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Contents

Federal Register
Vol. 47, No. 41
Tuesday, March 2, 1982

The President
EXECUTIVE ORDERS
8749 Generalized System of Preferences, amending (EO 12349)
PROCLAMATIONS
8753 Mushroom imports (Proc. 4904)
8751 Women's History Week, 1982 (Proc. 4903)

Executive Agencies

Agency for International Development
RULES
8766 Commodity transactions financed by AID; U.S. flag vessel shipping requirements

Agricultural Marketing Service
PROPOSED RULES
8784 Spearmint oil produced in Far West

Agricultural Stabilization and Conservation Service
NOTICES
Marketing quotas and acreage allotments:
8804 Peanuts; poundage quota referendum for 1982 through 1985 crops; results

Agriculture Department
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Forest Service; Rural Electrification Administration; Soil Conservation Service.
PROPOSED RULES
8786 Natural Gas Policy Act; certification of essential agricultural uses and requirements; monosodium glutamate

Air Force Department
NOTICES
Meetings:
8808 Academy Board of Visitors

Animal and Plant Health Inspection Service
RULES
Viruses, serums, toxins, etc.:
8759 Biological products, packaging

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
8885 Crown Oil Corp. et al.

Army Department
PROPOSED RULES
Law enforcement:
8790 Use of force by personnel engaged in law enforcement and security duties
NOTICES
8809 Military air freights; required filing of Uniform Tender (Form 280) with Military Traffic Management Command

Civil Aeronautics Board
NOTICES
8805 All-cargo air service certificate applications
8904 Meetings; Sunshine Act

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
8805 California

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
PROPOSED RULES
8789 Bankruptcy; procedures; extension of time

Conservation and Renewable Energy Office
NOTICES
Consumer products; petitions for waiver of test procedures:
8813 General Electric Co.; dishwashers
8812 Lennox Industries, Inc.; furnaces

Consumer Product Safety Commission
NOTICES
8904 Meetings; Sunshine Act

Copyright Royalty Tribunal
NOTICES
8808 Cable royalty fees, 1980; distribution controversy

Defense Department
See also Air Force Department; Army Department.
PROPOSED RULES
8791 Freedom of Information Act; implementation; National Security Agency record searches, advance payment of fees
NOTICES
Meetings:
8809 Electron Devices Advisory Group (2 documents)

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances
8894 Johnson Matthey, Inc.
8894 Sterling Drug Inc.

Economic Regulatory Administration
NOTICES
Consent orders:
8815 California et al.
8815 Long Beach, Calif.
Remedial orders:
8816 Texaco, Inc.

Education Department
NOTICES
Grant applications and proposals; closing dates:
8809 Law school clinical experience program
8810 Pell grant program

Employment Policy, National Commission
NOTICES
8898 Meetings

Employment and Training Administration
NOTICES
Adjustment assistance:
8895 General Tire & Rubber Co.
8894 International Telephone & Telegraph Corp. et al.

Energy Department
See Conservation and Renewable Energy Office; Economic Regulatory Administration; Energy Research Office; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.

Energy Research Office
NOTICES
Meetings:
8840 DOE/NSF Nuclear Science Advisory Committee

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
8772 Illinois; petition for reconsideration and response to comments
PROPOSED RULES
Air quality planning purposes; designation of areas:
8791 California; extension of time
8960 Procurement under assistance agreements
Water pollution control:
8792 State underground injection control programs; Oklahoma Natural Resources Department primacy application
NOTICES
Toxic and hazardous substances control:
8840 Premanufacture notices receipts

Federal Communications Commission
RULES
Radio stations; table of assignments:
8779 Alaska
8780 Kansas
8781 New Mexico
8781 North Dakota
8782 Oklahoma
8782 South Carolina
Television broadcasting:
8783 Cable television operators; annual fee computation, and Form 326-A filing requirements eliminated
PROPOSED RULES
Radio services, special:
8798 Amateur service; telephony expansion in high frequency bands
Radio stations; table of assignments:
8792 Hawaii
8793 Louisiana
8795 South Dakota
8796 Washington
8797 Wyoming
NOTICES
Hearings, etc.:
8843 Aero Flite Service, Inc., et al.
8844 Blue Ridge Media, Inc., et al.
8846 Family Television, Inc., et al.
8848 K-106, Inc., et al.
8849 Kentucky Authority for Educational TV et al.
8850 Minn-Iowa Christian Broadcasting, Inc., et al.
8851 New West Broadcasting Co., Inc., et al.
Meetings:
8852 International Telegraph and Telephone Consultative Committee
8843 ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference Preparations Advisory Committee
8852 Telecommunications Industry Advisory Group
8852 Rulmaking proceeding filed, granted, denied, etc.; petitions by various companies

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
8817 Arizona Public Service Co. (2 documents)
8817 Chasm Hydro, Inc.
8818 Cities Service Gas Co.
8818 Cincinnati Gas & Electric Co.
8819 Columbia Gas Transmission Corp.
8819 Consolidated Gas Supply Corp.
8820 Emerald Peoples Utility District
8820, 8821 Energenics Systems Inc. (2 documents)
8822 EOOE Gas Co.
8822 Hydro Corp. of Pennsylvania
8822 Illinois Power Co.
8822 Interstate Power Co.
8823 Kentucky Utilities Co.
8823 Lone Star Gathering Co.
8824 Louisiana Resources Co.
8824 Mid-Continent Gas Storage Co.
8825 Montana Power Co.
8825 New York State Energy Research & Development Authority
8826 Niagara Mohawk Power Corp.
8827, 8828 Northwest Pipeline Corp. (2 documents)
8828 Oklahoma Gas & Electric Co.
8828 Pacific Gas & Electric Co.
8828, 8829 Pacific Power & Light Co. (2 documents)
8829 Philadelphia Electric Power Co. et al.
8829 Potomac Edison Co.
8829 Public Service Co. of New Mexico
8830 Public Utility District No. 1 of Lewis County, Wash.
8830 Southwestern Electric Power Co.
8830 Susquehanna Power Co. et al.
8831 Texas City Refining, Inc.
8831 Texas Eastern Transmission Corp.
8832 Topico
8832 Tucson Electric Power Co.
8832 Vermont Electic Power Co., Inc.
Natural gas companies:
8834 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend (Mobil Producing Texas & New Mexico Inc., et al.)

8834 Small producer certificates, applications (G. & N. Co. et al.)
Small power production and cogeneration facilities; qualifying status; certification applications, etc.:
8818 Chevron USA, Inc.
8826 Nornev Demonstration Geothermal Co.
8827 North Canal Waterworks
8833 Westfir Energy Co. (2 documents)

Federal Labor Relations Authority
NOTICES
8853 Professional Air Traffic Controllers case ex parte contracts; hearing

Federal Maritime Commission
NOTICES
8854 Agreements filed, etc.
Freight forwarder licenses:
8855 Cargo International, Inc.
8855 Inex, Inc., et al.
Investigations and hearings, etc.:
8853 American West African Freight Conference Agreement (No. 7680–36); intermodal services

Federal Mine Safety and Health Review Commission
NOTICES
8905 Meetings; Sunshine Act

Federal Reserve System
PROPOSED RULES
Securities credit by persons other than banks, brokers, or dealers (Regulation G), etc.:
8788 Margin requirements for futures contracts based on stock indexes; advance notice
NOTICES
Applications, etc.:
8855 Allied Bancshares of Illinois, Inc.
8855 Dahlonega Bancorp, Inc.
8855 Farmers National Bancorp, Inc.
8855 First City Bancorp, Inc.
8856 First State Bank Holding Co.
8856 Gary-Wheaton Corp.
8856 National City Corp.
8856 Seaport Bancorp, Inc.
8857 Security Bancorp, Inc.
8857 Standard Bancshares, Inc.
8857 Westlands Diversified Bancorp, Inc.

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
8764 Hygromycin B
8765 Tylosin (2 documents)
Food additives:
8763 White mineral oil
Hearings, public, before advisory committees; establishment or termination, etc.:
8763 Allergenic Extracts Review Panel
Organization and authority delegations:
8761 Headquarters and field structure
NOTICES
Animal drugs, feeds, and related products:
8857 Antimicrobial drugs for intramammary infusion; proposed guideline availability; meeting, and extension of time
Committees; establishment, renewals, terminations, etc.:
8859 Allergenic Extracts Review Panel; nominations
Medical devices; premarket approval:
8858 Avery Laboratories, Inc.; spinal epidural electrode
Meetings:
8858 Advisory committees, panels, etc.

Forest Service
NOTICES
Meetings:
8804 Modoc National Forest Grazing Advisory Board

General Services Administration
RULES
Procurement:
8774 ADP acquisitions under GSA delegations of procurement authority; alternate procedure for agency requests; temporary
Property management:
8779 Nonstock items procured for direct delivery to agencies; payment to GSA contractors
8777 Telecommunications facilities; ordering major changes or new installations; simplification of agency requests for FTS intercity and local services

Gold Commission
NOTICES
8857 Meetings

Health and Human Services Department
See Food and Drug Administration; Health Services Administration; Public Health Service; Social Security Administration.

Health Services Administration
NOTICES
Grants; availability, etc.:
8860 Indian health scholarship recipients

Hearings and Appeals Office, Energy Department
NOTICES
8835 Special refund procedures; implementation and inquiry

Immigration and Naturalization Service
RULES
Transportation line contracts:
8759 Guy-America Airways, Inc.

Interior Department
See Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Countervailing duties:
8805 Vitamin K from Spain
Export privileges, actions affecting:
8805 Weber, Wolfgang R.
Scientific articles; duty free entry:
8807 Geological Survey; withdrawn
Trade adjustment assistance determination petitions:

8807 Corrales & Medina Carnations et al.

Interstate Commerce Commission
PROPOSED RULES
Freight forwarders:
8801 Operating restrictions removal
Tariffs and schedules:
8801 Motor carriers; justification statements for rates and charges higher than applicable classification ratings; granting of replies to comments; correction
NOTICES
Motor carriers:
8871 Finance applications
8873 Permanent authority applications
8883 Permanent authority applications; operating rights republication
8880 Permanent authority applications; restriction removals
8885 Released rate applications

Justice Department
See Antitrust Division; Drug Enforcement Administration; Immigration and Naturalization Service.

Labor Department
See Employment and Training Administration; Mine Safety and Health Administration.

Land Management Bureau
RULES
Public Land Orders:
8779 Utah; correction
NOTICES
Classification of lands:
8865 Wyoming
Conveyance of lands:
8865 South Dakota
Exchange of public lands for private land:
8865 Utah; correction
Leasing of public lands:
8865 Oregon
Opening of public lands:
8864 Arizona
Withdrawal and reservation of lands, proposed, etc.:
8865 Washington

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
8895 Amax Coal Co.
8896 BCNR Mining Corp.
8896 Consolidation Coal Co.
8896 Franklin Limestone Co.
8897 Morton-Norwich Products, Inc.
8897 New Way Coal Co.
8898 Ziegler Chemical & Mineral Corp.

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal permit application, etc.:
8808 Point Reyes Bird Observatory

National Park Service
NOTICES
Historic Places National Register; pending nominations:
8866 Alabama et al.
8868 Michigan

National Transportation Safety Board
NOTICES
8905 Meetings; Sunshine Act

Nuclear Regulatory Commission
PROPOSED RULES
8788 Regulatory agenda; quarterly report, availability
NOTICES
Applications, etc.:
8898 Arkansas Power & Light Co.
8899 Boston Edison Co.
8899 Duke Power Co.
8900 Houston Lighting & Power Co. et al.
8900 Stepan Chemical Co.
8902 Virginia Electric & Power Co.

Pennsylvania Avenue Development Corporation
RULES
8767 National Environmental Policy Act; implementation

Personnel Management Office
NOTICES
Senior Executive Service:
8930 Career reserved positions; list

Postal Rate Commission
NOTICES
8905 Meetings; Sunshine Act

Public Health Service
NOTICES
Medical technology scientific evaluations:
8864 Non-invasive (transcutaneous) method of monitoring cardiac output by doppler ultrasound in acute myocardial infarction or other cardiac disease

Railroad Retirement Board
NOTICES
8905 Meetings; Sunshine Act

Rural Electrification Administration
PROPOSED RULES
Electric borrowers:
8785 Accounting interpretations (Bulletin 181–3); interest income and expense related to pollution control facilities financing

Securities and Exchange Commission
NOTICES
8905 Meetings; Sunshine Act

Small Business Administration
NOTICES
Meetings:
8903 Presidential Advisory Committee on Small and Minority Business Ownership

Social Security Administration
PROPOSED RULES
Social security benefits:

8789 Old-age benefits for which payment has not been made prior to number holder's death; withdrawal of applications; decision to develop regulations

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
8804 Upper West Branch Pecatonica Watershed, Wis.

Surface Mining Reclamation and Enforcement Office
NOTICES
Abandoned mine land reclamation program; grant applications:
8868 Kentucky
8869 Montana
8870 Virginia
Environmental statements; availability, etc.:
8868 Virginia abandoned mine land reclamation plan; twenty-two projects

Treasury Department
NOTICES
Meetings:
8903 Debt Management Advisory Committee

Veterans Administration
RULES
8777 Procurement

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Executive Orders:

11888 (Amended by EO 12349)..... 8749
12349..... 8749

Proclamations:

4707 (Amended by Proc. 4904)..... 8753
4768 (Amended by Proc. 4904)..... 8753
4801 (See Proc. 4904)..... 8753
4884 (See Proc. 4904)..... 8753
4887 (See Proc. 4904)..... 8753
4903..... 8751
4904..... 8753

7 CFR

Proposed Rules:

985..... 8784
1701..... 8785
2900..... 8786

8 CFR

238..... 8759

9 CFR

112..... 8759

10 CFR

Proposed Rules:

Ch. I..... 8788

12 CFR

Proposed Rules:

207..... 8788
220..... 8788
221..... 8788

17 CFR

Proposed Rules:

190..... 8789

20 CFR

Proposed Rules:

404..... 8789

21 CFR

5..... 8761
14..... 8763
172..... 8763
558 (3 documents)..... 8764, 8765

22 CFR

201..... 8766

32 CFR

Proposed Rules:

299..... 8791
632..... 8790

36 CFR

907..... 8767

40 CFR

52..... 8772

40 CFR

Proposed Rules:

33..... 8960
81..... 8791
122..... 8792
123..... 8792
124..... 8792
146..... 8792

41 CFR

1–4..... 8774
8–1..... 8777
101–26..... 8779
101–37..... 8777

43 CFR

Public Land Orders:

6149..... 8779

47 CFR

73 (6 documents)..... 8779–8782
76..... 8783

Proposed Rules:

73 (5 documents)..... 8792–8797
97..... 8798

49 CFR

Proposed Rules:

1137..... 8801
1310..... 8801

Federal Register
Vol. 47, No. 41
Tuesday, March 2, 1982

Presidential Documents

Title 3—

The President

Executive Order 12349 of February 26, 1982

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*) as amended, and Section 604 of the Trade Act of 1974 (88 Stat. 2073, 19 U.S.C. 2483), and as President of the United States of America, in order to make technical corrections in Executive Order No. 11888, of November 24, 1975, as amended, and to make conforming modifications to the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), it is hereby ordered as follows:

Section 1. Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country, is further amended by deleting items 306.52, 385.45, 606.11, and 687.65 and adding item 687.72, in numerical sequence.

Sec. 2. In order to make technical corrections to the TSUS, headnotes 2(b) and 4 of subpart A, part 6 of schedule 7 of the TSUS are modified by deleting in each such headnote "and 740.10" and substituting "through 740.15" in lieu thereof.

Sec. 3. The amendments made by this Order shall be effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after January 1, 1982.

Ronald Reagan

THE WHITE HOUSE,
February 26, 1982.

[FR Doc. 82-5797
Filed 3-1-82; 11:20 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4903 of February 26, 1982

Women's History Week, 1982

By the President of the United States of America

A Proclamation

American women of every race, creed and ethnic background helped found and build our Nation in countless recorded and unrecorded ways. As pioneers, teachers, mothers, homemakers, soldiers, nurses and laborers, women played and continue to play a vital role in American economic, cultural and social life. In science, business, medicine, law, the arts and the home, women have made significant contributions to the growth and development of our land. Their diverse service is among America's most precious gifts.

As leaders in public affairs, American women not only worked to secure their own rights of suffrage and equal opportunity but also were principal advocates in the abolitionist, temperance, mental health reform, industrial labor and social reform movements, as well as the modern civil rights movement. Their dedication and commitment heightened awareness of our society's needs and accelerated our common efforts to meet those needs.

As volunteers, women have provided invaluable service and leadership in American charitable, philanthropic and cultural endeavors. And, as mothers and homemakers, they remain instrumental in preserving the cornerstone of our Nation's strength—the family.

In 1981, the Congress by joint resolution (P.L. 97–28, August 4, 1981) designated the week beginning March 7, 1982, as "Women's History Week" and asked the President to issue a proclamation to commemorate and encourage the study, observance and celebration of the vital role of women in American history. In formally acknowledging the achievements of women, we honor a vital part of our common heritage.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning March 7, 1982, as Women's History Week. Recognizing that the many contributions of American women have at times been overlooked in the annals of American history, I encourage all citizens to observe this important week by participating in appropriate ceremonies and activities planned by individuals, governmental agencies, and private institutions and associations throughout the country.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of Feb. in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 82-5798
Filed 3-1-82; 11:21 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4904 of February 27, 1982

Termination of Increased Rates of Duty on Certain Mushrooms and Technical Corrections in the Tariff Schedules of the United States

By the President of the United States of America

A Proclamation

1. By Proclamation 4801 of October 29, 1980, the President proclaimed increased duties on certain types of mushrooms, prepared or preserved, provided for in item 144.20 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). These increased duties were to be effective from November 1, 1980, through October 31, 1983, unless modified or terminated earlier. This action was taken under the following legal provisions: sections 202(b), 202(c), 203, and 604 of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2252(b), 2252(c), 2253, and 2483).

2. I have determined, pursuant to section 203(h)(4) of the Trade Act (19 U.S.C. 2253(h)(4)), after taking into account the advice of the U.S. International Trade Commission and after seeking the advice of the Secretary of Commerce and the Secretary of Labor as required by that section, that it is in the national interest to terminate the increased rates of duty currently in effect on imports of certain mushrooms now provided for in item 922.55 of the TSUS and to retain the increased rates of duties on imports of other mushrooms now provided for in that item.

3. I have further determined that certain technical corrections to the TSUS are necessary to embody therein, pursuant to section 604 of the Trade Act (19 U.S.C. 2483), the substance of relevant provisions of actions undertaken within the authority of the Trade Act; and that, pursuant to section 301, title 3 of the United States Code, responsibility for arranging for the certification by foreign government officials of "certified hand-loomed and folklore" products be assigned to the United States Trade Representative, and that pending completion of such arrangements, the detailed description contained in the definition of such products be removed from the TSUS. I have further determined that TSUS item 141.84, "kidney beans in airtight containers", established by Presidential Proclamation 4707 of December 11, 1979, has no classification effect since kidney beans were already provided for at a superior level in the classification hierarchy of the TSUS.

Therefore, pursuant to section 604 of the Trade Act (19 U.S.C. 2483), to make a technical correction to the TSUS, I have determined that TSUS item 141.84 should be deleted from the tariff schedules.

4. By Proclamation 4768 of June 28, 1980, the President modified the TSUS by adding numerous provisions to schedule 4 thereof for "products provided for in the Chemical Appendix to the Tariff Schedules" and by adding a Chemical Appendix to the TSUS. This action was taken under the authority of section 503(a)(1) of the Trade Agreements Act of 1979 (93 Stat. 251). The Chemical

Appendix lists chemicals and products which the President has determined were imported into the United States before January 1, 1978, or were produced in the United States before May 1, 1978. I have determined pursuant to section 604 of the Trade Act (19 U.S.C. 2483), that certain products included in the Chemical Appendix are properly classifiable in other items in schedule 4 of the TSUS, that their inclusion in the Chemical Appendix was a technical error of no classification effect, and that these products should therefore be deleted from the Chemical Appendix to the TSUS.

5. By Proclamation 4884 of November 13, 1981, the President proclaimed increased duties on certain high-carbon ferrochromium, provided for in TSUS item 607.31, effective through November 15, 1982. This action was taken under the authority of section 203 of the Trade Act (19 U.S.C. 2253). A technical error was made in incorporating these increased rates in the TSUS, in that the measure of assessment was incomplete.

6. By Proclamation 4887 of December 23, 1981, the President proclaimed import fees on certain sugars, sirups, and molasses, provide for in TSUS items 155.20 and 155.30. These import fees were imposed under the authority of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), and were made effective as of December 24, 1981. A technical error was made in incorporating these import fees in the TSUS, in that the measure of assessment was incomplete.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including sections 203 and 604 of the Trade Act (19 U.S.C. 2253 and 2483), section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) Part I of Schedule XX to the GATT is modified to take into account the actions taken in paragraphs (5) and (6) below and in the Annexes to this proclamation.

(2) The TSUS is modified as set forth in the Annexes to this proclamation.

(3) Annexes II and III to Presidential Proclamation 4707 of December 11, 1979, are amended as provided in Annex II to this proclamation.

(4) Annex II to Presidential Proclamation 4768 of June 28, 1980, is amended as provided in Annex II to this proclamation.

(5) Subpart A, part 2 of the Appendix to the TSUS is amended by inserting, in the columns titled Rates of Duty 1 and 2 of item 923.18, the symbol "¢" after "4.625" in each column. This modification is effective as to articles entered, or withdrawn from warehouse for consumption, on or after November 16, 1981.

(6) Part 3 of the Appendix to the TSUS is amended by inserting, in the column entitled Rates of Duty (Section 22 fees) for items 956.05, 956.15, and 957.15, the symbol "¢" after the numeral which precedes the word "per" in each such item. This modification is effective as to articles entered, or withdrawn from warehouse for consumption, on or after December 24, 1981.

(7) The modifications of Part I of Schedule XX to the GATT and of the Appendix to the TSUS made by Annex I hereto shall be effective as to articles entered, or withdrawn from warehouse for consumption, on or after March 1, 1982, and before the close of October 31, 1983, unless the period of their effectiveness is earlier expressly suspended, terminated, or modified.

(8) The remaining modifications made by paragraphs (1), (2), (3), and (4) hereof shall be effective as to articles entered, or withdrawn from warehouse for consumption, on or after the third day following publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of Feb., in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

Billing code 3195-01-M

ANNEX I

Subpart A, part 2 of the Appendix to the TSUS (19 U.S.C. 1202) is modified by deleting item 922.55 and by inserting in numerical sequence the following new item:

Item	Articles	Rates of Duty		
		1		2
		Effective on or after--		
		March 1, 1982	November 1, 1982	
"922.56	Mushrooms, prepared or preserved, provided for in item 144.20 (except (1) mushrooms valued over $1.60 per pound (drained weight) of the genera Cantharellus, Boletus, or Morchella, (2) mixed mushrooms valued over $1.60 per pound (drained weight) of two or more of the types Boletus luteus, Lactarius deliciosus, Rozites caperata, Suillus grevillei, or Suillus granulatus, and (3) whole mushrooms (including buttons), in containers each holding not more than 9 ounces (drained weight) of the types Volvariella volvacea, Flammulina velutipes, Pleurotus ostreatus, or Pleurotus abalon).....	The rate provided for in item 144.20 + 15% ad val.	The rate provided for in item 144.20 + 10% ad val.	No change".

Annex II

(A) Part 8, subpart C of schedule 1 of the TSUS and Annex II, Section A and Annex III to Presidential Proclamation 4707 of December 11, 1979, are modified by deleting item 141.84 and its corresponding rates of duty.

(B) Headnote 6 of schedule 3 of the TSUS is modified to read:

"6. The term "Certified hand-loomed and folklore" as used with respect to products provided for in the tariff schedules, refers to such products as have been certified, in accordance with procedures established by the United States Trade Representative pursuant to international understandings, by an official of a government agency of the country where the products were produced, to have been so made."

(C) Annex II to Presidential Proclamation 4768 of June 28, 1980, and schedule 4 of the TSUS are modified--

1. by deleting, in item 404.40, "α-Resorcyclic acid;" and inserting in lieu thereof "α-Resorcylic acid;";

2. by deleting, in item 404.92, "λ-Phenylalanine;" and inserting in lieu thereof "L-Phenylalanine;";

3. by deleting, in item 405.28, "N-(7-Hydroxy-1-naphthyl) acetamide;" and inserting in lieu thereof "N-(7-Hydroxy-1-naphthyl)-acetamide;";

4. by deleting, in item 408.21, "5-Amino-4-chloro-alpha-phenyl-3-pyridazinone;" and inserting in lieu thereof "5-Amino-4-chloro-α-phenyl-3-pyridazinone;";

5. by deleting, in item 409.54, "Acid blue 45; 106;" and inserting in lieu thereof "Acid blue 45, 106;";

6. by inserting in item 409.86, a semicolon after "204";

7. by deleting, in item 410.60, "2-Naphthol (Beta-naphthol)" and inserting in lieu thereof "2-Naphthol (beta-Naphthol)";

8. by deleting, in item 410.80, "(Chlorophenir-amine maleate)" and inserting in lieu thereof "(Chlorphenir-amine maleate)";

9. by deleting, in headnote 11, part 1, subpart C of schedule 4, "411.32" and inserting in lieu thereof "411.30".

(D) Part 6, subpart B of schedule 6 of the TSUS is modified by deleting, in headnote 2(a) of that subpart and in TSUS items 692.03, 692.07, and 692.11, the reference to general headnote "3(d)" and substituting "3(e)" in lieu thereof.

(E) The Appendix to the TSUS is modified by deleting, in item 950.10A, "117.86, or 117.88" therefrom and substituting in lieu thereof "or 117.86".

(F) Annex II to Presidential Proclamation 4768 of June 28, 1980, and the Chemical Appendix to the TSUS are modified by deleting the following chemicals and products (identified by Chemical Abstracts Service (CAS) registry number or common chemical name or trade name):

CAS Number	CAS Number	CAS Number	CAS Number	CAS Number	CAS Number
59-49-4	104-87-0	527-84-4	1493-27-2	6409-44-5	29136-19-4
60-09-3	105-05-5	534-52-1	1758-88-9	6658-48-6	30845-78-4
81-10-7	106-49-0	535-77-3	1796-92-5	6742-54-7	32588-54-8
81-48-1	108-75-8	577-55-9	2049-95-8	7397-06-0	37871-12-8
81-96-9	109-08-0	604-88-6	2051-89-0	7786-17-6	40184-38-1
82-05-3	116-63-2	605-01-6	2142-63-4	9000-72-0	40560-30-3
82-34-8	117-10-2	606-17-7	2189-60-8	12217-48-0	40677-44-9
82-49-5	119-47-1	611-14-3	2400-00-2	12219-54-4	55812-59-4
82-76-8	119-58-4	614-45-9	2492-26-4	12224-22-5	55990-91-5
83-07-8	119-75-5	622-96-8	2498-66-0	12224-23-6	57248-90-5
84-47-9	119-94-8	716-79-0	2786-76-7	12226-22-1	57248-95-0
85-06-3	120-78-5	831-59-4	2835-96-3	12226-96-9	61702-43-0
85-86-9	121-69-7	836-30-6	2870-04-4	12235-00-6	61901-87-9
86-48-6	122-03-2	874-41-9	2905-17-1	12239-48-4	61969-46-8
88-24-4	123-02-4	933-98-2	3011-61-8	13024-90-3	64063-37-2
98-19-1	128-39-2	934-74-7	3089-17-6	13616-83-6	64346-07-2
98-23-7	128-56-3	934-80-5	3283-23-6	14752-75-1	65151-60-2
98-42-0	129-35-1	1012-72-2	3370-27-2	15418-16-3	66104-58-3
98-71-5	131-08-8	1074-17-5	3370-28-3	15782-05-5	67923-95-9
99-07-0	131-55-5	1074-43-7	3373-10-2	17467-15-1	68411-44-9
99-51-4	131-56-6	1074-55-1	3808-86-4	18472-87-2	71799-31-0
99-62-7	131-57-7	1077-16-3	3896-11-5	21734-43-0	71807-62-0
99-96-7	131-92-0	1078-71-3	4130-42-1	21799-87-1	71838-87-4
100-10-7	135-51-3	1081-77-2	4404-43-7	22346-43-6	71872-54-3
100-18-5	135-61-5	1124-11-4	4424-87-7	23894-07-7	71872-81-6
100-41-4	137-52-0	1128-67-2	4445-07-2	25155-15-1	71902-03-9
102-33-0	141-93-5	1131-62-0	5123-63-7	25340-18-5	71902-11-9
103-82-2	147-47-7	1324-35-2	5280-78-4	25550-14-5	71902-14-2
103-95-7	367-25-9	1326-82-5	5382-23-0	27080-90-6	
104-41-6	371-40-4	1326-85-8	5580-57-4	27241-31-2	
104-53-0	482-89-3	1330-38-7	5900-59-4	27692-91-7	
104-72-3	499-75-2	1477-63-0	6358-69-6	28279-41-6	

COMMON CHEMICAL NAME OR TRADE NAME

Acid Blue 129
Dispersol Black BT
Dispersol Black 2R-PC
Dispersol Brown GTP
Nylomine acid Black CG
Nylomine acid Black CR
Nylomine Blue BR
Procion Brown 3G-PC
Procion navy 2R-PC
Sandostalo P-EPQ
Vat Yellow 4

[FR Doc. 82-5799
Filed 3-1-82; 11:53 am]
Billing code 3195-01-C

Rules and Regulations

Federal Register
Vol. 47, No. 41
Tuesday, March 2, 1982

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

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Guy-America Airways, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Guy-America Airways, Inc. to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536; Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3 is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization Service entered into an agreement with Guy-America Airways, Inc. on February 4, 1982 to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel passengers on international flights while passing throught the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to the listing of transportational lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Accordingly, 8 CFR Part 238 is amended as follows:

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding in alphabetical sequence, "Guy-America Airways, Inc."

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: February 24, 1982.

Alan C. Nelson,
Commissioner of Immigration and Naturalization.

[FR Doc. 82-5464 Filed 3-1-82; 8:45 am]
BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 112

Viruses, Serums, Toxins, and Analogous Products; Revision of Packaging Biological Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the packaging requirement formerly entitled *Packaging desiccated products*. The amendment makes packaging standards applicable to all biological products rather than just desiccated products. The amendment also deletes the 1,000 dose limit for final containers of mass administration products for poultry.

