remove except OH, Sub 2F.

MC 144330 (Sub-96)X, filed January 20, 1982. Applicant: UTAH CARRIERS, INC., 3220 N Hwy 89, Layton, UT 84041. Representative: John T. Caine, 2568 Washington Blvd., Ogden, UT 84401. Lead and Subs 36, 37, 41, 43, 44, 45, 46, 47, 51, 57, 60, 61, 70, 81, 82, 83, 86, 87, 88, 92, and 93; broaden (1) from (a) plastic pipe, plastic tubing, plastic conduit, valves, fittings, compounds, joint sealer, bonding cement, primer, coating, thinner and accessories used in the installation of such products to "rubber and plastic products", lead and Sub 46, (b) lumber, treated wood products, doors, millwork, particleboard, composition lumber, rough lumber, and wooden pallets to "lumber and wood products", lead and Subs 36, 41, 57, 61, 70, 82, 88, and 47, (c) component parts, roofing, roofing products and materials, equipment, . . ., asphalt, and asbestos roofing, siding, fiberglass insulation, building blocks, wood finishing and preserving compounds, wallboard, gypsum products, plywood, particleboard, fiberboard, etc. to "building materials" lead and Subs 43, 45, 81, 86, 87 and 93, (d) conduit and conduit fittings, and iron

and steel articles to "metal products", lead and Subs 51, 60 and 92, (e) petroleum and petroleum products to "petroleum, natural gas and their products", lead, (f) clay pipe and accessories to "clay, concrete, glass, or stone products", lead, (g) betonite clay and lignite coal to "ores and minerals", Sub 37, (h) cereal binders, ceiling compounds, industrial flour and starches, and grain to "food and related products", Sub 44, (i) plastic-pipe, pipe fittings, building materials and supplies to "rubber and plastic products and building materials", Sub 83, (2) remove facilities restrictions, and change to county-wide authority (a) lead, Ponca City, OK (Kay County), McPherson, KS (McPherson County), Waco, TX (McLennan County), Social Circle, GA (Walton County), Halstead, KS (Harvey County), Huttig, AR (Union County), Winnfield, LA (Winn County), Gilmer, TX (Upshur County), Eldon, MO (Miller County), Broken Bow, OK (Mc Curtain County), Florence, CO (Fremont County); (b) Sub 36, St. Joseph, MO (Buchanan County), (c) Sub 44, McPherson, KS (McPherson County), (d) Sub 46, Rolla, MO (Phelps County), (e) Sub 47, Fayetteville and Van Buren, AR (Washington and Crawford Counties), Morris, OK (Okmulgee County), (f) Chickasaw, AL (Mobile County), (g) Sub 81, Diboll and Pineland, TX (Angelina and Sabine, Counties); (h) Sub 82, Sacramento, CA (Sacramento County), Yuba City, CA (Sutter County), (i) Sub 83, Shingle Springs, CA (El Dorado County), (j) Monroe, MI (Monroe County); (3) to radial authority lead and all subs; (4) remove: (a) Mercer exception, (b) restriction against service to Kansas City, MO and KS, St. Louis, MO-East St. Louis, IL, and Springfield, MO, in part (33) of lead, and (c) originating at and destined to restrictions, and commodities in bulk restrictions, wherever they appear.

MC 145059 (Sub-10)X, filed January 29, 1982. Applicant: SPINELLI BROS. TRUCKING, INC., 55 South Wade Boulevard, Millville, NJ 08332. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Subs 2F, 3F and 5F, (1) broaden Subs 2F and 5F frozen foodstuffs to "food and related products" and (b) Sub 3F drugs, toilet preparations, health care products, magnesium hydroxide, and alumina calcined to "chemicals and related products, and health care products;" (2) Subs 2F and 5F broaden Vineland, NJ to Cumberland County, NJ; (3) Sub 3F Lakewood, NJ, to Ocean County, NJ, Lewes, DE to Sussex County, DE, Reno, NV, to Washoe County, NV, and San Leandro, CA, to Alameda County, CA; (4) Subs 2F and 5F delete facilities restriction; (5) Sub 3F delete "in bulk" and "vehicles equipped with mechanical refrigeration" restriction, (6) Subs 2F, 3F and 5F to delete restriction at named origin and destination points, and (7) Subs 2F, 3F and 5F to radial service.

MC 146751 (Sub-14)X, filed January 21, 1982. Applicant: J. C. LAWRENCE TRUCKING, INC., P.O. Box 5331, Lake Station, IN 46405. Representative: Fred H. Daly, 2550 M Street, N.W., Washington, DC 20037. Sub-No. 5F: broaden: (1) Pipe, fitting, valves, valve boxes, hydrants, water boxes, and castings to "rubber and plastic products, instrument and photographic goods, clay, concrete, glass or stone products, metal products, and machinery"; (2) to radial authority.

MC 152724 (Sub-4)X, filed January 28, 1982. Applicant: MID-ATLANTIC FREIGHT CARRIERS, INC., 869 N. Liberty St., Harrisonburg, VA 22801. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. Sub 3 permit, broaden plastic articles and materials and supplies (except commodities in bulk), to "rubber and plastic products" and to between points in U.S., under continuing contract(s) with named shipper.

[FR Doc. 82-3629 Filed 2-10-82; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29812]

Rail Carriers; Illinois Central Gulf Railroad Co.-Exemption-Trackage Rights-Southern Railway Co.

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 Illinois Central Gulf Railroad Company (ICG) the right to operate over 23.6 miles of rail line owned by Southern Railway Company (Southern) from Corinth, MS to Middleton, TN.

DATES: Exemption effective on March 12, 1982. Petitions to stay the effective date must be filed by March 22, 1982, and the petitions for reconsideration of this action must be filed by April 1, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th and Constitution Ave., NW., Washington, DC 20423;
and
(2) Petitioner's representative: Howard D. Koontz, Senior General Solicitor, Illinois Central Gulf Railroad Company, 233 North Michigan Avenue, Chicago, IL 60601.

Pleadings should refer to Finance Docket No. 29812.

FOR FURTHER INFORMATION CONTACT: Richard A. Kelly (202) 275-7564.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in F.D. 29812. Copies of the full decision are available from: Office of Secretary, Interstate Commerce Commission, Room 2227, Washington, DC 20423; or by calling toll-free (800) 424-5403.

Dated: February 5, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-3627 Filed 2-10-82; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in an Action To Require Compliance With Provisions of Clean Air Act

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on December 31, 1981, a proposed consent decree in *United States of America* v. *Martin Marietta Corporation,* Civil Action No. G-81-932-CA7, was lodged with the United States District Court for the Western District of Michigan. The proposed decree requires Martin Marietta Corporation to comply with Michigan regulations restricting the visible emissions and the emission of particulate pollutants at Martin Marietta's facility in Manistee, Michigan. The proposed decree also requires that Martin Marietta pay a civil penalty of $100,000 for its violations of the Clean Air Act at the facility.

The proposed decree may be examined at (1) the Office of the United States Attorney, Western District of Michigan, 554 Federal Building, 110 Michigan Avenue, NW., Grand Rapids, Michigan 49503(2), (2) the Office of the Environmental Protection Agency, Enforcement Division, 230 S. Dearborn Street, Chicago, Illinois 60604 (3) and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section,

land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $3.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General of the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530, and should refer to *United States of America* v. *Martin Marietta Corporation*, DOJ Reference #90–5–2–1–464.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82–3646 Filed 2–10–82; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 82–5]

Government-Owned Inventions; Availability for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly foreign licensing.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application copies sold to avoid premature disclosure.

DATE: February 11, 1982.

FOR FURTHER INFORMATION CONTACT: National Aeronautics and Space Administration, John G. Mannix, Director of Patent Licensing, Code GP–4, Washington, D.C. 20546, telephone (202) 755–3954. Patent application 241,155: Heat Sealable, Flame and Abrasion Resistant Coated Fabric; filed March 6, 1981:

Patent application 270,763: Laser Rosonator; filed June 6, 1981.

Patent application 272,838: Method of Producting Custom Integrated Logic Circuits; filed June 12, 1981.

Patent application 280,152: Drop Foot Corrective Device; filed June 30, 1981.

Patent application 284,313: Method and Apparatus for Producing Concentric Hollow Spheres; filed July 17, 1981.

Patent application 285,194: Autocatalytic Coal Liquefaction Process; filed July 20, 1981.

Patent application 293,417: Reusable Captive Blind Fastener; filed August 14, 1981.

Patent application 293,418: A Silicon-Slurry/Aluminide Coating; filed August 14, 1981.

Patent application 293,419: Direct Current Ballast for Metal Halide Lamp; filed August 14, 1981.

Patent application 297,488: Powder Fed Sheared Dispersal Particle Generator; filed August 28, 1981.

Patent application 301,078: Leading Edge Flap System for Aircraft Control Augmentation; filed September 10, 1981.

Patent application 308,008: Spatial Energy Distribution; filed October 2, 1981.

Patent application 308,201: Elastomer Toughened Polyimide Adhesives; filed October 2, 1981.

Patent application 309,291: Variable Response Load Limiting Device; filed October 6, 1981.

Patent application 309,292: Tubing and Cable Cutting Tool; filed October 6, 1981.

Patent application 315,582: Heat Reflecting Field Stop; filed October 30, 1981.

Patent application 315,588: Slotted Variable Camber Flap; filed October 30, 1981.

Patent application 322,313: Precision Reciprocating Filament Chopper; filed November 17, 1981.

Patent application 325,083: Electrodes for Solid State Devices; filed November 25, 1981.

Patent application 325,885: Instrumentation for Sensing Moisture Content of Material Using a Transient Thermal Use; filed November 30, 1981.

Patent application 325,886: Triac Failure Detector; filed November 30, 1981.

Patent application 325,931: Fully Plasma-Sprayed Complaint Backed Ceramic Turbine Seal; filed November 30, 1981.

Patent application 325,932: Pulsed Thyristor Trigger Control Circuit; filed November 30, 1981.

Patent application 325,933: Conrolled In-Situ Etch-Back; filed November 30, 1981.

Patent application 327,659: Microwave Field Effect Transistor; filed December 4, 1981.

Patent application 328,760: Covering Solid, Film Cooled Surfaces With a Duplex Thermal Barrier Coating; filed December 8, 1981.

Patent application 330,613: Adapter for Mounting a Microphone Flush with the External Surface of the Skin of a Pressurized Aircraft; filed December 14, 1981.

Patent application 335,036: Method for Treating Wastewater Microorganisms and Vascular Aquatic Plants; filed December 28, 1981.

Dated: February 5, 1982.

S. Neil Hosenball,

General Counsel.

[FR Doc. 82–3620 Filed 2–10–82; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL COMMISSION ON SOCIAL SECURITY REFORM

Meeting

AGENCY: National Commission on Social Security Reform.