As amended, this section now specifies the allowable number of doses in a final container of poultry products for administration to individual birds, the allowable number of final containers of biological product in a carton, when and to what extent containers of diluent must be included in a carton with final containers of desiccated product, when final containers of product must be packaged in a carton, and a poultry product labeling requirement for multiple container cartons reflecting the continuance of current labeling requirements.

Average poultry flock size has increased 5 to 10 times since the 1,000 dose per container limit was established for poultry products. The deletion of specified maximal doses per container for mass administration products makes these products more convenient and economical to use in larger flocks than the 1,000 dose containers.

Broadening the scope of the section to include all biological products makes a place in the regulations for current and future standards for packaging products other than desiccated ones.

EFFECTIVE DATE: This amendment becomes effective March 2, 1982.

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

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

This final rule may have a significant economic effect primarily on producers and consumers of mass administration poultry vaccines. Eighty percent of the total doses of such vaccines produced annually are either Newcastle Disease Vaccines, Bronchitis Vaccines, or Newcastle Disease-Bronchitis Vaccines. Available data suggest that production costs for these three types of products might be reduced 10 percent or more by packaging in 5,000 to 10,000 dose containers rather than the present limit of 1,000 doses per container. It is also estimated that these larger vials of vaccines might be sold 10 percent cheaper per dose. Based upon an estimated annual production of 6 billion doses of Newcastle and Bronchitis Vaccines, currently selling for approximately $1 per 1,000 doses, the annual reduction in cost to consumers

could be approximately $600,000. No estimate on economic impact is available for the other mass administered poultry products which include Laryngotracheitis Vaccine, Avian Encephalomyelitis Vaccine, Pasteurella Multocida Vaccine, and Bursal Disease Vaccine.

The economic effect of the packaging standards for nondesiccated products will be minimal, because the present revision merely codifies current licensee practices.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

There are currently 11 USDA licensed establishments producing one or more of these mass administration poultry vaccines. Only three of these are considered small entities; i.e., a business which is independently owned and operated and which is not dominant in the field of veterinary biologics manufacturing. Two of these businesses responded in favor of this proposed rule. There is currently insufficient information to project the specific effect on the third small business entity concerned. However, a general production cost decrease is expected.

The limitation of 1,000 doses of desiccated poultry product per final container was intended to insure that all of the vaccine in a container would be used within a short time after reconstitution to prevent significant loss of potency. At the time this standard was enacted in 1961, the 1,000 dose container was convenient for the size of flocks grown. Presently, the average flock is 5 to 10 times larger, and houses have been expanded to accommodate up to 50,000 birds. The 1,000 dose container no longer meets the need of the poultry industry.

This final rule represents a relaxation of the regulations by removing the 1,000 dose per container limit for all mass administration poultry vaccines; i.e., vaccines administered by aerosol or in drinking water. Larger dose vials will enable producers to vaccinate the currently larger flocks of birds more conveniently and with some labor savings in vaccine preparation. As shown above, it is suggested that the larger dose vials could result in a 10 percent or more cost saving to the consumers of these vaccines. The 1,000 dose limit for poultry products for administration to individual birds has been retained, because the time involved in individual administration still poses a threat of loss of potency if larger, multiple-dose final containers are used. This regulation shall become effective immediately upon publication as authorized by the Administrative Procedure Act (5 U.S.C. 553(d)(1), (d)(3)). The major, substantive change in the rule herein amended relieves the packaging restrictions under which desiccated vaccine manufacturers are currently operating. By making the rule effective immediately Veterinary Services (VS) is enabling these manufacturers to market larger-dose vials of vaccine without undue delay to give the poultry industry the practical and economic benefits of larger-dose vaccines as soon as possible.

Presently this section only refers to desiccated products. Packaging standards and a place for future standards are needed for other products. Since the time § 112.6 was enacted, changes in the industry have warranted administrative interpretations of the applicability of the section and amendments to the section such as the one for packaging Marek's Disease Vaccine. Cumulative changes in the industry have brought to the attention of the agency the need to revise the entire section to develop a comprehensive, integrated, regulatory program with respect to packaging biological products. The latest change in the industry has been the development of a large, multiple-dose, mass administration poultry biological product which is not manufactured in desiccated form as previous products have been. As there were no standards in the regulations to cover the situation, the entire section has been revised to keep the regulations responsive to developments in the industry which the agency is charged with regulating. Therefore, to broaden the scope of the section, the heading has been revised to refer to packaging biological products instead of packaging desiccated products. The body of the section has been changed to refer to nondesiccated as well as desiccated biological products to increase the applicability of the standards to a broader range of products. Changes in language are intended to clarify the broader scope of this section.

On September 14, 1981, a notice of proposed rulemaking was published in the **Federal Register** at 46 FR 45616 discussing this revision and soliciting comments. Three poultry producers and a poultry producers' trade association responded favorably to the deletion of the 1,000 dose limit for final containers of mass administration products for poultry. None of them commented upon other items in the proposed rule. Eight vaccine manufacturers and a vaccine manufacturers' trade association responded. Five of the manufacturers favored or had no objection to deleting the 1,000 dose per vial limit for mass administration poultry products, but the other three manufacturers and the trade association were opposed to this change. Three manufacturers recommended specifying a maximum of 5,000 or 10,000 doses per vial for mass administration poultry products. The agency is charged with the responsibility of regulating the veterinary biologics industry to insure that only pure, safe, potent, and efficacious products, when used according to label directions, are permitted in interstate commerce. Frozen mass administration poultry products in 5,000 and 10,000 dose vials have met these criteria and been licensed. It is probable that desiccated or other forms of these products could also meet the above criteria. No purity, safety, potency, or efficacy data were submitted to indicate there is a need to specify a maximal number of doses per container. Therefore, the final rule is adopted as proposed deleting the 1,000 dose per vial limit for mass administration poultry products. The maximal container size is left unspecified to keep the regulation responsive to future developments which may affect the industry. Each manufacturer of desiccated mass administration poultry biologics must decide based upon its own technical and economic evaluation whether or not to produce these products and what dosage sizes to market. Two of the manufacturers questioned the source of economic data and accuracy of the estimated production cost and selling price reductions resulting from the deletion of the 1,000 doses per vial limit for mass administration poultry products. The estimates were derived from confidential data for both frozen and desiccated products supplied by members of the manufacturing industry. The estimates were based upon the limited available data. Veterinary Services intended to indicate that vaccine production cost and selling price changes are likely to vary from these estimates as more products are licensed and become subject to market pressures. Two of those opposed to the action predicted a long term increase in vaccine prices resulting from elimination of manufacturers from this market with subsequent diminution of competitive forces. This evaluation was unsupported by data. Therefore, VS considered this opinion highly speculative and an insufficient reason to change the proposed rule. Some of the manufacturers and the manufacturers' trade association recommended in

addition to the VS proposals that the regulations be amended to delete the existing 10 final containers per carton limit for poultry products and to delete any requirement that diluent for poultry products be packaged with the final container(s) of the product. They also recommended that the proposal be changed to include the use of automatic vaccinating equipment in the definition of mass administration products for poultry. These recommendations have been favorably considered by the agency and will be published in the **Federal Register** later as a separate proposed rule. This is necessary to give the entire industry and all other interested parties an opportunity to comment upon these proposals before publication as a final rule. One manufacturer expressed concern that no exception was provided in paragraph (b) to permit the packaging of the USDA contract Brucella Abortus Vaccine and diluent used in the Brucellosis Eradication Program. Adequate exception for this vaccine is already provided for in 9 CFR 106.1.

After due consideration of all relevant matters, including the proposal set forth in the above notice, and under authority in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendment of Part 112, Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as published in the above notice, is hereby adopted as follows:

PART 112—PACKING AND LABELING

Section 112.6 is revised to read:

§ 112.6 Packaging biological products.

(a) Each multiple-dose final container of a biological product which requires a diluent for administration shall be packaged in an individual carton with a container of the proper volume of diluent for that dose as specified in the filed Outline of Production. Each multiple-dose final container of a product which does not require a diluent for administration need not be packaged in an individual carton unless the final container labeling does not contain all information required by the regulations. Such information must be included in or on a carton. Exceptions are provided in paragraphs (c) and (d) of this section and § 112.8.

(b) Single-dose final containers of a product need not be packaged one per carton. For single-dose products which require a diluent for administration, the number of containers of the proper amount of diluent specified in the filed Outline of Production for the number of doses contained in the carton shall be included in each carton.

(c) Poultry products for mass administration (including, but not limited to such means as drinking water and aerosol sprays) may be packaged in multiple-dose final containers as specified in the filed Outline of Production. Poultry products for administration to individual birds shall not exceed 1,000 doses in each final container. One to ten poultry product final containers may be packaged in a single carton. For products which require a diluent for administration, the number of containers of the proper amount of diluent specified in the filed Outline of Production for the number of multiple-dose final containers contained in the carton shall be included in each carton, except as specified in paragraph (d) of this section. The following requirements apply to cartons containing more than one final container of poultry product or of diluent:

(1) They shall be sealed prior to leaving the licensed establishment;

(2) The contents may not be repackaged after the seal is applied to the carton;

(3) The contents of such cartons may not be sold in fractional units; and

(4) The following statement must appear in a prominent place on the label of the carton: "Federal regulations prohibit the repackaging or sale of the contents of this carton in fractional units. Do not accept if seal is broken."

(d) Diluent for the following products need not be packaged with the final container(s) of the product, but the licensee shall provide the consumer with the required number of containers of the proper amount of diluent as specified in the filed Outline of Production:

(1) Marek's Disease Vaccine.

(2) Poultry vaccines administered to individual birds using automatic vaccinating equipment.

Done at Washington, D.C., this 24th day of February 1982.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-5489 Filed 2-25-82; 12:41 pm]

BILLING CODE 3410-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Revised Organization

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising the regulations setting forth its organization structure. Several reorganizations have occurred since the structure was last issued. These revised regulations will present FDA's latest organization structure and give the latest addresses for the field organization.

EFFECTIVE DATE: March 2, 1982.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly § 5.1; see 46 FR 26052; May 11, 1981)), Part 5 is amended by revising §§ 5.100 and 5.115 to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.100 Headquarters.

The central organization of the Food and Drug Administration consists of the following:

Office of the Commissioner [1]

Commissioner of Food and Drugs.
Deputy Commissioner.
Office of Regulatory Affairs.
Office of Health Affairs.
Office of Policy Coordination.
Office of Management and Operations.
Office of Planning and Evaluation.
Office of Legislative Affairs.
Office of Public Affairs.
Office of Consumer Affairs.

Bureau of Biologics [2]

Office of the Director.
Division of Compliance (Biologics).
Division of Virology.
Division of Blood and Blood Products.
Division of Product Quality Control.
Division of Biochemistry and Biophysics.
Division of Bacterial Products.
Division of Biologics Evaluation.

Bureau of Drugs [1]

Office of the Director.
Office of Planning, Evaluation, and Management.
Associate Director for Drug Monographs.
Division of OTC Drug Evaluation.
Division of Biopharmaceutics.
Division of Generic Drug Monographs.
Associate Director for Biometrics and Epidemiology.
Division of Biometrics.
Division of Poison Control.

[1] Mailing address: 5600 Fishers Lane, Rockville, MD 20857

[2] Mailing address: 8800 Rockville Pike, Bethesda, MD 20014.

Division of Drug Experience.
Associate Director for Compliance.
Division of Methadone Monitoring.
Division of Drug Quality Evaluation.
Division of Drug Labeling Compliance.
Division of Drug Quality Compliance.
Associate Director for Pharmaceutical Research and Testing.
Division of Drug Biology.
Division of Drug Chemistry.
National Center for Antibiotics Analysis.
National Center for Drug Analysis.
Associate Director for New Drug Evaluation.
Division of Anti-Infective Drug Products.
Division of Cardio-Renal Drug Products.
Division of Surgical-Dental Drug Products.
Division of Metabolism and Endocrine Drug Products.
Division of Neuropharmacological Drug Products.
Division of Oncology and Radiopharmaceutical Drug Products.
Division of Drug Advertising and Labeling.
Division of Scientific Investigations.
Associate Director for Information Systems.
Division of Drug Information Resources.
Division of Information Systems Design.
Medical Library.

Bureau of Foods [3]

Office of the Director.
Associate Director for Compliance.
Division of Compliance and Industry Programs.
Division of Food and Color Additives.
Division of Food Animal Additives.
Division of Regulatory Guidance.
Division of Cooperative Programs.
Associate Director for Nutrition and Food Sciences.
Division of Consumer Studies.
Division of Nutrition.
Division of Microbiology.
Division of Food Technology.
Associate Director for Toxicology.
Division of Mathematics.
Division of Pathology.
Division of Toxicology.
Associate Director for Physical Sciences.
Division of Chemical Technology.
Division of Color Technology.
Division of Cosmetics Technology.
Division of Chemistry and Physics.

Bureau of Medical Devices [4]

Office of the Director.
Assistant Director for Consumer and Industry Programs.
Office of Small Manufacturers Assistance.
Assistant Director for Program Operations.
Associate Director for Health Affairs.
Associate Director for Standards.
Division of General Medical Device Standards.
Division of In Vitro Diagnostic Device Standards.
Associate Director for Compliance.
Division of Compliance Programs.
Division of Compliance Operations.
Division of Product Surveillance.
Associate Director for Device Evaluation.
Division of Cardiovascular Devices.
Division of Gastroenterology/Urology and General Use Devices.
Division of Anesthesiology and Neurology Devices.
Division of Obstetrics/Gynecology and Radiology Devices.
Division of Surgical and Rehabilitation Devices.
Division of Clinical Laboratory Devices.
Division of Ophthalmic, Ear, Nose, Throat, and Dental Devices.

Bureau of Radiological Health [4]

Office of the Director.
Associate Director for Management and Systems.
Associate Director for Health Affairs.
Division of Compliance.
Division of Biological Effects.
Division of Electronic Products.
Division of Training and Medical Applications.

Bureau of Veterinary Medicine [3]

Office of the Director.
Associate Director for Human Food Safety.
Associate Director for Research.
Division of Veterinary Medical Research.
Associate Director for Scientific Evaluation.
Division of Drugs for Avian Species.
Division of Drugs for Ruminant Species.
Division of Drugs for Swine and Minor Species.
Division of Drugs for Non-Food Animals.
Associate Director for Surveillance and Compliance.
Division of Compliance.
Division of Surveillance.
Division of Animal Feeds.

Executive Director of Regional Operations [1]

Office of the Executive Director.[1]
Associate Director for Administration.
Associate Director for Field Support.
Office of Resource Planning and Management.
Division of Field Science.
Division of Field Investigations.
Division of Field Regulatory Guidance.
Associate Director for Federal-State Relations.
Division of Federal-State Relations.

National Center for Toxicological Research [5]

Office of the Director.
Office of Scientific Intelligence.
Associate Director for Research Operations and Planning.
Office of Management.
Division of Management Services.
Division of Toxicological Data Management Systems.
Division of Facilities Engineering and Maintenance.
Associate Director for Research.
Division of Teratogenesis Research.
Division of Mutagenesis Research.
Division of Carcinogenesis Research.
Division of Molecular Biology.
Division of Biometry.
Division of Chemistry.
Associate Director for Chemical Evaluation.
Division of Chemical Toxicology.
Division of Pathology.
Division of Animal Husbandry.
Division of Microbiological Services.

[3] Mailing address: 200 C St. SW., Washington, DC 20204.

[4] Mailing address: 8757 Georgia Ave., Silver Spring, MD 20910.

[5] Mailing address: Jefferson, AR 72079.

§ 5.115 Field structure.

Region I

Regional Field Office: 585 Commercial St., Boston, MA 02109.
District Office: 585 Commercial St., Boston, MA 02109.
Winchester Engineering and Analytical Center: 109 Holton St., Winchester, MA 01890.

Region II

Regional Field Office: 830 Third Ave., Brooklyn, NY 11232.
District Office: 830 Third Ave., Brooklyn, NY 11232.
District Office: 599 Delaware Ave., Buffalo, NY 14202.
District Office: 20 Evergreen Place, East Orange, NJ 07018.
District Office: P.O. Box S–4427, San Juan Station, San Juan, PR 00905.
Import District Office: 830 Third Ave., Brooklyn, NY 11232.

Region III

Regional Field Office: Rm. 1204, 2nd and Chestnut Sts., Philadelphia, PA 19106.
District Office: Rm. 1204, 2nd and Chestnut Sts., Philadelphia, PA 19106.
District Office: 900 Madison Ave., Baltimore, MD 21201.

Region IV

Regional Field Office: 8800 W. Peachtree St., Atlanta, GA 30309.
District Office: 8800 W. Peachtree St., Atlanta, GA 30309.
District Office: 297 Plus Park Blvd., Nashville, TN 37217.
District Office: P.O. Box 118, Orlando, FL 32802.

Region V

Regional Field Office: Rm. A–1945, 175 W. Jackson Blvd, Chicago, IL 60604.
District Office: Rm. 1222, 433 W. Van Buren St., Chicago, IL 60607.
District Office: 1141 Central Parkway, Cincinnati, OH 45202.
District Office: 1560 E. Jefferson Ave., Detroit, MI 48207.
District Office: 240 Hennepin Ave., Minneapolis, MN 55401.
Minneapolis Center for Microbiological Investigations: 240 Hennepin Ave., Minneapolis, MN 55401.

Region VI

Regional Field Office: 3032 Bryan St., Dallas, TX 75204.
District Office: 3032 Bryan St., Dallas, TX 75204.
District Office: 4298 Elysian Fields Ave., New Orleans, LA 70122.
Houston Station Office: Suite 250, 1440 North Loop, Houston, TX 77009.

Region VII

Regional Field Office: 1009 Cherry St., Kansas City, MO 64106.
District Office: 1009 Cherry St., Kansas City, MO 64106.
St. Louis Station Office: Rm. 755, 1114 Market St., St. Louis, MO 63101.

Region VIII

Regional Field Office: Rm. 500, 721 19th St., U.S. Customhouse, Denver, CO 80202.
District Office: Rm. 500, 721 19th St., U.S. Customhouse, Denver, CO 80202.

Region IX

Regional Field Office: Rm. 518, U.N. Plaza Federal Office Bldg., San Francisco, CA 94102.
District Office: Rm. 518, U.N. Plaza Federal Office Bldg., San Francisco, CA 94102.
District Office: 1521 W. Pico Blvd., Los Angeles, CA 90015.

Region X

Regional Field Office: Rm. 5003, 909 First Ave., Seattle, WA 98174.
District Office: Rm. 5003, 909 First Ave., Seattle, WA 98174.

Effective date. This regulation shall become effective March 2, 1982.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: February 24, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-4692 Filed 3-1-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 14

Advisory Committees; Reestablishment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972, and the public advisory committee procedures (21 CFR Part 14), the Food and Drug Administration (FDA) announces the reestablishment of the Panel on Review of Allergenic Extracts. This document adds to the agency's list of standing advisory committees. In a notice published elsewhere in this issue of the **Federal Register**, FDA asks for nominations for membership on this committee.

DATES: Effective March 2, 1982; authority for the committee being reestablished will end on December 31, 1983, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and § 14.40(b) (21 CFR 14.40(b)), FDA announces the reestablishment of the Panel on Review of Allergenic Extracts.

The Panel on Review of Allergenic Extracts reviews and evaluates available data on the safety, effectiveness, and adequacy of labeling of currently marketed biological products for the diagnosis, prevention, or treatment of allergies and allergic diseases and advises the Commissioner of Food and Drugs on the affirmation or revocation of biological product licenses based on a current evaluation of the safety, effectiveness, and labeling of the products.

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 14 is amended in § 14.100 by adding new paragraph (b)(1)(i), to read as follows:

§ 14.100 List of standing advisory committees.

* * * * *

(b) *Bureau of Biologics*—(1) * * *

(i) *Allergenic Extracts Panel.* (*a*) Date reestablished: January 18, 1982.

(*b*) Function: Reviews and evaluates available data on the safety, effectiveness, and adequacy of labeling of currently marketed biological products intended for the diagnosis, prevention, or treatment of allergies and allergic diseases.

* * * * *

Effective date. Because this is a technical conforming amendment to Part 14, the Commissioner of Food and Drugs finds that there is good cause for the rule to be published without notice and comment and to be effective immediately upon publication in the **Federal Register**, March 2, 1982.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: February 12, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-5460 Filed 3-1-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 172

[Docket No. 81F-0024]

Food Additives Permitted for Direct Addition to Food for Human Consumption; White Mineral Oil

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of white mineral oil as a dust control agent for wheat being stored in grain elevators. This action responds to a food additive petition filed by Witco Chemical Corp.

DATES: Effective March 2, 1982; objections by April 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204; 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 20, 1981 (46 FR 13378), FDA announced that a petition (FAP 0A3505) had been filed by Witco Chemical Corp., 277 Park Ave., New York, NY 10017, proposing to amend § 172.878 (21 CFR 172.878) to provide for the safe use of white mineral oil as a dust control agent for commodity seeds stored in grain elevators.

FDA has evaluated data in the petition and other relevant material and concludes that white mineral oil is safe for use as a dust control agent for wheat under the prescribed conditions of use, and that § 172.878 should be amended as set forth below. In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this regulation as announced in the notice of filing published in the **Federal**

Register. No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), § 172.878 is amended in paragraph (c) by adding a new use, to read as follows:

§ 172.878 White mineral oil.

* * * * *

(c) * * *

Use	Limitation (inclusive of all petroleum hydrocarbons that may be used in combination with white mineral oil)
* * *	* *
15. As a dust control agent for wheat	Applied at a level of no more than .02 percent by weight of wheat.

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 1, 1982, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective March 2, 1982.

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

Dated: February 24, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-5457 Filed 3-1-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for use in Animal Feeds; Hygromycin B

AGENCY: Food and Drug Administration.

ACTION. Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Quali-Tech Products, Inc., providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine feeds for control of large roundworm, nodular worm, and whipworm infections and for making complete chicken feeds for control of large roundworms, cecal worms, and capillary worms.

EFFECTIVE DATE: March 2, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Quali-Tech Products, Inc., 318 Lake Hazeltine Dr., Chaska, MN 55318, is the sponsor of a supplemental NADA (110–440) providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine and chicken feeds. The complete swine feed is used as an aid in controlling large roundworm, nodular worm and whipworm infections. The complete chicken feed is used as an aid in controlling large roundworms, cecal worms, and capillary worms. The NADA was filed by Elanco Products Co. for the sponsor Quali-Tech Products, Inc. The NADA is based on safety and effectiveness data contained in Elanco's approved NADA's 10–918 and 11–948. Use of the data in NADA's 10–918 and 11–948 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of the NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (December 23, 1977; 42 FR 64367), approval of NADA 110–440 does not require reevaluation of the safety and effectiveness data in NADA's 10–918 and 11–948. NADA 110–440 is approved, and the regulations are amended to reflect the approval. Satisfactory chemistry, manufacturing, and control information were also submitted. The firm currently holds approval for use of 1.2 and 2.4 gram-per-pound hygromycin B premixes for making complete swine feeds.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended § 558.274 by revising paragraph (a)(4) and by revising the first entry in paragaph (e)(1)(i) and (ii), to read as follows:

§ 558.274 Hygromycin B.

(a) * * *

(4) Premix level of 0.6 gram per pound granted to sponsors 016968 and 022422 in § 510.600(c) of this chapter for use in chickens as in paragraph (e)(1)(i) of this section and in swine as in paragraph (e)(1)(ii) of this section

* * * * *

(e) * * *

(1) * * *

Hygromycin B in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 8 to 12		Chickens: Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).	Withdraw 3 days before slaughter.	000986, 016968, 022422, 026186
* * *		* * *	* *	
(ii) 12		Swine: Control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostomum dentatum*), and whipworms (*Trichuris suis*).	Withdraw 15 days before slaughter.	000986, 043733, 011490, 016968, 022422, 026186,
* * *		* * *	* *	

* * * * *

Effective date: March 2, 1982.

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

Dated: February 22, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-5454 Filed 3-1-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Micro Blenders, Inc., providing for revised labeling for use of a 10-gram-per-pound tylosin premix for making swine, beef cattle, and chicken feeds in addition to its current use for making certain swine feeds.

EFFECTIVE DATE: March 2, 1982.

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

SUPPLEMENTARY INFORMATION: Micro Blenders, Inc., Highway 210 E. at 291, P.O. Box 357, Liberty, MO 64068, is sponsor of an NADA (123-065) providing for use of a 10-gram-per-pound tylosin premix for making complete swine feeds for increased rate of weight gain and improved feed efficiency. On behalf of Micro Blenders, Elanco Products Co. submitted a supplement to their NADA which provides for use of the 10-gram-per-pound tylosin premix for making complete swine, beef cattle, chicken, and layer chicken feeds. The swine feed is used, in addition to use for increased rate of weight gain and improved feed efficiency, for prevention, treatment, and control of swine dysentery, and for maintenance of weight gains and promotion of feed efficiency in the presence of atrophic rhinitis; the beef cattle feed for reduction of incidence of certain liver abscesses; the chicken feed for increased rate of weight gain and improved feed efficiency; and the layer feed for improved feed efficiency.

Approval of this supplemental NADA relies upon safety and effectiveness data contained in Elanco's approved NADA 12-491. Use of the data in NADA 12-491 to support this supplement has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this supplement poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in NADA 12-491 or NADA 123-065.

The supplement is approved and the regulations are amended accordingly.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(74) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(74) To 050782: 10 grams per pound, paragraph (f)(1)(i), (iii), (iv), and (vi) of this section.

* * * * *

Effective date. This regulation shall become effective March 2, 1982.

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

Dated: February 22, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-5452 Filed 3-1-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Protein Blenders, Inc., providing for safe and effective use of a 10-gram-per-pound tylosin premix for making complete swine, beef cattle, and chicken feeds.

EFFECTIVE DATE: March 2, 1982.

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

SUPPLEMENTARY INFORMATION: Protein Blenders, Inc., 2420 Highway 218 S., P.O. Box 2090, Iowa City, IA 52244, is sponsor of supplemental NADA 96–273 submitted on its behalf by Elanco Products Co. The supplemental NADA provides for use of premixes containing 10 grams of tylosin (as tylosin phosphate) per pound for making complete feeds for swine, beef cattle, and broiler, layer, and replacement chickens. The swine feed is used for increased rate of weight gain and improved feed efficiency, for prevention, treatment, and control of swine dysentery, and to maintain weight gains and feed efficiency in the presence of atropic rhinitis; the beef cattle feed for reduction of incidence of certain liver abscesses; the chicken feed for increased rate of weight gain and improved feed efficiency; the layer feed for improved feed efficiency; and the broiler and replacement chicken feed to aid in the control of chronic respiratory disease.

Approval of this NADA relies upon safety and effectiveness data contained in Elanco's approved NADA 12–491. Use of the data in NADA 12–491 to support this NADA has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in NADA 12–491 or NADA 96–273.

This supplement is approved and the regulations are amended accordingly. This adds to the firm's existing approval for use of an 0.8-gram-per-pound premix for making swine feeds.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(19) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(19) To 033999: 0.8 grams per pound, paragraph (f)(1)(vi)(*a*); 10 grams per pounds, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date. This regulation shall become effective March 2, 1982.

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

Dated: February 23, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82–5453 Filed 3–1–82; 8:45 am]

BILLING CODE 4160–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 201

[AID Regulation 1]

Revision of the U.S. Flag Vessel Shipping Requirements

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The Agency for International Development (AID) is revising the provisions applicable to recipients of AID loans and grants (Borrower/Grantees) concerning the responsibilities AID imposes on them because of the U.S. flag vessel shipping requirements of the Cargo Preference Act of 1954. This revision reflects current AID practices adopted to simplify administrative supervision and to standardize compliance requirements necessary for AID to meet its responsibilities under the Cargo Preference Act.

EFFECTIVE DATE: March 2, 1982.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Hara, Office of Commodity Management, Agency for International Development, Washington, D.C. 20523, 703–235–2173.

SUPPLEMENTARY INFORMATION: Changes have been made in the provisions of AID Regulation 1 which require the Borrower/Grantee to make sufficient use of U.S. flag vessels to enable AID to comply with the Cargo Preference Act of 1954.

First, there has been a change in the number of geographic areas from which compliance must be achieved. Previously, AID required compliance with the U.S. flag shipping requirements to be met separately for shipments from each of five different geographic areas. Under the new provisions, AID will require compliance to be met separately for shipments from only two geographic areas: (1) The United States and (2) all other countries. AID has determined that this simplification will not impair compliance.

Also, the period during which compliance must be achieved has been changed. Previously, AID's regulations specified that achievement must be attained by each type of vessel, i.e., dry cargo liners, dry bulk carriers and tankers, during the course of the fiscal year. Now there are different requirements depending on the type of vessel.

For dry cargo liners, the regulation now requires the Borrower/Grantee to achieve compliance over the term of the loan or grant agreement. AID does reserve the right to require the Borrower/Grantee to use up to 100 percent of available U.S. flag liner service if AID's monitoring of the Borrower/Grantee's shipments indicates this to be necessary in order to assure compliance.

For dry bulk carriers and tankers, the regulation now requires that compliance must be achieved for each quantitative unit of cargo. This unit is defined as the total tonnage of a commodity or commodities included in one invitation for bids or other solicitation of offers from ocean carriers for the transportation of cargo which may move

in full shipload lots. AID adopted this means of compliance subsequent to the Maritime Administration's (MARAD) publication of a Cargo Preference Regulation (46 CFR 381.5) to ensure that such shipments financed by AID would be in compliance with the MARAD regulation. AID's regulation is now being changed to reflect this practice.

Regulatory Flexibility Act

The agency has determined that this rule will not have a significant economic impact on a substantial number of small organizational units and small governmental jurisdictions.

Executive Order 12291

This rule is not a major rule for purposes of Executive Order 12291 and has been submitted to OMB in accordance with Executive Order 12291.

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY AID

22 CFR Part 201 is amended as follows:

1. The authority citation for Part 201 reads as follows:

Authority: Sec. 621, Foreign Assistance Act of 1961, as amended, 75 Stat. 4214 (22 U.S.C. 2381) 22 CFR 201.85.

Subpart B—Conditions Governing the Eligibility of Procurement Transactions for AID Financing

2. Section 201.15 is revised as follows:

§ 201.15 U.S. flag vessel shipping requirements.

(a) *General requirements.* Unless AID determines that privately owned U.S. flag commercial ocean vessels are not available at fair and reasonable rates for such vessels, (1) at least fifty percent (50%) of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers from each of two geographic areas—the U.S. and all other countries) of all goods financed by AID which are transported on ocean vessels shall be transported on privately owed U.S flag commercial vessels, and (2) at least fifty percent (50%) of the gross freight revenue generated by all shipments of AID-financed commodities which are transported to the territory of the borrower/grantee on dry cargo liners shall be paid to or for the benefit of privately owned U.S. flag commercial vessels.

(b) *Methods of compliance.* (1) Compliance with these requirements with respect to dry cargo liner vessels shall be achieved for the total of liner shipments made during the term of the loan or grant agreement. If AID determines at any time during the term of the agreement that compliance may not be achieved, AID may require that all subsequent shipments be made on U.S. flag liners until compliance is assured. (2) Compliance with these requirements with respect to dry bulk carriers and tankers shall be achieved for each quantitative unit of cargo. A quantitative unit of cargo is the total tonnage of a commodity or commodities included in one invitation for bids or other solicitation of offers from ocean carriers for the transportation of cargo which may move in full shipload lots. AID shall approve a charter or other contract of affreightment for a non-U.S. flag vessel only if AID has determined that at least 50% of the quantitative unit will move on U.S. flag vessels, to the extent that such vessels are available at fair and reasonable rates for such vessels. U.S. flag dry cargo liners whose offers are responsive to the terms of the invitation for bids or other solicitation of vessels may be used for achieving compliance for the quantitative unit.

(c) *Nonavailability of U.S. flag vessels.* Upon application of the borrower/grantee or the supplier, AID/W, Office of Commodity Management, shall determine and advise the applicant whether or not privately owned U.S. flag vessels are available for any specific shipment of commodities at fair and reasonable rates. A determination that U.S. flag vessels are not available does not carry with it the authorization for AID to finance freight on a vessel not otherwise authorized.

(d) *Responsibility.* The borrower/grantee is responsible for compliance with the requirements of this section and for imposing upon subborrowers, contractors and importers such requirements regarding shipping arrangements with suppliers as will assure discharge of this responsibility.

(e) *Privately owned U.S. flag commercial vessels.* For purposes of this section the term "privately owned U.S. flag commercial vessels" shall not include any vessel which, subsequent to September 21, 1961, shall have been either built outside the U.S., rebuilt outside the U.S., or documented under any foreign registry until such vessel shall have been documented under the laws of the U.S. for a period of 3 years.

Dated: January 18, 1982.

John F. Owens,

Acting Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 82-5556 Filed 3-1-82; 8:45 am]

BILLING CODE 6116-01-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Part 907

Procedures for Implementing the National Environmental Policy Act

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Final rule.

SUMMARY: The Pennsylvania Avenue Development Corporation ("Corporation") adopts final procedures for implementing the provisions of the National Environmental Policy Act (NEPA) in accordance with the latest regulations of the Council on Environmental Quality (CEQ), 40 CFR Parts 1500–1508 (43 FR 55978–56007 (1978)). Interim regulations were published in the **Federal Register** in 1979 (44 FR 45926). The final regulations contain revisions which result from experience working with the interim regulations and comments received on them.

EFFECTIVE DATE: March 15, 1982.

FOR FURTHER INFORMATION CONTACT: Madeleine B. Schaller, Attorney, (202) 566–1078, Pennsylvania Avenue Development Corporation.

SUPPLEMENTARY INFORMATION: The Pennsylvania Avenue Development Corporation ("Corporation") is a wholly-owned government corporation of the United States created by Congress to develop and rejuvenate the north side of Pennsylvania Avenue, between the White House and the Capitol. The Corporation has prepared a development plan, The Pennsylvania Avenue Plan—1974 (the Plan), which has been adopted by Congress. As part of the process in preparing the Plan, the Corporation, in accordance with the NEPA, conducted extensive environmental reviews culminating in the Final Environmental Impact Statement (September 1974) on the Plan.

Subsequently the CEQ implementing regulations to provide Federal agencies with "efficient, uniform procedures for translating the law (NEPA) into practical action." These regulations provide "uniform standards applicable throughout the Federal government for conducting environmental reviews."

The CEQ regulations require that each agency develop its own procedures for their implementation. The agency procedures are required to supplement the CEQ regulations and to confine themselves to implementing procedures. The regulations that follow are the required Corporation implementing procedures for compliance with the

NEPA and the CEQ regulations. They are designed to:

(a) Integrate the NEPA process with other planning and decision making processes of the Corporation at the earliest possible time.

(b) Ensure that decisions of the Corporation are made according to the letter and spirit of the NEPA, as enforced by Section 102(2) of that Act.

(c) Involve the public in the NEPA process in an appropriate, responsible manner.

These procedures cover the Corporation's decision-making process and the substantive consideration of environmental factors, the procedural requirements for environmental documentation at critical stages of the decison making process and criteria to assist in determining the need for environmental assessments and impact statements. Sections of the interim rule have been subdivided and reorganized in the final rule for purposes of clarity and ease of use.

Statement of Significance

The Corporation has determined that this rule is not a major rule and does not require a regulatory impact analysis under Executive Order 12291, "Federal Regulations," (46 FR 13193, February 19, 1981.) It will not result in any of the effects described in Section 1.(b) of the Executive Order. In addition, the Chairman of the Corporation's Board of Directors, has determined and hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980, 5 U.S.C. 603 and 604). The Corporation is responsible for implementing the rule. Environmental assessments or Environmental Impact Statements will be prepared by the Corporation for proposed actions within the statutorily established boundaries of the Pennsylvania Avenue Development area. The environmental review will have no significant economical impact on a substantial number of small entities.

Part 907 is revised to read as set forth below:

PART 907—ENVIRONMENTAL QUALITY

Sec.

907.1 Policy.
907.2 Purpose.
907.3 Definitions.
907.4 Designation of responsible Corporation official.
907.5 Specific responsibilities of designated Corporation official.
907.6 Major decision points.
907.7 Determination of requirement for EIS.
907.8 Actions that normally require an EIS.
907.9 Preparation of an EIS.
907.10 Categorical exclusions.
907.11 Actions that normally require an environmental assessment.
907.12 Preparation of an environmental assessment.
907.13 Public involvement.
907.14 Corporation decision making procedures.
907.15 Approval of private proposals for development.
907.16 Actions where lead agency designation is necessary.
Appendix A.

Authority: Pennsylvania Avenue Development Corporation Act of 1972, as amended, sec. 6(8), Pub. L. 92–578, 86 Stat. 1270 (40 U.S.C. 875(8)); the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321); the Council on Environmental Quality NEPA Regulations 40 CFR Part 1500 (43 FR 55978 (1978)).

§ 907.1 Policy.

The Pennsylvania Avenue Development Corporation's policy is to:

(a) Use all practical means, consistent with the Corporation's statutory authority, available resources, and national policy, to protect and enhance the quality of the human environment;

(b) Ensure that environmental factors and concerns are given appropriate consideration in decisions and actions by the Corporation;

(c) Use systematic and timely approaches which will ensure the integrated use of the natural and social sciences and environmental design arts in planning and decision making which may have an impact on the human environment;

(d) Develop and utilize ecological and other environmental information in the planning and development of projects implementing the Plan;

(e) Invite the cooperation and encourage the participation, where appropriate, of Federal, District of Columbia, and regional authorities and the public in Corporation planning and decision-making processes, which affect the quality of the human environment; and

(f) Minimize any possible adverse effects of Corporation decisions and actions upon the quality of the human environment.

§ 907.2 Purpose.

These regulations are prepared to supplement Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act of 1969, as amended, and describe how the Pennsylvania Avenue Development Corporation intends to consider environmental factors and concerns in the Corporation's decision making process.

§ 907.3 Definitions.

(a) "CEQ Regulations" means the regulations for implementing the procedural provisions of the National Environmental Policy Act of 1969 as promulgated by the Council on Environmental Quality, Executive Office of the President, appearing at 40 CFR Parts 1500–1509 (43 FR 55978–56007) and to which this part is a supplement.

(b) "The Act of October 27, 1972" or "Act" means the Pennsylvania Avenue Development Corporation Act of 1972, Pub. L. 92–578, October 27, 1972, 86 Stat. 1266 (40 U.S.C. 871).

(c) "The Plan" means the Pennsylvania Avenue Plan—1974, prepared by the Pennsylvania Avenue Development Corporation pursuant to the Act of October 27, 1972.

(d) "The Corporation" means the Pennsylvania Avenue Development Corporation, a wholly owned government corporation of the United States created by the Act of October 27, 1972.

(e) "Board of Directors" means the governing body of the Corporation in which the powers and management of the Corporation are vested by the Act of October 27, 1972.

(f) "EIS" means an environmental impact statement as defined in § 1508.11 of the CEQ Regulations.

(g) "Final EIS" means The Final Environmental Impact Statement, dated September 1974, prepared by the Corporation on The Pennsylvania Avenue Plan—1974.

(h) "Development Area" means the area under the Corporation's jurisdiction as specified in Section 2(f) of the Act of October 27, 1972 and for which The Plan has been prepared and will be implemented by the Corporation.

(i) "Decision Maker" means the Board of Directors, unless a delegation to the Chairman, a member or committee of the Board of Directors, or the Executive Director has been made by the Bylaws of the Corporation, a resolution of the Board of Directors, or an appropriate written delegation of authority.

(j) "Private Developer" means an individual, firm, joint venture, or other entity other than the Corporation which seeks to construct, reconstruct, rehabilitate, or restore real property within the development area.

(k) Other terms used in this Part are defined in 40 CFR Part 1508 of the CEQ Regulations.

§ 907.4 Designation of responsible Corporation official.

The Development Director is the Corporation official responsible for implementation and operation of the Corporation's policies and procedures on environmental quality and control.

§ 907.5 Specific responsibilities of designated Corporation official.

(a) Coordinate the formulation and revision of Corporation policies and procedures on matters pertaining to environmental protection and enhancement.

(b) Establish and maintain working relationships with relevant government agencies concerned with environmental matters.

(c) Develop procedures within the Corporation's planning and decision-making processes to ensure that environmental factors are properly considered in all proposals and decisions in accordance with this part.

(d) Develop, monitor, and review the Corporation's implementation of standards, procedures, and working relationships for protection and enhancement of environmental quality and compliance with applicable laws and regulations.

(e) Monitor processes to ensure that the Corporation's procedures regarding consideration of environmental quality are achieving their intended purposes.

(f) Advise the Board of Directors, officers, and employees of the Corporation of technical and management requirements of environmental analysis, of appropriate expertise available, and, with the assistance of the Office of the General Counsel, of relevant legal developments.

(g) Monitor the consideration and documentation of the environmental aspects of the Corporation's planning and decisionmaking processes by appropriate officers and employees of the Corporation.

(h) Ensure that all environmental assessments and, where required, all EIS's are prepared in accordance with the appropriate regulations adopted by the Council on Environmental Quality and the Corporation, and are submitted with all proposed legislation.

(i) Consolidate and transmit to appropriate parties the Corporation's comments on EIS's and other environmental reports prepared by other agencies.

(j) Acquire information and prepare appropriate reports on environmental matters required of the Corporation. Information collection activities will be conducted in accordance with the Paperwork Reduction Act of 1980 and approval on OMB will be obtained prior to commencing such activities.

(k) Coordinate Corporation efforts to make available to other parties information and advice on the Corporation's policies for protecting and enhancing the quality of the environment.

§ 907.6 Major decision points.

(a) The possible environmental effects of a proposed action or project must be considered along with technical, economic, and other factors throughout the decisionmaking process. For most Corporation projects there are three distinct stages in the decision making process:

(1) Conceptual or preliminary stage; (2) detailed planning or final approval stage; (3) implementation stage.

(b) Environmental review will be integrated into the decision making process of the Corporation as follows:

(1) During the conceptual or preliminary approval study stage, the responsible Corporation official shall determine whether the proposed action or project is one which is categorically excluded, requires an environmental assessment or an EIS.

(2) Prior to proceeding from the conceptual or preliminary approval stage to the detailed planning or final approval stage, an environmental assessment and the determination as to whether an EIS is required must be completed.

(3) An EIS, if determined necessary, must be completed and circulated prior to the decision to proceed from the detailed planning stage to implementation.

§ 907.7 Determination of requirement for EIS.

Determining whether to prepare an environmental impact statement is the first step in applying the NEPA process. In deciding whether to prepare an environmental impact statement, the responsible Corporation official will determine whether the proposal is one that:

(a) Normally requires an environmental impact statement.

(b) Normally does not require either an environmental impact statement or an environmental assessment (categorical exclusion).

(c) Normally requires an environmental assessment, but not necessarily an environmental impact statement.

§ 907.8 Actions that normally require an EIS.

PADC shall perform or have performed an environmental assessment, to determine if a proposal requires an environmental impact statement. However, it may be readily apparent that a proposed action will have a significant impact on the environment; in such cases, an environmental assessment is not required and PADC will immediately begin to prepare or have prepared the environmental impact statement. To assist in determining if a proposal or action normally requires the preparation of an environmental impact statement, the following criteria and categories of action are provided.

(a) *Criteria.* Criteria used to determine whether or not actions or proposals may significantly affect the environment and therefore require an environmental impact statement are described in 40 CFR 1508.27 of the CEQ Regulations and as follows:

(1) Buildings or facades designated for retention in the Plan will be adversely affected by the proposal or action.

(2) Traffic generated by the proposal or action would represent a substantial increase over the traffic projections assessed in the Final EIS in the average daily traffic volume on avenues and streets within the Development Area or its environs;

(3) Air quality in the Development Area and its environs would be substantially affected by the proposal or action based upon the District of Columbia's adopted standard for hydrocarbons and carbon monoxide;

(4) Solid waste disposal generated by a project of the Corporation or of a developer who is constructing, reconstructing, or rehabilitating that project, would have an adverse affect on the capacity of the relevant solid waste disposal facility and compliance with "Solid Waste Management Guidelines" of the U.S. Environmental Protection Agency and related local and regional controls;

(5) Public utilities have insufficient capacity to provide reliable service to a project within the Development Area; and

(6) A project will be inconsistent with major elements of the Zoning Regulations of the District of Columbia as they are applicable to the Development Area.

(b) *Categories of action.* The following categories of action normally require an environmental impact statement:

(1) Amendments or supplements to the Plan that constitute a "substantial change" to the Plan as defined in 40 U.S.C. 874(c) of the Act.

(2) Acquisition or disposal of real property by the Corporation *not* related to any specific decision, plan, or program adopted by the Board of

Directors of the Corporation for which an environmental assessment or an assessment and an EIS has been prepared.

(3) Legislative proposals made to Congress.

(4) Funding and/or construction by the Corporation or its agents or representatives of any building, if that activity is not consistent with the Plan and the Final EIS.

§ 907.9 Preparation of an EIS.

(a) *Notice of intent.* When PADC decides to prepare an environmental impact statement, it shall publish a notice of intent in the Federal Register in accordance with 40 CFR 1501.7 and 1508.22 of the CEQ Regulations.

(b) *Preparation.* After determining that an environmental impact statement will be prepared and publishing the notice of intent, PADC will begin to prepare or have prepared the environmental impact statement. Procedures for preparing the environmental impact statement are set forth in 40 CFR 1502, CEQ Regulations.

(c) *Supplemental environmental impact statements.* PADC may supplement a draft or final environmental impact statement at any time. PADC shall prepare a supplement to either the draft or final environmental impact statement when (1) substantial changes are proposed to an action contained in the draft or final EIS that are relevant to environmental concerns or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts; or (2) actions are proposed which relate or are similar to other action(s) taken or proposed and that together will have a cumulatively significantly impact on the environment.

§ 907.10 Categorical exclusion.

The CEQ Regulations provide for the categorical exclusion (40 CFR 1508.4) of actions that do not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required for such actions.

(a) *Criteria.* Criteria used to determine those categories of action that normally do not require either an environmental impact statement or an environmental assessment include:

(1) The action or proposal is consistent with the Plan or the Act, and the environmental effects have been previously analyzed in the Final EIS, a supplement thereto, or in an environmental assessment or an EIS previously prepared; or

(2) The total estimated cost directly attributable to the action or proposal does not exceed $500,000; or

(3) The action or proposal is related solely to internal administrative operations of the Corporation.

(b) *List of categorical exclusions.* Categories of action, identified in Appendix A (attached) have been determined by PADC to have no significant effect on the human environment and are therefore categorically excluded from the preparation of environmental impact statements and environmental assessments.

(c) *Changes to the list of categorical exclusion.*

(1) The PADC List of Categorical Exclusion will be continually reviewed and refined as additional categories are identified and as experience is gained in the categorical exclusion process.

(2) Additional categories of exclusion identified will be submitted to the Chairman of the Board of Directors for review and approval, and for amendments to this part, following public comment and review by the Council on Environmental Quality.

§ 907.11 Actions that normally require an environmental assessment.

If a proposal or action is not one that normally requires an environmental impact statement, and does not qualify for categorical exclusion, PADC will prepare or have prepared an environmental assessment.

(a) *Criteria.* Criteria used to determine those categories of action that normally require an environmental assessment, but not necessarily an environmental impact statement, include:

(1) Potential for minor degradation of environmental quality;

(2) Potential for cumulative impact on environmental quality; and

(3) Potential for impact on protected resources.

(b) *Categories of action.* The following categories of action normally require the preparation of an environmental assessment.

(1) Amendments to the Plan that do not constitute a "substantial change" to the Plan.

(2) Regulations promulgated by the Corporation that have significant environmental impact on the public or persons residing in the development area including businesses.

(3) Development proposals submitted to the Corporation by private developers that are consistent with the Plan and General Guidelines prepared by the Corporation.

(4) Activities related to the Public Improvements Program of the Corporation for which no previous environmental assessment or EIS has been prepared.

(5) Contracts, work authorizations, and master agreements related to and implementing programs, policies, and proposals not categorically excluded and for which no environmental assessments or for which no environmental assessment and EIS have been previously prepared.

(6) Street closures and other rearrangements of public space which were not covered in the Plan or the Final EIS.

(7) Acquisition/disposal of personal property by the Corporation not related to any specific decision, plan, or program adopted by the Board of Directors of the Corporation for which an environmental assessment or an environmental assessment and an EIS is required to be prepared.

(8) Proposed construction of any public building within the development area by any executive agency of the United States Government, any agency or department of the District of Columbia Government, or any other public or quasi-public entity.

§ 907.12 Preparation of an environmental assessment.

(a) *When to prepare.* PADC will begin the preparation of an environmental assessment as early as possible after it is determined by the responsible corporation official to be required. PADC may prepare an environmental assessment at any time to assist planning and decision-making.

(b) *Content and format.* An environmental assessment is a concise public document used to determine whether to prepare an environmental impact statement. An environmental assessment aids in complying with the Act when no environmental impact statement is necessary, and it facilitates the preparation of an environmental impact statement, if one is necessary. The environmental assessment shall contain brief discussions of the following topics:

(1) Purpose and need for the proposed action.

(2) Description of the proposed action.

(3) Alternatives considered, including the No Action alternative.

(4) Environmental effects of the proposed action and alternative actions.

(5) Listing of agencies, organizations or persons consulted.

(6) In preparation of the environmental assessment, the most important or significant environmental consequences and effects on the areas listed below should be addressed. Only

those areas which are specifically relevant to the particular proposal should be addressed. Those areas should be addressed in as much detail as is necessary to allow an analysis of the alternatives and the proposal. The areas to be considered are the following:

(i) Natural/ecological features (such as floodplain, wetlands, coastal zones, wildlife refuges, and endangered species);

(ii) Air quality;

(iii) Sound levels;

(iv) Water supply, wastewater treatment and water runoff;

(v) Energy requirements and conservation;

(vi) Solid waste;

(vii) Transportation;

(viii) Community facilities and services;

(ix) Social and economic;

(x) Historic and aesthetic; and

(xi) Other relevant factors.

(c) *Finding of no significant impact.* If PADC completes an environmental assessment and determines that an environmental impact statement is not required, then PADC shall prepare a finding of no significant impact. The finding of no significant impact shall be made available to the public by PADC as specified in 40 CFR 1506.6 of the CEQ Regulations.

§ 907.13 Public involvement.

Interested persons may obtain information concerning any pending EIS or any other element of the environmental review process of the Corporation by contacting the Public Information Officer of the Corporation, Suite 1148, 425 13th Street, NW., Washington, D.C. 20004, telephone (202) 566–1218.

§ 907.14 Corporation decision making procedures.

To ensure that at major decision making points all relevant environmental concerns are considered by the Decision Maker, the following procedures are established.

(a) An environmental document, i.e., the EIS, Environmental Assessment, Finding of No Signficant Impact, or Notice of Intent, in addition to being prepared at the earliest point in the decision making process, shall accompany the relevant proposal or action through the Corporation's decision making process to ensure adequate consideration of environmental factors.

(b) The decision maker shall consider in its decision making process only those decision alternatives discussed in the relevant environmental documents. Also, where an EIS has been prepared, the decision maker shall consider all alternatives described in the EIS. A written record of the consideration of alternatives during the decision making process shall be maintained.

(c) Any environmental document prepared for a proposal or action shall be made part of the record of any formal rulemaking by the Corporation.

§ 907.15 Approval of private development proposals.

(a) Each development proposal submitted by a private developer to the Corporation for its approval, unless categorically excluded, shall require, at a minimum, an environmental assessment.

(b) The Board of Directors may not take any approval action on a submitted development proposal of a private developer until such time as the appropriate environmental review has been prepared and submitted to the Board of Directors.

(c) At a minimum, and as part of any submission made by a private developer to the Board of Directors for its approval, a private developer shall make available data and materials concerning the development proposal sufficient to permit the Corporation to carry out its responsibilities on environmental review. When requested, the developer shall provide additional information that the Corporation believes is necessary to permit it to satisfy its environmental review functions.

(d) As part of a development proposal submission, a private developer may submit an environmental assessment on its development proposal.

(e) Where the responsible Corporation official determines that the preparation of an EIS is required, the EIS shall be prepared in accordance with Part 1502 of the CEQ Regulations. The responsible Corporation official may set time limits for environmental review appropriate to each development proposal, consistent with CEQ Regulations 40 CFR 1601.8 and 1506.10.

(f) The responsible Corporation official shall at the earliest possible time ensure that the Corporation commences its environmental review on a proposed development project and shall provide to a private developer any policies or information deemed appropriate in order to permit effective and timely review by the Corporation of a development proposal once it is submitted to the Board of Directors for approval. The official shall designate, for the benefit of the developer, staff members of the Corporation to advise the developer with regard to information that may be required in order to accomplish the Corporation's environmental review.

§ 907.16 Actions where lead Agency designation is necessary.

(a) Consistent with CEQ Regulations, § 1501.5, where a proposed action by the Corporation involves one or more other Federal agencies, or where a group of actions by the Corporation and one or more other Federal agencies are directly related to each other because of their functional interdependence or geographical proximity, the Corporation will seek designation as lead agency for those actions that directly relate to implementation of the Plan and those actions that relate solely to the Development Area.

(b) For an action that qualifies as one for which the Corporation will seek designation as lead agency, the Corporation will promptly consult with the appropriate Federal agencies such as the National Capital Planning Commission, the Department of the Interior, and the General Services Administration to establish lead agency and cooperating agency designations.

Appendix A

(a) Specific Corporation actions categorically excluded from the requirements for environmental assessment and an EIS are:

(i) Personnel actions;

(ii) Administrative actions and operations directly related to the operation of the Corporation (e.g., purchase of furnishings, services, and space acquisition for the Corporation officers);

(iii) Property management actions related to routine maintenance, operation, upkeep, etc., of real property owned by the Corporation;

(iv) Review of permit applications relating to minor development activities in the Development Area (sign approval, interior renovations, minor exterior changes to facade, etc.);

(v) Promulgation of development general and square guidelines that implement the Plan as covered by the Final EIS;

(vi) Contracts, work authorizations, procurement actions directly related to and implementing proposals, programs, and master agreements for which an environmental assessment or an environmental assessment and an EIS have been prepared, or which are related to administrative operation of the agency;

(vii) Acquisition/disposal by lease, easement, or sale of real and personal property owned by the Corporation subsequent to and implementing a prior

decision of the Board of Directors for which an environmental assessment or an assessment and an EIS were prepared;

(viii) Activities directly related to and implementing the Public Improvements Program of the Corporation approved by the Board of Directors, and which are covered by a previously prepared environmental assessment or an environmental assessment and an EIS;

(ix) Demolition actions preparatory for development by the Corporation, other public agencies, or private developers subsequent to approval of development proposals made by the Board of Directors;

(x) Development proposal identical to the requirements of the Plan and which was included in an EIS previously prepared.

(b) An action which falls into one of the above categories may still require the preparation of an EIS or environmental assessment if the designated corporation official determines it meets the criteria stated in § 907.8(a) or involves extraordinary circumstances that may have a significant environmental effect.

Signed in Washington, D.C.

Dated: February 23, 1982.

T. J. Regan, Jr.,

Executive Director.

[FR Doc. 82-5557 Filed 3-1-82; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2034-1]

Revision of Illinois State Implementation Plan for Commonwealth Edison Kincaid Station; Petition for Reconsideration and Response to Comments

AGENCY: Environmental Protection Agency.

ACTION: Response to additional comments and petition for reconsideration.

SUMMARY: On December 22, 1980 the State of New York petitioned the Environmental Protection Agency (EPA) for reconsideration of EPA's approval of the revised sulfur dioxide (SO_2) emission limitations for the Commonwealth Edison Kincaid plant in Christian County, Illinois. The emission limits for the Kincaid plant were approved by EPA as a revision to Illinois' state implementation plan (SIP) on October 24, 1980 (45 FR 70449). Based on EPA's evaluation of the petition and the supporting documentation, EPA finds that the evidence presented by New York does not warrant a revision of the current emission limits. EPA therefore reaffirms the emission limits as promulgated.

New York also requested that the Agency convene a consolidated hearing on all pending SIP revisions relating to SO_2 emission limitations, if upon reconsideration EPA did not disapprove the SIP revision for the Kincaid plant. At the request of New York and Pennsylvania, EPA held a consolidated hearing on June 18 and 19, 1981, in Washington, D.C., to consider under what circumstances and in what manner EPA should take into account aggregate SO_2 emissions in approving SIP revisions, 46 FR 24602, May 1, 1981. The comment period for that proceeding will close on March 18, 1982, (47 FR 1304, Jan. 12, 1982) and a proposed determination will be forthcoming.

EFFECTIVE DATE: March 2, 1982.

FOR FURTHER INFORMATION CONTACT: Randolph Cano, Regulatory Analysis, Air Programs Branch, U.S. EPA, Region V, 230 South Dearborn, Chicago, Illinois 60604; (312) 886-6035.

SUPPLEMENTARY INFORMATION:

Background

On December 14, 1978, the Illinois Pollution Control Board (IPCB) adopted changes to Illinois' Rule 204 which revised SO_2 emission limitations for fuel combustion emission sources located outside of the Chicago, Peoria and St. Louis major metropolitan areas (MMA's). Included in the revision were two pertinent proposals: Rule 204(c)(1)(C) which eliminated the federally approved maximum SO_2 emission limitation of 6.0 pounds (lbs.) SO_2 per million BTU (MBTU) for fuel combustion emission sources outside the MMA's, and Rule 204(e)(1) which established a new maximum hourly emission limit for these sources. The State of Illinois, however, failed to submit air quality impact studies demonstrating that the proposed revisions would adequately protect and maintain the National Ambient Air Quality Standard (NAAQS) for SO_2. Therefore on December 26, 1979 (44 FR 76308) EPA proposed to approve the revisions only as they applied to specific sources for which the rules did not represent a relaxation of the federally approved SIP. EPA proposed to disapprove the rules for all other sources, including the Kincaid plant, until such time as Illinois submitted air quality studies demonstrating that the revisions would not cause or contribute to violations of the NAAQS at such sources. The rulemaking action was final on September 19, 1980 (45 FR 62804).

On September 19, 1979 Illinois submitted an air quality study to EPA demonstrating that emissions allowed under the revised Rule 204(e)(1) would not cause or contribute to a violation of the NAAQS at Commonwealth Edison's Kincaid plant. EPA reviewed the study and determined that it was adequate to support a SIP revision. The Agency therefore proposed to approve an emission limit of 105,162 lbs. SO_2/hour for the Kincaid plant. 44 FR 76311 (December 26, 1979). One comment was received proposing a lower emission limit. Since a reference modeling analysis demonstrated that the proposed limit was sufficient to protect the NAAQS, EPA published a Notice of Final Rulemaking approving the SIP revision on October 24, 1980 (45 FR 70449).

The State of New York submitted a petition for reconsideration of the final approval, requested an additional comment period, and filed a petition for review in the U.S. Court of Appeals for the Seventh Circuit. That litigation is stayed pending response to the administrative petition.

On October 26, 1981, EPA announced an additional comment period for the Kincaid SIP revision (46 FR 52139), and stated that it would reconsider the emission limit in light of all timely comments. New York and several other parties submitted comments arguing that the revision will cause impermissible interstate pollution. EPA is responding to these comments herein.

Petition for Reconsideration

New York has petitioned for reconsideration pursuant to section 307(d)(7)(B) of the Clean Air Act (the Act), 42 U.S.C. 7607(d)(7)(B).[1] Commonwealth Edison and Peabody Coal Company have submitted responses to New York's petition. Several comments were submitted in support of New York's request. As noted by Commonwealth Edison and Peabody, New York's petition is not cognizable under section 307(d) since that section does not apply to a SIP revision unless it is promulgated by the Administrator pursuant to section 110(c) of the Act.

[1] Section 307(d)(7)(B) provides that the Administrator shall convene a proceeding to reconsider certain actions if a person raising an objection can demonstrate that (1) it was impracticable to raise such objection during the comment period or that the grounds for objection arose after the comment period, and (2) the objection is of central relevance to the outcome of the rule.

The action questioned herein is an approval pursuant to section 110(a) of a SIP revision promulgated by Illinois. Therefore EPA has decided to treat the petition as a petition for revision of a rule under section 3(e) of the Administrative Procedure Act which establishes a general right to petition for "issuance, amendment or repeal" of an agency rule 5 U.S.C. 553(e). The standard of review for such a petition is whether the petitioner presents new information that warrants reconsideration of the rule. See generally, *Oljato Chapter of the Navajo Tribe* v. *Train*, 515 F.2d 654 (D.C. Cir. 1975). Under this standard, New York has presented no basis for altering the Administrator's approval of the emission limits for the Kincaid plant.