ACTION: Notice of meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Commission on Social Security Reform. This notice also describes the functions of the Commission. 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 27, 1982: 10 a.m. to 3 p.m.

ADDRESS: The Sheraton-Carlton Hotel, 16th and K Streets, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Robert J. Myers, Executive Director, 736 Jackson Place, N.W., Washington, D.C. 20503.

SUPPLEMENTARY INFORMATION: The National Commission on Social Security Reform is established by Executive Order No. 12335 dated December 16,1981 to provide appropriate recommendations to the Secretary of Health and Human Services, the President, and the Congress on long-term reforms to put Social Security back on a sound financial footing.

The meeting of the Commission is open to the public. The proposed agenda includes:

Discussion of the scope of and approach to the work of the Commission.

Discussion of the staffing plans for the Commission.

Presentation of historical developments of the Social Security Program.

Such new business as the chairman or the membership may put before the Commission.

Records are kept of all Commission proceedings, and are available for public inspection at the office of The Executive Director, National Commission on Social Security Reform,

736 Jackson Place, N.W., Washington, D.C. 20503.

Robert J. Myers,

Executive Director.

[FR Doc. 82-3736 Filed 2-10-82; 8:45 am]

BILLING CODE 3115-01-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

Operations and Relocation Procedures; Financial Assistance

AGENCY: Navajo and Hopi Indian Relocation Commission (Commission).

ACTION: Announcement of Discretionary Funds Program and Request for proposals.

SUMMARY: The Navajo and Hopi Indian Relocation Commission is requesting proposals from those interested parties that might qualify for funding under the Discretionary Fund, §§ 700.457(a) and 700.459(a). The purpose of the Discretionary Fund is to provide financial assistance to activities which will facilitate and expedite the relocation and resettlement of individuals under Pub. L. 93-531 and ease the hardship incurred by these individuals.

The Commission has determined that the most significant problems facing the Commission are the acquisition of suitable land for the benefit of relocatees and the employment needs of relocatees. The Commission has also determined that not less than 70 percent of the Fiscal Year 1982 Discretionary Fund may be used for Category I (25 CFR 700.459) type projects and up to 30 percent of the Fiscal Year 1982 Discretionary Fund may be used for Category II (25 CFR 700.457) type projects. Those eligible to apply for financial assistance under this subpart include states, local governments, the Navajo and Hopi Tribes, tribal chapters, profit and non-profit organizations, and individuals.

The Commission has $500,000 available for obligation during Fiscal Year 1982. In order to be considered for funding in Fiscal Year 1982, applications should be submitted to the Commission by March 31, 1982. Applicants must submit a separate application for each project. Such applications must be on Commission forms.

EFFECTIVE DATE: February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Anna L. Hernandez, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone No.: (602) 779-3311, Extension 1591, FTS: 261-1591.

SUPPLEMENTARY INFORMATION: List of Priorities.

Category I Funds (25 CFR 700.459) Up to 100 Percent Funding

Those research and development projects which will materially assist the Navajo Tribe and relocatees in the evaluation, selection, acquisition, and planning of land sites identified by the Commission as suitable for relocation purposes and uses which include the following:

1. Residential/Community Development.
2. Agricultural/Grazing Uses.
3. Commercial/Industrial Development.
4. Labor Market Analysis and Job Development Counseling.

Those projects concerning Residential/Community Development, Agricultural/Grazing Uses, or Commercial/Industrial Development which specifically address the following will be given first consideration:

Water Resources Exploration
Soil Analysis
Accessibility Studies (transportation/communication)
Agricultural Development Potential
Commercial Development Potential
Industrial Development Potential

Category II Funds (25 CFR 700.457) Up to 30 Percent Funding

Those research and development projects which will materially assist the tribes, host communities, towns, cities, and other entities, in the identification and accommodation of needs to assist families subject to relocation which include the following:

1. Job Development and Counseling Services.
2. Post-Move Counseling and Referral Services.

(25 U.S.C. 640d-25)

Hawley Atkinson,

Chairman.

[FR Doc. 82-3719 Filed 2-10-82; 8:45 am]

BILLING CODE 6820-BB-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Council on the Arts; Design Arts Panel (Design Demonstration); Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Panel (Design Demonstration) to the National Council on the Arts to be held March 3-4, 1982, from 8:30 a.m.-6:00 p.m. in Room 1426 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 82-3701 Filed 2-10-82; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Forums & Publications), Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Forums & Publications) to the National Council on the Arts will be held on March 8-9, 1982, from 9:00 a.m.-5:30 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.
February 3, 1982.
[FR Doc. 82-3636 Filed 2-10-82; 8:45 am]
BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 76 to Facility Operating License No. DPR-31 and Amendment No. 70 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments change the moderator temperature coefficient for power operation less than 70 percent.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 10, 1982, as supplemented on January 20 and 28, 1982, (2) Amendment Nos. 76 and 70 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of February, 1982.

For the Nuclear Regulatory Commission.
Steven A. Varga,
Chief, Operating Reactors Branch No. 1, Division of Licensing.
[FR Doc. 82-3710 Filed 2-10-82; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

February 8, 1982.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirments under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available).

The office of the agency issuing this form;

The title of the form; The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal Budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF DEFENSE

Agency Clearance Office—John V. Wenderoth—703–697–1195

New

• Departmental and Others
Monthly Report of Existence
AFAFC 0–126 0–127
Monthly
Individuals or households
Military retirees living overseas declared mentally incomp.
Department of Defense-Military: 30,000 responses; 1,500 hours; $90,629 Federal cost; 2 forms; $20,250 public cost; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

To receive an annuity, the recipient must submit a report of existence monthly if residing overseas if the check is mailed to an individual holding the recipient's power of attorney or to a guardian, trustee, or conservator if the recipient has been declared mentally incompetent. The reports are routinely used to release the next month's payment.

• Department of the Air Force
Advance Payment Transactions and Status
Semiannually
Businesses or other institutions
Colleges and universities
SIC: 822
Department of Defense-Military: 24 responses; 384 hours; $1,680 Federal cost; 1 form; $6,720 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The Assistant Secretary of the Air Force for Financial Management requires that all advance payments to universities be monitored to ensure that cash management arrangements by the universities are satisfactory. Of particular concern is the amount of idle cash on hand and the length of time it remains idle. Originally, levied by letter, the reporting requirement is now imposed as part of the contracts between the universities and the Air Force.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Departmental Management
A Study of the Financing of Graduate Medical Education
OS–1–82
Nonrecurring
Businesses or other institutions
Nurses, physicians, physician extenders
SIC: 801
Public assistance and other income supplements: 2,800 responses; 1,780 hours; $820,955 Federal cost; 6 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This project will collect primary data on financial status and production of teaching hospitals and physicians. It will be used to develop legislative proposals (competition) regulatory reform and grant policies. The data collected will be a pretest of an activity analysis log for physicians, nurses and hospital personnel.

• Health Care Financing Administration
Medicaid Management Information System
HCFA–R–4
On occasion, other—SEE SF83
State or local governments
State agencies administering the medicaid program
SIC: 919
Health: 40 responses; 1,057,800 hours; $22,800,000 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The medicaid management information system (MMIS) is a state-operated, federally-mandated, computer system used for medicaid claims processing and program management. These data elements represent the federally imposed recordkeeping requirements of the MMIS.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Research and Special Programs Administration
Verification of Acetylene Container Pressure
Other—see SF83
Businesses or other institutions
Manufacturers of acetylene
SIC: 281
Other transportation: 12,500 responses; 312 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

To verify that the pressure in acetylene cylinders filled on a particular day do not exceed the pressure specified in the regulations.

• Research and Special Programs Administration
Request for Competent Authority in Accordance With IAEA Regulations
Nonrecurring
Businesses or other institutions
Shippers of radioactive materials
SIC: 369; 381, 344, 361
Other transportation: 150 responses; 150 hours; $3,800 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Used by the department and shippers to ascertain that ram shipments designated as being prepared in accordance with the IAEA regulations have been so prepared.

• Research and Special Programs Administration
Applicable Competent Authority Certificate
Nonrecurring
Businesses or other institutions
Shippers of radioactive materials
SIC: 369, 281, 344, 361
Other transportation: 150 responses; 75 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Used by the department and shippers to ascertain that those countries which have adopted the International Atomic Energy Agency regulations will accept RAM shipments being exported from this country.

• Research and Special Programs Administration
Record Retention Requirement for Special Form Material
On occasion
Businesses or other institutions
Shippers of radioactive materials
SIC: 369, 281, 344, 361
Other transportation: 1,000 responses; 500 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

To ascertain that the material was or was not a special form material for investigations involving shipments.

• Research and Special Programs Administration
Shippers With Foreign Competent Authority
Nonrecurring
Businesses or other institutions
Shippers of radioactive materials
SIC: 369, 281, 344, 361
Other transportation: 75 responses; 75 hours; $1,875 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

To ascertain that shippers with foreign competent authorities do, in reality, have them and are following their requirements when shipping RAM into the United States.

• Research and Special Programs Administration
Special Form Material Certificate
On occasion
Businesses or other institutions
Shippers of radioactive materials

SIC: 369, 281, 344, 361
Other transportation: 100 responses; 50 hours; $1,250 Federal cost; 1 form; not applicable under 3504 (h)
Donald Arbuckle, 202–395–7340

Used by the department and shippers to verify that materials being shipped as special form materials are such and are being properly shipped so that they will be accepted into countries which have adopted the IAEA regulations.

• Research and Special Programs Administration
Anhydrous Ammonia Records
Other—see SF83
Businesses or other institutions
Producers/shippers of anhydrous ammonia
SIC: 281
Other transportation: 2,800 responses; 1,400 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

To ascertain that anhydrous ammonia being shipped in MC 330 and MC 331 cargo tanks constructed of QT steel has a minimum water content of 0.2% to prevent stress corrosion of the cargo tanks.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

Reinstatements

• Reporting & Recordkeeping of Ambient Air Quality Data, Precision and Accuracy Data & Related Data (940)
No. of forms
940
Quarterly/annually/other—see SF83
State or local governments/businesses or other institutions
State air poll. ctrl. agencies & mum. ag. serv. 500,000 pop.
SIC: 951
Pollution control and abatement: 4,043 responses; 31,115 hours; $2,050,000 Federal cost; 8 forms; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This ICR includes recordkeeping and reporting of ambient and precision and accuracy data to EPA key uses include judging attainment of ambient standard, assessing effectiveness of State control and QA programs, evaluating revisions of State implementation plans, developing natl. control policies and trends assessments, new source reviews and model development.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513.