Discussion

Long Range Transport. New York claims that EPA failed to comply with sections 110(a)(2)(E) and 126 of the Clean Air Act because it did not consider the long-range impacts of SO_2 on sulfate formation, total suspended particulate levels, and acid deposition. New York does not contend that the Kincaid plant, specifically, will interfere with attainment or maintenance of SO_2 standards in New York or any other state, or that EPA erred in its determination that the plants would have an insignificant impact on SO_2 concentrations in other states. Rather, New York argues that EPA was required to calculate the cumulative impacts of all pending SO_2 revisions on sulfate and particulate matter concentrations in other states. Furthermore, New York claims that long-range modeling tools are available and should have been used by EPA to evaluate the interstate transport problem. As support for its claim that SO_2 emissions from Kincaid are transported to and have adverse impacts in downwind states in the northeast, New York cities several studies (e.g., ORBES, a Climatology Study, and many trajectory analyses).

EPA's review and approval of the SIP revision was consistent with sections 110(a)(2)(E) and 126 for several reasons. First, this revision involved only SO_2 emission limitations. Accordingly, EPA modeled the revision for its impact on SO_2 concentrations. The revision did not alter the particulate matter emission limitations for the plant and therefore EPA did not model the effect of the revision on particulate matter levels.

Second, the modeling performed for the Kincaid plant indicated there would be no interstate transport problem for SO_2. In evaluating a plan revision, EPA models the proposed limitations to determine where the highest ambient concentrations will occur under the revised limits. (See EPA's "Guideline on Air Quality Models" April 1978, p. 33.) The modeling analyses demonstrate that the highest SO_2 concentrations occur within 2 kilometers (km) of the plant, and then decrease by 40% to concentrations well below the NAAQS at a distance of 7.5 km. The nearest state borders (Missouri and Indiana) are approximately 100 and 180 km distant, respectively, considerably beyond the point of maximum impact. New York's border is 750 km from the Kincaid plant. In view of the sharp decrease in concentrations within 8 kilometers of the source, EPA conducted no modeling in other states. Based on its modeling results, however, EPA reasonably concluded that SO_2 emissions from the two plants would not prevent attainment or maintenance of SO_2 standards in New York or other downwind states.

Third, EPA reference models are only valid out to 50 km from a source. No reference techniques have yet been established for accurately evaluating impacts beyond 50 km. The "state-of-the-art" of long-range transport models is not sufficiently advanced to be used for regulatory purposes. Commentors submitted information supporting this fact. See Doc. # V.D.1.b, at 30–34. Consequently, contrary to New York's claim, there are no EPA-approved regulatory tools currently available to assess long-range impacts.

Fourth, with respect to the claim that EPA should have modeled the SO_2 emissions for their effect on the particulate matter levels in other states, EPA's currently adopted models are simply not capable of such an analysis. EPA models estimate ground-level SO_2 emissions. Similarly, EPA models estimate ground-level particulate matter concentrations caused by a plant's particulate matter emissions. Models capable of estimating the impact of SO_2 emissions on ground-level particulate matter concentrations have been developed by researchers and EPA is presently evaluating their predictive accuracy as part of an overall revision to its Modeling Guideline. Application of these models at this time, however, is premature.

Fifth, for the purposes of section 110(a)(2)(E), it is important to note that New York has not shown that the SO_2 emissions from the Kincaid plant actually contributes materially or at all to SO_2 or particulate pollution in other states. Certainly New York cites nothing to support a finding that Kincaid is responsible for pollutant concentrations that prevent another state from attaining or maintaining the NAAQS or that interfere with the prevention of significant deterioration (PSD) or visibility protection in another state.

The ORBES study does not attempt to identify particular sources that contribute to violations of the NAAQS in downwind states, but only examines the potential impact of SO_2 emissions from the Ohio River Valley region as a whole. This study does not examine the Kincaid plant emissions among the aggregate effects, let alone individually. The study provides no methodology for determining the contribution of individual specific sources. The other studies cited by New York suffer from the same deficiencies. General conclusions are made that long-range transport occurs, without identifying responsible sources or states.

Finally, the sulfate question raised by New York is a complex one. To date, EPA has not established a national ambient air quality standard for sulfates. However, the sulfate issue is being evaluated as part of EPA's current review, under section 109(d)(1), 42 U.S.C. 7409(d)(1), of the criteria and national standards for sulfur oxides and particulate matter (see "Second External Review Draft, Air Quality Criteria for Particulate Matter and Sulfur Oxides," and notice announcing comment period on draft, 46 FR 15569 (March 6, 1981)). At present, in the absence of a national standard for sulfates, EPA is not required to consider the impact of the Kincaid revision on sulfate levels.

Prevention of Significant Deterioration

New York objects to EPA's failure to apply the PSD requirements of the Act to the Kincaid SIP revision, and claims that it had no notice of this decision during the public comment period. Part C of Title I of the Act provides that SO_2 and TSP emissions may not exceed certain allowable increases above the baseline ambient air quality in an attainment or unclassifiable area. 42 U.S.C. 7460–7469. The baseline ambient air quality is determined at the time the first permit application is filed within the area, and thereafter all emissions increases within the area must be reviewed under PSD regulations. Since no new major source or major modification had previously established the baseline concentration for Christian County, EPA was not required to review the Kincaid SIP revision for consumption of the SO_2 increment above the baseline concentration.

Nor did the SIP revision itself trigger a PSD review. Section 165 of the Act requires that, prior to a major modification, major facilities must

submit a permit application demonstrating that the facility will not cause or contribute to concentrations in excess of any maximum allowable increase or NAAQS. 42 U.S.C. 7465. The increase in allowable emissions at the Kincaid plant did not constitute a major modification within the terms of Part C and therefore did not require a permit application.[2] Contrary to New York's contention, EPA announced this determination in the Technical Support Document (TSD) dated August 28, 1980 that was included in the public docket (Doc. No. II.B.), and thereby gave adequate public notice of this decision. New York presents no new information on this point that warrants a contrary determination.

The Revised Stack Height Policy and its Application to Kincaid

New York also states that the public had no opportunity to comment on the supplemental modeling which EPA performed after the close of the comment period to determine whether EPA's revised stack height policy was applicable to the Kincaid plant. On June 24, 1980, EPA revised its stack height policy to require existing sources seeking stack height increases to demonstrate through fluid modeling or field studies that height increases are necessary to avoid excessive concentrations due to downwash or other problems. 45 FR 42279. That policy has since been withdrawn, and consequently New York's objections have been mooted. 46 FR 28650 (May 29, 1981). In any case, the policy revision was irrelevant to the Kincaid rulemaking because EPA's modeling analysis showed that no credit for increased stack height was necessary to demonstrate the adequacy of the current emission limitations. Therefore the application of the revised stack height policy would not have changed the result of this rulemaking. Furthermore, EPA's modeling analysis did not differ significantly from the analysis performed by Commonwealth Edison which was available during the comment period.

Conclusion

EPA has reconsidered the final emission limitations promulgated for Commonwealth Edison's Kincaid plant in light of the petitions for reconsideration and all comments received. The Agency has determined that the current emission limit of 105,162 lbs. SO_2/hour, as approved on October 24, 1980, is necessary and sufficient to attain and maintain the SO_2 NAAQS. Therefore, EPA is reaffirming these limits.

Under section 307(b)(1) judicial review of this action is available only by filing a petition for review in the U.S. Court of Appeals for the appropriate circuit by May 3, 1982. Under section 307(b)(2) today's action may not be challenged later in a separate civil or criminal proceeding.

Dated: February 19, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-5722 Filed 3-1-82; 8:45 am]

BILLING CODE 6560-38-M

[2]The PSD regulations define a major modification as "any physical change in, change in method of operation of, or addition to" a source that results in a potential emission increase of any pollutant of over 100 tons or 250 tons per year, depending on the type of source. 40 CFR 52.21(b)(ii). The SIP revision did not involve a physical change or a change in the method of operation at the Kincaid plant.

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1-4

[FPR Temp. Reg. 64]

Agency ADP Requests for Delegations of Procurement Authority

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation extends, clarifies, and modifies the GSA alternate procedure that agencies may use to submit individual requests for delegation of procurement authority to acquire ADP resources. The changes are based on review and comments on the trial alternate procedure in effect over the last 12 months. The intended effect is to reduce paperwork and time consumed in the ADP resources acquisition authorization process.

DATES: Effective date: December 1, 1981. Expiration date: December 1, 1983, unless earlier revised or superseded. Comments are due: On or before May 31, 1982.

ADDRESS: Comments should be addressed to: General Services Administration (CPEP), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Roger W. Walker, ADTS Procurement Policy and Regulations Branch (CPEP), 202-566-0194.

SUPPLEMENTARY INFORMATION: This regulation replaces FPMR Bulletin F-126, November 4, 1980 (45 FR 84151, December 22, 1980), and supersedes and cancels FPR Temporary Regulation 62, June 22, 1981 (46 FR 36143, July 14, 1981).

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. The General Services Administration's decisions are based on adequate information concerning the need for, and consequences of, this rule. This rule has been written to ensure maximum benefits to Federal agencies. This is a Government-wide procurement regulation that will have little or no effect on society.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

In 41 CFR Chapter 1, the following temporary regulation is added to the appendix at the end of the chapter.

Federal Procurement Regulations; Temporary Regulation 64

To: Heads of Federal agencies.

Subject: Agency requests for delegations of procurement authority for the acquisition of ADP equipment and services.

1. *Purpose.* This temporary regulation extends and modifies the alternate procedure that agencies may use to request delegations of procurement authority from GSA. The alternate procedure was established on a trial basis by the Administrator of General Services in a memorandum for heads of departments and agencies dated November 14, 1980, and was described in GSA Bulletin FPMR F-126 (45 FR 84151, December 22, 1980). Provisions of the FPR which were changed by FPR Temporary Regulation 62 (46 FR 36143, July 14, 1981) are further modified.

2. *Effective date.* This regulation is effective December 1, 1981.

3. *Expiration date.* This regulation expires December 1, 1983, unless earlier revised or superseded.

4. *Background.*

a. The trial procedure described in GSA Bulletin FPMR F-126 was established to place more responsibility on agencies to reduce paperwork, and to speed up processing of agency procurement requests.

b. The Administrator's memorandum advised agencies that GSA would conduct periodic reviews of procurement actions authorized under this alternate procedure to (i) verify compliance with authorization letter conditions, (ii) assess GSA's procurement policies and directions given to agencies, and (iii) identify agencies to whom greater procurement authority may be granted.

c. GSA has conducted agency on-site reviews of a number of agency requirements being procured under the alternate F-126 procedure. In addition,

GSA has evaluated questionnaires sent to agencies concerning the alternate procedures. GSA has also examined its own Agency Procurement Request (APR) review procedure. Based on the on-site reviews and other comments, some findings are set forth below.

(1) Agencies have generally complied with existing policies and regulations in the planning and execution of F–126 procurement actions. File documentation was, as a rule, adequate and well-organized. It reflected compliance or statements of compliance with regulatory provisions. A few instances of noncompliance, questionable procurement practices, and notable areas for improvement were found.

(2) Some agencies were not aware that GSA expected more executive level involvement and oversight responsibility under the alternate APR submission procedure. Little evidence of increased executive level involvement and oversight was found. Most agencies felt they were already equipped to absorb the additional autonomy implied by the alternate APR submission procedure.

(3) Identification of the names of authorized ADP management and procurement officials was considered unduly burdensome by some agencies.

(4) Some agencies believed that withholding a DPA pending submission of additional information under the alternate procedure was contrary to its basic thrust; and further, that GSA's adjustment to granting a DPA with an immediate follow-on review on selected cases amounted only to a provisional clearance to proceed with unstated conditions.

(5) Some agencies have suggested that GSA's periodic on-site reviews are contrary to the intent of the alternate procedure and the Paperwork Reduction Act.

(6) The alternate procedure is perceived by agencies as being a positive program to place appropriate responsibilities on agenices and to shorten program approval time.

d. GSA has concluded that the findings support continuing the alternate APR submission procedure, modified in this regulation, as an agency option.

5. *Explanation of changes.*

a. The following are specific modifications to the alternate F–126 procedure.

(1) GSA will discontinue the practice of issuing DPA's subject to an immediate follow-on review. However, as warranted, GSA will continue to conduct in-depth reviews of selected requests submitted under the alternate APR submission procedure.

(2) Specific APR submission requirements under the alternate procedure are clarified in Attachment A to this regulation.

b. Any Federal agency may elect (or continue, if an election has been made) to use the alternate APR submission requirements as outlined in Attachment A of this regulation when submitting ADP equipment or service procurement requests to GSA. This procedure is an alternative to the APR submission provisions of § 1–4.1105—Request for procurement action, and the GSA Form 2068, Request for ADP Service, submission provisions of Federal Property Management Regulations (FPMR) § 101–36.203–2—Authorization for commercial procurement, as changed by FPMR Temporary Regulation F–495 (pending publication of § 1–4.1203–1 in a new Subpart 1–4.12 which establishes procurement and contracting policies and procedures for ADP services).

c. The provisions of §§ 1–4.1104—Procurement authority and 1–4.1107—Federal agency responsibility when procurement is delegated by GSA, as changed by FPR Temporary Regulation 62 and this regulation, apply to the alternate submission procedure authorized by this regulation as well as to APR submissions under standard procedures.

d. Section 1–4.1104 (as amended by FPR Temp. Reg. 62) is further amended by changing paragraph (a)(3) to remove the requirement for names of officials on the listings submitted to GSA, as follows:

Section 1–4.1104 Procurement Authority

(a)(1) To allow for the orderly implementation of a program for the economical and efficient procurement of ADPE, commercially available software, maintenance services, and related supplies, agencies are authorized to procure these items (i) in accordance with the provisions of this § 1–4.1104 provided that requirements are not fragmented in order to circumvent the established blanket delegation thresholds or (ii) when a specific delegation of procurement authority has been provided in accordance with the provisions of §§ 1–4.1105 and 1–4.1106. However, the applicable provisions of FPMR Subchapter F shall be complied with before initiating a procurement action.

(2) The provisions of Public Law 96–511 (the Paperwork Reduction Act of 1980) direct each executive agency head to designate a senior official (officials in DOD) reporting to the agency head to be responsible for implementing the Act. This designated senior official is assigned responsibility for the conduct of and accountability for any acquisitions made under a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) (see 44 U.S.C. 3506(c)(4)).

(3) The designated senior official in each agency shall advise GSA in writing of the position, title and organizational identity of those officials who have been authorized (i) to initiate acquisition actions (including submission of agency procurement requests to GSA) and (ii) to conduct authorized acquisitions (see also §§ 1–4.1105 and 1–4.1107). The designated senior official shall keep the listings current. (A change of incumbent in an unchanged position and organizational assignment does not require notification.) Listings shall be submitted to GSA (CPS), Washington, DC 20405.

* * * * *

e. Section 1–4.1105 (as amended by FPR Temp. Reg. 62) is further amended by making the preamble compatible with the listing submission requirements of § 1–4.1104, as follows:

Section 1–4.1105 Request for Procurement Action

If an agency determines that the conditions of the contemplated procurement are not covered by the blanket delegation of procurement authority provisions of § 1–4.1104, or if the conditions of the contemplated procurement change during the procurement process so that those provisions become inapplicable, four copies of the agency procurement request (APR) and other applicable documents shall be forwarded to the General Services Administration (CPS), Washington, DC 20405. The APR shall be signed by an official who has been authorized to initiate the acquisition action and shall identify the position title and organizational identity of the official who has been authorized to conduct the procurement. GSA will process only those submissions signed by authorized officials and identified by position title and organizational identity who appear on the submitted listing (see § 1–4.1104(a)). Other submissions will be returned without action to the submitting office for resubmission by an authorized agency official. In addition, the APR shall contain the name and telephone number of an individual within the agency who shall act as the

point of contact for GSA. The APR shall include, as applicable:

* * * * *

f. Section 1–4.1107 (as amended by FPR Temp. Reg. 62) is repeated in this regulation so that all changes in FPR Temp. Reg. 62 and GSA Bulletin FPMR F–126 can be consolidated in this regulation and FPR Temp. Reg. 62 can be canceled, as follows:

Section 1–4.1107 Federal Agency Responsibility When Procurement is Delegated by GSA

When acting under a GSA delegation of procurement authority under either §§ 1–4.1104 or 1–4.1106, the agency designated senior official is responsible for compliance with applicable procurement policies, regulations, and, in particular, § 1–4.1109 and the specific terms of the delegation (see § 1–4.1104(a)).

g. Section 1–4.1107–1 is added to explicitly reserve to GSA the right to review agency acquisition actions and documentation, as follows:

Section 1–4.1107–1 GSA Review of Agency Acquisition Actions

GSA reserves the right to review agency actions supporting any acquisition authorized under this Subpart 1–4.11. Documentation relative to agency actions made under the regulations issued under section 111 and other provisions of the Federal Property and Administrative Services Act of 1949, as amended, shall be made available for review upon request of GSA officials. (Documentation should be retained in agency files for such periods as required by applicable law or regulation.)

6. *Agency action.*

a. Pending the issuance of a permanent amendment to the Federal Procurement Regulations, agencies shall follow the policies and procedures in this temporary regulation. The agency senior designated official shall advise GSA (CPS), Washington, DC 20405, when the alternate APR submission procedure will be used by the agency. Agency notifications already submitted (under F–126 procedures) will be assumed to continue (as modified herein) unless GSA is notified to the contrary.

b. Agencies may elect to use the alternate APR submission procedure set forth in this regulation when submitting ADP equipment or service requests to GSA. However, because the procedure offers agencies broader procurement autonomy than otherwise provided by regulation, it places greater emphasis on the responsibilities of agency officials to ensure that current regulatory provisions are followed before acquisitions take place. In establishing internal procedures, agencies should strive to (i) designate executive level officials to initiate and accept accountability for acquisition actions under this regulation's alternate APR submission procedure and (ii) provide for an independent review to validate agency compliance with regulations.

7. *GSA action.*

a. When an agency selects the alternate APR submission procedure under paragraph 5b, above, GSA will promptly review and take appropriate action on the APR. When necessary, GSA will conduct a more in-depth review before issuing a DPA under the alternate APR submission procedure. In some instances, this may require the submission of additional information. DPA's will clearly describe the conditions or limitations, if any, of the delegation. GSA will discontinue the practice of issuing DPA's subject to an immediate follow-review.

b. GSA will conduct periodic reviews of current and past agency acquisition actions as it deems appropriate. These periodic reviews will (i) verify agency compliance with regulations and DPA conditions or limitations, (ii) assess GSA procurement policies and directions given to agencies, and (iii) assess the agency's planning and control mechanisms regarding the use of the delegated authority to accomplish economical and efficient acquisition, use, and management of ADP resources. GSA will take appropriate actions when findings indicate failures to comply with regulations or conditions or limitations of individual DPA's, or unauthorized deviations to regulations. Actions may include voiding a DPA before award and withdrawing an agency's authority to use the alternate APR submission procedure.

c. GSA encourages agencies to establish early planning coordination with GSA's agency planning and authorization officials (CPSA). Often potential delays and problem areas can be identified and remedied in advance of the formal APR submission.

d. For information and assistance in the agency APR submission, GSA authorization, and agency review procedures in this temporary regulation contact: General Services Administration (CPSA), Washington, D.C. 20405; Telephone: FTS or local 566–1566; Commercial toll—(202) 566–1566.

e. When required, the information submitted by an agency may be made available to Government oversight activities.

8. *Effect on other directives.*

a. The alternate APR submission procedure set forth in this regulation supersedes the procedures set forth in GSA Bulletin FPMR F–126, dated November 4, 1980, which has an expiration date of December 1, 1981.

b. This regulation supersedes and cancels FPR Temporary Regulation 62, dated June 22, 1981.

9. *Submission of comments.*

Comments are invited concerning the effect or impact of this regulation and the policy and procedures that should be adopted in the future. Comments should be forwarded to GSA (CPEP), Washington, DC 20405, not later than May 31, 1982.

Ray Kline,

Acting Administrator of General Services.

Alternate APR Submission Requirements; Agency Request for ADP Equipment or Services

Agency Information: Provide agency name, address, and location where equipment will be installed or services will be performed. Provide names and telephone numbers of appropriate technical and contracting officials. Identify the position title and organizational identity of the official authorized to conduct the acquisition (see § 1–4.1104(a)).

Project Title and Description:

a. Provide the project title and a brief but specific description of the primary agency program(s) that the ADP equipment or services will support.

b. Provide a brief but specific description of the current major system components (including ADPE configuration) or services supporting the program(s).

c. Provide a brief but specific description of the major system components or services to be acquired during the systems life of the requirement. This should reflect resources required for system expansion (i.e., anticipated augmentations, upgrades, and other system modifications) during the systems life if such requirements will be included in the solicitation document as evaluated options. The delegation resulting from this submission will be limited to resources described herein.

Acquisition Strategy:

a. Indicate whether the proposed procurement approach is competitive or noncompetitive (sole source, including use of specific make and model purchase descriptions); if competitive, whether compatibility limited requirements will be used on either a mandatory or nonmandatory basis; what acquisition plans will be solicited (lease, lease with option, lease to ownership, or purchase plan); and specify the type of contract expected to be used.

b. Identify by fiscal year quarter the following planned milestones: Release of solicitation document and contract award.

c. If the request involves a pilot or prototype, the strategy for the follow-on implementation phase must be described.

Estimated Contract Life and Cost:

The estimated contract cost of the acquisition (not the overall system life cost) shall be identified by type of request for the contract life and shall include all anticipated optional quantities, services, and periods. Detailed cost breakdowns may be included when necessary to describe clearly the estimated costs. The estimated contract cost (for all years) should correspond to the planned contract life. The delegation of authority resulting from this submission will be limited to quantities and years described herein.

Type of request	Estimated contract cost	Contract life
ADPE system or item		
ADPE system replacement/augmentation		
Proprietary software		
Equipment maintenance		
ADP services acquired under TSP/BA		
ADP services acquired under TSP/MAS		
ADP services acquired under TSP exception		
ADP services outside TSP scope		

Regulatory Compliance:

a. Provide a statement which indicates that the agency has reviewed and complied (or will comply) with all applicable regulations, or (i) list those deviations to the regulations that apply to this request for which approval is sought and (ii) provide an explanation for each regulatory deviation request (see § 1–4.1100–3).

b. Provide the date of completion or most recent update of the following documentation, or indicate not applicable:

1. Requirement analysis (see FPMR § 101–35.207)
2. Comparative cost analysis (see FPMR § 101–35.209)
3. Performance evaluation for the currently installed ADP system (see FPMR Subpart 101–36.14)
4. Findings to support the use of compatibility limited requirements (see § 1–4.1109–12)
5. Software conversion study (see § 1–4.1109–13)
6. Justification to support a contemplated noncompetitive (sole source) procurement (including the use of specific make and model purchase description) (see § 1–4.1105(k))
7. Description of those planned actions necessary to foster competition for subsequent procurements (see FPMR § 101–35.206–1)

Agency remarks: Provide additional information deemed necessary concerning any of the above items or special conditions associated with this procurement; e.g., required building construction/modification by GSA.

Agency/GSA references: Provide references to previous GSA authorizations (including previous GSA case numbers), meetings, telephone discussions, etc.

Agency authorized signature, position title, organizational identity date.

Note.—GSA will process only those agency submissions signed by an authorized official (see § 1–4.1104(a)). The official's position title and organizational identity must be provided.

[FR Doc. 82–5482 Filed 3–1–82; 8:45 am]

BILLING CODE 6820–61–M

VETERANS ADMINISTRATION

41 CFR Part 8–1

Procurement of Binding

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: This revision amends provisions pertaining to the purchase of binding by specifying that such purchases will be in accordance with GPO (Government Printing Office) specifications and will normally be procured from servicing GPO Regional Printing Procurement Offices.

EFFECTIVE DATE: February 19, 1982.

FOR FURTHER INFORMATION CONTACT: Chris A. Figg, Policy and Interagency Service, Office of Procurement and Supply, 810 Vermont Avenue, NW., Washington, D.C. 20420, Telephone (202) 389–2334.

SUPPLEMENTARY INFORMATION: Procurement of binding has been accomplished using a VA specification. This specification is no longer considered necessary, and binding procurements will now be done in accordance with GPO specifications. Additionally, binding and rebinding requirements in excess of $500 will be procured from GPO Regional Printing Procurement Offices.

The Administrator hereby certifies that this final rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604. The reason for this certification is because this rule is not likely to result in a major increase in costs to consumers or others, or to have other significant adverse effects.

It is the general policy of the VA to allow time for interested persons to participate in the rulemaking process (38 CFR 1.12). Since this amendment only affects internal procedures, the rulemaking process is considered unnecessary in this instance.

Approved: February 19, 1982.

Robert P. Nimmo,

Administrator.

PART 8–1—GENERAL

41 CFR Part 8–1, General Policies, is revised as follows:

§ 8–1.305–6 [Amended]

1. In § 8–1.305–6, paragraph (a) is revised by removing the title "Supply Service" in the second line and inserting "the Office of Procurement and Supply,"; paragraphs (c), (g), and (h) are revised by removing the title "Director, Supply Service" and inserting the title "Assistant Deputy Administrator for Procurement and Supply"; and paragraph (d) is revised by removing the word "Perishable" where it appears in the first sentence.

2. Section 8–1.305–51 is revised to read as follows:

§ 8–1.305–51 Veterans Administration binding specifications.

(a) All binding or rebinding of books, magazines, pamphlets, newspapers, slip cases and boxes will be procured in accordance with GPO (Government Printing Office) specifications and will be procured from the servicing GPO Regional Printing Procurement Office for procurements exceeding $500 or, when appropriate, from commercial sources (subpart 8–5.53).

(b) There are three types of binding/rebinding: (1) Class A (hard cover); (2) Perfect (glued); and (3) Lumbinding (sewn). The most suitable type of binding will be procured to satisfy the requirements, based upon the intended use of the bound material.

§ 8–1.306–1 [Amended]

3. In § 8–1.306–1, paragraph (a) is revised by removing the title "Chief Medical Director (134)" and inserting the title "Assistant Deputy Administrator for Procurement and Supply (93)."

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 82–5463 Filed 3–1–82; 8:45 am]

BILLING CODE 8320–01–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–37

[FPMR Amendment F–53]

Ordering Major Changes or New Installations of Telecommunications Facilities

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides a revised chart that clarifies and updates information GSA requires of Federal agencies for major changes to local telephone services. The regulation also deletes the requirement for agencies to submit to GSA a quarterly report of data usage on the FTS intercity network. This rule is intended to simplify agency

requests for FTS intercity and local services.

EFFECTIVE DATE: March 2, 1982.

FOR FURTHER INFORMATION CONTACT: John F. Stewart or John E. Connor, Procurement Policy and Regulations Branch (202–566–0194).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. The General Services Administration's decisions are based on adequate information concerning the need for, and consequences of, this rule. This rule has been written to ensure maximum benefits to Federal agencies. This is a Government-wide management regulation that will have little or no effect on society.

PART 101–37—TELECOMMUNICATIONS MANAGEMENT

Subpart 101–37.1—General Provisions

1. Section 101–37.103(d) is revised to read as follows:

§ 101–37.103 Policy.

* * * * *

(d) Place maximum reliance on commercial sources for telecommunications services and facilities to meet the needs of the Federal Government, and to acquire these services and facilities competitively to the maximum practicable extent.

Subpart 101–37.2—Major Changes and New Installations

2. Section 101–37.201–1 is revised to read as follows:

§ 101–37.201–1 Changes to other than FTS.

Executive agencies requiring major changes in telecommunications facilities or the installation of new facilities, as described in § 101–37.202, shall send a written request to GSA for approval as far in advance as possible. GSA will approve or disapprove the request in writing within a 20-workday period provided that sufficient supporting data is furnished. If GSA has taken no action within the 20 workdays after receipt of a request, plus 5 days mail lag, the agency may proceed as if approval has been granted. GSA will notify the agency in writing if unusual or special circumstances will lengthen the period of time GSA needs to complete its evaluation.

3. Section 101–37.203 is amended by revising paragraphs a(1) and a(2) and removing paragraph a(3) to read as follows:

§ 101–37.203 Justification of major changes and new installations.

* * * * *

(a) *Local telephone service.*

(1) The information needed by GSA to review and to provide local telephone service is described in the chart illustrated in § 101–37.4901.

(2) Requests for ACD's shall include a statement that the monitoring, service observing, or listening-in features have been removed or disabled at the time of installation. These features are prohibited; all ACD's shall have the listening-in function removed unless specifically authorized. (See § 101–37.311 for guidance.)

* * * * *

Subpart 101–37.3—Ordering, Using, and Managing Telecommunications Services

4. Section 101–37.310 is revised so that it is consistent with FPMR Temporary Regulation F–498 as follows:

§ 101–37.310 Data services on the FTS intercity voice network.

The FTS intercity voice network is available for the transmission of data that can be transmitted over unconditioned switched satellite and terrestrial channels.

(a) *Controls.* Daytime use of the FTS intercity voice network for data transmission is subject to controls to protect the quality of voice transmissions. GSA may require that agencies terminate use of particular circuits for data transmission during normal business hours or when an FTS Minimize is in effect.

(b) *Prior approval.* No prior approval for the use of the intercity voice network is required when network service is available without modification and the annual cost for transmission of data is less than $50,000. Request for dedicated access to the FTS intercity network must be approved by GSA in accordance with Subpart 101–37.2.

(c) *Cost.* The transmission of data is billed at the same rate as network telephone calls, i.e., each call will be billed by minutes of usage as determined by the network random sample of agency calls. No charge will be made for calls placed between 5 p.m. and 8 a.m. local time on weekdays and all day Saturdays, Sundays, and holidays. Intercity telephone service is billed quarterly.

Subpart 101–37.49—Forms and Illustrations

§ 101–37.4901 [Amended]

Note.—This illustration will not appear in the Code of Federal Regulations.

5. The chart referenced in § 101–37.4901 is revised as follows:

REQUIRED INFORMATION FOR CHANGES IN TELEPHONE SERVICES

If	Submit
1. Making any submission that is a major local service change as required by § 101–37.203.	1. The agency's name and address (including street, city, state, and ZIP code). 2. The name and telephone number of the person to contact. 3. A brief statement describing the particular request: e.g., "This is a 200 main station addition to an existing PBX." 4. As appropriate, provide copy of a recent month's itemized equipment statement and actual cost, including mileage charges, number of operating positions, consoles, Central Office (C.O.) circuits, tielines, L.D. circuits, FTS circuits, main and extension stations, power plant, off-premise mileage, and other pertinent details.
2. Installing/changing, etc., a PBX/Centrex or similar system.	1. The make/model or equivalent of present system. 2. The type of ownership (lease or purchase) and estimated annual cost. 3. System life. 4. Annual maintenance and repair cost. 5. Telephone operator cost, number of persons, annual salaries. 6. OPX mileage and cost for each location served. 7. Space requirements. 8. Total termination liability and expiration date. 9. Main station capacity. 10. Number of stations installed, main and extension. 11. Number and type of circuits and monthly cost of: C.O., tielines, WATS, FTS, other. 12. Number and type of attendant positions. 13. Proposed system functional characteristics.
3. Changing and ACD system	1. Number of positions, trunks, or circuits by type, for supervisory consoles.