New

• Equal Employment Opportunity Program—5 Point Model
Program and Guidelines
FCC 396–A
On occasion
Businesses or other institutions
Licensees of AM, FM & comcl. & non-comcl. broadcst. stas.
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 1,432 responses; 1,432 hours; $22,497 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814.

This program provides comprehensive and clearly-defined practices to assist the non-exempt broadcast applicant in developing an effective EEO program and may be used by the licensee for self-evaluation. It also assures the Commission that equal employment opportunity is being provided by the licensee.

Extensions (Burden Change)

• Equal Employment Opportunity Program—10 Point Model
Program and Guidelines
FCC 396
Other—See SF83
Businesses or other institutions
Licensees of AM, FM & TV comcl. & non-comcl. broadcst. stas.
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 3,619 responses; 12,666 hours; $170,563 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814.

This program provides comprehensive and clearly-defined practices to assist the non-exempt broadcast applicant in developing an effective EEO program and may be used by the licensee for self-evaluation. It also assures the Commission that equal employment opportunity is being provided by the licensee.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—William Jones—202–452–2983.

New

• Survey of Transaction Activity in Money Market Mutual Fund Accounts
FR 3020
Nonrecurring
Businesses or other institutions
Money market mutual funds
SIC: 672
General government: 60 responses; 960 hours; $16,200 Federal cost; 1 form; $14,400 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880.

Information provided by survey will help staff to ascertain the extent to which money market funds shares are used for transaction purposes. Survey data will be used to assess the degree to which funds have shifted from M1 accounts to MMF accounts and will help explain some of the recent movements in the monetary aggregates.

• Monthly Survey on the Amount Outstanding in IRA/Keogh Plan Accounts
FR 2970
Monthly
Businesses or other institutions
Depository institutions
SIC: 602, 603, 612, 614
General government: 85,200 responses; 21,300 hours; $125,000 Federal cost; 1 form; $319,500 public cost; not applicable under 3504 (h)
Richard S. Stavneak, 202–395–6880.

These data are used to monitor the growth of deposits held in IRA and Keogh plan accounts for use in interpreting the monetary aggregates.

Revisions

• Report of Condition and Income
FFIEC 010, 011, 011J, 012, 013, 013J, 013S, 014, 015
Quarterly/semiannually/annually
Businesses or other institutions
State chartered member commercial banks
SIC: 602
Small businesses or organizations
General government: 6,625 responses; 115,221 hours; $292,453 Federal cost; 9 forms; $2,304,420 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880.

These reports provide for all State member banks a quarterly summary statement and detail schedules of assets, liabilities, and capital accounts in the form of a condition report, and summary statement and detail schedules of operating income and expenses, sources and disposition of income and changes in equity capital in the form of a income statement.

Extensions (Burden Change)

• Ongoing Intermittent Surveys of Households
FR 3016
On occasion
Individuals or households
Occasional samples of 700 households nationwide

General government: 8,400 responses; 467 hours; $107,580 Federal cost; 1 form; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

This information is needed by Federal Reserve Board and Federal Open Market Committee to enhance interpretation of nonetary aggregates and effects of monetary policy. The Board also requires this information to fulfill its statutory responsibilities to administer consumer credit regulations.

- Ownership of Demand Deposit Accounts of Individuals, Partnerships and Corporations

FR 2591
Quarterly
Businesses or other institutions
Sample of commercial banks
SIC: 602
Small businesses or organizations
General government: 784 responses; 964 hours; $9,133 Federal cost; 1 form; $14,460 public cost; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

This report, which collects information on demand deposits in five ownership categories, is used by the Fedeareal Reserve to explain the implications of short-run variations in the money supply. Specifically, these data aid in determining whether shifts in the money supply are due to changes in sector distribution or to behavioral changes within a given sector.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202–357–7811

New

- Adoption of Innovation by Local Governments (Program Planning and Evaluation)

Nonrecurring
State or local governments
Local govts. in 50,000–500,000 pop. range (1970 Census)
SIC: 911
General science and basic research: 381 responses; 79 hours; $3,400 Federal cost; 1 form; not applicable under 3504(h)
Anita T. Ducca, 202–395–7340

Survey is part of project for evaluation of NSF-funded urban technology system. Two objectives of system were accelerating and increasing the amount of innovation in local governments of 50,000 to 500,000 population range. Survey will provide information increasing the amount of innovation in local governments of 50,000 to 500,000 population range. Survey will provide information necessary for determining whether those objectives were achieved.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

Extensions (No Change)

- Certificate of Responsibility of Minor Applicant

G–468
On occasion
Individiuals or households
Minor applicant for benefits under RRA
General retirement and disability insurance: 800 responses; 133 hours; $27,300 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Under section 12 of the Railroad Retirement Act, a minor, age 16 to 18 years entitled to benefits under the act, may have benefits paid directly, in lieu of payment on his or her behalf, to a legal guardian or representative payee. The certificate will obtain, from the minor, information on schooling, work and use to be made of the benefits. The information will be used to determine if the benefits should be paid directly to the minor.

Arnold Strasser,

Acting Chief, Reports Management.

[FR Doc. 82–3742 Filed 2–10–82: 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12211]

Municipal Fund for Temporary Investment, Inc.; Filing of an Application for an Order, Pursuant to Section 6(c) of the Act, Amending a Previous Order Which Exempted Applicant From the Provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 Thereunder

Notice is hereby given that Municipal Fund for Temporary Investment, Inc. ("Applicant"), Suite 204, Webster Building, Concord Plaza, 3411 Silverside Road, Wilmington, Delaware 19810, (812–4970) registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on September 15, 1981, and amendments thereto on November 3, 1981, and January 22, 1982, requesting an order of the Commission, pursuant to section 6(c) of the Act, amending a prior order dated December 19, 1980 (Investment Company Act Release No. 11500), which exempted applicant from the provisions of section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value its portfolio securities using the amortized cost method of valuation. The prior order was granted subject to certain conditions including a prohibition against the purchase by Applicant of any instrument with a remaining maturity of greater than one year and a requirement that Applicant maintain a dollar-weighted average portfolio maturity of 120 days or less. The requested amended order would permit Applicant to purchase variable rate demand notes as described below and to consider the maturity of such notes as the longer of the notice period required before Applicant would be entitled to prepayment on the note or the period remaining until the note's next interest rate adjustment. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant was organized by Shearson/American Express, Inc. ("Shearson"), its administrator and distributor, to be a companion to two money market funds also sponsored by Shearson in order to provide institutional investors with the alternative of earning tax-exempt income on the investment of short-term cash reserves. Applicant states that its investment objective is to provide as high a level of current interest income exempt from federal income taxes as is consistent with relative stability of principal and that it invests in short-term obligations issued by or on behalf of states, territories and possessions of the United States and the District of Columbia or their political subdivisions, agencies, instrumentalities or authorities. Accordingly, Applicant states that it may not purchase "money-market" or other taxable obligations, but that during defensive periods or when suitable tax-exempt obligations are unavailable, it may hold uninvested cash reserves. Applicant further states that it does not seek profits through short-term trading but intends to hold its portfolio securities to maturity.

As permitted by the prior exemptive order, Applicant states that it seeks to maintain a $1.00 constant net asset value per share and a relatively stable daily dividend by keeping its dollar-weighted average portfolio maturity under 120 days, excluding from dividends unrealized gains and losses and gains and losses realized on the disposition of portfolio securities prior to maturity, and computing net asset value per share according to the amortized cost method of portfolio valuation.

Applicant states that a proliferation of tax-exempt mutual funds has significantly increased the demand for short-term tax-exempt instruments and, as a result, available yields on such instruments have declined. At the same time, according to Applicant, certain issuers of tax-exempt instruments have sought to lengthen their terms in order, among other things, to decrease the transaction costs associated with repeated shortterm issues. According to the application, in order to induce longer term borrowing relationships, issuers have begun offering higher yields on variable rate notes containing a demand feature allowing either party to terminate the obligation within relatively short notice periods. The Applicant believes that the acquisition of such variable rate demand notes would provide shareholders with a higher tax-exempt return without subjecting them to increased investment risk.

Applicant proposes to acquire, normally in negotiated transactions with the issuers, tax-exempt variable rate demand notes having the following features: (1) Each note would have an interest rate determined by a prescribed formula and adjusted at periodic intervals not to exceed one year; (2) Applicant could at any time demand prepayment of the unpaid principal balance plus accrued interest thereon and would be entitled to prepayment within a prescribed notice period not to exceed seven calendar days; (3) issuers could, at their discretion, prepay the outstanding principal plus accrued interest thereon upon notice to Applicant within a period comparable to the notice period required for Applicant to demand prepayment; (4) absent an earlier exercise by Applicant or an issuer of their respective prepayment privileges, the principal and interest under each note would be payable on a date exceeding one year from the date of purchase by Applicant; (5) each note purchased by Applicant would be determined under procedures prescribed by Applicant's board of trustees to present minimal credit risks and would be rated by a major rating service within its two highest rating categories or, if not rated, would be determined by the board of trustees to be comparable to tax-exempt securities which are of "high quality" (i.e., within the two highest ratings assigned by any major rating service). Applicant states that the issuer's obligation to pay principal on its notes would be supported by an irrevocable, unconditional bank letter of credit where necessary to ensure that the notes were of "high quality" (i.e., in all cases where the board of trustees could not determine that a note is of "high quality" without a letter of credit). If a letter of credit is a feature of a note when it is purchased by Applicant, the note would always be supported by such letter of credit unless the rating of the note rose to within the two highest grades without the letter of credit.

Applicant represents that its adviser intends to evaluate not less frequently than monthly the credit of the issuers of notes and the backing banks in accordance with existing procedures used to evaluate the quality of other portfolio securities. Applicant further represents that, as required by the prior order, it will dispose of any note (by exercising the demand privilege where beneficial) where, due to an adverse change in the issuer's credit, Applicant's board of trustees or any rating service concluded that the note was no longer of "high quality."

Applicant states that it would normally have an unconditional right to sell the notes at any time. However, according to the application, any note that would not be freely assignable would be required to be backed by an irrevocable, unconditional bank letter of credit. According to Applicant, banks issuing such letters of credit would, in the adviser's opinion, present minimal risk of default and would be major United States commercial banks having outstanding certificates of deposit suitable for portfolios of "high quality" short-term "money market" instruments.

Under the prior order, Applicant may compute its net asset value per share according to the amortized cost method subject to certain conditions, inluding, *inter alia*, a requirement that Applicant neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.

Applicant proposes to acquire variable rate demand notes as described above and to consider the maturity of such notes, for purposes of computing its dollar-weighted average portfolio maturity, as the longer of the notice period required before Applicant is entitled to prepayment under the note, or the period remaining until the note's next interest rate adjustment. Applicant submits that its proposed acquisition of variable rate demand notes and the method for determining their maturity for purposes of computing dollar-weighted average portfolio maturity are consistent with the intent of the conditions set forth in the prior order.