REQUIRED INFORMATION FOR CHANGES IN TELEPHONE SERVICES—Continued

If	Submit
	2. The name of the geographical area to be served. 3. Statement (Yes or No) indicating that the monitoring, service observing, or listening-in features of the ACD will be moved or disabled at the time of installation. In the event of "No," GSA requires the agency to certify that the provisions of FPMR 101-37.311 have been complied with.
4. Adding or revising tielines between PBX or like systems.	1. Number of calls per day and percent of calls during busy hour. 2. Monthly cost for calls, tieline, and terminal equipment. 3. Nonrecurring cost.
5. Adding or changing FTS intercity or inter-exchange service.	1. Estimated amount of increase or decrease in the daily number of intercity calls by destination.

Note.—This chart illustrates the information required by FPMR 101-37.203(a)(1), which is discussed on page 3705 of this text.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 8, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-5484 Filed 3-1-82; 8:45 am]

BILLING CODE 6820-25-M

41 CFR Part 101-26

[FPMR Amendment E-250]

Procurement Sources and Programs; Payment for Nonstock Items Procured by GSA for Direct Delivery to Agencies

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides a reference to the current policy concerning agency payments for nonstock items ordered for them by GSA and delivered by the contractors directly to the agencies. This regulation is necessary to conform the part of the FPMR that covers supply and procurement with the part that covers payments to GSA for supplies and services furnished Government agencies.

EFFECTIVE DATE: March 2, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Renner, Director, Regulations Management Division (703-557-7970).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

This regulation continues § 101-26.102-4 to reference the provisions of Subpart 101-2.1 and provide an audit trail for references to the section.

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

1. The table of contents for Part 101-26 is amended by revising the following entry:

101-26.102-4 Payment to GSA contractors.

Subpart 101-26.1—General

2. Section 101-26.102-4 is recaptioned and revised to read as follows:

§ 101-26.102-4 Payment to GSA contractors.

Policies and procedures covering payment to GSA contractors for supplies and services furnished by GSA to Government agencies are in Subpart 101-2.1.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 3, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-5509 Filed 3-1-82; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6149

[U-31099]

Utah; Revocation of Commissioner's Order Approved June 11, 1943; Revocation of Public Order Nos. 1868, 4036, and 4061

Correction

In FR Doc. 82-4153 appearing on page 6857 in the issue of Wednesday, February 17, 1982, the "Public Land Order" number was inadvertently omitted in the heading. The heading should have read as set forth above.

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-570; RM-3886]

FM Broadcast Stations in Naknek, Alaska; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 265A to Naknek, Alaska, as a first FM assignment in response to a petition filed by Bay Broadcasting Company, Inc.

DATE: Effective April 26, 1982.

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

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

SUPPLEMENTARY INFORMATION:

Report and Order; Proceeding Terminated

Adopted: February 16, 1982.

Released: February 24, 1982.

1. The Commission has under consideration a Notice of Proposed Rule Making, 46 FR 43205, published August 27, 1981, proposing the assignment of Channel 265A to Naknek, Alaska, in response to a petition filed by Bay Broadcasting Company, Inc. (petitioner). The proposed assignment would provide a first FM service to Naknek. Supporting comments were filed by the petitioner. No oppositions to the proposal were received.

2. Naknek (population 178),[1] in Bristol Bay Borough Division (population 1,147), is located approximately 480 kilometers (300 miles) southwest of Anchorage, Alaska. It has no local broadcast service.

3. In comments to the proposal, the petitioner incorporated by reference the information contained in the Notice that demonstrated the need for a first FM assignment to Naknek. Petitioner also restated its intent to apply for the channel, if assigned.

4. The Commission believes that the public interest would be served by assigning Channel 265A to Naknek, Alaska, since it would provide that community with an opportunity for a first local broadcast station. The assignment can be made in compliance with the minimum distance requirements.

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, That effective April 26, 1982, the FM Table of Assignments, § 73.202(b) of the rules, is amended with regard to the following community:

City	Channel No.
Naknek, Alaska	265A

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

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

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 82-5588 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

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

47 CFR Part 73

[BC Docket No. 80-563; RM-3622 and RM-3809]

FM Broadcast Station in Hays, Junction City and Abilene, Kansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns a second Class C FM channel to Hays, Kansas, in response to a request from Central Radio, Inc., and assigns a first Class C FM channel to Abilene, Kansas, in response to a request from KABI, Inc. Also the license for Station KABI-FM, Abilene, is modified to specify operation on the Class C channel.

DATE: Effective April 26, 1982.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order; Proceeding Terminated

Adopted: February 18, 1982.

Released: February 26, 1982.

1. The Commission has before it the Notice of Proposed Rule Making, 45 FR 64985, published October 1, 1980, and the Further Notice of Proposed Rule Making, 46 FR 40059, published August 6, 1981, proposing to assign Channel 258 to Hays, Kansas, and to upgrade Station KABI-FM from Channel 252A to Channel 253 at Abilene, Kansas.[1] KABI, Inc., licensee of Station KABI-FM, Abilene, filed a response to the Further Notice. Comments filed in response to the Notice were treated in the Further Notice and do not bear repeating herein.

2. Hays (population 16,301),[2] seat of Ellis County (population 26,098), is located approximately 312 kilometers (195 miles) west of Topeka, Kansas. It is currently served by AM Station KAYS and FM Station KJLS (Channel 277).

3. Abilene (population 6,572), seat of Dickinson County (population 20,175), is located approximately 128 kilometers (80 miles) west of Topeka, Kansas. It is currently served by co-owned Stations KABI (AM) and KABI-FM (Channel 252A).

4. The Further Notice indicated that sufficient information had been provided to justify a second Class C channel assignment to Hays and a higher powered FM channel for Abilene. The finding was primarily based on a showing of significant figures of first and second FM and nighttime aural services from both assignments. However, both petitioners Central Radio, Inc. (Hays) and KABI, Inc. (Abilene) had requested the same channel (Channel 253) for the respective communities. It was determined however, that Channel 258 could be assigned to Hays. We were prepared to make the respective assignments, but we had no indication from KABI, Inc. that it was aware of and willing to move its transmitter site in order to comply with a 5.2 mile south site restriction. Such an extraordinary action, *i.e.*, moving the transmitter location, would require an expression of consent from the affected licensee since we generally would not approve an assignment proposal requiring a site change without such consent. Therefore we issued the Further Notice for that purpose.

5. KABI, Inc. has stated in response to this concern that it is willing to apply for a new site to comply with the mileage spacing requirements. On that basis, we find no obstacle to the adoption of the proposals set forth in the Further Notice. We shall also modify Station KABI-FM's license to specify operation on Channel 253 as requested since there have been no other expressions of interest in an Abilene station on that channel.

6. Accordingly, It is ordered, That the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended for the following communities:

City	Channel No.
Abilene, Kansas	253
Hays, Kansas	258, 277
Junction City, Kansas	233

7. It is further ordered, That pursuant to Section 316 of the Communications Act of 1934, as amended, the license of Station KABI-FM, Abilene, Kansas, is modified to specify operation on Channel 253 subject to the following:

(a) At least 30 days before operating on the newly specified channel, the licensee shall file with the Commission a minor change application for a construction permit (Form 301).

(b) Within 10 days after commencing operation on the newly specified channel, the licensee shall submit a license application (Form 302) for the new channel.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

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

[1] Channel 252A was assigned to Junction City, Kansas, but has been in use at Abilene, Kansas, pursuant to Section 73.203(b) which, at the time, permitted the use of channels 25 miles from the city of assignment.

[2] Population data are taken from the 1980 U.S. Census, Advance Reports.

9. It is further ordered, That the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this Order to KABI, Inc., c/o 414 West Second Street, Kimball, Nebraska, 69145.

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

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-5577 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-502; RM-3873]

FM Broadcast Station in Truth or Consequences, New Mexico; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes FM Channel 254 for unused Channel 244A in Truth or Consequences, New Mexico, in response to a petition filed by Sierra Industries, Inc.

DATE: Effective April 26, 1982.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)
Adopted: February 16, 1982.
Released: February 24, 1982.

1. The Commission has under consideration a Notice of Proposed Rule Making, 46 FR 42483, published August 21, 1982, proposing the substitution of Class C FM Channel 254 for unused Channel 244A in Truth or Consequences, New Mexico, in response to a petition filed by Sierra Industries, Inc. ("petitioner"). Supporting comments were filed by the petitioner restating its interest in the Class C channel. No oppositions to the proposal were received.

2. Truth or Consequences (population 5,219),[1] seat of Sierra County (population 8,454), is located approximately 216 kilometers (135 miles) south of Albuquerque, New Mexico. It is served locally by AM Station KCHS. It also has an unused FM channel (244A), and an unused educational channel (220A).

3. Petitioner incorporated by reference the information contained in the Notice which demonstrated the need for a Class C assignment, noting that unused Channel 244A has not been applied for since it was assigned in 1963. This, it argued, was primarily because of the inability of a Class A facility to reach the sparsely populated areas surrounding the community.

4. As stated in the Notice, the proposed substitution of channels will cause preclusion on the co-channel as well as five of the six adjacent channels. Petitioner claimed that alternative channels are available to most of the precluded area, however. Further, petitioner stated that the substitution will provide a first FM service to 11,145 persons in an area of 9,684 square kilometers (3,783 square miles).

5. After careful consideration of the proposal, we have determined that the public interest woud be served by the substitution of channels. Although a community of this size is not normally assigned a Class C channel, the proposed substitution would provide substantial first FM service to persons in sparsely populated areas. Further, we consider the preclusion impact insignificant since alternative channels are available in the precluded areas.

6. The Mexican Government has given its concurrence in the proposed substitution of Channel 254 for 244A in Truth or Consequences, New Mexico.

7. Accordingly, It is ordered, That effective April 26, 1982, the FM Table of Assignments (Section 73.202(b) of the Commission's rules) is amended with regard to the following community:

City	Channel No.
Truth or Consequences, New Mexico	254

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

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-5578 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

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

47 CFR Part 73

[BC Docket No. 81-567; RM-3881]

FM Broadcast Station in Bismarck, North Dakota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 243 to Bismarck, North Dakota, as its third commercial FM channel in response to a request from Midwest Radio Company.

DATE: Effective April 26, 1982.

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

FOR FURTHER INFORMATION CONTACT: Philip Cross, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and Order; Proceeding Terminated

Adopted: February 16, 1982.
Released: February 24, 1982.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 46 FR 43204, published August 27, 1981, in response to a petition filed by Midwest Radio Company, ("petitioner"), proposing the assignment of FM Channel 243 to Bismarck, North Dakota, as the community's third FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Bismarck (population 44,485), the state capital, in Burleigh County (population 54,811)[1] is located in the south-central part of North Dakota. It is served locally by daytime-only AM Station KBMR, full-time AM Stations KBOM and KFYR; and FM Stations KQDY (Channel 233) and KYYY (Channel 225).

3. In support of its proposal, petitioner submitted information with respect to Bismarck which is persuasive as to its need for a third FM channel assignment. Petitioner has submitted a list of precluded communities and alternative available channels. Based on this showing, we find the preclusive impact of this assignment is insignificant.

4. We believe that the public interest would be served by the assignment of Channel 243 to Bismarck. An interest has been shown for its use, and such an assignment would provide the

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

community with an FM station which could render a third local broadcast service. Although the assignment would exceed the population guidelines, the preclusive impact is insignificant and does not present a bar to the assignment.

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

6. Accordingly, it is ordered, That effective April 26, 1982, § 703.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Bismarck, North Dakota	225, 233, 243

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

8. For further information concerning the above, contact Philip Cross, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–5589 Filed 3–1–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–572; RM–3880]

FM Broadcast Station in Durant, Oklahoma; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 249A to Durant, Oklahoma, as its second commercial FM channel in response to a request from E.D.B. Company.

DATE: Effective April 26, 1982.

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

FOR FURTHER INFORMATION CONTACT: Philip Cross, Broadcast Bureau, (202) 632–5414.

SUPPLEMENTARY INFORMATION:

Report and Order; Proceeding Terminated

Adopted: February 18, 1982.

Released: February 24, 1982.

1. The Commission has before it for consideration a Notice of Proposed Rule Making, 46 FR 43202, published August 27, 1981, in response to a petition filed by E.D.B. Company ("petitioner"), proposing the assignment of FM Channel 249A to Durant, Oklahoma, as the community's second FM assignment. Supporting comments were filed by petitioner in which it affirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Durant (population 11,118), seat of Bryan County (population 25,552),[1] is located approximately 192 kilometers (120 miles) southeast of Oklahoma City, Oklahoma. It is served locally by daytime-only AM Station KSEO, FM Station KSEO (Channel 296A), and noncommercial educational FM Station KHIB. Channel 249A can be assigned to Durant provided the transmitter site is located not less than 5 kilometers (3.1 miles) east-northeast of Durant to comply with the minimum separation requirements of § 73.207 of the Commission's rules.

3. In support of its proposal, petitioner submitted information with respect to Durant which is persuasive as to its need for a second channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 249A to Durant, Oklahoma. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render an additional local broadcast service.

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

6. Accordingly, it is ordered, That effective April 26, 1982, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Durant, Oklahoma	249A, 296A

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

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

8. For further information concerning the above, contact Philip Cross, Broadcast Bureau, (202) 632–5414.

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

Federal Communications Commission.

Martin A. Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 5590 Filed 3–1–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–571; RM–3853]

FM Broadcast Station in Goose Creek, South Carolina; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 232A to Goose Creek, South Carolina, in response to a petition filed by Sonrise Broadcasting Company, Inc. The assigned channel could provide a first local broadcast service to Goose Creek.

DATE: Effective April 26, 1982.

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

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

SUPPLEMENTARY INFORMATION:

Report and Order; Proceeding Terminated

Adopted: February 16, 1982.

Released: February 24, 1982.

1. The Commission has under consideration a Notice of Proposed Rule Making, 46 FR 43209, published August 27, 1981, proposing the assignment of Channel 232A to Goose Creek, South Carolina, as its first FM assignment. The Notice was issued in response to a petition filed by Sonrise Broadcasting Company, Inc. (petitioner). Supporting comments were filed by the petitioner, restating its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Goose Creek (population (17,811),[1] in Berkely County (population 94,727) is located approximately 23 kilometers (14 miles) north of Charleston, South

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

Carolina. It is without local broadcast service.

3. As stated in the Notice, Goose Creek is said to have experienced a considerable population growth in the past ten years, from 3,828 (1970) to 17,811 (1980). Goose Creek, which is primarily an industrial community, is also said to have 250–300 businesses and 2 banks serving the area. According to the petitioner, the proposed assignment could provide a needed service to the area through various public programs, news and musical entertainment.

4. The Commission believes that the petitioner has adequately demonstrated the need for a first FM assignment to Goose Creek, and that the public interest would be served by assigning Channel 232A to that community. The transmitter site is restricted to 8.16 kilometers (5.1 miles) northeast of the city to meet spacing requirements.

5. Accordingly, pursuant to §§ 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, That effective April 26, 1982, the FM Table of Assignments, § 73.202(b) of the rules, is amended with regard to the city of Goose Creek, South Carolina, as follows:

City	Channel No.
Goose Creek, South Carolina	232A

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

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

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 82–5592 Filed 3–1–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 76

[FCC 82–14]

Cable Television Service; Amendment of the Commission's Rules Concerning the Computation of the Cable Television Annual Fee Requirement of a Specific Section and Cable Television System Reports Requirement of a Specific Section

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The purpose of this action is to eliminate burdensome and unnecessary Commission filing requirements relative to annual fee payment by cable television operators. The amendment incorporates the following major features: (1) Elimination of the requirement of cable television operators to pay the Cable Television Annual Fee; (2) Elimination of the requirement of cable television operators to submit FCC Form 326–A to the Commission.

EFFECTIVE DATE: February 19, 1982.

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

FOR FURTHER INFORMATION CONTACT: J. L. Frenette, Cable Television Bureau, (202) 632–9797.

SUPPLEMENTARY INFORMATION:

Order

Adopted: January 13, 1982.

Released: February 5, 1982.

By the Commission.

In the matter of amendment of Part 76, Subpart I of the Commission's Rules and Regulations Concerning the Computation of the Cable Television Annual Fee Requirement of § 76.406 and Cable Television System Reports Requirement of § 76.403.

1. In its *Report and Order Docket 18397*, FCC 72–108, 36 FCC 2d 143 (1972) the Commission adopted amendments concerning FCC Forms and Reports. These rules list the forms and reports that cable television operators are required to file with the Commission. Annual Fee Data—"Computation of Cable Television Annual Fee," Form 326–A is among the forms listed in § 76.403. Computation of Cable Television Annual Fee § 76.406 provides additional information concerning the filing of Form 326–A.

2. In the case of *National Cable Television Association v. U.S.*, 415 U.S. 336 (1974) the Supreme Court found the system of collecting annual fees from cable television operators to exceed the Commission's authority. In compliance with this decision we are hereby deleting the requirements for computation of cable television annual fees and the filing of FCC Form 326–A from the rules.

3. Because the action taken is purely ministerial, conforming the written rules to the court's mandate and consistent with the Communication's Act 47 U.S.C. 402(h) and the Administrative Procedure Act, 5 U.S.C. 553, the prior notice and publication requirements of the Administrative Procedure Act are inapplicable.

Accordingly, it is ordered, that effective February 19, 1982, Part 76 of the Commission's rules and regulations is amended as set forth in the attached Appendix.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 76—CABLE TELEVISION SERVICE

Part 76 of Chapter 1 of the Code of Federal Regulations is amended as follows:

§ 76.403 [Amended]

1. In § 76.403, the entry "Annual Fee Data—Computation of Cable Television Annual Fee," Form 326–A is removed.

§ 76.406 [Removed]

2. Section 76.406 is removed.

[FR Doc. 82–5552 Filed 3–1–82; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 47, No. 41
Tuesday, March 2, 1982

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

Spearmint Oil Produced in the Far West; Proposed Salable Quantities and Allotment Percentages for the 1982–83 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This is a proposal to establish the quantity of spearmint oil produced in the Far West, by class, that may be purchased from, or handled for, producers by handlers during the 1982–83 marketing year. This action is taken under the marketing order for spearmint oil produced in the Far West to promote orderly marketing conditions.

DATE: Comments due March 26, 1982.

ADDRESSES: Comments should be sent to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written material should be submitted, and they shall be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5697.

SUPPLEMENTARY INFORMATION: The proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

In order to minimize disruption, this proposed regulation is being issued with the understanding that the Spearmint Oil Administrative Committee will initiate action in 1982 under marketing order No. 985 so that operations under the program will conform to the Department's Guidelines for fruit, vegetable, and specialty crop marketing orders, issued January 25, 1982. The guidelines specify that producer allotment programs, like the spearmint oil marketing order, be carried out in a manner that will gradually eliminate barriers to entry.

The proposal is being published with less than a 60-day comment period because handlers and growers will soon be making preparations for handling and growing 1982 crop Spearmint Oil. Therefore, they must know as soon as possible what salable quantities and allotment percentages will be effective for the 1982–83 marketing year so they can plan their operations accordingly.

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 result in only minimal costs being incurred by the regulated ten handlers.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by OMB has been obtained.

The proposed salable quantity and allotment percentage for each class of spearmint oil would be established in accordance with the provisions of Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended unanimously by the Spearmint Oil Administrative Committee.

The salable quantity and allotment percentage proposed for each class of spearmint oil for the 1982–83 marketing year are based upon recommendations of the Committee and the following data and estimates:

(1) "Class 1" Oil (First Cutting Scotch)

(A) Estimated carryin on June 1, 1982—457,015 pounds.

(B) The Committee's recommendation for the salable quantity—323,587 pounds.

(C) Estimated trade demand (domestic and export) for the 1982–83 marketing year—770,000 pounds.

(D) Recommended desirable carryout on May 31, 1983—15,000 pounds.

(E) Total allotment bases for "Class 1" Oil—1,406,899 pounds.

(F) Recommended allotment percentage—23 percent.

(2) "Class 2" Oil (Second Cutting Scotch)

(A) Estimated carryin on June 1, 1982—98,450 pounds.

(B) The Committee's recommendation for the salable quantity—0 pounds.

(C) Estimated trade demand (domestic and export) for the 1982–83 marketing year—30,000 pounds.

(D) Recommended desirable carryout on May 31, 1983—0 pounds.

(E) Total allotment bases for "Class 2" Oil—126,901 pounds.

(F) Recommended allotment percentage—0 percent.

(3) "Class 3" Oil (Native)

(A) Estimated carryin on June 1, 1982—812,289 pounds.

(B) The Committee's recommendation for the salable quantity—171,745 pounds.

(C) Estimated trade demand (domestic and export) for the 1982–83 marketing year—800,000 pounds.

(D) Recommended desirable carryout on May 31, 1983—0 pounds.

(E) Total allotment bases for "Class 3" Oil—1,717,453 pounds.

(F) Recommended allotment percentage—10 percent.

The salable quantity is the total quantity of each class of oil which handlers may purchase from or handle on behalf of producers during a marketing year. Each producer is alloted a share of the salable quantity by applying the allotment percentage to his allotment base for the applicable class.

The order has been in effect since April 14, 1980. The industry had an oversupply problem prior to the establishment of the order and has been working to reduce these burdensome supplies through the use of the order's volume control provisions. There still is a severe oversupply of spearmint oil in all three classes. While indications are that handlers and users have been attempting to reduce their inventories of spearmint oil, thereby putting the burden of storage costs on producers, it is believed that these stocks are heavy. Currently, the producers' market is reported to be inactive, with few sales at relatively low prices (below production costs). Low prices are

expected to continue in 1982. The Committee believes that a continued effort to reduce stocks and bring supplies into balance with needs is the best way to create a stable market for each class of oil. The Committee's recommendations are expected to result in a reduction of the excessive stocks of all three classes of oil and appear appropriate for the 1982–83 season.

At the beginning of the 1980–81 season, "Class 1" Oil producer stocks were more than a year's supply. A volume regulation reduced these supplies during the first season and it is anticipated that it will be further reduced by the end of the 1981–82 season. The proposed regulation for the 1982–83 marketing year is intended to remove the balance of the excess grower stocks so supplies will be more in balance with demand.

It has been difficult to reduce the heavy stock level of "Class 2" Oil. Although, volume regulations issued the past two years have been increasingly restrictive, heavy stocks remain. The projected carryin at the beginning of the 1982–83 marketing year is 98,450 pounds, compared to estimated 1981–82 sales of 30,000 pounds and 1980–81 sales of 55,581 pounds. It is expected that growers would not make a second cutting of scotch in the 1982 season, thereby avoiding harvesting and distillation costs.

Sales of "Class 3" Oil have lagged behind early expectations in both the 1980–81 and 1981–82 season. With 1982–83 sales projected at about the 1981–82 level and anticipated carryin about two percent more than the expected 1982–83 sales, no 1982 crop would be needed. However, so that producers will have adequate supplies of roots to expand acreage if needed in 1983 or later, the Committee recommended a salable quantity of 171,745 pounds and an allotment percentage of 10 percent.

The Committee had recommended less restrictive allotment percentages for the past two marketing years, anticipating that the market would strengthen and absorb a portion of the excessive inventory of spearmint oil. The market has not absorbed these inventories and supplies remain burdensome. This has resulted in the current sluggish market situation. Other factors contributing to this condition are as follows:

1. Users (manufacturers of chewing gum and toothpaste) acquired large quantities of spearmint oil when prices were low in 1978 and 1979. Since spearmint oil is storable for long periods of time, users can draw upon these inventories for several years.

2. Manufacturers are hesitant to borrow money at the current high interest rates to stock spearmint oil since it is only a minor ingredient in their products.

3. Manufacturers are aware of the large inventories of spearmint oil held by producers and the sluggish market. Consequently, they are not under any pressure to acquire stocks. They can readily acquire the oil as they need it.

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

Therefore, the proposal is to add a new § 985.202 under Subpart—Salable Quantities and Allotment Percentages. (7 CFR 985.201; 46 FR 25424) as follows: (The following provisions will not be published in the Code of Federal Regulations.)

§ 985.202 Salable quantities and allotment percentages—1982–83 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year which begins June 1, 1982, shall be as follows:

(a) "Class 1" Oil—a salable quantity of 323,587 pounds and an allotment percentage of 23 percent.

(b) "Class 2" Oil—a salable quantity of 0 pounds and an allotment percentage of 0 percent.

(c) "Class 3" Oil—a salable quantity of 171,745 pounds and an allotment percentage of 10 percent.

Dated: February 25, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 82-5574 Filed 3-1-82; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Proposed Revision of REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Bulletin 181–3, Accounting interpretations for Rural Electric Borrowers, to clarify the accounting for interest income and expense related to the financing of pollution control facilities.

DATE: Public comments must be received by REA no later than: May 3, 1982.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4063, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, above address, telephone number (202) 382–9550. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A to 7 CFR Part 1701 by revising REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers. This proposal has been issued in conformance with Executive Order No. 12291, Federal Regulation. Since no significant effect on the economy will occur, since no significant increase in cost for consumers, industries or government will result; and since no significant impact on economic conditions will be caused, this action has been determined to be "not major."

The Regulatory Flexibility Act (Pub. L. 96–354) is not applicable to this action, therefore a Regulatory Flexibility Analysis will not be prepared.

Electric utility cooperatives, including several with loans made or guaranteed by the Rural Electrification Administration have financed the construction and installation of pollution control facilities through tax exempt municipal securities. The funds from these securities are deposited in a Construction Fund and controlled by a designated "Trustee." Often the funds that are under the control of the fund trustee are invested, earning interest until they are needed. This creates the double accounting problem of interest income/expense: interest income arising from the invested funds and interest expense owing on the borrowed funds. The proposed accounting interpretation (outlined below) is intended to define the appropriate accounting procedures in both situations.

Proposed Accounting Interpretation; REA Bulletin 181–3

I. *General:* Tax exempt municipal securities have become a common means of financing the construction of pollution control facilities. The funds generated from the sale of these securities are deposited in a Construction

Fund account and controlled by a designated "Trustee." Often the funds under the control of the trustee are invested until needed. This process generates interest income from the investment of unapplied funds and interest expense from the securities issued.

To prevent duplicate capitalization of interest expense, the capitalization of interest on the municipal securities should be made independently of the capitalization of interest on equity funds used during construction. To accomplish this the charges made to construction for pollution control facilities should be deducted from the total construction work-in-progress account prior to calculating the allowance for funds used during construction.

The following questions and answers are designed to provide uniformity in accounting for both interest income and expense. The procedures detailed in the questions and answers are to be utilized unless otherwise instructed in the provisions of the debt instrument.

II. *Questions and Answers:*

1. *Question:* Prior to the completion of construction, what portion of the interest expense associated with the municipal securities should be capitalized?

Answer: Assuming that the municipal securities were sold for the sole purpose of financing the construction of pollution control facilities and that the total proceeds from the sale of the municipal securities will, at some point in time, be used in the construction, the entire interest expense associated with the municipal bonds should be capitalized. Whether or not the entire proceeds are immediately utilized for construction is not relevant to this question. Because the total proceeds are required to finance the project, the total interest expense is a cost of the project and should be capitalized.

2a *Question:* Prior to the completion of construction, what is the appropriate accounting treatment for the interest income generated from the investment of excess funds?

Answer: By investing the temporarily idle funds, the borrower may reduce the effective interest rate paid on the outstanding debt. The interest income should be recorded as a direct credit to the Construction Work-in-Progress amount. The effect of these entries is to capitalize the net cost of borrowed funds as prescribed in Electric Plant Instruction 3(17) in REA Bulletin 181–1, Uniform System of Accounts Prescribed for Electric Borrowers.

2b. *Question:* How should these transactions be recorded in the utility's accounting records?

Answer: The following entries should be recorded in the borrower's accounting records:

To record sale of pollution control bonds: Dr. Account 221.20 Funds Held by Trustee—pollution control; Cr. Account 221.21 Pollution Control Bonds.

To record costs incurred in construction: Dr. Account 107 Construction Work-in-Progress; Cr. Account 232 Accounts Payable.

To record transfer of funds from Trustee: Dr. Account 131.1 Cash—General Fund; Cr. Account 221.20 Funds Held by Trustee—pollution control.

To record interest expense on pollution control bonds: Dr. Account 107.AA Construction Work-in-Progress; Cr. Account 221.20 Funds Held by Trustee—pollution control.

To record earnings from investments made by Trustee: Dr. Account 171 Interest and Dividends Receivable; Dr. Account 171 Interest and Dividends Receivable; Cr. Account 107.BB Construction Work-in-Progress.

To record the receipt of cash as shown on the reconcilement of the Trustee's Status of Funds statement: Dr. Account 221.20 Funds Held by Trustee—pollution control; Cr. Account 171 Interest and Dividends Receivable.

3a. *Question:* After construction is complete, what is the appropriate accounting for the bonds and the interest income/expense associated with them?

Answer: The Trustee will continue to handle the bonds until they are retired. The Trustee receives payment from the utility to deposit into the Debt Service Fund for payment of principal and interest on the debt. Depending on the provisions of the indenture, the Trustee may require advance payments of one to two years. These advance payments, when invested by the Trustee, will provide additional earnings. Because the funds are not under the control of the utility, any earnings on the investments made by the Trustee should be treated as a reduction of the periodic interest expense incurred on the pollution control bonds.

3b. *Question:* How should these transactions be recorded in the utility's accounting records?

Answer: The following entries should be recorded in the borrower's accounting records:

To close completed construction to the plant in service accounts: Dr. Various Plant Accounts; Cr. Account 107 Construction Work-in-Progress.

To record interest on debt: Dr. Account 427 Interest on Long Term Debt; Cr. Account 237 Accrued Interest Payable.

To record interest and principal payments made to Trustee: Dr. Account 221.20 Funds Held by Trustee—pollution control; Cr. Account 131 Cash.

To record interest earned by Trustee to offset interest expense: Dr. Account 221.20 Funds Held by Trustee—pollution control; Cr. Account 427.1 Interest on Long Term Debt—Credit.

To record payment of interest and principal by Trustee: Dr. Account 221.21 Pollution Control Bonds, Dr. Account 237 Accrued Interest Payable; Cr. Account 221.20 Funds Held by Trustee—pollution control.

(This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees)

Dated: February 24, 1982.

Harold V. Hunter,

Administrator.

[FR Doc. 82–5486 Filed 3–1–82; 8:45 am]

BILLING CODE 3410–15–M

Office of the Secretary

7 CFR Part 2900

Proposed Amendment Regarding Certification of Essential Agricultural Uses and Requirements; Natural Gas Policy Act

AGENCY: Office of the Secretary, USDA.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture proposes to amend its regulations certifying essential agricultural uses and requirements under the Natural Gas Policy Act. This amendment would add monosodium glutamate (MSG) to the list of essential agricultural uses certified by the Secretary of Agriculture. The proposed amendment is in response to a petition submitted by the Stauffer Chemical Company.

DATES: Written comments are due by 4:30 p.m., May 3, 1982.

ADDRESS: All written comments should be sent to Earle E. Gavett, Acting Director, Office of Energy, Room 144–E, Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Earle E. Gavett, Acting Director, Office of Energy, Room 144–E Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250; Telephone Number: (202) 447–2634.

The proposed action does not alter the impacts described or conclusions drawn in the combined Environmental Impact Statement and Final Impact Statement developed May 14, 1979, in connection with the Essential Agriculture Uses Requirements certification rule (7 CFR Part 2900). Thus, the combined statement describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Earle Gavett, Office of Energy, Room 144–E, Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Description of Proposal.
III. Public Comment and Hearing Procedures.

I. Background

Under section 401 of the Natural Gas Policy Act of 1978 (NGPA), the Secretary of Agriculture is required to certify to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC)

essential agricultural uses of natural gas and the amounts of natural gas for such essential agricultural uses necessary for full food and fiber production. A final rule containing such certification was issued by the Secretary of Agriculture on May 17, 1979 (44 FR 28782).

The Secretary of Energy and the FERC have incorporated the USDA certification in their rules promulgating and implementing agricultural priority in curtailment plans of interstate pipelines, in accordance with the NGPA.

This proposed action has been reviewed under U.S. Department of Agriculture procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be "nonmajor."

This proposed action has been determined to be "nonmajor" since the annual effect on the economy is less than $100 million, and there will be no increase in costs or prices for individuals, organizations, or other government agencies affected. There will be no significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets because the proposed action affects only one manufacturing facility and only 6,500 Mcf per day of natural gas. It has no impact at all except in instances of curtailments of deliveries from interstate natural gas pipelines, in which case it would grant priority for 100 percent of current natural gas requirements of the facility. Additional impacts arising from the exemption of the facility from incremental pricing under Title II as a result of Federal Engergy Regulatory Commission's exemption under that title of all uses certified by the Secretary of Agriculture will not occur because the Commission has already granted this facility such an exemption under Title II.

Earle E. Gavett, Acting Director, Office of Energy, has determined that this action will not have a significiant economic impact on a substantial number of small entitities since there is only a single monosodium glutamate production facility in the U.S. and only 6,500 Mcf of natural gas per day are involved.

Also, the proposal has been reviewed pursuant to USDA's responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and USDA has determined that the proposed action alters the impacts disclosed by less than one-tenth of 1 percent and does not affect the conclusions drawn in the combined Environmental Impact Statement and Final Impact Analysis prepared May 14, 1979, in connection with the Essential Agricultural Uses and Requirements certification rule. Therefore, this action is proposed under the same analysis.

II. Description of Proposal

Section 401(a) of the Natural Gas Policy Act provides certain protection against the curtailment of those "agricultural uses" of natural gas that the Secretary of Agriculture determines under section 401(c) to be "essential" uses. Such "agriculture uses" fall into two classes. Those uses certified under section 401(f)(1)(a), such as irrigation, crop-drying, and food processing, are protected from curtailment to the extent of their total natural gas use for feedstock, process, and boiler fuel use. Those certified under section 401(f)(1)(B), including fertilizers and agricultural chemcials, are protected only to the extend of their process and feedstock use of natural gas. Boiler fuel use is not protected from curtailment under this this section.

The NGPA does not permit distinctions in determining the types of food products to be certified as essential agricultural users. Instead, its language indicates that all food products are to be so certified. The production of monosodium glutamate must be included in the list of essential agricultural uses under section 401(f)(1)(A) because it is produced from food commodities, is manufactured under food-grade standards for sanitation and cleanliness, and is used solely as a food additive. Although the SIC Codes have been used by the Department as a method of certifying large groups of products, the SIC under which a product is produced has never been considered determinative in the certification procedure.

For example, SIC Code 3497 Metal Foil and Leaf initially was not included among essential agricultural uses but certain of the products produced under that SIC Code, having been shown to be integral to food quality maintenance, have been included under section 401(f)(1)(A) as SIC 3497 Metal Foil and Leaf (food related only). Likewise here, no attempt is being made to include all of SIC 2869 as essential agricultural uses. The majority of these products have no food application. However, monosodium glutamate has as its only use that of a food product, and therefore, must be certified as an essential agricultural use of natural gas under section 401(f)(1)(A).

Monosodium glutamate, classified in Standard Industrial Classification (SIC) Code 2869, Industrial Organic Chemicals, has been certified by the Secretary under section 401(f)(1)(B)—that is, only to the extent of its process and feedstock natural gas requirements. (44 FR 28786)

The Stauffer Chemical Company has petitioned the USDA to amend 7 CFR 2900.3 to include, under the "Food and Natural Fiber Processing—Food" list, the production of monosodium glutamate. Such an action would protect the total natural gas use of the monosodium glutamate industry from curtailments of deliveries from interstate pipelines.

Monosodium glutamate (MSG) is produced in only one plant in the United States, in San Jose, California. The basic material from which MSG is made is common molasses, derived from refining sugar beets or sugar cane. The manufacture of such molasses is classified under the major heading of "food" in SIC Codes 2063 and 2061. Sugar-beet molasses, sometimes blended with sugar-cane molasses, is combined with lesser amounts of trace nutrients and ammonia, and is fermented in large tanks by introduction of the bacteria *Corynebactrium lilium*. When the fermentation is completed, the resulting culture is harvested. After the bacterial cells and proteins are removed, the remaining broth is evaporated by the use of steam and further refined. Acid is added, and crystallized crude glutamic acid, an amino acid is produced. This substance is separated by filtration, dissolved, and converted into MSG by neutralization with sodium hydroxide. The resulting solution is decolorized and then crystallized, dried, screened, and packed for shipment. All chemicals used in the process are of food-grade quality, and the Food and Drug Administration inspects the San Jose facility for adherence to government regulations for the production of food and food additives. All of the natural gas used in the San Jose facility is employed in the manufacture of MSG. None of the byproducts requires the use of natural gas. MSG is sold to food processors (SIC major group 20) who use it in canned and preserved foods (SIC subgroup 203) and also is sold in grocery stores where it is generally grouped with salt or spices as a flavor enhancer. MSG is not sold for any known non-food use and is listed in Food Chemicals Codes, an authoritative compilation of foods and food additives.

The Stauffer Chemical Company San Jose MSG plant operates 24 hours a day, 365 days a year and uses an average of

8,000 Mcf of natural gas per day, approximately 6,500 Mcf of which is used as boiler fuel. Inclusion of the boiler fuel use will add about 2.4 billion cubic feet to the total agricultural gas use of 1,392 billion cubic feet, less than one-tenth of 1 percent of the interstate gas component identified as essential agricultural use in the May 14, 1979 combined Environmental Impact Statement and Final Impact Statement.

USDA believes that sufficient justification exists to institute rulemaking procedures to modify the existing Essential Agricultural Use certification.

III. Public Comment and Hearing Procedures

The public is invited to participate in any aspect of this proposed amendment by submitting data views, or arguments with respect to the proposal herein set forth.

Written comments must be submitted by 4:30 p.m., May 3, 1982, to the address indicated in the "Address" section of the preamble, and should be identified on the outside envelope and on the document with the designation: "Part 2900—Monosodium Glutamate." Five copies should be submitted. All comment received will be available for public inspection in Room 144–E, Administration Building, 14th and Independence, SW., Washington, D.C. 20250 between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. All comments received by 4:30 p.m., May 3, 1982, and other relevant information will be considered by the Acting Director, Office of Energy before final action is taken on this proposed amendment.

Any information or data submitted which is considered by the party who submitted it to be confidential must be so identified and submitted in writing, one copy only. The Acting Director reserves the right to determine the confidential status of the information or data and to treat it accordingly. Section 2900.3 (Amended).

In consideration of the foregoing, it is proposed to amend Chapter XXIX of Title 7, § 2900.3 Code of Federal Regulations by adding at the end of the "Food and Natural Fiber Processing—Food" list: 2869—Industrial Organic Chemicals (Monosodium Glutamate only). (15 U.S.C. 3391).

Dated: February 24, 1982.

John R. Block,

Secretary of Agriculture.

[FR Doc. 82-5487 Filed 3-1-82; 8:45 am]

BILLING CODE 3410-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Issuance of Quarterly Report on the Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Regulatory Agenda.

SUMMARY: The Nuclear Regulatory Commission has issued the January 31, 1982, Regulatory Agenda. The Agenda, which is a quarterly summary of all rules on which the NRC has proposed or is planning action is issued to provide the public with information regarding NRC's rulemaking activities.

ADDRESSES: A copy of this report, designated NRC Regulatory Agenda January 31, 1982, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Requests for single copies of the report, or a request to be placed on an automatic distribution list for single copies of future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Office of Administration, Telephone 301–492–7086, Toll free number 800–368–5642.

Dated at Bethesda, Maryland this 19th day of February, 1982.

For the Nuclear Regulatory Commission.

Jack Carr,

Acting Director, Division of Rules and Records, Office of Administration.

[FR Doc. 82-5647 Filed 3-1-82; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220 and 221

[Docket No. R-0385]

Securities Credit Transactions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Board of Governors, pursuant to its authority under the Securities Exchange Act of 1934, is considering establishing margin requirements for futures contracts based on stock indexes. The Board is now requesting comments on a proposed regulatory framework which could be used to implement a decision to establish margin requirements for futures contracts based on stock indexes. The Board has reviewed the question of applying margin requirements to any futures contracts involving a broadly-based stock index in light of approval by the Commodity Futures Trading Commission (CFTC) of an application by the Kansas City Board of Trade ("the Applicant") to trade such a contract. In considering the matter, the Board took into account that stock index futures contracts can, to an important degree, compete with, and be an economic substitute for, stock options, on which margin requirements are currently imposed. In addition to limiting the use of speculative credit, margin requirements, therefore, may be appropriate to assure competitive equality among functionally similar instruments.

DATE: Comments should be received on or before April 30, 1982.

ADDRESS: Comments, which should refer to Docket No. R–0385, may be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551 or delivered to Room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B–1122 between 8:45 a.m. and 5:15 p.m. except as provided in section 261.6(a) of the Board's Rule Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer or Robert Lord, Attorney, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202) 452–2781.

SUPPLEMENTARY INFORMATION: The Board has reviewed the question of applying margin requirements to any futures contracts involving a broadly-based stock index in light of approval by the Commodity Futures Trading Commission (CFTC) of an application by the Kansas City Board of Trade ("the Applicant") to trade such a contract. In considering the matter, the Board took into account that stock index futures contracts can, to an important degree, compete with, and be an economic substitute for, stock options, on which margin requirements are currently imposed. In addition to limiting the use of speculative credit, margin requirements, therefore, may be appropriate to assure competitive equality among functionally similar instruments.

The Board understands that the Applicant has raised the initial margin on its stock index futures contract for a non-hedging position to a dollar level approximately equal to ten percent of the current value of the contract, and has raised margin requirements for hedging transactions to one half of that amount. In addition, the Board understands that the Applicant has taken steps to narrow the definition of hedging for margin purposes to better assure that situations permitting the lower margin requirement represent a true hedging transaction, a direction the Board believes appropriate.

The actions by the Applicant would appear to alleviate the need for immediate action by the Board and, consequently, the Board has decided not to specify at this time particular margin requirements on stock index futures contracts such as the one approved by the CFTC. The Board plans to monitor closely the development and operation of the market in stock index futures contracts so that an informed judgment on the matter can be reached based on experience.

Although the Board has decided not to specify margin requirements on stock index futures contracts at this time, there is a clear possibility that Board action may be necessary in the future. Therefore, the Board is asking for comment on specific issues, including a regulatory framework suggested by its staff, so that the Board may be fully prepared in the event a formal margin regulation becomes necessary. The public is asked to comment on the following specific issues in connection with stock index futures contracts and related instruments:

1. The appropriate level of margin;
2. The appropriate definition of a hedged transaction;
3. The use of Regulation G or T to cover futures commission merchants that may not otherwise be subject to the Board's margin regulations;
4. The proper customer account to use in Regulation T for these instruments; and
5. The treatment of bank loans and loans from other lenders for the purpose of meeting margin calls and related costs.

The objective of several of the foregoing questions is to design a regulatory framework that would create the least operational problems for broker-dealers presently subject to Regulation T and those firms not presently covered, while providing comparable treatment of the two groups. Specific comment is invited with respect to the following framework which has been suggested by Board staff.

First, a futures commission merchant would be considered a "creditor" subject to Regulation T, but only with respect to transactions in stock index futures contracts. Second, any Regulation T "creditor" who executes a stock index futures contract for a public customer would be required to obtain a specified initial margin. Third, transactions in stock index futures contracts would be required to be maintained in the "special commodity account" which presently exists in Regulation T. Fourth, credit extended to customers by banks and other lenders for the purpose of meeting a commitment under a stock index futures contract would be considered "purpose" credit. Thus, credit extended for such a purpose would be subject to the current margin level applicable to other "purpose" loans collateralized by margin securities. Finally, the level of margin would be placed in the Supplement to Regulation T with other margin levels.

By order of the Board of Governors of the Federal Reserve System, February 24, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-5481 Filed 3-1-82; 8:45 am]

BILLING CODE 6210-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 190

Bankruptcy Regulations; Extension of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On November 24, 1981, the **Federal Register** published the Commission's proposed new Part 190 which contains rules which would implement the Bankruptcy Reform Act of 1978 insofar as that Act pertains to the liquidation of certain commodity firms (46 FR 57535). The comment period expired on February 22, 1982.

The Commission has received several requests for an extension of the comment period. Because the Commission wishes to be certain that all parties have an opportunity to submit their comments, it is allowing an additional 45 days for comment.

DATES: Accordingly, notice is hereby given that all comments on the Commission's proposed Part 190 regulations (46 FR 57535 (November 24, 1981)) must be submitted by April 9, 1982.

FOR FURTHER INFORMATION CONTACT:

Andrea M. Corcoran, Chief Counsel, Division of Trading and Markets (202) 254-8955.

Issued in Washington, D.C. on February 25, 1982, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82-5553 Filed 3-1-82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors and Disability Insurance; Withdrawal of Application

AGENCY: Social Security Administration, HHS.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Social Security Administration plans to revise its regulations on withdrawal of applications. The applications affected are those for reduced old-age benefits for which payment has not been made prior to the number holder's (NH's) death. Currently, even if the NH dies prior to the payment of monthly benefits, the monthly benefit amount payable to the widow(er) is limited to the amount that would have been payable to the NH. The change would permit a person eligible to receive benefits on the deceased's record to request withdrawal of the NH's application. The revision will change 20 CFR 404.640. HHS has determined that the proposed changes meet the criteria for a technical regulation change.

FOR FURTHER INFORMATION CONTACT:

Linda Freud or Tom Paynter, 3-D-26 Operations Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2439, -2656.

Dated: February 3, 1982.

John A. Svahn,

Commissioner of Social Security.

[FR Doc. 82-5485 Filed 3-1-82; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 632

Army Regulation 190–28, Use of Force by Personnel Engaged in Law Enforcement and Security Duties

AGENCY: Department of the Army, DOD.

ACTION: Proposed rule.

SUMMARY: This regulation establishes policy and procedures governing the use of force by personnel engaged in law enforcement and security duties. It requires that only the minimum amount of force needed to accomplish law enforcement and security duties will be used and further identifies situations where deadly force is authorized. This regulation also delineate training requirements that must be completed by all personnel assigned to law enforcement, security, or US military prisoner guard duties prior to performing these duties.

EFFECTIVE DATE: Written comments submitted on or before April 1, 1982 will be considered.

ADDRESS: Send written comments to: HQDA, ATTN: DAPE–PEMP–O, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: LTC Thomas J. McHugh, (202) 756–1896.

SUPPLEMENTARY INFORMATION: This regulation is not significant under the requirements of Executive Order 12044, and a regulatory analysis is not required. The Department of the Army has also determined as required by the Regulatory Flexibility Act (Pub. L. 96–354) that the proposed rule poses no burden upon small entities.

Accordingly, 32 CFR is amended by adding new Part 632.

Dated: February 23, 1982.

John O. Roach II,

Army Liaison Officer with the Federal Register.

PART 632—USE OF FORCE BY PERSONNEL ENGAGED IN LAW ENFORCEMENT AND SECURITY DUTIES

Sec.

632.1 Purpose.
632.2 Applicability.
632.3 Policy.
632.4 Deadly force.
632.5 Use of firearms.
632.6 Administrative instructions.

Authority: 10 U.S.C. 807.

§ 632.1 Purpose.

This regulation implements DOD Directive 5210.65. It sets uniform policy for use of force by DA law enforcement and security personnel.

§ 632.2 Applicability.

(a) This regulation applies to all DA including Army National Guard and Army Reserve military and civilian personnel engaged in law enforcement or security duties. These duties include responsibility for guarding U.S. military prisoners and interior guard duties.

(b) Except for personnel guarding U.S. military prisoners, this regulation does not apply to persons assigned to—

(1) A wartime combat zone.

(2) A non-wartime hostile fire area.

(3) Duties with the U.S. Secret Service.

(4) Civil disturbance control. (See para 4–12, FM 19–15.)

§ 632.3 Policy.

(a) Law enforcement and security personnel will use force only when they cannot fulfill their duties without it. They will use the minimum force needed; only as a last resort will they use deadly force. (See § 632.3(c), 632.4, and 632.5.)

(b) Commanders are encouraged to substitute nonlethal devices (such as night sticks) for firearms when adequate for law enforcement and security personnel to safely fulfill their duties.

(c) In evaluating the degree of force needed for specific law enforcement or security situations, consider these options:

(1) Verbal persuasion.

(2) Unarmed defense techniques.

(3) Chemical aerosol irritant projectors (M36). (May be subject to host nation or local restrictions.)

(4) MP club.

(5) MP working dogs.

(6) Deadly force. (§ 632.4)

(d) Entrapment, i.e., inducing someone to commit an offense in order to prosecute that person, is not permitted in law enforcement or security duties.

(e) Use MP working dogs in accordance with the provisions of AR 190–12. Release dogs only if a lesser measure of force would not be effective.

(1) Releasing a sentry dog to apprehend a suspect is a greater measure of force than releasing a patrol dog.

(2) Before releasing a military dog for attack, give a challenge or order to halt.

§ 632.4 Deadly force.

(a) Deadly force is destructive physical force directed against a person or persons (e.g., firing a lethal weapon). Use it only in extreme need, when all lesser means have failed or cannot reasonably be used. Use deadly force for one or more of the following reasons only:

(1) In self-defense, when in imminent danger of death or serious injury.

(2) To protect property related to national security, when reasonably necessary to prevent—

(i) Threatened theft, damage, or espionage aimed at property or information specified by a commander or other competent authority as vital to national security. (See § 632.4(b) below)

(ii) Actual theft, damage, or espionage aimed at property or information which, though not vital, is substantially important to national security. (See § 632.4(b) below.)

(iii) Escape of an individual whose unauthorized presence near property or information vital to national security is a reasonable threat of theft, sabotage, or espionage.

(3) To prevent actual theft or sabotage of property (such as operable weapons or ammunition) which could cause deadly harm to others in the hands of an unauthorized person.

(4) To prevent serious offenses against a person or persons (e.g., armed robbery, rape, or violent destruction of property by arson, bombing).

(5) To apprehend a suspect believed to have committed any of the types of offenses named in (a) (2), (3), and (4) of this section.

(6) To prevent the escape of a prisoner (when authorized by a commander or other competent authority and reasonably necessary).

(7) To obey lawful orders from higher authority governed by this regulation.

(b) A commander or other competant authority will specify that property or information is—

(1) Vital to national security only when its loss, damage, or compromise would seriously harm national security or an essential national defense mission.

(2) Substantially important to national security based on the mission and the material or information required to perform it.

(c) To comply with local law or international agreement or arrangements, a commander may impose further restrictions on using deadly force. (Restrictions should not unduly compromise U.S. security interests).

(d) Security criteria and standards for protection of nuclear weapons (§ 632.4(c)) AR 50–5–1) and for chemical agents (§ 632.4(c)) AR 50–6–1) also apply.

§ 632.5 Use of firearms.

(a) If it becomes necessary to use a firearm in any of the circumstances described in § 632.4 above, observe the following precautions when possible:

(1) Give an order to halt before firing.

(2) Do not fire if shots are likely to harm innocent bystanders.

(3) Since warning shots could harm innocent bystanders, avoid firing them. However, when lesser degrees of force have failed, the law enforcement or security person may judge that warning shots would help to control the situation without using deadly force. If able to avoid hazards to innocent persons in these cases, fire warning shots.

(4) Aim to disable. At times it may be difficult to fire with enough precision to ensure disabling rather than killing. If the use of firearms are otherwise authorized by this regulation, such circumstances will not rule out their use.

§ 632.6 Administrative instructions.

(a) Commanders will ensure that all persons assigned to law enforcement, security, or US military prisoners' guard duties will, before performing these duties—

(1) Receive instructions on regulations regarding use of force.

(2) Show knowledge and skill in the use of—

(i) Unarmed defense techniques.

(ii) MP club.

(iii) Individual chemical aerosol irritant projectors.

(iv) Their assigned firearms.

(b) Commanders will also—

(1) Provide periodic refresher training to ensure continued proficiency and updated knowledge in these skills. (Include applicable host nation requirements.)

(2) Require MPs with law enforcement duties to qualify yearly with their assigned handguns.

(3) Require interior guards to receive instructions regarding use of force. (Give periodic refresher training to ensure continued familiarity with regulations.)

(c) Requirements concerning use of the MP club and chemical aerosol irritant projectors apply only when these weapons are issued items or are carried on duty.

(d) FM 19–5 contains procedures and methods for using unarmed defense techniques and the MP club.

FR Doc. 82–5512 Filed 3–1–82; 8:45 am]

BILLING CODE 3710–08–M

Office of the Secretary

32 CFR Part 299

National Security Agency; Public Access of Records

AGENCY: National Security Agency.

ACTION: Proposed rule.

SUMMARY: The National Security Agency proposes to revise its policy concerning fee collection for Freedom of Information Act requests by providing for payment of the entire estimated fee prior to the initiation of any record search. The intent of this revision is to preserve public funds by requiring full payment in advance, thereby reducing the cost to the government of processing multiple checks and to avoid defaults by individuals who request costly record searches.

DATES: Comment must be received on or before May 3, 1982.

ADDRESSES: Send comments to: LCDR M. E. Bowman, JAGC, USN; Office of The General Counsel, National Security Agency, Fort George G. Meade, MD 20755.

FOR FURTHER INFORMATION CONTACT:

LCDR M. E. Bowman, JAGC, USN; Office of The General Counsel; telephone: 301/688–6054.

SUPPLEMENTARY INFORMATION:

PART 299—PUBLIC ACCESS TO RECORDS

Therefore, Part 299 of Title 32, Code of Federal Regulations, is proposed to be amended by revising § 299.4(d) and § 299.6 to reads as follows:

§ 299.4 Procedures for request of records.

* * * * *

(d) Fees. The Chief, Office of Policy, will inform the requester of the estimated search and duplication fee, and will normally initiate the search upon receipt of the entire estimated fee. Upon completion of the search, the requester will be notified of the actual costs of the search. Should the estimated cost be greater than the actual cost, the difference will be refunded to the requester. In the case of under-payments, the requester will be requested to submit any balance due prior to further Agency action. If the unpaid balance is $30.00 or less, it will generally be forgiven. Fees will be computed in accordance with the Uniform Schedule of Fees promulgated by the Department of Defense. Fees paid in accordance with this paragraph must be paid by certified check or postal money order fowarded to the Chief, Office of Policy, and made payable to the Treasurer of the United States.

* * * * *

§ 299.6 Effective date.

This Part shall become effective upon (date of final rule publication in the **Federal Register.**)

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 24, 1982.

[FR Doc. 82–5462 Filed 3–1–82; 8:45 am]

BILLING CODE 3810–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A–9–FRL–2062–7]

Designation of Areas for Air Quality Planning Purposes; California; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On November 12, 1981 (46 FR 55722), EPA invited comments on certain California attainment status designations. Comments were received along with substantial support. documentation recommending that the designations for several areas be revised. The comment period for the previous extension expired February 18, 1982. In order to provide the State and other interested persons with an opportunity to examine and comment on the material received, EPA is extending the public comment period to March 17, 1982. Copies of this material are available for public inspection at the address below and at locations listed in the November 12 notice.

DATE: Comments are due on or before March 17, 1982.

ADDRESSES: Comments should be submitted to: Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8222.

FOR FURTHER INFORMATION CONTACT:

Doug Grano (415) 947–8222.

Dated: February 18, 1982.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 82–5401 Filed 3–1–82; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Parts 122, 123, 124, and 146

[WD-6-FRL 2064-1]

Oklahoma Department of Natural Resources Underground Injection Control; Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency has received a complete application from the Oklahoma State Department of Health requesting approval of its for Underground Injection Control Program; (2) the application is available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

This notice is required by the Safe Drinking Water Act as a part of the response to the States complying with the statutory requirement that there be an Underground Injection Control program in designated States.

The proposed comment period and public hearing will provide EPA the breadth of information and public opinion necessary either to approve, disapprove, or approve in part and disapprove in part the application from the Oklahoma State Department of Health to regulate Classes I, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by March 25, 1982; Public Hearing will be held on April 1, 1982 at 10:00 a.m. The Public Comment period closes April 8, 1982. Comments must be received by that date.

ADDRESSES: Comments and requests to testify may be mailed to Susan Stark, Ground Water Protection Section, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas, 75270. Copies of the application and pertinent material are available between 9:00 a.m. and 4:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region VI, Library, 28th Floor, 1201 Elm Street, Dallas, Texas 75270; (214) 767-7341.

Oklahoma State Department of Health, 1000 NE 10th Street, Room 803, Oklahoma City, Oklahoma 73152; (405) 271-5338.

The Hearing will be held in the Sequoyah Auditorium, State Capital Complex, Oklahoma City, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Susan Stark, Ground Water Protection Section, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2774. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: This application from the Oklahoma State Department of Health is for the regulation of all Class I, III, IV, and V injection wells in the State. Class II oil and natural gas related injection wells are regulated by the Oklahoma Corporation Commission. The application includes a description of the State Underground Injection Control program, copies of all applicable rules and forms, a statement of legal authority, and a memorandum of agreement between the Oklahoma State Department of Health and the Region VI office of the Environmental Protection Agency.

Dated: February 24, 1982.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

[FR Doc. 82-5510 Filed 3-1-82; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-817; RM-3954]

FM Broadcast Station in Pukalani, Hawaii; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 252A to Pukalani, Hawaii, as a first FM channel, in response to a petition filed by Ethnic Minorities Broadcasting.

DATE: Comments must be filed on or before April 15, 1982 and reply comments on or before April 30, 1982.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: November 16, 1981.

Released: November 23, 1981.

1. The Commission herein considers a petition for rule making,[1] filed by Ethnic Minorities Broadcasting ("petitioner"), proposing the assignment of FM Channel 244A on a hyphenated basis to the communities of Kula and Pukalani, Hawaii.[2] Petitioner stated its intent to apply for the channel, if assigned. Opposing comments were filed by Maui Broadcasting Corporation,[3] to which the petitioner responded.

2. Kula (population not listed) on the Island of Maui (population 70,847),[4] is located on the slopes of Mt. Haleakala. Pukalani (population 1,629)[5] is also located on the Island of Maui approximately 160 kilometers (100 miles) east of Honolulu. Neither Kula nor Pukalani has any local aural service.

3. Petitioner states that Kula's major industry is agriculture, with pineapple and sugar plantations dominating the area, and that it is rapidly growing as a commercial and business center. Pukalani is the area's commercial hub, providing banking facilities, and other services. According to the petitioner, both communities have experienced explosive growth, which is projected to continue. Petitioner also claims that Kula-Pukalani needs a station which would serve the problems, needs and interests of the communities.

4. Maui Broadcasting in opposition to the proposal argues that for more than two years it has operated a translator on Channel 244A for its principal station, KAOI. The translator station is located 10 miles from the petitioner's proposed site, which would result in intolerable interference. Maui contends that considerable sums have been spent on its translator facility, and should there be another station authorized at Kula-Pukalani on Channel 244A, it would be required to spend additional funds for a frequency change. Maui requests the Commission to consider two options: (1) Condition the grant of Channel 244A to Kula-Pukalani, upon reimbursement of all reasonable expenditures incurred by the channel change or (2) direct the petitioner to specify another channel.

5. Petitioner, in reply comments, argues that Maui's opposition is predicated solely on interference to its translator station from the proposed assignment. Citing FM *Channel Assignments* 48 RR 2d 1628 (Broadcast Bureau 1981). Petitioner urges the Commission to deny the opposition's request for reimbursement and instead specify an alternate translator channel.

[1] *Public Notice* of the petition was given on August 7, 1981, Report No. 1303.

[2] The distance between Kula and Pukalani is 10 kilometers (6 miles).

[3] Maui Broadcasting Corp. is the licensee of FM Station KAOI, Wailuku, Maui, Hawaii.

[4] Population figures are taken from the 1980 U.S. Census unless otherwise indicated.

[5] This population figure is taken from the 1970 U.S. Census since the preliminary 1980 U.S. Census presently lists only incorporated communities.

6. Translators are licensed on a secondary basis and are not protected against interference under § 74.1203(a) from a regular broadcast station. However, Channel 252A is available for assignment to Kula or Pukalani as an alternative and we see no reason to cause unnecessary expense and inconvenience to the translator licensee even though there is no obligation to protect the translator station.

7. The petitioner requested the assignment to Kula-Pukalani on a hyphenated basis. Hyphenation is a tool we use very sparingly with regard to FM assignments. We have done so only where it appeared that the communities should be treated as one, due to their proximity, social, cultural, trade and economic interests. Petitioner provides no argument for doing so in this case. We have chosen Pukalani as the community to propose for assignment since it appears to be the larger of the two communities. In any event, the channel would be available for use at the other community under the provisions of the "10-mile rule," § 73.203(b) of the Commission's rules.

8. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules as follows:

City	Channel No.	
	Present	Proposed
Pukalani, Hawaii		252A

9. The Commission's authority to institute rule making proceedings, showings, required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before April 15, 1982 and reply comments on or before April 30, 1982.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contract is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Commmunications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of §1.420 of the Commission's rules and regulatons, an orignial and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 82-5587 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-109; RM-4013]

FM Broadcast Station in Morgan City, Louisiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C FM (Channel 243 for Channel 244A at Morgan City, Louisiana, and modification of the Class A license accordingly, in response to a petition filed by the licensee, Tri City Broadcasting, Inc.

DATES: Comments must be filed on or before April 12, 1982, and reply comments on or before April 26, 1982.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: February 16, 1982.

Released: February 25, 1982.

1. The Commission herein considers a petition for rule making filed by Tri City Broadcasting, Inc. ("petitioner"),[1] which seeks to substitute Class C FM Channel 243 for Channel 244A at Morgan City, Louisiana, and modify the license for

[1] Tri City Broadcasting, Inc. is the licensee of Stations KMRC(AM) and KFXY(FM), Morgan City, Louisiana.

Station KFXY from Channel 244A to specify operation on Channel 243.

2. Morgan City (population 16,586),[2] in St. Mary Parish (population 60,752) is located approximately 112 kilometers (70 miles) southwest of New Orleans, Louisiana. It is served locally by daytime only AM Station KMRC and FM Station KFXY (Channel 244A).

3. The petitioner states that Channel 244A was allocated to Morgan City in 1963, as a part of the Commission's overall revision of the FM rules.[3] Morgan City's population has increased more than 66 percent from 1963 to 1980, and due to the petroleum industry located along the Gulf Coast, the community is said to be experiencing substantial economic growth. Therefore, its present facilities are no longer adequate to provide quality broadcast service according to the petitioner.

4. According to the information submitted by the petitioner, the substitution of channels will cause preclusion on Channel 244A in two small areas of Louisiana, both of which have no significant population centers. However, except for Channel 244A, petitioner did not mention adjacent channel preclusion. In comments to this proposal, it is requested to submit a listing of the communities with a population greater than 1,000 precluded by the proposed assignment and their adjacent channels, and whether alternate channels are available to those communities.

5. We feel that the petitioner has demonstrated the need for a Class C assignment at Morgan City, inasmuch as it would provide expanded service to the outlying area. While no *Roanoke Rapids/Anamosa* showing was submitted, the petitioner states that the substitution of a Class C for a Class A channel would increase the station's 60 dBu contour over land by some 2,500 square miles, providing additional service to 1.3 million persons.

6. In accordance with our established policy, we shall propose to modify the license of Station KFXY (Channel 244A) to specify operation on Channel 243. However, should another party indicate an interest in the Class C assignment, then the modification could not be implemented. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). Instead, if the channel is assigned, an opportunity for the filing of a competing application must be provided.

7. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, as it pertains to Morgan City, Louisiana, as follows:

City	Channel No.	
	Present	Proposed
Morgan City, Louisiana	244A	243

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before April 12, 1982, and reply comments on or before April 26, 1982.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-5583 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

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

[3] See *Revision of FM Broadcast Rules, Particularly as to Allocation and Technical Standards*, 40 F.C.C. 747 (1963).

47 CFR Part 73

[BC Docket No. 82-38; RM-3982]

FM Broadcast Station in Volga, South Dakota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 272A to Volga, South Dakota, in response to a petition filed by Dakota-North Plains Corp. The assignment could provide Volga with a first FM service.

DATES: Comments must be filed on or before April 15, 1982, and reply comments must be filed on or before April 30, 1982.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: January 26, 1982.
Released: February 3, 1982.

1. Dakota-North Plains Corp. ("petitioner"), licensee of AM Station KVAA, Volga, South Dakota, has filed a petition for rule making[1] seeking assignment of Channel 272A to Volga, as that community's first FM assignment. Petitioner states that it will apply for the channel, if assigned. No oppositions to the proposal have been filed, and the channel could be assigned consistent with the minimum distance separation requirements of § 73.207 of the Commission's rules.

2. Volga (population 1,221),[2] in Brookings County (population 24,332), is located approximately 88 kilometers (55 miles) north of Sioux Falls, South Dakota. It is currently served by full-time AM Station KVAA.

3. Throughout its petition, petitioner has supplied demographic information for "Volga-Brookings," South Dakota. However, since the instant rule making proposal is for the specific community of Volga, we have set forth such data as it pertains only to Volga.

4. According to petitioner, Volga is part of an important regional transportation center. Because of the multiplicity of available transportation services, there is a constant influx of individuals into the area, whose presence, according to petitioner, enhances the community's need for an additional radio outlet. Petitioner states that an area university, real estate and financial institutions generate steady activity on civic, cultural, and commercial levels in Volga. Further, petitioner advises that Volga has its own government structure and educational facilities. In addition to the one aural facility licensed to Volga, information is provided to the community through several daily and weekly news publications.

5. Although petitioner submitted an engineering study indicating the preclusive effect that the proposed assignment of Channel 272A to Volga, South Dakota, would have on certain surrounding communities, we need not consider such impact with respect to a request for a first Class A channel allocation to a community that is removed from large population centers. See, *Policy Statement To Govern Requests for Additional Assignments*, 8 F.C.C. 2d 79 (1967).

6. In view of the fact that the proposed FM channel assignment would provide Volga with a first FM and a second nighttime aural broadcast service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Volga, South Dakota		272A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 15, 1982, and reply comments on or before April 30, 1982.

9. The Commission has determined that the relevant Provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table af Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commmission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or

[1] *Public Notice* of the petition was given October 22, 1981, Report No. 1314.

[2] Population figures are derived from the 1980 U.S. Census, Advance Reports.

persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 82-5586 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-110; RM-4012]

FM Broadcast Station in Goldendale, Washington; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 272A to Goldendale, Washington, in response to a petition filed by Klickitat Valley Broadcasting Service. The proposed assignment could provide Goldendale with a first local FM service.

DATES: Comments must be filed on or before April 12, 1982, and reply comments on or before April 26, 1982.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: February 16, 1982.

Released: February 25, 1982.

1. A petition for rule making was filed by Klickitat Valley Broadcasting Service ("petitioner"), requesting the assignment of Channel 240A to Goldendale, Washington,[1] as its first FM assignment.

[1] Petitioner requested the assignement of Channel 240A to Goldendale, Washington, which was short-spaced to pending applications for Channel 241 at Olympia, Washington. One of the applications specifies a site which would require a site restriction of 8.3 miles southeast of Goldendale which would not be adequate to provide a 70 dBu over Goldendale. Therefore, to avoid any problems, we have substituted Channel 272A for consideration here.

required due to Station KPQF in Wenatchee, Washington. Petitioner stated its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Goldendale (population 3,414),[2] seat of Klickitat County (population 15,822), is located near the Washington-Oregon border, approximately 224 kilometers (140 miles) southeast of Seattle, Washington. It has no local broadcast service.

3. According to the petitioner, Goldendale's 1980 population figures showed an increase of 37 percent (3,414) over the 1970 population (2,484), and the projected population figures for the year 1985 is 5,300. Petitioner states that an aluminum plant is the primary employer for the area, and that local government, lumbering and agriculture also supports the economy. It contends that Goldendale, Klickitat County's largest city, has a need for a local broadcast outlet and for a local news source that cannot be adequately provided by its weekly newspaper.

4. In view of the apparent need for a first local FM service to Goldendale, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to Goldendale, Washington, as follows:

City	Channel No.	
	Present	Proposed
Goldendale, Washington		272A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE. A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before April 12, 1982, and reply comments on or before April 26, 1982.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of the proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations,

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

interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc 82-5584 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-111; RM-3978 and RM-4010]

FM Broadcast Station Lost Cabin, Wyoming; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 256 to Lost Cabin, Wyoming, in response to separate petitions filed by John S. Tyler and by Roy L. Bliss. The proposal could provide a first local broadcast service to Lost Cabin.

DATES: Comments must be filed on or before April 12, 1982, and reply comments on or before April 26, 1982.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: February 16, 1982.
Released: February 25, 1982.

1. The Commission herein considers two separate petitions for rule making. The first was filed by John S. Tyler ("petitioner"), proposing the assignment of Class C FM Channel 256 to Lost Cabin, Wyoming. The second was filed by Roy L. Bliss ("petitioner"), proposing the assignment of Class C FM Channel 287 to Lost Cabin, Wyoming.[1] Either proposal would provide a first FM service to Lost Cabin. Both petitioners stated their intent to apply for his requested channel, if assigned. No oppositions to the proposals were received.

2. Lost Cabin (population not listed), in Fremont County (population 40,251),[2] is located in the mountain country of Wyoming, near the center of the State. It is without local broadcast service.

3. The petitioners state that the rural area is rich in minerals, oils, gas, iron ore and uranium, and that there is marketing of major agricultural products. Petitioners, however, failed to provide information concerning the needs of Lost Cabin for broadcast service. Petitioners are requested to furnish additional economic and demographic information to demonstrate the need for a first FM assignment to Lost Cabin. Additionally, they are requested to submit a recent population estimate for the community of Lost Cabin.

4. While neither petitioner submitted a preclusion study, each did state that no community would be precluded by the proposed assignment since numerous Class A and Class C channels are available throughout the region. In the absence of a *Roanoke Rapids/Anamosa* showing, Tyler stated that the proposed assignment of Channel 256 to Lost Cabin will provide substantial first and second service to the area. In comments to this proposal either party may submit information to support his assertion, since we do not generally assign high powered Class C channels to small communities.[3] We shall propose one Class C assignment since no justification for two channel assignments has been attempted.

5. In view of the first local broadcast service that could be provided to Lost Cabin, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the rules, as it relates to Lost Cabin, Wyoming, as follows:

City	Channel No.	
	Present	Proposed
Lost Cabin, Wyoming		256

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 12, 1982, and reply comments on or before April 26, 1982.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do No Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. As *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station

[1] Public Notice of the petition was given on October 22, 1981, Report No. 1314.

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

[3] We do not know whether either petitioner is aware of the other's request. However, each used the same engineering firm and the information submitted is almost exactly the same.

promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceedings will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 82-5585 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 82-83; RM-3705, RM-3729, RM-3734, RM-3778, RM-3831, RM-3833, RM-3860; FCC 82-73]

Expansion of the Telephony Segments of the High Frequency Amateur Radio Service Bands

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry and proposed rule.

SUMMARY: The Commission proposes to make additional segments of the 14 MHz amateur band available for telephony operation. The Commission is also inquiring about making additional segments available for telephony operation in the other high frequency (HF) amateur bands (those amateur bands between 3 and 30 MHz). Congestion on the frequencies currently authorized for telephony use is causing the employment of this mode to become increasingly difficult. The proposed rules revision would help alleviate this situation in the 14 MHz band. The inquiry looks towards finding a suitable set of frequencies for telephony expansion in the other HF amateur bands.

DATES: File comments on or before July 1, 1982, and reply comments on or before August 2, 1982.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, (202) 632-7597.

SUPPLEMENTARY INFORMATION:

Adopted: February 11, 1982.

Released: February 24, 1982.

Introduction

1. Notice of Inquiry and Proposed Rule Making in the above-entitled matter is hereby given.

2. The Commission has before it at this time seven petitions for rule making which request that the Amateur Radio Service Rules (Part 97) be amended by provide for the use of telephony operation (emission types A3 and F3) on additional portions of the amateur high frequency (HF) bands—the bands between 3 and 30 MHz. Six of the petitions propose some particular portion of certain bands for additional telephony authorization. Four of the petitions propose that additional telephony privileges be divided among or limited to certain operator classes. The petitions are described in the following paragraphs.

3. RM-3705, submitted by Philip Galasso and received by the Commission on 18, 1980, requests that the frequencies 3750–3775 kHz, 7050–7100 kHz, 14100–14200 kHz, 21200–21250 kHz and 28200–28500 kHz be added to those authorized for telephony in the United States. It further requests that these additional telephony privileges only be granted to Amateur Extra Class operators and that power input during such operation be limited to 250 watts. The petition claims that expansion of frequencies for telephony operation is warranted due to congestion on the currently authorized telephony subbands and under-utilization by U.S. stations of the frequencies proposed for expansion. Lack of use by U.S. amateurs is attributed to incompatibility between telegraphy operation currently authorized for U.S. stations and telephony operation in common use by foreign stations. Operator class and power restrictions are requested by the petition to help ". . . assure minimum interference to the existing radiotelephone users of these frequencies. . . ."

4. RM-3729, submitted by David Novoa and received by the Commission on June 30, 1980, requests that the frequencies 7075–7100 kHz and 14175–14200 kHz be allocated for exclusive use by Amateur Extra Class licensees and that telephony operation be authorized on these frequencies. This petition also cites crowding on existing telephony subbands and incompatibility of domestic telegraphy operations with foreign telephony operations as reasons for expanding the telephony subbands. The petition further claims that protection for foreign amateurs from powerful U.S. stations is no longer necessary and that foreign stations, in fact, favor a subband expansion which would enable them to engage in an exchange of telephony communications with U.S. stations on a single frequency.

5. RM-3734, submitted by James Simon and William Bennett and received by the Commission on August 1, 1980, requests that the frequencies 3750–3775 kHz, 7050–7150 kHz, 14100–14200 kHz, 21200–21250 kHz and 28400–28500 kHz be made available for telephony use by U.S. amateurs. This petition again cites overcrowding on currently authorized telephony subbands and lack of further need for protection of foreign stations as reasons for its request.

6. RM-3778, submitted for the Willamette Valley DX Club by Robert Herndon and received by the Commission on October 7, 1980, requests that the frequencies 3750–3775 kHz, 7050–7100 kHz, 14100–14200 kHz, 21200–21250 kHz and 28400–28500 kHz be authorized for telephony operation since, it contends, "the United States no longer has the dominant amateur population and there is little reason to think that the expansion of U.S. amateur (telephony) privileges into previously reserved frequencies will result in undue hardship on foreign amateurs." The expansion is necessary, it claims, to relieve congestion on currently authorized telephony subbands.

7. RM-3831, submitted by Ronald Kramer and received by the Commission on November 7, 1980, petitions the

Commission to increase the portion of each amateur frequency band between 1.8 and 30 MHz available for voice (telephony) communication and correspondingly decrease the portion of each band available for telegraphy communications. The petition claims this is necessary since the telephony mode is becoming increasingly popular.

8. RM–3833, submitted by Fred Huntley and received by the Commission on January 13, 1981, requests that "Extra Class Amateur Radio licensees be granted radiotelephone operation privileges between 7.100 and 7.150 MHz" and that "(s)uch operation be authorized a maximum power input of 250 watts." The petition proposes that this additional operation be on a shared basis with existing Novice class operations. Relief of congestion and interference on the existing telephony segment of that band is cited as necessitating this action.

9. RM–3860, submitted by the American Radio Relay League (ARRL) and received by the Commission on March 9, 1981, requests that the frequencies 14150–14200 kHz be added to those authorized for telephony use and that operator privileges on the revised telephony portions of the 14 MHz band be changed to the following: 14150–14175 kHz, Amateur Extra Class only; 14175–14225 kHz, Amateur Extra and Advanced Classes; 14225–14350 kHz, Amateur Extra, Advanced and General Classes. The petition cites growing congestion in the present telephony subbands as warranting expansion of the subbands. The operator privilege changes are proposed by the petition in the interest of lessening the impact of telephony subband expansion on foreign amateur operations.

Background

10. The Commission has traditionally designated particular portions of the heavily used HF amateur frequency bands for operation using certain emission modes, while only permitting other modes on different portions of the bands. These designations have served to segregate incompatible operating modes. Since the early days of radio, simultaneous use of incompatible modes on the same frequencies has worked to the mutual detriment of communications using all modes. Placing certain emission modes on different frequencies avoids this type of interference and has the further beneficial effect of indicating to amateur operators where, in the amateur bands, to seek out certain forms of operation.

11. The subband allocations [1] have also been arranged to protect international amateur radio operations. Foreign operators have consistently, in the past, objected to expansion of U.S. subbands for increasingly popular, wide bandwidth emissions such as telephony.[2] They have claimed that such an expansion would create a situation where high powered U.S. stations would overrun low power foreign stations and effectively prohibit the foreign stations from using those bands.

12. Protection of foreign stations has also benefited U.S. operators desiring to contact them using telephony. The U.S. operator can listen for the foreign stations in a portion of the band where strong U.S. signals are not present [3] and then reply on frequencies within the U.S. telephony subbands. The foreign operators then listen for the U.S. stations in the U.S. telephony subbands.[4]

13. Current regulations permit emission type A1 Morse telegraphy operation on all amateur radio frequencies. This unique universal authorization for that mode results from its character as an efficient and widely recognized communications language that can be employed with the simplest type of equipment. In the amateur 160 meter band (1800–2000 kHz) type A3 telephony operation is currently permitted on all frequencies. In all HF amateur bands roughly half of the band may be used for A3 or F3 telephony emissions. The limitations on telephony operation in most of the HF bands were instituted in order to prevent such operation from overwhelming telegraphy operations as well as to protect international operations. Type F1 digitally coded emissions (radioteletype) are permitted in all portions of the HF bands where telephony operation is not permitted since this type of operation is more harmonious with type A1 operation. The only other modes permitted on the HF bands, emission types A5 and F5 "slow-scan" television operation and emission types A4 and F4 facsimile operation, require a bandwidth approximately equivalent to telephony operation and consequently are permitted in the telephony subbands.[5] This current state of subband allocation in the HF amateur bands is the result of the Report and Order in the last proceeding dealing with expansion of the telephony subbands.[6]

14. Small portions of the various subband allocations are reserved for Amateur Extra Class and Advanced Class licensees. These portions were set aside to help provide an incentive for amateurs to upgrade their license operator class. This program of reserved operator privileges resulted from the proceeding dealing with incentive licensing and distinctive call signs.[7]

Proposal

15. The Commission proposes to expand telephony privileges in the 14 MHz amateur band by adding the frequencies 14150–14200 kHz to those currently authorized for such use. We feel this action is warranted due to the extreme congestion experienced by amateurs on the existing 14200–14350 kHz telephony subband. Although the various petitions' requests ranged from a subband that would start as low as 14100 kHz and extend to 14350 kHz, to a subband that would start as high as 14175 kHz and extend to 14350 kHz, we have selected a starting point of 14150 kHz to propose as a compromise between competing objectives. We anticipate that our proposal would provide substantial relief to the current overcrowding in the 14 MHz telephony subband while causing only a minimal disturbance to international operations. The increasing sophistication of equipment used by both foreign and domestic amateur operators leads us to believe that foreign stations should not experience undue interference from U.S. operations and that U.S. amateurs attempting to contact foreign stations should have less difficulty using single frequency operation (as opposed to "split operation") than they have had in the past. We propose retaining the frequencies 14100–14150 kHz for traditional weak signal and other

[1] The term "subband" is popularly used to describe a segment of a frequency band where authorized modes of emission or authorized operator class privileges are different from those in other portions of the same band. This term is used throughout the text for the sake of clarity.

[2] Depending on the specific emission mode employed, telephony operations in the HF amateur bands occupy a bandwidth roughly between 3 kHz and 7kHz. The more popular telephony modes in use today (principally A3J single sideband) occupy somewhat less than 4 kHz. On the other hand, telegraphy emissions used in the HF bands (both A1 and F1 types) occupy less than 1 kHz.

[3] This portion of a band, where domestic telephony operation is not permitted and where operators listen for foreign stations to contact, is commonly known as the "DX window."

[4] This form of operation where an amateur transmits to a station on one frequency and listens for the station's reply on another frequency is commonly known as "split frequency operation."

[5] Authorization of emission types A5 and F5 "slow-scan" television operation, along with types A4 and F4 facsimile operation, in entire HF telephony subbands was the subject of the proceeding in PR Docket 80–252. See Report and Order, 47 FR 2872, January 20, 1982.

[6] Report and Order in Docket 19162, 37 FR 21325, October 7, 1972.

[7] Report and Order in Docket 15928, 32 FR 12682, September 1, 1967.

international operations by not changing the modes authorized on those frequencies.

16. Since we do not anticipate a significant detrimental impact on international operations from our proposal, and since we desire to provide the maximum relief possible from the current overcrowding, we propose to make all of the additional telephony subband frequencies available to Amateur Extra Class, Advanced Class and General Class operators. To this end, we have specifically proposed to not change any of the operator privileges. However, we invite comments as to whether it would be desirable to delete from General Class operators the privileges between 14150 kHz and 14200 kHz, and instead, add privileges between 14225 kHz and 14275 kHz to those authorized for General Class operators. In this way, the telephony subbands available to General Class operators will be contiguous. Also, consistent with our action in PR Docket 80–252 to permit the use of television and facsimile on most portions of the HF bands where telephony is permitted, we propose to include the use of type A4, A5, F4 and F5 emissions in the new 14150–14200 kHz subband allocation. We are not proposing a stricter power limitation for the additional subband allocation since we do not feel this would make any significant contribution toward avoiding interference.

Inquiry

17. The 14 MHz amateur band has one of the two smallest telephony subband allocations and is, perhaps, the most popular HF amateur band due to its reliability for long distance communications. Because of these factors, we believe that crowding on this band is severe enough to transcend much of the controversy surrounding telephony subband expansion, and for this reason we have set forth a specific proposal for that band. However, we are not proposing expansion of any of the other telephony subbands between 3.5 and 29.7 MHz because we feel the issues involved are too inadequately defined for us to commit ourselves to any particular course of action. Instead, we invite the submission of comments and supporting information with which these issues may be clarified. The Commission recognizes that the existing telephony subbands are often seriously overcrowded. However, we request commenters to weigh the magnitude of this problem against the issues addressed in the following questions:

A. Would expansion of the telephony subbands have a major detrimental impact on domestic telegraphy operations?

B. Do non-U.S. stations still have a legitimate requirement to be protected, on some frequencies, from U.S. telephony operations?

C. Does the current trend toward the use of transceivers (with a common transmit and receive tuner) make the reservation of frequencies suitable for contacting foreign stations using "split operation" unnecessary or undesirable?

D. Should additional subband allocations for telephony be contiguous with the existing telephony subbands?

E. Would it be appropriate to relocate the existing Novice subbands to new frequencies within the same HF bands in order to make a telephony subband expansion more orderly?

F. Are the current exclusive subbands for Amateur Extra and Advanced Class operators sufficient to meet the goals of our incentive licensing program if all additional telephony frequencies are authorized to General as well as Amateur Extra and Advanced Class operators?

G. How should the recent expansion of the Canadian telephony subband in the 7 Mhz band influence proposals for a U.S. telephony expansion in the same band?

18. We also encourage commenters to make specific recommendations as to what frequencies would be best suited to use for additional telephony privileges and the relative occupancy of those frequencies. Comments about related matters not explicitly mentioned above are also invited.

Conclusion

19. Notice is hereby given that it is proposed to amend 47 CFR Part 97 in accordance with the proposals set forth in the attached Appendix. Notice is also given of inquiry into the matter discussed above.

Procedural Matters

20. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contracts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for 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 described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Office, FCC, Washington, DC 20554, (202) 632–7000.

21. Authority for issuance of this Notice is contained in Sections 4(i), 303(r) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r) and 403. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before July 1, 1982, and reply comments on or before August 2, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. 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.

22. In accordance with § 1.419 of the Commission's rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the

Commission's Public Reference Room at its headquarters in Washington, DC.

23. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding since the proposed rules would only change operating practice. These changes would not compel amateur operators to purchase new equipment and consequently would have no significant economic impact on them or any small businesses, small organizations or small governmental jurisdictions.

24. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register.**

25. For further information on this proceeding contact Steve Lett, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632–7597.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 97—AMATEUR RADIO SERVICE

It is proposed that paragraph (a) of § 97.61 of the Commission's Rules and Regulations, 47 CFR 97.61, be amended as follows:

In the table in that paragraph, the row beginning with "14200–14350 (kHz)" would be revised by beginning the row with "14150–14350 (kHz)" so that the entire row reads as follows:

* * * *

14150–14350..... A3, A4, A5, F3, F4, F5.

§ 97.61 [Amended]

[FR Doc. 82–5657 Filed 3–1–82; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1310

[No. 36135]

Rules Governing Publication of Exceptions Ratings Higher Than Classification Ratings; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking; notice of granting of replies; correction.

SUMMARY: At 47 FR 7294, February 18, 1982, the Commission published a notice granted a request for the filing of replies to comments in this proceeding, in which the Commission sought comments on the merits of a petition seeking the removal of 49 CFR 1310.7(r), and on the merits of modifying rather than removing the paragraph. That notice contained several errors, which are corrected as shown below:

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. or Jane F. Mackall, 202–275–7656.

SUPPLEMENTARY INFORMATION: FR Doc. 82–4314 is corrected as follows:

(1) Change the date replies are due from May 16 to May 6, 1982.

(2) Change the date for filing comments mentioned in the Supplementary Information from April 16 to April 6, 1982; and

(3) Change the date for filing replies mentioned in the Supplementary Information from May 17 to May 6, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–5664 Filed 3–1–82; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1137

[Ex Parte No. MC–142 (Sub–2)]

Freight Forwarder Restrictions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Consistent with the appellate decision in No. FF–416 (Sub-No. 2)X, *Imperial Carriers, Inc.—Commodity and Territorial Broadening,* (not printed), served November 30, 1981, the Interstate Commerce Commission is proposing to amend its restriction removal rules to enable freight forwarders to remove operating restrictions from their permits pursuant to the restriction removal rules promulgated in Ex Parte No. MC–142 (Sub–No. 1). In the Commission's view, application of the restriction removal rules to freight forwarder permits ultimately would enable freight forwarders to provide more efficient services to a greater segment of the shipping public.

DATES: Comments are due on or before April 16, 1982. The Commission expects to issue its final decision in this proceeding within 90 days after **Federal Register** publication.

ADDRESS: The original and, if possible, 15 copies of comments should be sent to: Room 5316, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Robin K. Williams, (202) 275–1871.

SUPPLEMENTAL INFORMATION: Congress, in enacting Section 6 of the Motor Carrier Act 1980 [49 U.S.C. 10922(h)(1)(B)] instructed the Commission to provide for the expeditious removal of restrictions from motor carrier certificates and permits and for the broadening of narrowly drawn authorities. These statutory directives were not detailed, but clearly gave the Commission a significant amount of discretion in the procedures to be established and the substantive decisions to be made under them. In response to this mandate, the Commission in its decision of December 19, 1980, promulgated rules in Ex Parte No. MC–142 (Sub-No. 1), *Removal of Restrictions from Authorities of Motor Carriers of Property,* 132 M.C.C. 374 (1980) (45 FR 86747, December 31, 1980).

Subsequently, freight forwarders made application under these procedures to remove restrictions from their permits. The Commission's Restriction Removal Board, in an initial decision, found that the rules implemented in Ex Parte No. MC–142 (Sub-No. 1) *supra* could be applied to freight forwarders. *See* No. FF–416 (Sub-No. 2)X, *Imperial Carriers, Inc.—Commodity and Territorial Broadening,* (not printed) served July 1, 1981. The Board determined that the similarities in the regulatory treatment of freight forwarders and motor carriers of property and the statutes which specifically authorize the Commission to prescribe the conditions under which a freight forwarder must operate, as well as the legislative history of Section 6 of the Motor Carrier Act of 1980, permitted application of the restriction removal rules to freight forwarders.

On appeal the entire Commission, acting as an appellate body, disagreed. In its decision served November 30, 1981, the Commission concluded that the existing restriction removal rules could not be interpreted to allow for the removal of restrictions from freight forwarder permits. While recognizing the close operational relationship

between motor carriers and freight forwarders, the Commission found that the express language of the restriction removal rules and the lack of public notice in the proposed rulemaking for Ex Parte No. MC–142 (Sub-No. 1) *supra*, 132 M.C.C. 114 (1980), precluded freight forwarders from using the existing restriction removal procedures. The Commission concluded, however, that the public notice problem could be cured by implementing a rulemaking proceeding to include freight forwarders within the ambit of the restriction removal rules. Threrefore, we are instituting this proceeding for the solicitation of comments from freight forwarders, motor carriers, shippers, and other interested parties as to whether we should amend the restriction removal rules to afford freight forwarders access to the procedures for reformations of authority as contemplated by 49 U.S.C. 10922(h)(B)(i).

Background

Congress passed the Motor Carrier Act of 1980 (Pub. L. 96–269) with the intention of reducing unnecessary regulation of motor carriers. In enacting the provision for the removal of restrictions on certificates and permits of motor carriers of property, Congress submitted reasons why broadening authorities is in the public interest:

> The Committee believes that many of these restrictions serve little or no public purpose. Further, they often result in operating inefficiencies and wasted fuel which can mean inflated transportation costs to the ultimate consumer. H.R. Rept. No. 96–1069, 96th Cong., 2d. Sess. at 6.

While Congress did not specifically include freight forwarders in Section 6 of the Motor Carrier Act, there is no indication in the Act or its legislative history that Congress intended to preclude the Commission from allowing forwarders to use procedures to broaden their authorities. Rather, it appears that Congress simply addressed the primary area where reform seemed most needed. The Act, however, did make specific modifications in the regulatory treatment of freight forwarders in that it expanded the common carrier status of forwarders by enabling them to contract with rail carriers or water carriers for the arrangement of joint rates and through routes. See 49 U.S.C. 10703 and *Freight Forwarder Contract Rates—Imp. of Pub. L. 96–296*, 364 I.C.C. 413 (1980). The legislative history of section 10703 [1] makes it apparent that freight forwarders are to be considered common carriers. The history also indicates that the contemplated contracts are negotiated arrangements between common carriers relative to a mutual understanding, and that intermodalism is to be fostered.

In the absence of express legislative language, we believe that the close operational relationship between motor carriers and frieght forwarders gives rise to a presumption that the removal of restrictions in freight forwarder permits would be consistent with the tenor and purpose of Congress' most recent expressions in the area of transportation regulation. More specifically, the National Transportation Policy itself seems to encourage such a result, as we are under a mandate to preserve the inherent advantages of each mode of transportation as well as to promote economical and efficient transportation and to encourage reasonable rates for transportation without unreasonable discrimination or unfair competitive practices. See 49 U.S.C. 10101(a). The Congress has already given freight forwarders more flexibility by permitting them to contract with rail and other common carriers for the arrangement of joint rates and through routes. With this in mind, we conclude that allowing forwarders greater freedom to broaden the scope of their permits is consonant with the Congressional intent in enacting the Motor Carrier Act of 1980.