According to the application, there are two general reasons for restricting the maturities of Applicant's portfolio securities. First, lengthening the period to maturity of a fixed rate debt security valued according to the amortized cost method generally increases the risk that unrealized gains or losses will cause the security's amortized cost value to deviate materially from its current market value. Applicant refers to this risk, (because it primarily results from fluctuations in prevailing interest rates) as "market risk." Applicant states that the prior order limits the allowable average period to maturity of the portfolio in order to reduce its market risk. The second reason for limiting maturity, according to the application, is that the "credit risk" represented by an instrument is generally perceived to increase as the instrument's maturity is lengthened. Applicant states that its credit risk is controlled under the prior order by the requirement that its portfolio be limited to securities of "high quality" which mature in one year or less.

According to the application, Applicant believes that neither its proposed purchase of variable rate demand notes nor its proposed method of computing its dollar-weighted average portfolio maturity would violate the intent of the conditions under the prior order. Applicant states that because a note's interest rate adjustment provision reflects the prevailing rate from time to time on comparable tax-exempt securities, unrealized gains and losses with respect to any note would be eliminated as of each interest rate adjustment date. Absent unusual circumstances, Applicant states that the rate adjustment provision would permit the notes to be sold at par on each interest rate adjustment date. If the interest rate, as adjusted, did not sufficiently eliminate material unrealized appreciation or depreciation on the adjustment date (due to unforeseen circumstances other than a decline in the rating of the notes to below "high quality"), Applicant would undertake to demand prepayment of the note in full. Applicant also states that it would sell the notes or exercise its demand privilege (whichever were more beneficial) if, due to an adverse change in the issuer's credit, the notes were no longer of "high quality." Applicant believes that the maturity of a note for purposes of determining its market risk is appropriately measured by the period remaining to the next interest rate adjustment and that the maturity of a note for purposes of determining its credit risk is appropriately measured by the notice period required before

Applicant is entitled to prepayment in full. Applicant states that for purposes of measuring either of these risks, the maturity of a note would never exceed one year.

Applicant further states that where the period until the next interest rate adjustment is different from the notice period required for payment, it would utilize the longer of the two periods for purposes of computing weighted average maturity. According to Applicant, this approach would be the most conservative under the circumstances.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, 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 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 requests an order pursuant to section 6(c) of the Act amending the prior order to the extent necessary to permit it to (1) acquire variable rate demand notes and value them by use of the amortized cost valuation method and (2) compute its dollar-weighted average portfolio maturity as proposed.

Applicant asserts that the requested relief is appropriate and in the public interest. According to Applicant, the ability to purchase notes is appropriate because it does not increase the credit or market risks to which Applicant and its shareholders will be exposed and is in the public interest because it would permit Applicant to purchase portfolio securities with possible higher yields than would be available for fixed rate securities of comparable quality.

Notice is further given that any interested person may, not later than March 1, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application acompanied 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 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.

February 4, 1982.

[FR Doc. 82-3718 Filed 2-10-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18470; File No. SR-SCCP 82-1]

Self-Regulatory Organizations; Stock Clearing Corp. of Philadephia; Relating to Fines for Late Money Settlement

Pursuant to section 19(b) (1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 29, 1982 Stock Clearing Corporation of Philadelphia filed with the Securities and Exchange Commission the proposed rule change as described in items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadephia (SCCP) proposes to set a procedure for levying fines against participants which fail to make timely money settlement. This procedure is pursuant to SCCP Rule 10 (Money Settlement), which states:

> Between 2:00 P.M. and 2:45 P.M. each day, payment shall be the due Stock clearing Corporation or the delivering clearing member for the difference between the amounts due on the securities received from and delivered to each clearing member.
>
> At its discretion, however, Stock Clearing Corporation may make interim payments to delivering members or may demand interim payments from receiving members.

And SCCP Rule 24 (Fines), which states:

> Fines may be imposed in such amount as Stock Clearing Corporation may deem proper for violation of the foregoing regulations by clearing members or their employees; also for errors or delays in making out and presenting the proper forms to Stock Clearing Corporation.

The SCCP Board of Directors has authorized the following policy regarding fines for failure to make timely money settlement:

1. A written warning will be issued for the first settelment violation.
2. An interest charge will accompany the warning notice if settlement is not paid on settlement date plus one in Federal Funds.
3. A second offense (in a twelve month period) will result in a $250.00 fine in addition to an interest charge, if applicable.
4. A third offense (in a twelve month period) will result in a $500.00 fine plus an interest charge, if applicable.
5. If a participant has more than three settlement violations in a twelve month period, the member will be referred to the SCCP Board of Directors for appropriate action.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to protect SCCP and its members from the increased risk and interest costs which result when one or more members fail to make timely money settlement. It is inequitable for the actions of a few members to jeopardize the welfare of the corporation and its members who do make timely money settlement. Therefore, a procedure for levying fines against delinquent members has been set by the SCCP Board of Directors pursuant to Rule 24 relating to fines.

The proposed rule change is consistent with the requirements of section 17A(b)(3)(F) of the Securities Exchange Act of 1934 (the Act) in that it

promotes the prompt and accurate clearance and settlement of securities transactions for which SCCP is responsible.

B. Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not perceive any impact on competition, negative or positive, resulting from the proposed rule change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change

Comments on the proposed rule change have been neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before March 4, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 4, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–3717 Filed 2–10–82; 8:45 am]

BILLING CODE 8010–01–M

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

AGENCY: Synthetic Fuels Corporation.

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are invited to attend and observe a meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings. During the meeting, the Board of Directors may consider a resolution to close a portion of the meeting pursuant to Article II Section 4 of the Corporation's By-laws, Section 116(f) of the said Act and Sections 4 and 5 of the said policy.

Meeting Open to the Public—8:30 a.m.

1. Approval of Minutes of Prior Meeting.
2. Management Report.
3. Compensation Policy, Salaries, Employee Relocation Policy.
4. Directors' and Officers' Insurance.
5. Ratification of Actions re Department of Energy Projects.
6. Standards of Conduct Policy.

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

Time and Date: 8:30 a.m., February 16–17, 1982

Place: Mayflower Hotel, Washington, D.C.

Person to Contact for More Information: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 653–4230.

United States Synthetic Fuels Corporation.

Edward E. Noble,

Chairman of the Board.

February 5, 1982.

[FR Doc. 82–3610 Filed 2–10–82; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Airports District Office at Valley Stream, New York; Relocation and Merger

Notice is hereby given that on or about March 1, 1982, the Valley Stream, New York, Airports District Office will be relocated and merged with the Regional Office Airports Division. The Regional Office will administer the Airports Program for the States of New York and New Jersey. Communication to the Airports Division should be addressed as follows: Airports Division, Department of Transportation, Federal Aviation Administration, Eastern Regional Office, J.F.K. International Airport, Jamaica, New York 11430.

(Sec. 313(a) of the Federal Aviation Act of 1958, 72 Stat. 752, 49 U.S.C. 1354)

Issued in New York, New York on February 2, 1982.

Timothy L. Hartnett,

[FR Doc. 82–3754 Filed 2–10–82; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–82–3]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

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). 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 22, 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 Fegruary 8, 1982.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of Relief Sought
22567	Air Transport Assoc	14 CFR § 121.311(f)	To permit certain of petitioner's member airlines to operate their aircraft after the March 6, 1982, compliance date for the requirement that each flight attendent have a seat in the passenger compartment for takeoff and landing with a combined safety belt and shoulder harness.

[FR Doc. 82–3753 Filed 2–10–82; 8:45 am]

BILLING CODE 4910–13–M

Advisory Committee; Establishment and Invitation To Participate: National Airspace Review (NAR)

Announcement: Notice is given of the establishment of the National Airspace Review (NAR) Advisory Committee. This Advisory Committee stems from informal meetings held by the Federal Aviation Administration (FAA) in May of 1981 on a proposed review of airspace and procedural aspects of the National Airspace System. The Administrator of the Federal Aviation Administration is the sponsor of the Committee. The membership will include experts from the Government, the aviation industry, and those representing the viewpoints of other elements of the aviation community. Non-Federal members of the Committee do not become Government employees. They serve without compensation and at their own expense. The Committee will make recommendations to the FAA on airspace and procedural areas identified in the NAR Plan to make the system more effective and efficient for all airspace users.

Public Interest: The Secretary of Transportation has determined that the formation and use of the Committee is necessary in the public interest in connection with duties imposed on the Federal Aviation Administration by law. Meetings of the Committee will be open to the public except as provided for in Section 10(d) of the Advisory Committee Act.

Issued in Washington, D.C. on February 4, 1982.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 82–3437 Filed 2–10–82; 8:45 am]

BILLING CODE 4910–13–M

Sensenich Fixed-Pitch Wood Model W76KY-( ) Propeller Certification and Availability of Documents

The formal certification process for the Sensenich Model W76KY-( ) Propeller initiated in May 1981 was completed January 11, 1982.

The Acting Director of the FAA Central Region has reviewed a document entitled "Decision Basis for the Type Certification of the Sensenich Fixed-Pitch Wood Model W76KY-( ) Propeller." Based on this summary of the certification process, the Acting Director has approved issuance of Type Certificate P62GL dated January 11, 1982.

A copy of the "Decision Basis for the Type Certification of the Sensenich Fixed-Pitch Wood Model W76KY-( ) Propeller" is on file in the FAA Rules Dockets. The "Decision Basis" includes a copy of Type Certificate P62GL. The report is available for examination and copying at the FAA Rules Docket, Room 916, 800 Independence Avenue, SW, Washington, DC. Copies of the report may be obtained from the Director, FAA Central Region, 601 E. 12th St., Kansas City, MO 64106.

Issued in Kansas City, MO, on January 29, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82–3436 Filed 2–10–82; 8:45 am]

BILLING CODE 4910–13–M

Federal Aviation Administration Aircraft Certification Organization and Procedures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public briefing and availability of FAA orders.

SUMMARY: The purposes of this notice are to announce:

(1) Public availability of FAA Order 8000.51, Aircraft Certification Directorates, dated February 1, 1982, which establishes a new aircraft certification organization within the FAA;

(2) Public availability of a draft FAA Order 8100.5, Aircraft Certification Procedures Handbook, dated February 1, 1982, which introduces certain changes in the FAA's internal procedures for aircraft certification;

(3) A public briefing to describe the new aircraft certification organization and to answer questions will be held on Friday, March 12, 1982, beginning at 9:30 a.m. in the auditorium, 3rd Floor, Federal Aviation Administration Building, 800 Independence Avenue, SW., Washington, D.C. 20591.

Background: By issuance of Order 8000.51, the FAA has effective February 1, 1982, completed implementation of an organizational change for the accomplishment of its aircraft certification programs, including type, production, original airworthiness, and related activities. The new organization consolidates program direction and management in four regionally located Aircraft Certification Directorates, each having special delegations of authority for a particular class of product.

The FAA has also prepared a draft Aircraft Certification Procedures Handbook to provide procedures and policy guidance for the operation of Aircraft Certification Directorates and to establish working relationships within and between Directorates, and between Directorates and Washington offices and services. The draft order will be used by the FAA as interim operating procedures until the handbook is issued in final form. Interested persons are invited to participate in the finalization

of these procedures by submitting such written comments as they may desire.

DATE: Comments on draft Order 8100.5 must be received on or before May 13, 1982.

ADDRESS: Send all comments on the draft to Federal Aviation Administration, Office of Airworthiness, Attention: Mr. Robert Berman (AWS-140), 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Berman, Propulsion Branch (AWS-140), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426-8200.

Availability of Documents: A copy of Order 8000.51 and draft Order 8100.5 may be obtained by contacting the person identified under "For Further Information Contact."

M. C. Beard,

Director of Airworthiness.

February 5, 1982.

[FR Doc. 82-3625 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 142—Air Traffic Control Radar Beacon System/Mode S Airborne Equipment; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 142 on Air Traffic Control Radar Beacon System/Mode S Airborne Equipment to be held on March 2-3, 1982 in Conference Rooms 9A-B-C, Federal Aviation Administration Building, 800 Independence Avenue, SW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Tenth Meeting Held on September 22-23, 1981; (3) Review Fifth Draft of Minimum Operational Performance Standards for Air Traffic Control Radar Beacon System/Mode S Airborne Equipment; (4) Identification of Unresolved Issues; (5) Assignment of Tasks to Complete Committee Actions; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on February 1, 1982.

Karl F. Bierach,

Designated Officer.

[FR Doc. 82-3626 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Pittsfield, Massachusetts

AGENCY: Federal Highway Administration, 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 Pittsfield, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Environmental Specialist, Federal Highway Administration, 31 St. James Avenue, Room 211, Boston, Massachusetts 02116, Telephone: (617) 223-2875.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Massachusetts Department of Public Works, will prepare an environmental impact statement (EIS) on a proposal to improve a 1.5-mile section of U.S. Route 7 in Pittsfield, Massachusetts. The proposed improvement would involve the reconstruction of the existing U.S. Route 7 along the eastern shore of Pontoosuc Lake. The reconstructed roadway will provide a 12-foot travel lane and an 8-foot shoulder in each direction. Also included in this proposal is the replacement of the Hancock Road Bridge over the West Branch of the Housatonic River, improvements to the Hancock Road intersection with U.S. Route 7, and improvements to drainage. These improvements are considered necessary in order to alleviate hazardous conditions that presently exist along U.S. Route 7 caused by a lack of shoulders, hazardous curves, poor sight lines and the poor condition, alignment, and width of the bridge.

Alternatives under consideration include: (1) Taking no action; (2) reconstructing Route 7 in place, with minimum realignment; and (3) reconstructing Route 7 with 1500 feet to be constructed on a new alignment.

All appropriate Federal, State, and local agencies, as well as private organizations and citizens who express interest in this proposal, will be kept informed of the progress of the EIS throughout the preparation process.

The Draft EIS will be available for public and agency review and comment. In addition, a public hearing will be held. A formal scoping meeting will be held on February 25, 1982 at 2 p.m. at the Pittsfield City Hall, Pittsfield, Massachusetts.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identifed, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided.

(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: February 4, 1982.

P. Robinson,

Transportation Planner, Boston, Massachusetts.

[FR Doc. 82-3642 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-22-M

Federal Highway Administration

Environmental Impact Statement; Valencia County, New Mexico

Correction

In FR Doc. 82-2158 appearing on page 4189 in the issue for Thursday, January 28, 1982, please make the following corrections:

(1) In the first column, in the first paragraph under "Supplementary Information" in the 18th and 20th lines, the word "to" should have been "two" in each sentence.

(2) In the same paragraph, beginning in the 25th line and running through the 4th line from the top of the second column, there is a description of building alternatives. This description contains serious typographical errors. For the convenience of the user, the end of this paragraph is republished below. The corrected material begins by replacing the last two words of line 25 and continues through the end of the paragraph as follows:

* * * The build alternatives west of the river include widening the existing 2-lane section to 4 lanes within the existing right-of-way and widening to 4 lanes with a continuous left turn lane. The build alternatives east of the river include widening to 4-lane along the existing alignment and widening to 4

lanes partially along the existing alignment then realigning N.M. 49 to a new intersection with N.M. 47 approximately ½ mile south of the existing intersection. The existing bridge across the Rio Grande will accommodate 4 lanes meeting present standard and will not be modified.

BILLING CODE 1505-01-M

Federal Railroad Administration

[FRA Docket No. AM-80-1]

National Railroad Passenger Corp. and Grand Trunk Western Railroad Co.; Hearing

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice of hearing cancellation.

SUMMARY: This notice announces the cancellation of a hearing scheduled to consider the National Railroad Passenger corporation's (Amtrak) appliction filed pursuant to 45 U.S.C. 562(f) for an order requiring Grand Trunk Western Railroad Company to accelerate the speed at which it operates Amtrak's passenger trains between Battle Creek and Port Huron, Michigan. The hearing was scheduled for February 3–5, 1982 and was announced in a **Federal Register** notice dated December 3, 1981, 46 FR 58772. The hearing has been cancelled in response to Amtrak's request that the proceeding be dismissed.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Fashouer, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–7710.

John H. Broadley,

Chief Counsel.

[FR Doc. 82-3431 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-06-M

Record of Decision: Replacement of Shaw's Cove Bridge and Approaches, New London, Connecticut

Pursuant to the Regulations of the Council on Environmental Quality (40 CFR, Part 1505) and the Implementing Procedures of the Federal Railroad Administration (45 FR 40854).

Decision

The Federal Railroad Administration (FRA), an operating agency within the U.S. Department of Transportation, has elected to replace the existing movable-span railroad bridge across the mouth of Shaw's Cove in New London, Connecticut with a new swing-span bridge on a new alignment. In addition, the project includes the closing of Hamilton Street and the in-filling of the undergrade bridge resulting in the railroad being on an embankment.

Project Description

As part of the Northeast Corridor Improvement Project (NECIP), authorized by Title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851 et. seq.), the existing movable-span railroad bridge across the mouth of Shaw's Cove will be replaced by a new swing-span bridge on a new alignment 106 feet east of the present structure, with two 70-foot-wide navigational channels, a vertical clearance of 6.8 feet above mean high water (mhw) in the closed position, and unlimited vertical clearance in the open position. The southerly approach will be on an embankment to the water's edge; however, due to unsuitable soil conditions in the river bottom, there will be six ballasted-deck approach spans and one open-deck approach span between the embankment and the movable, open-deck, through-truss swing span. The northerly approach will be on rock embankment with one open-deck approach span. Prior to the replacement of the fill for the embankment, the primarily organic material on the river bottom will be dredged, as will the north channel to obtain the required depth of 15 feet below mean low water.

The design and future construction of the north approach embankment has been combined with an earlier plan by the Corps of Engineers to construct a hurricane protection barrier around Shaw's Cove and extending north approximately 200 yards adjacent to and west of the existing tracks. This combined embankment, with the railroad located on the riverward face of the embankment, was developed in order to reduce construction costs and avoid the creation of an unusable piece of land between the previously planned barrier location and the realigned railroad tracks.

The new horizontal alignment will diverge approximately 1,480 feet south of the existing bridge and will rejoin the existing alignment 1,180 feet north of the bridge, immediately south of the Coast Guard pier. The vertical profile of the new alignment is identical to the existing profile at the southerly project limit; however, the elevations of the existing and new alignments on the north do not match until immediately south of State Street. This new vertical profile, created by increasing the vertical clearance under the closed, movable span by 4 feet, results in a 4-foot difference in elevation at the Goast Guard pier, necessitating the construction of a retaining wall. In addition, the difference in elevations will require that both mainline tracks be closed while the profile is raised. In order to maintain railroad service during the construction period, two temporary tracks will be constructed west of the existing tracks, beginning immediately south of State Street and converging again with the existing track alignment at Sparyard Street.

Three public grade coossings (Sparyard Street, Coast Guard and Sailloft) and three private grade crossings between Shaw's Cove and New London's Union Station will be closed as a result of this project. These crossings will be eliminated because the track realignment requires purchasing the properties which these crossings serve. However, the project includes a reconfigured grade crossing, known as the Bank Street Connector, located between the Coast Guard pier and Sparyard Street in order to maintaim access to the Coast Guard pier. The roadway will pass southeasterly from Bank Street onto and along the top of the hurricane protection barrier, cross the railroad tracks and continue north to the Coast Guard pier as a 24-foot-wide road parallel to the tracks.

The Hamilton Street undergrade bridge, located approximately 1,000 feet south of the movable bridge, is in poor condition and would require extensive repairs to accommodate the new track alignment. Due to the low traffic volumes under this bridge and in an effort to minimize construction costs, this underpass will be closed and an embankment will be created by filling in the area beneath the bridge. Traffic will be rerouted to another local street 800 feet south of Hamilton Street.

The estimated cost of this project ranges between $15 and $20 million. The improvement will be funded by the FRA; however, cost-sharing arrangements have been negotiated with the Corps of Engineers for that portion of the embankment which will be shared with the hurricane protection barrier.

Description of Alternatives

The following alternatives were considered by the FRA in reaching its decisions:

1. No expenditure of federal funds (no-build alternative).

2. Rehabilitation of the existing structure.

3. Construction of a new bridge with:

A. Alternative alignments:

(1) Westerly shift of 48 feet

(2) Existing alignment

(3) Easterly shift at 106 feet

(4) Easterly shift of 350 feet
B. Alternative bridge types:
(1) Rolling-lift bascule span
(2) Verticle-lift-span
(3) Swing span

Basis for Decision

The purpose of this improvement is to provide a structurally sound and operationally reliable movable railroad bridge and approaches that will be a long-term benefit to both rail and marine traffic. Replacement of the existing bridge, which was constructed in 1918, on piers that remained from a previous bridge constructed in 1891, is required due to the advanced deterioration of the superstructure and substructure. The superstructure's loss of structural integrity is characterized by loss of section in the top and bottom flanges and the web of the floor system as well as that of the truss lacing, bottom plates and many rivets. The piers comprising the substructure all have loose and/or displaced stones with open joints and vertical cracks in the mortar. The center pier has been tied with metal straps to restrain the stones. Additional evidence of pier settlement is manifested by the bouncing of the bridge when a train passes. Therefore, replacement of the bridge is absolutely essential whereas no action or rehabilitation are not feasible or prudent.

Selection of final alignment was based upon numerous factors relative to the other three possible alignments. Alignment 1 (a westerly shift of 48 feet) would require the acquisition of 2.5 acres of property resulting in at least partial removal of five buildings and seriously impact the land use and development north of Shaw's Cove. This alignment would also necessitate a westerly shift of the Corp's hurricane protection barrier resulting in the taking of another 0.5 acres of land and removal of another building. For these reasons and the fact that this alignment was not compatible with the development plans of the City of New London, Alignment 1 was deemed impractical.

Alignment 4 (an easterly shift of 350 feet) would not adversely affect the city's redevelopment plans; however, it would pass through the presently operating Coast Guard pier north of Shaw's Cove. As this alignment extended the greatest distance from existing land forms, it would require the most extensive embankment work of the alignments studied and would have the greatest impact upon the natural environment of the area. Although Alignment 4 could improve the track alignment to the greatest extent, precipitating a greater potential train speed through this area, it was not selected because: (1) It would necessitate the relocation of the Coast Guard pier; (2) it would have the greatest impact upon the natural environment; and (3) increased speeds through the area are not required in this area because all trains stop at New London's Union Station.

Although Alignment 2 (the existing alignment) would have the least impact upon the natural environment and local land use and development, it would require the construction of a vertical-lift bridge in order to avoid any discontinuance of rail traffic during construction, which is an NECIP criterion. Construction of either the bascule or swing-span bridges would stop rail traffic for approximately eight months because new foundations cannot be constructed with the present bridge in the closed position. A vertical lift bridge would also limit the maximum clearance to 55 feet above mean high water in the open position, thereby restricting the size of boats that might enter Shaw's Cove. Because the City of New London objected to the massiveness of the structure with its esthetic impact upon the area and the objection by mariners and a marina operator to a restrictive vertical clearance, Alignment 2 and the vertical lift bridge were rejected.

Both bascule and swing-span bridges were considered on the chosen alignment. The bascule bridge is less expensive to construct; however, it requires a greater maintenance effort to ensure its operational reliability and structural integrity. Amtrak, for whom this project is being implemented, has stated that it would prefer a bridge type that did not require significant maintenance, i.e., a swing-span bridge. In addition, local officials and citizens have expressed their desire for a bridge similar to the existing structure. Therefore, the swing-span structure on Alignment 3 was selected.

Measures to Minimize Harm

As stated in the Final Environmental Impact Statement for this project, the present Shaw's Cove bridge was determined eligible for inclusion in the *National Register of Historic Places* in November 1977. Pursuant to the procedures of the Advisory Council on Historic Preservation (ACHP), the criteria of effect were applied to the selected alternative and it was determined that replacement of the Shaw's Cove bridge will have an adverse effect on the structure. Through consultation with the State Historic Preservation Officer (SHPO) and the ACHP to develop a mitigation plan, it was determined that the present structure will be permanently recorded in accordance with the Department of the Interior standards prior to its demolition. As-built plans, professional photographic documentation and a detailed historic monograph will be compiled. In addition, as the Downtown New London Historic District in which the project area is located contains undisturbed archeological resources that reflect the maritime history of New London, a combined program of archival documentation and archeological excavation will be implemented in close coordination with the SHPO. All archeological materials, including artifacts, field notes, maps, drawings and photographic records will be curated in a repository approved by the SHPO. A final report of the archeological data recovery will be forwarded to the ACHP and SHPO. Subsequently, a description of archeological remains retained *in situ* will be forwarded to the Keeper of the National Register of Historic Places for incorporation into the National Register nomination.

Appropriate erosion and sedimentation control measures will be implemented during the course of this project. After the removal of the rail and ballast on the present embankment, topsoil will be applied, seeded and mulched in order to establish permanent vegetation. If necessary, additional measures involving wetting or chemical applications will be utilized to minimize fugitive dust as well as increased turbidity in the water.

In order to minimize the impact of the 14-day closure to navigation required to float in the new movable span and make it operational, this closure will be scheduled outside the usual recreational boating season (April through November), and to accommodate fuel shipments by barge to a local business enterprise. This arrangement has been coordinated with the Coast Guard and interested local parties.

The closing of the Hamilton Street Underpass will necessitate the rerouting of traffic via Howard and Walbach Streets. In order to facilitate the flow of traffic, especially during the morning and evening rush hours, a traffic light will be installed at that intersection.

Conclusion

Based upon this evaluation of project criteria, interrelationships and impacts,

as well as local land use and development planning, it is the Federal Railroad Administration's determination that a new swing-span, movable railroad bridge on alignment 3 will be constructed and that all practicable measures to minimize harm have been incorporated.

Dated: February 2, 1982.

Louis S. Thompson,

Associate Administrator for Intercity Programs.

[FR Doc. 82-3678 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-06-M

Maritime Administration

[Docket No. S-709]

American Shipping, Inc.; Application for Permission Under Section 805(a) and 506 of the Merchant Marine Act 1936, as Amended (Act)

Notice is hereby given that by application of February 5, 1982, American Shipping, Inc. (American) applied for written permission under section 805(a) and 506 of the Act for its 91,849 DWT tanker, SS *Beaver State,* to operate in the domestic Alaskan oil trade for two months. Initial loading of the *Beaver State* would occur between February 18–25, 1982. Two Valdez to Panama trips or four Valdez to U.S. West Coast trips would be made, or a combination of these.

The *Beaver State* presently is under time charter to Texaco, Inc. but would be subchartered to SPC Shipping, Inc., a subsidiary of Sohio, for the voyages described. Sohio states that damage to the dock at the transshipment facility in Panama is causing delays in unloading vessels. This, in turn, delays vessels returning to Valdez. Sohio is concerned about its oil inventory in Valdez because of these delays. Sohio anticipates inventory problems occuring in February and plans to meet the situation with the use of the *Beaver State.* Sohio has canvassed all available tonnage and asserts that no other suitable vessel would be available to load February 18–25.

The *Beaver State* was built with construction-differential subsidy and is operating under a long-term operating-differential subsidy contract. Written permission pursuant to section 805(a) of the Act is required for the proposed Alaskan service notwithstanding the fact that the vessel would not be eligible for operating-differential subsidy for the period. Payback of construction-differential subsidy will be required pursuant to section 506 of the Act.

It will also be necessary to extend the section 805(a) written permission granted to American to its related companies which are holders of long-term operating-differential subsidy contracts. These companies are: Aeron Marine Shipping Company, Aquarius Marine Company, Aries Marine Shipping Company, Atlas Marine Company, Pacific Shipping, Inc., and Worth Oil Transport Company.

Although publication of a Notice with respect to American's request for permission under section 506 is not required, the Maritime Administration believes that it is appropriate to provide an opportunity for interested parties to comment on American's application.

Any person, firm or corporation having any interest in the application for sections 805(a) and 506 permission and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, by close of business on February 17, 1982. If such comments deal with section 805(a) issues, they should be accompanied by a petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest and the alleged facts relied on for relief.

If no petitions for leave to intervene on section 805(a) issues are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercostal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program Nos. 11.504 Operating-Differential Subsidies (ODS) and 11.500 Construction-Differential Subsidies (CDS))

By Order of the Maritime Administrator.

Dated: February 5, 1982.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-3621 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-81-M

Maritime Administration

Vessel Conversion Compliance With the Port and Tanker Safety Act of 1978; Applications for Construction-Differential Subsidy (CDS); Determination That Supplemental Environmental Impact Statement Not Required

A Tanker Construction Program was started by the Maritime Administration (MARAD) in 1970 to provide Construction-Differential Subsidy (CDS) for the construction of oil-carrying vessels. An Environmental Impact Statement (EIS) for the Program was published on May 30, 1973, discussing each class of oil-carrying vessel on which construction had started or which was likely to be constructed with the aid of CDS during the Tanker Construction Program. Vessel classes included in the EIS ranged from approximately 35,000 DWT to 400,000 DWT. Pollution abatement specifications developed by MARAD were also discussed.

The Maritime Subsidy Board/ Maritime Administration adopted the EIS in Docket No. A-75, issued on August 30, 1973, and determined that the Tanker Construction Program would continue. Strict compliance with the pollution abatement provisions of the MARAD Standard Specifications for Merchant Ship Construction, as revised, were required on all tankers built with CDS.

The Maritime Subsidy Board has recently received several applications for Construction-Differential Subsidy to aid in the conversion of three LNG tankers, MA Hulls 296, 297 and 298 to Bulk/Oil vessels.

These vessels are:

Phoenix Bulkship I, Inc., USA—one tanker *El Paso Savannah*
Phoenix Bulkship II, Inc., USA—one tanker *El Paso Cove Point*
Phoenix Bulkship III, Inc., USA—one tanker *El Paso Columbia*

These vessels are currently designed as 125,000 cu.m LNG tankers and have been designated as MARAD Design LG9-S-107a. The three vessels were constructed at Avondale Shipyards, Inc., USA.

The conversion will enable these vessels to carry crude oil as described in Section II of the EIS as an example of an "Intermediate Tanker". The environmental impact of such ships is covered throughout the EIS in various sections.

Since the environmental impact of offering CDS assistance of these vessels has already been discussed fully in the EIS, and Docket A-75 provides for the

use of CDS funds for tankers designed and equipped to prevent pollution, the Board has decided that neither a new EIS nor a Supplement to the EIS is required with respect to these applications. The conversions are to be in compliance with the applicable Federal and international requirements concerning maritime safety and pollution prevention, including the Port and Tanker Safety Act (PTSA) and the regulations of the U.S. Coast Guard.

The basis for the Board's determination is available for public inspection in the Office of the Secretary, Room 7300, Maritime Administration, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

(Catalog of Federal Domestic Assistance Program 11.500)

Dated: February 8, 1982.

By Order of the Maritime Subsidy Board/ Maritime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-3716 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 15]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $305,000 has been established for the company.

Name of Company:
ANVIL INSURANCE COMPANY
Business Address:
1108 W. 17th Street
Santa Ana, California 92706
State of Incorporation:
California

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal Bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision, at page 33964 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: February 4, 1982.

W. E. Douglas,

Commissioner.

[FR Doc. 82-3712 Filed 2-10-82; 8:45 am]

BILLING CODE 4810-35-M

National Highway Traffic Safety Administration

Denial of Petition for Defect Hearing; Muldoon

This notice sets forth the reasons for the denial of a petition by Mrs. Katherine Muldoon of Teaneck, N.J., to have a hearing to determine whether a manufacturer had reasonably met its obligation to notify purchasers of the existence of a safety-related defect (15 U.S.C. 1416).

On November 12, 1981, Mrs. Muldoon wrote NHTSA alleging the existence of excessive gas vapors and hydrocarbon levels occurring in her 1980 SAAB 900 Turbo. The car had been included in NHTSA campaign 80V-123 for correction of a fuel pump mounting defect. This modification occurred in June 1981. At Mrs. Muldoon's request, the vehicle was tested in September and October 1981 by the New Jersey Department of Environmental Protection which confirmed leakage of gasoline vapors. The State agency also noted hydrocarbon emissions during deceleration. On October 13, 1981, after the New Jersey tests, SAAB replaced the complete fuel system on the car but a month later, at the time of her petition, the smell of gasoline vapors and hydrocarbons persisted.

In response to NHTSA's investigation, SAAB—Scania of Orange, Conn., reported on December 21, 1981 that the recall work had been properly performed and that the odor could not be attributed to the fuel pump mounting. After the recall, SAAB reported that its "field service personnel have inspected her SAAB on at least four separate occasions and at two of these times our District Service/Parts Manager drove the vehicle for several days." Those inspections revealed no evidence of fuel leakage "either in connection with the fuel pump mounting or any other part of the fuel system." Nor were any fumes or odors noted. The company also commented that it had "even gone so far as to exchange components that did not necessarily need replacement * * *." Mrs. Muldoon and her husband are both owners of 1980 SAAB 900 Turbos and members of the Greater New York SAAB Club.

The primary purpose of the SAAB recall in question was to eliminate a potential fire hazard. The values recorded by the State of New Jersey in its testing (before replacement of the fuel system) were well below the threshold values necessary for combustion. Thus it appears that SAAB had met its responsibility to correct the safety-related defect in Mrs. Muldoon's car, and on January 13, 1982, her petition was denied.

With respect to the persistent problem of odors, NHTSA notes that there are no established standards for allowable concentrations of gasoline vapors or carbon monoxide concentration in the passenger compartments of automobiles. Such data as are available from the Environmental Protection Agency and the American Conference of Governmental Industrial Hygienists indicate that the levels detected by the State of New Jersey are below the limits of threat to health and safety.

(Sec. 156, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1416); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on February 4, 1982.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 82-3349 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Applications for Renewal of Modification of Exemptions or Applications to Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, RSPA, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are

not repeated here. Except as otherwise noted, renewal applications are for extension of the exmeption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denotes renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes on or before February 26, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
2587-X	Denison, Inc., Fredonia, KS	2587
2709-X	U.S. Department of Defense, Washington, DC.[1].	2709
2732-X	U.S. Department of Energy, Washington, DC.	2732
3549-X	U.S. Department of Energy, Washington, DC.	3549
3737-X	U.S. Department of Defense, Washington, DC.	3737
3992-X	Linde Chemical & Plastics, Inc., Edison, NJ.	3992
3992-X	Union Carbide Corporation, New York, NY.	3992
4453-X	Atlas Powder Company, Dallas, TX	4453
4453-X	Austin Powder Company, Cleveland, OH.	4453
4453-X	Monsanto Company, St. Louis, MO	4453
4460-X	Ethyl Corporation, Baton Rouge, LA	4460
4554-X	B.F. Goodrich Chemical Company, Cleveland, OH.	4554
4661-X	Foote Mineral Company, Exton, PA	4661
5112-X	U.S. Department of Defense, Washington, DC.	5112
5112-X	Austin Powder Company, Cleveland, OH.	5112
5200-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	5200
5243-X	Austin Powder Company, Cleveland, OH.	5243
5456-X	J.T. Baker Chemical Company, Phillipsburg, NJ.	5456
5557-X	U.S. Department of Energy, Washington, DC.[2].	5557
5861-X	HTL Industries, Incorporated, Duarte, CA.	5861
5951-X	Ashland Chemical Company, Dublin, OH.	5951
5951-X	Ameri Gas, Inc., Carbon Dioxide Division, Dallas, TX.	5951
6016-X	Harvey Company, Greensburg, PA	6016
6039-X	Rohm & Haas Company, Philadelphia, PA.	6039
6113-X	Philadelphia Gas Works, Philadelphia, PA.	6113
6113-X	Valley Gas Company, Cumberland, RI	6113
6205-X	Northern Petrochemical Company, Morris, IL.	6205
6333-X	Allied Corporation, Morristown, NJ	6333
6464-X	Philadelphia Gas Works, Philadelphia, PA.	6464
6464-X	Fall River Gas Company, Fall River, MA.	6464
6530-X	Liquid Carbonic Corporation, Chicago, IL.	6530
6602-X	Dow Chemical Company, Midland, MI.[3].	6602
6726-X	Born Free Plastics, Inc., Gardena, CA	6726
6735-X	Great Lakes Chemical Corporation, El Dorado, AR.	6735
6806-X	Dow Chemical Company, Midland, MI	6806
6825-X	Richmond Equipment Company, Livermore, CA.	6825
6898-X	Ashland Oil, Inc., Dublin, OH	6898
6898-X	J.T. Baker Chemical Company, Phillipsburg, NJ.	6898
6908-X	U.S. Department of Defense, Washington, DC.	6908
6919-X	Northern Petrochemical Company, Morris, IL.	6919
6985-X	U.S. Department of Energy, Washington, DC.	6985
7052-X	Power Conversion, Inc., Mount Vernon, NY.	7052
7060-X	Suburban Airservice, Incorporated, Laurel, MD.	7060
7060-X	Air Charter Services, Inc., Mansfield, MA.	7060
7072-X	Container Corporation of America, Wilmington, DE.	7072
7227-X	Richmond Lox Equipment Company, Livermore, CA.	7227
7409-X	Puerto Rico Maritime Shipping Authority, Elizabeth, NJ.	7409
7438-X	Ethyl Corporation, Baton Rouge, LA	7438
7578-X	U.S. Department of Defense, Washington, DC.	7578
7598-X	Pratt & Whitney Aircraft Group, East Hartford, CT.	7598
7616-X	The Kansas City Southern Railway Company, Kansas City, MO.	7616
7770-X	Fauvet-Girel, Paris, France	7770
7835-X	Airco Industrial Gases, Murray Hill, NJ	7835
7835-X	Liquid Carbonic Corporation, Chicago, IL.	7835
7835-X	Union Cabide Corporation, Danbury, NJ.	7835
7883-X	Ethyl Corporation, Baton Rouge, LA	7883
7883-X	RMI Company, Ashtabula, OH	7883
7895-X	Dow Corning Corporation, Midland, MI	7895
7915-X	Olin Corporation, East Alton, IL	7915
7915-X	U.S. Department of Defense, Washington, DC.	7915
7929-X	C-I-L, Inc., Willowdale, Ont., Canada.[4].	7929
7945-X	HTL Industries, Incorporated, Duarte, CA.[5].	7945
7946-X	Westinghouse Electric Corporation, Horseheads, NY.	7946
7954-X	Air Products and Chemicals, Incorporated, Allentown, PA.[6].	7954
7997-X	Dow Chemical Company, Midland, MI	7997
8156-X	Liquid Carbonic Corporation, Chicago, IL.	8156
8180-X	Dow Corning Corporation, Midland, MI	8180
8264-X	Hercules, Incorporated, Wilmington, DE.	8264
8265-X	Hercules, Incorporated, Wilmington, DE.	8265
8288-X	Alaska Explosives Limited, Anchorage, AK.	8288
8289-X	Olin Corporation, East Alton, IL	8289
8308-X	New England Nuclear Corporation, Boston, MA.	8308
8308-X	MHC Messengers, Inc., Avenel, NJ	8308
8308-X	Associated Couriers, INC., Maryland Heights, MO.	8308
8324-X	Rexnord, Incorporated, Wilwaukee, WI	8324
8328-X	U.S. Coast Guard Research & Development Center, Washington, DC.	8328
8352-X	Degussa Corporation, Teterboro, NJ	8352
8353-X	Thiokol Corporation, Huntsville, AL	8353
8385-X	Hercules, Incorporated, Wilmington, DE.	8385
8480-X	Gillette Company, Boston, MA.[7]	8480
8525-X	ABC Containerlines, N.V., Antwerp, Belgium.[8].	8525
8602-X	Minnesota Valley Engineering, New Prague, MN.[9].	8602
8636-X	Ethyl Corporation, Baton Rouge, LA.[10].	8636
8646-X	Marshall Hyde Incorporated Port Huron, MI.[11].	8646
8660-X	Hach Company, Ames, IA.[12]	8660
8752-X	Thiokol Corporation, Elkton, MD	8752
8760-X	Barton Solvents, Incorporated, Des Moines, IA.[13].	8760
8775-X	Osmose Wood Preserving Company, Buffalo, NY.[14].	8775

[1] To authorize a new container and pallet; to expand paragraph 3 to allow additional commodities identified in writing to Office of Hazardous Materials Regulation and to provide relief from § 177.835(k).

[2] To authorize triaminotrinitrobenzene, class A explosives and other Class A explosives identified in writing, to provide for modification of shipping container and to modify drawing references.

[3] To authorize installation of a corrosometer in the vapor port within the dome of the tank cars authorized in the exemption.

[4] To renew and to authorize new material of construction for bags under exemption.

[5] To renew and to modify provisions for flattening and burst tests.

[6] To renew and to modify provision of paragraph 7.b. pertaining to safety relief device on cylinders.

[7] To authorize passenger and cargo-only aircraft, with special provision for passenger aircraft to allow only one device per crew member or passenger aboard the aircraft and to ad § 173.22a.

[8] To expand the water mode port area to New Orleans, Louisiana and Charleston, South Carolina.

[9] To authorize an additional portable tank design identical to that presently authorized except for capacity.

[10] To deviate from marking DOT-E 8636 on drums shipped under the terms of the exemption.

[11] To authorize cargo vessel as an additional mode of transportation.

[12] To add rail as an additional mode of transportation.

[13] To authorize petroleum naphtha, classed as a flammable liquid as an additional commodity.

[14] To renew exemption issued on an emergency basis to authorize import shipment of arsenic trioxide in metal drums exceeding authorized capacity and gross weight limitation.

Application No.	Applicant	Parties to exemption
4453-P	Mesabi Powder Company, Hibbing, MN	4453
5206-P	Mesabi Powder Company, Hibbing, MN	5206
6296-P	Farmland Industries, Inc., St. Joseph, MO.	6296
6530-P	Tri-State Supply Company, Bismarck, ND.	6530
6971-P	PolyScience Corporation, Niles, IL	6971
7060-P	Southland Air Corporation, Pasadena, CA.	7060
7774-P	CRC Wireline, Inc., Grand Prairie, TX	7774
8077-P	Dow Corning Corporation, Midland, MI	8077
8692-P	Dow Chemical U.S.A., Midland, MI	8692

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on February 3, 1982.

Joseph T. Horning,

Chief, Exemptions and Approvals Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-3429 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-60-M

Applications for Exemptions

AGENCY: Materials Transportation Bureau, RSPA DOT

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1 - Motor vehicle, 2 - Rail freight, 3 - Cargo vessel, 4 - Cargo-only aircraft, 5 - Passenger-carrying aircraft.

DATE: Comment period closes on or before March 15, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, D.C.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8778-N	Richmond Lox Equipment Company, Livermore, CA.	49 CFR 173.316	To manufacture, mark and sell cargo tanks for shipment of liquefied hydrogen, classed as a flammable gas. (mode 1)
8779-N	Acme Resin Corporation, Forest Park, IL	49 CFR 173.346	To authorize shipment of phenol, classed as a poison B, in DOT Specification 57 portable tanks. (mode 1)
8780-N	Container Corporation of America, Wilmington, DE.	49 CFR 178.19, Part 173, Subpart F	To manufacture, mark and sell non-DOT specification 20-gallon tight head polyethylene container similar to DOT Specification 34 except for wall thickness for shipment of those commodities presently authorized in DOT Specification 34. (modes 1, 2, 3)
8781-N	Mauser-Werke, G.m.b.H. (Mauser Packaging Ltd.), New York, NY.	49 CFR 178.116-6(a)	To manufacture, mark and sell non-DOT Specification metal drums similar to DOT Specification 17E, except for an increase in body thickness to 1 mm and a decrease in head thickness to 1 mm, for shipment of those commodities authorized in DOT 17E drums having 18 gauge heads and 20 gauge bodies. (modes 1, 2, 3)
8782-N	Sherwin Williams Company, Cleveland, OH	49 CFR 173.119(a)(23)	To authorize shipment of various flammable liquids in 1-gallon DOT Specification 2E polyethylene bottles, not to exceed four bottles overpacked in non-DOT specification corrugated carton. (modes 1, 2)
8783-N	Bignier Schmid Laurent, Ivry Sur Seine, France.	49 CFR 173.315	To authorize shipment of various flammable compressed gases in non-DOT specification IMCO Type V portable tanks. (modes 1, 2, 3)
8784-N	Boeing Aircraft Company, Seattle, WA	49 CFR 173.346, 173.352	To authorize shipment of various waste, poison B liquids, n.o.s. and cyanide solutions, n.o.s. in DOT Specification 57 steel portable tanks. (mode 1)
8785-N	Coker Aviation, Inc., D.B.A. Coker Airfreight, Inc., Grand Prairie, TX.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (mode 4)
8786-N	Gas Spring Corporation, Colmar, PA	49 CFR 173.302, 175.3	To manufacture, mark and sell non-DOT specification cylinders with a capacity of up to 15 cubic inches, charged with nitrogen. (modes 1, 2, 3, 4)
8787-N	Motorola Semiconductor Sector, Phoenix, AZ	49 CFR 173.119, 173.245, 173.249, 173.263, 173.264(a), 173.267, 173.268, 173.272, 173.299, 173.800, 178.24(a).	To authorize shipment of various ORM-B, oxidizers, flammable and corrosive liquids in not over 1-gallon capacity DOT Specification 2E polyethylene bottles, overpacked, not to exceed 4 bottles in a DOT Specification 12B fiberboard box contained within a wire basket. (mode 1)
8788-N	Frontier Industries, Santa Maria, CA	49 CFR 173.119, 178.340-7	To manufacture, mark and sell non-DOT Specification cargo tanks similar to DOT Specification MC-312 except for circumferential reinforcement with ring stiffeners, for shipment of crude oil, petroleum, classed as a flammable liquid. (mode 1)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e))

Issued in Washington, DC, on February 3, 1982.

Joseph T. Horning,

Chief, Exemptions and Approvals Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-3430 Filed 2-10-82; 8:45 am]

BILLING CODE 4910-60-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Commodity Policy Advisory Committee; Meeting and Determination of Closing of Meeting

The meeting of the Commodity Policy Advisory Committee (the Advisory Committee) to be held March 10, 1982, from 2 p.m. to 5 p.m. in the Offices of the U.S. Trade Representative, will involve a review and discussion of the current issues involving the trade and commodity policy of the United States.

The review and discussion will deal with information submitted in confidence by the private sector members of the Committee under Section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act), information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives, information the disclosure of which would be likely to significantly frustrate implementation of proposed government action, and information properly classified pursuant to Executive Order 12065 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees, established under Section 135(c) of the Act, I hereby determine that the meeting of the Advisory Committee will be concerned with matters listed above and with matters listed in Section 552b(c) of Title 5 of the United States Code.

Therefore, the meeting of the Commodity Policy Advisory Committee will be closed to the public.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

William E. Brock,

United States Trade Representative.

[FR Doc. 82-3687 Filed 2-10-82; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 29
Thursday, February 11, 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

COMMISSION ON CIVIL RIGHTS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 5398.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 9, 1982, 12:30-4 p.m.

PLACE: Room 512, 1121 Vermont Avenue, N.W., Washington, D.C.

CHANGE IN THE MEETING: Item III of the agenda of the meeting has been changed to:

III. Statement of the Commission on Enforcement of Equal Educational Opportunity.

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera and Barbara Brooks, Press and Communications Division (202) 254-6697.

[S-211-82 Filed 2-9-82; 3:55 pm]

BILLING CODE 6335-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, February 19, 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-206-82 Filed 2-9-82; 11:20 am]

BILLING CODE 6351-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10 a.m. on Tuesday, February 16, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

Bank of Oakland, a proposed new bank, to be located at 360 14th Street, Oakland, California.

Coast Commercial Bank, a proposed new bank, to be located at 701 Front Street, Santa Cruz, California.

Valley Commercial Bank, a proposed new bank, to be located at 1031 E. Waterloo Road, Stockton, California.

Application for consent to merge and establish two branches:

Citizens Bank and Trust Company of Maryland, Riverdale, Maryland, for consent to merge, under its charter and title, with The Bank of Brandywine, Brandywine, Maryland, and to establish the two offices of The Bank of Brandywine as branches of the resultant bank.

Request for an extension of time to establish a remote service facility:

Athens Bank and Trust, Athens, Georgia, for an extension of time in which to establish its remote service facility to be located at 190 Huntington Road, Athens, Georgia.

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. 45,087-L—International City Bank and Trust Company, New Orleans, Louisiana

Case No. 45,091-L—The Drovers' National Bank of Chicago, Chicago, Illinois

Case No. 45,100-L—International City Bank and Trust Company, New Orleans, Louisiana

Memorandum and Resolution re: Astro Bank, Houston, Texas

Memorandum re: Contingency Fee Arrangement with Local Counsel.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: February 9, 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S-207-82 Filed 2-9-82; 11:15 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, February 8, 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 matters:

Application of The Hibernia Bank, San Francisco, California, for consent to convert the remote service facility located in the A.S.U.C. Store Complex, Student Union Building, Bancroft Way and Telegraph Avenue, Berkeley, California, to a limited service branch.

Requests, pursuant to a Merger Assistance Agreement with the Corporation, for

consent to employ two officers and for consent to elect four trustees:
Buffalo Savings Bank
Buffalo, New York

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: February 8, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-205-82 Filed 2-9-82; 11:14 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Tuesday, February 16, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for consent to merge and establish two branches:

Syracuse Savings Bank, Syracuse, New York, for consent to merge, under its charter and title, with Dime Federal Savings and Loan Association, Cortland, New York, and to establish the two offices of Dime Federal Saving and Loan Association as branches of the resultant bank.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: February 9, 1982.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S-206-82 Filed 2-9-82; 11:15 am]

BILLING CODE 6714-01-M

6

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 8, 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 an application of Peoples State Bank, a proposed new bank, to be located at 1700 South Lynn Riggs, Claremore, Oklahoma, for Federal deposit insurance.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day, 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:
Memorandum and Resolution re: First National Bank of Carrington, Carrington, North Dakota

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; that the matter could be considered in a closed meeting by authority of subsections (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B) and (c)(10)): and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: February 8, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-204-82 Filed 2-9-82; 11:13 am]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 1:55 p.m. on Saturday, February 6, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and

the assumption of the liability to pay deposits made in The First National Bank and Trust Company of Tuscola, Tuscola, Illinois, which was closed on February 6, 1982 by the Acting Comptroller of the Currency; (2) accept the bid for the transaction submitted by First National Bank of Douglas County, Tuscola, Illinois, a newly-organized national bank, subject to approval of the appropriate court; and (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Paul M. Homan, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 8, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-203-82 Filed 2-9-82; 11:12 am]

BILLING CODE 6714-01-M

8

FEDERAL ENERGY REGULATORY COMMISSION

February 9, 1982.

TIME AND DATE: 9:30 a.m., February 12, 1982.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: *Consumer Energy Council of America, et al.* v. *FERC*, D.C. Cir. No 80-2184, *et al.*

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[S-210-82 Filed 2-9-82; 2:50 pm]

BILLING CODE 6717-02-M

9

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 5571, February 5, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. February 11, 1982.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CAP-26. P-3498-001, Chester Water Authority

Kenneth F. Plumb,

Secretary.

[S-213-82 Filed 2-9-82; 3:58 pm]

BILLING CODE 6717-01-M

10

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m. February 17, 1982.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly report of actions taken pursuant to delegated authority.

2. Sea-Land Service, Inc. 13 percent general rate increase applying between U.S. Atlantic and Gulf ports and ports in Puerto Rico and the Virgin Islands and between San Juan, Puerto Rico, and Canadian ports via Elizabeth, New Jersey.

3. Trailer Marine Transport Corporation 16 percent rate increase applying between San Juan, Puerto Rico, and ports in the Virgin Islands.

4. Docket No. 82-2: Agreement No. 10416—Trailer Marine Transport Corporation and Puerto Rico Maritime Shipping Authority—Referral by Presiding Judge of motion to discontinue.

Portion closed to the public

1. Petition of Government of the Virgin Islands and Puerto Rico Manufacturers Association for limited disclosure of data filed by Puerto Rico Maritime Shipping Authority.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-212-82 Filed 2-9-82; 3:55 pm]

BILLING CODE 6730-01-M

11

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 4, 1982.

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: In addition to the previously announced items on the agenda for February 3, 1982, the Commission also considered the following:

4. Eastover Mining Company, Docket No. VA 80-84.

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the item listed was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

[S-209-82 Filed 2-9-82; 2:49 pm]

BILLING CODE 6820-12-M

12

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Tuesday, February 16, 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 8, 1982.

James McAfee,

Assistant Secretary of the Board.

[S-202-82 Filed 2-8-82; 5:04 pm]

BILLING CODE 6210-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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