Finally, it would be an anomaly to allow motor carriers to broaden their authorities pursuant to the simplified procedures in 49 CFR 1137, but not to allow freight forwarders, a major group of users of motor carrier service, similarly to broaden their respective authorities. This appears to be a particularly discriminatory policy when on considers that the statute imposes on forwarders the same basic duties and responsibilities as those of motor common carriers subject to the act.

Further, the phrasing of grants of authority and the type of restrictions imposed in freight forwarder permits correspond precisely to those in the authorities held by motor carriers of property. Inasmuch as Congress has declared the policy of granting narrowly drawn and restrictive authorities to be outmoded, we believe that equity requires that the benefits should accrue to all those carriers which were adversely affected by the archaic regulatory philosophy. Similarly, in our view, a failure to accord similar treatment to freight forwarders in the removal of operating restrictions could hinder their ability to obtain carriers to provide the underlying line-haul transportation.

A freight forwarder is a hybrid creature, being a consumer of motor carrier service as well as a competitor with motor carrier services, particularly where movements of small shipments are involved. Congress has plainly emphasized its intention to promote competition [2] and efficient transportation services in order to meet the needs of shippers, as well as to foster intermodal transportation. Accordingly, we are of the opinion that by removing certain operating restrictions from their permits, freight forwarders will be better able to facilitate more flexibility in the operations between themselves and motor carriers. Further, we believe that allowing freight forwarders greater freedom to select different transportation modes will not only promote congressional goals of intermodalism, but will also result in a more efficient and cost effective transportation service for the public. Thus, in our view, application of the restriction removal rules to freight forwarder permits ultimately will enable freight forwarders to provide more efficient services to a greater segment of the shipping public.

We believe the policy considerations which would allow us to include freight forwarders within the parameters of the restriction removal rules also would enable us to dispense with the requirement that in order to broaden their authorities forwarders must demonstrate their fitness and establish an evidentiary need for the proposed service. This also would be consistent with the existing restriction removal provisions relating to motor carrier applications.

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[1] H. Rept. 96–1069, 96th Cong., 2d. Sess. (1980). House Comm. on Public Works and Transportation, Motor Carrier Act of 1980, report together with additional and minority views. It states at page 34:

> Subsection (h) amends section 10703(a)(4) by adding a new subparagraph. New subparagraph (E) permits freight forwarders to enter contracts with rail carriers or with water carriers providing transportation subject to the Shipping Act, 1916, or the Intercoastal Shipping Act. The Commission would have 180 days to promulgate regulations implementing the provisions of this subparagraph.
>
> This provision would enable freight forwarders to enter into contracts with other common carriers, including rail carriers for transportation services. The contracts contemplated by this section would be negotiated arrangements between common carriers relative to a mutual understanding. The contracts would be subject to rules promulgated by the Commission. Such rules should take into consideration that freight forwarders are common carriers. This provision is meant to foster intermodal transportation, and it is consistent with past legislative proposals submitted to the Congress by the Commission.

[2] Congress approved the Commission's recent approach of placing more emphasis on the benefits of competition 49 U.S.C. 10922(b) and H.R. Rept. 96–1069, 96th Cong., 2d. Sess., pages 13–15.

Environmental and Energy Considerations

We do not believe that this request for comments or the adoption of the proposed rule, amending 49 CFR Part 1137 and 49 CFR 1137.1, will have any significant impact upon the quality of the human environment. However, we anticipate that this rule change will improve operating efficiency, promote competition, and foster intermodalism. Comments on these issues are welcome.

Regulatory Flexibility Analysis

The Interstate Commerce Commission is instituting this proceeding in order to provide a mechanism for freight forwarders to remove restrictions from their authorities. The Commission recommended that such a proceeding be initiated pursuant to its decision in No. FF–416 (Sub-No. 2)X, *Imperial Carriers, Inc.—Commodity and Territorial Broadening* (not printed) served November 30, 1981.

We believe that the proposed rules will allow freight forwarders to achieve greater flexibility in their operations by enabling them to take advantage of the rules promulgated in *Ex Parte No. MC–142 (Sub-No. 1) Removal of Restrictions from Authorities of Motor Carriers of Property*, 132 M.C.C. 374 (1980). Such result, in our opinion, will be consistent with the provisions of the Motor Carrier Act of 1980, specifically 49 U.S.C. 10922(h), and will meet the Congressional goals directed toward fostering intermodalism.

There are approximately 250 active freight forwarders licensed by this Commission. Due to the fact that the Commission no longr requires freight forwarders to file annual reports, it is impossible to determine how many freight forwarders are small entities. We believe, however, that this decision will have a modest, albeit beneficial economic impact upon an unascertainable number of small entities, as well as the shipping public.

The effect of the proposed rule will not require the filing of reports or any record-keeping by small entities. The proposed rule will not duplicate, overlap, or conflict with any existing Federal rules.

The only alternative to the adoption of the proposed rule is to not make the restriction removal procedures available to freight forwarders. To preclude freight forwarders from using procedures designed to remove restrictions from operating authorities will, in effect, deny the public access to more efficient, cost effective transportation services.

We invite comments on the foregoing issues.

Conclusions

We propose to revise the title of 49 CFR Part 1137 and the introductory text of 49 CFR 1137.1, as described in the appendix to this notice, to include a provision allowing freight forwarders to take advantage of the restriction removal rules adopted in Ex Parte No. MC–142 (Sub-No. 1) *Removal of Restrictions from Motor Carriers of Property*, 132 M.C.C. 374 (1980).

This notice is issued pursuant to 49 U.S.C. 10321 and 10922(h) and 5 U.S.C. 553.

Decided: February 17, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp. Chairman Taylor concurred in the decision. Commissioner Clapp concurred with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Clapp, concurring:

There is one omission in the decision which bears correcting. We are proposing here to eliminate, as we did in Ex Parte No. 142 (Sub No. 1), the requirement of a fitness showing. There we believed that as a carrier requesting broadened authority had already been found fit in the underlying proceeding, to require a new showing was unnecessary. However, in *American trucking Ass'n, Inc. v. ICC*, 569 F. 2d 452, 470 (5th Cir. 1981) the court overruled that aspects finding that under restriction removal procedures, the Commission must still require the carrier to demonstrate that it is fit, willing, and able to perform the broader service to be authorized. Therefore, I believe comments are necessary along with a thorough analysis before we again attempt to remove the fitness requirement.

Appendix—Proposed Revisions

Title 49 CFR Part 1137, would be amended as follows:

1. The title of Part 1137 would be revised to read as follows:

PART 1137—REMOVAL OF RESTRICTIONS FROM AUTHORITIES OF MOTOR CARRIERS OF PROPERTY AND FREIGHT FORWARDERS

2. The introductory text of § 1137.1 would be revised to read as follows:

§ 1137.1 Purpose.

These regulations govern applications filed by motor carriers of property and freight forwarders seeking to remove operating restrictions from their certificates or permits in order to:

* * * * *

(49 U.S.C. 10321 and 10922(h) and 5 U.S.C. 553)

[FR Doc. 82–5554 Filed 3–1–82; 8:45 am]

BILLING CODE 7035–01–M

Notices

Federal Register
Vol. 47, No. 41
Tuesday, March 2, 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

Agricultural Stabilization and Conservation Service

Peanut Referendum Results; 1982 Through 1985 Crops of Peanuts

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of results of peanut poundage quota referendum for 1982 through 1985 crops of peanuts.

SUMMARY: The U.S. Department of Agriculture proclaims the results of the peanut poundage quota referendum which was held during the period January 25–29, 1982, pursuant to section 358(o) of the Agricultural Adjustment Act of 1938, as amended, in order to determine whether farmers favor or oppose poundage quotas for peanuts produced in the calendar years 1982, 1983, 1984 and 1985.

EFFECTIVE DATE: February 26, 1982.

FOR FURTHER INFORMATION CONTACT: Bruce D. Starnes, Tobacco and Peanuts Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 382–0152.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as "nonmajor". It has been determined that these provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local Government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based industries to compete with foreign-based enterprises in domestic or foreign markets.

The title and number of the federal assistance program that this notice applies to are: Title—Peanut Production Stabilization, Number—10.051, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, review as established under OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that a notice of proposed rulemaking be published with respect to the subject matter of these determinations in accordance with 5 U.S.C. 553 or any other provision of law.

In a Notice of Determination published in the **Federal Register** on January 22, 1982, (47 FR 3149), the Secretary of Agriculture announced that a marketing quota referendum for the 1982, 1983, 1984 and 1985 crops of peanuts would be held by mail ballot during the period January 25–29, 1982, inclusive. Section 358(o) of the Agricultural Adjustment Act of 1938, as amended, requires that the Secretary proclaim the results of the referendum within thirty days after the date on which it is held. Accordingly, the results of such referendum are set forth below:

Results of the national peanut poundage quota referendum for the 1982 through 1985 crops of peanuts.

(1) *Referendum period.* The national marketing quota referendum for the 1982 through 1985 crops of peanuts was held by mail ballot during the period January 25 to 29, 1982, inclusive, in accordance with 7 CFR Part 717.

(2) *Farmers voting.* A total of 38,755 producers engaged in the production of the 1981 crop of quota peanuts voted in the referendum. Of those voting, 36,383 producers, or 93.9 percent, favored peanut poundage quotas, and 2,372 farmers, 6.1 percent, opposed quotas.

(3) *1982 through 1985 peanut poundage quotas are in effect.* Since more than two-thirds of the farmers voting favored quotas, poundage quotas shall be effective for peanuts produced in the calendar years 1982, 1983, 1984 and 1985.

(Secs. 358, 375, 52 Stat. 66, as amended; 55 Stat. 88, as amended; 7 U.S.C. 1358, 1375)

Signed at Washington, D.C. on February 25, 1982.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 82–5539 Filed 2–26–82; 8:45 am]

BILLING CODE 3410–05–M

Forest Service

Modoc National Forest Grazing Advisory Board; Meeting

The Modoc National Forest Grazing Advisory Board will meet at 10:00 a.m., March 23, 1982, in the Conference Room of the Supervisor's Office at 441 North Main Street, Alturas, California.

The purpose of this meeting is to discuss expenditures of Range Betterment Funds and Allotment Management Plans.

The meeting will be open to the public. Persons who wish to attend or who would like further information should notify William E. Britton, Modoc Supervisor's Office, telephone 916–233–3521. Written statements may be filed with the Board before or after the meeting.

G. Lynn Sprague,

Forest Supervisor.

February 22, 1982.

[FR Doc. 82–5515 Filed 3–1–82; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Upper West Branch Pecatonica Watershed, Wisconsin

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Cliffton A. Maguire, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wisconsin 53711, telephone (608) 264–5351.

Notice.—Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of 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 Upper West Branch Pecatonica Watershed, Grant, Iowa, and Lafayette Counties, Wisconsin.

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, Cliffton A. Maguire, 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 control and watershed protection. The planned works of improvement include installation of 59 agricultural waste management systems, applying best management practices on 14,700 acres of cropland, applying streambank protection consisting primarily of livestock exclusion to 13 miles of perennial streams, and treating critical sediment sources near all perennial streams in the project 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 assessment are on file and may be reviewed by contacting Cliffton A. Maguire. 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 April 1, 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.)

Cliffton A. Maguire,

State Conservationist.

February 18, 1982.

[FR Doc. 82-5513 Filed 3-1-82; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

February 17, 1982.

In accordance with Part 291 (14 CFR Part 291) of the Board's Economic Regulations effective November 8, 1978, notice is hereby given that the Civil Aeronautics Board has received an application, Docket 40391, from Western Pacific Express, Inc., Box 9078-110, Van Nuys, California 91409 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before March 23, 1982. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-5540 Filed 3-1-82; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

California Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights that a meeting of the California Advisory Committee to the Commission will convene at 10:00 a.m., and will end at 12:00 p.m., on March 20, 1982, at the Miyako Hotel, 1625 Post Street, San Francisco, California, 94115. The purpose of this meeting will be to hear a subcommittee report on the reapportionment project and plan a factfinding meeting on the subject. The Committee will also discuss other issues leading to future program plans.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Maurice B. Mitchell, 260 Eucalyptus Hill Drive, Santa Barbara, California, 93103, (805) 969-1563 or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles, California, 90010, (213) 688-3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 23, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-5516 Filed 3-1-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Privileges; Wolfgang R. Weber; Order

The Ofice of Export Administration, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to section 11(c) of the Export Administration Act of 1979 (50 U.S.C. 2401, *et seq.* (Supp. III 1979)) (the Act) and the Export Administration Regulations (currently codified at 15 CFR Part 368, *et seq.* (1981)) (the Regulations) against Wolfgang R. Weber, c/o Oriel GmbH, Im Tiefen See 58, D-6100 Darmstadt, Federal Republic of Germany, based on allegations that Weber violated §§ 387.3, 387.4, and 387.6 of the Regulations promulgated pursuant to the Export Administration Act of 1969 (50 U.S.C. 2401, *et seq.* (1976)) and continued in effect by Executive Order No. 11940 of September 30 1976 (3 CFR Part 150 (1976 Comp.)); and

The Department and Weber having entered into a Consent Agreement whereby each has agreed to settle this matter by the imposition of a period of denial against Weber of all U.S. export privileges for the six month period from the date of entry of this Order;

It is therefore ordered, Wolfgang R. Weber is denied all U.S. export privileges described in § 388.3(a)(2) of the Regulations for a six month period from the date of entry of this Order.

Entered this 22d day of February, 1982.

Bohdan Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 82-5517 Filed 3-1-82; 8:45 am]

BILLING CODE 3510-25-M

Vitamin K From Spain; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of 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 vitamin K from Spain. The review covers the period January 1, 1980 through December 31, 1980. As a result of this review, the Department has preliminarily determined to instruct the Customs Service to assess countervailing duties equal to the

calculated value of the net subsidy, 4.80 percent of the f.o.b. invoice price of the merchandise. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 2, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Lorenza Olivas, Office of Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1775).

SUPPLEMENTARY INFORMATION:

Background

On November 16, 1976, the Department of the Treasury published in the **Federal Register** an affirmative final countervailing duty determination regarding vitamin K from Spain (T.D. 76–321, 41 FR 50419). The notice stated that Treasury had determined that the Government of Spain had provided bounties or grants on the manufacture, production or exportation of vitamin K, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act").

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of May 13, 1980 (45 FR 32455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on vitamin K from Spain.

Scope of the Review

The merchandise covered by this review is vitamin K, commercially known as menadione sodium bisulfite, imported directly or indirectly from Spain. These imports are currently classifiable under item number 412.64 of the Tariff Schedules of the United States.

The review covers the period January 1, 1980 through December 31, 1980. The Department reviewed two programs: (1) The Desgravacion Fiscal a la Exportacion, which was found countervailable in the final determination, and (2) a working capital loans program which had been found countervailable in another investigation. The only known exporter of this merchandise to the United States is Lisac, S.A.

Analysis of Programs

(1) *Desgravacion Fiscal a la Exportaction.* Spain employs a cascading tax system, that is, a turnover tax based upon the total value of inputs at each transaction level, rather than upon the value added at each level. Under this system, the indirect taxes paid include both taxes levied at the final stage of production and prior stage taxes incorporated in the input costs of raw materials, energy and services used in the final stage of production.

The Spanish government studied the incidence of prior stage taxes on inputs in various sectors of the economy to determine the cumulative indirect tax incidence on the exported product. Then, under the Desgravacion Fiscal a la Exportacion program, the government rebated upon exportation the total indirect taxes calculated to be borne by the final product.

Although the Spanish government rebates upon exportation all indirect taxes paid under the cascading tax system, the Tariff Act allows the rebate of only the following: (1) Taxes borne by inputs which are physically incorporated in the export product (see Annex 1.1 of Part 355 of the Commerce Regulations) and (2) indirect taxes levied at the final stage (see Annex 1.2 of part 355 of the Regulations). If the tax rebate upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

Physical incorporation is a question of fact to be determined for each product in each case. In this case, the physically incorporated inputs are raw materials previously allowed by the Department of the Treasury plus toluene, butonal and sodium chloride.

The rebate of the parafiscal tax on export licenses is also allowable when calculating whether or not there is an overrebate of indirect taxes under the Desgravacion Fiscal.

Based upon our review of the Spanish government study of tax incidence and upon our analysis of physically incorporated inputs and the parafiscal tax, we determine that an overrebate upon export of indirect taxes existed in the review period in an amount equal to 3.68 percent of the f.o.b. invoice price of the product.

As of January 1, 1981, the Spanish government increased the turnover tax on business transactions (IGTE) from 2.40 percent to 3.80 percent, while maintaining the previous rate for the export rebate. The change in tax incidence has eliminated the overrebate; therefore, we will lower the duty deposit rate for this program to zero for future entries, pending the results of the next annual administrative review.

(2) *Working Capital Loans.* The Spanish government requires banks to set aside funds to provide short-term operating capital loans. These loans are granted for a period of less than one year at an 8 percent interest rate which is 1.5 percent below the commercially available rate of 9.5 percent in 1980. The operating capital loans are applicable to exports of certain goods which are designated by the Spanish government, including vitamin K. The maximum loan principal available to a given exporter is determined as a percentage of the firm's previous year's exports. This amount may be increased by 10 percent if the firm has a government-issued Exporter's Card.

In the case of vitamin K, maximum eligibility is 30 percent. In calculating the subsidy attributable to this program we assumed maximum utilization of the loans by the only known exporter. For the period of review, the subsidy conferred under this program is equal to 1.12 percent of the f.o.b. invoice price of the merchandise.

Verification

We verified the submission of the Spanish government through access to company books and records. Documents examined included company financial statements, cost structure records, and production and export records.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the benefits conferred during the period of review under the two programs cited above are 3.68 and 1.12 percent *ad valorem*, respectively. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 4.80 percent of the f.o.b. invoice price on shipments entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 and exported on or before December 31, 1980.

The provisions of T.D. 76–321 or T.D. 79–19 and section 303(a)(5) of the Tariff Act, prior to the enactment of the TAA, apply to all entries made prior to January 1, 1980. Accordingly, the Customs Service shall assess countervailing duties on unliquidated entries of vitamin K which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980, at the applicable rates set forth in T.D. 76–321 or T.D. 79–19.

Due to the change in the Spanish tax law effective January 1, 1981, the only subsidy remaining is that conferred under the operating capital loans program, which we calculate to be 1.12 percent. Therefore, the Department estimates countervailing duties to be 1.12 percent for calendar year 1981, and intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 1.12 percent of the f.o.b. invoice price on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. This deposit requirement 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 duties, at the 3.07 percent *ad valorem* rate set forth in T.D. 79–19, 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 preliminary results on or before April 1, 1982 and may request disclosure and/or a hearing on or before March 17, 1982. Any request for an administrative protective order must be made on or before March 8, 1982. The Department will publish the final results of this 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 (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.

February 25, 1982.

[FR Doc. 82-5538 Filed 3-1-82; 8:45 am]

BILLING CODE 3510-25-M

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Corrales and Medina Carnations, 116 Quail Gardens Drive, Encinitas, California 92024, producer of flowers (accepted February 8, 1982); (2) Surf Line Hawaii, Inc., 1451 Kalani Street, Honolulu, Hawaii 96817, producer of men's and women's swimwear, shorts and shirts (accepted February 8, 1982); (3) Gold Beach Seafood, Inc., P.O. Box 1078, Gold Beach, Oregon 97444, producer of seafood (accepted February 10, 1982); (4) Munsingwear, Inc., Box 1369, Minneapolis, Minnesota 55440, producer of men's, women's and children's sleepwear, underwear, shirts and slacks (accepted February 10, 1982); (5) Autonumerics, Inc., 120 Plant Avenue, Hauppauge, New York 11788, producer of machine tools (accepted February 12, 1982); (6) Rodac Corporation, 1005 E. Artesia Boulevard, Larson, California 90746, producer of hand tools, plumbing fixtures, carpenters' aprons, tool holders and bags (accepted February 16, 1982); (7) Ferronics, Inc., 60 North Lincoln Road, East Rochester, New York 14445, producer of electronic components (accepted February 16, 1982); (8) Terry Jubilee Corporation, 209 West 38th Street, New York, New York 10018, producer of men's and women's shirts, jackets, pants, shorts and skirts (accepted February 16, 1982); (9) McNamara and Peepe Corporation, 1607 5th Street, Crescent City, California 95531, producer of softwood lumber (accepted February 16, 1982); (10) Novel Knit, Inc., 791 Paulison Avenue, Clifton, New Jersey 07011, producer of knitted fabrics and blankets (accepted February 16, 1982); (11) Shutzer Enterprises, Inc., 250 Canal Street, Lawrence, Massachusetts 01840, producer of men's, women's and children's coats, jackets and vests (accepted February 17, 1982); (12) General Energy, Inc., P.O. Box 338, Andrews, Indiana 46702, producer of stoves and accessories, and fabricated metals (accepted February 17, 1982); (13) Boulder Leather Designs, Ltd., 4949 N. Broadway, #208, Boulder, Colorado 80302, producer of men's and women's vests, belts, hatbands, skirts and tops (accepted February 17, 1982); (14) Lurie Sportswear, Inc., 251 Causeway Street, Boston, Massachusetts 02114, producer of women's blazers (accepted February 19, 1982); (15) Fall River Fireplace Company, Inc., 915 Dwelly Street, Fall River, Massachusetts 02724, producer of fireplace accessories and corn poppers (accepted February 19, 1982); (16) Great Atlantic Shellfish Company, Inc., 50 Emjay Boulevard, Brentwood, New York 11717, producer of seafood (accepted February 19, 1982); (17) Helbros Watches, Inc., 2 Park Avenue, New York, New York 10016, producer of watches (accepted February 19, 1982); (18) International Navigation Corporation, 66 Cummings Park, Woburn, Massachusetts 01801, producer of marine navigation equipment (accepted February 19, 1982); (19) MXR Innovations, Inc., 740 Driving Park Avenue, Rochester, New York 14613, producer of sound equipment (accepted February 22, 1982); (20) Ambico, Inc., 101 Horton Avenue, Lynbrook, New York 11563, producer of camera and guitar straps and camera filters (accepted February 22, 1982); and (21) Haarmann Steel Corporation, Meadow Street, Chicopee, Massachusetts 01013, producer of fabricated steel (accepted February 23, 1982).

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business March 12, 1982.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 82-5561 Filed 3-1-82; 8:45 am]

BILLING CODE 3510-25-M

Withdrawal of Application for Duty-Free Entry of Scientific Article

The U.S. Geological Survey has withdrawn Docket Number 81–00297, an application for duty-free entry of a seismometer.

Accordingly, further administrative proceedings will not be taken by the Department of Commerce with respect to this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-5562 Filed 3-1-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Proposed Modification to Marine Mammals Permit

Notice is hereby given that Point Reyes Bird Observatory, 4990 Shoreline Highway, Stinson Beach, California 94970 has requested a modification of Permit No. 260 issued on April 9, 1979 (44 FR 23909) under the authority of 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).

The Permit Holder is requesting to tag 500 elephant seals in a period of two years in addition to the animals authorized in the Permit. The animals are to be tagged in the Point Reyes Peninsula area.

Concurrent with the publication of this Notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of the modification 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 April 1, 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 the modification 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 modification are 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.

Date: February 24, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-5563 Filed 3-1-82; 8:45 am]

BILLING CODE 3510-22-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 82-1]

Determination of a Controversy With Respect to the Distribution of 1980 Cable Royalty Fees

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

SUMMARY: The Copyright Royalty Tribunal declares a controversy concerning the distribution of the 1980 cable royalty fees and requests comments on various procedural matters.

EFFECTIVE DATE: March 2, 1982.

FOR FURTHER INFORMATION CONTACT: Commissioner Frances Garcia, Chairman, Copyright Royalty Tribunal, (202) 653-5175.

SUPPLEMENTARY INFORMATION: At a public meeting on October 14, 1981, after reviewing and considering comments from claimants, the Tribunal adopted a motion, effective March 2, 1982, declaring in accordance with 17 U.S.C. 111(d)(5)(B) the existence of a controversy concerning the distribution of the 1980 cable royalty fees. A proceeding to determine the distribution of such fees is commenced as of March 2, 1982. As in previous proceedings, Phase I will determine the distribution of royalty fees to categories of claimants, while Phase II will resolve any disputes among claimants each category.

The Tribunal directs claimants or their authorized representatives who wish to participate in Phase I to inform the Tribunal of such intention not later than April 1, 1982.

The Tribunal has conducted protracted hearings, and developed an extensive record in the proceedings for the distribution of the 1978 and 1979 cable royalty fees. In such proceedings, the Tribunal has allowed the introduction of evidence concerning developments in subsequent years. The Tribunal directs claimants or their representatives to submit by April 30, 1982 proposals, in accordance with the Administrative Procedure Act, providing for procedures whereby the Tribunal could utilize the record of the previous proceedings in the 1980 Phase I distribution proceedings and limit the presentation of new testimony and written evidence.

The Tribunal further directs that claimants or their representatives submit not later than April 30, 1982, any comments on the legality and feasibility of proposals providing for the Tribunal prior to the termination of the 1980 royalty proceeding to make partial distribution of the royalty fees.

The Tribunal further directs that claimants or their representatives submit not later than April 30, 1982 any comments concerning proposed alteration of the Phase I categories of claimants established by the Tribunal in the 1979 royalty proceeding.

Reply comments on the April 30, 1982 submissions may be submitted by May 14, 1982.

Commissioner Frances Garcia,

Chairman.

February 17, 1982.

[FR Doc. 82-5354 Filed 2-26-82; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Academy Board of Visitors; Meeting

The Air Force Academy Board of Visitors is scheduled to meet at the Air Force Academy, Colorado Springs, Colorado, during the period April 7–8, 1982. The meeting is pursuant to the Board's statutory charge (10 USC 9355) to meet at the Academy and to inquire into matters of morale, discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider.

The tentative agenda calls for portions of the meeting to be open for public attendance on April 7 from 8:15 a.m. to 11:50 a.m. in the Superintendent's Conference Room, Harmon Hall. Among the items on the tentative agenda during the open portions of the meeting are briefings to the Board on the following subjects: academics, the airmanship program, admissions, and Academy facilities. In addition to the open portion of the meeting, a press conference which will be open to the public has been scheduled for 11:15 a.m. on April 8 in Arnold Hall.

Portions of this meeting are tentatively scheduled to be closed to the public as matters to be discussed are analogous to matters listed in subsections (2), (4) and (6) section 552b (c), Title 5, United States Code. These closed portions include panel

discussions with groups of cadets, faculty members and military staff officers, involving personal information and opinions, the disclosure of which would be a clearly unwarranted invasion of personal privacy. Also included are the executive deliberations of the Board involving discussions of such personal information and discussions which might disclose financial information, or relate solely to the internal personnel rules and practices of the Academy.

FOR FURTHER INFORMATION CONTACT: Captain Curt Martin, Headquarters, U.S. Air Force (MPPA), Washington, DC 20330, at (202) 697–7116.

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 82–5551 Filed 3–1–82; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Tender Rates To Move Military Air Freight

AGENCY: Military Traffic Management Command (MTMC), Army Department, DOD.

ACTION: Notice.

SUMMARY: Effective April 1, 1982, the Military Traffic Management Command will route air cargo (except personal effects) only via air freight carriers or air freight forwarders which have Uniform Tenders on file with Headquarters, MTMC. Because of the extended time elapsing before audit of freight charges, MTMC, auditors, and carriers must have a rate structure available indicating what the rate was on any given date. The Uniform Tender (Form 280) is simple to prepare, easy to evaluate, and has been used effectively with other transportation modes. Standard information categories, sequence, and codes of Form 280 also facilitate source data automation into the MTMC Tender Index system, for rating and routing.

FOR FURTHER INFORMATION CONTACT: Mr. Martin T. Cunningham, Headquarters, Military Traffic Management Command, Attention: MT–INNT, 5611 Columbia Pike, Falls Church, Virginia 22041. Telephone: (202) 756–1567; 756–1149.

SUPPLEMENTARY INFORMATION: Issuing carrier or freight forwarder should submit two signed and thirteen unsigned copies of each Tender or supplement to Headquarters, Military Traffic Management Command, Attention: MT–INNT, 5611 Columbia Pike, Falls Church, Virginia 22041. An appendix to the Tender may be used for supplement rates, places, or other data.

Copies of Form 280 and of Tender preparation instructions can be obtained either from the Superintendent of Public Documents, U.S. Government Printing Office, Attention: Public Documents, Washington, D.C. 20402 (Stock No. 022–000–00183–3), or from the American Trucking Association, Inc., Government Traffic Department, 1616 P Street, NW., Washington, D.C. 20036.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 24, 1982.

[FR Doc. 82–5434 Filed 3–1–82; 8:45 am]

BILLING CODE 3710–08–M

Office of the Secretary

DOD Advisory Group on Electron Devices; Working Group A (Mainly Microwave Devices); Meeting

Working Group A (Mainly Microwave Devices) of the DOD Advisory Group on Electronic Devices (AGED) will meet in closed session on March 25, 1982 at the Army ERADCOM, Hexigon Building, Room 3C–121, Ft. Monmouth, New Jersey 07703.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 25, 1982.

[FR Doc. 82–5467 Filed 3–1–82; 8:45 am]

BILLING CODE 3810–01–M

DOD Advisory Group on Electron Devices; Working Group D (Mainly Laser Devices); Meeting

Working Group D (Mainly Laser Devices) of the DOD Advisory Group on Electronic Devices (AGED) will meet in closed session April 20–21, 1982 at the Goddard Space Flight Center, Greenbelt, Maryland.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices. The Working Group D meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include classified program details throughout. In accordance with 5 U.S.C. App 1, section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M.S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 25, 1982.

[FR Doc. 82–5468 Filed 3–1–82; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Law School Clinical Experience Program; Application Notice for New Projects for Fiscal Year 1982

Applications are invited for new projects under the Law School Clinical Experience Program.

Authority for this program is contained in Title IX, Part E of the Higher Education Act of 1965, as amended. (20 U.S.C. 1134n–1134p)

This program issues awards to accredited law schools or combinations or consortiums of accredited law schools.

The purpose of the Law School Clinical Experience Program is to establish or expand projects at accredited law schools to provide

supervised clinical experience to students in the practice of law.

Closing date for transmittal of applications: Applications for awards must be mailed (post-marked) or hand-delivered by April 14, 1982.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education Application Control Center, Attention: 84.097, Washington, D.C. 20202.

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 U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (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.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays and Federal holidays.

Applications that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

Available Funds: There is authorized $960,000 for this program for fiscal year 1982. However, the President has proposed budget rescissions to the Congress that may eliminate funds for this program. The deadline in this notice will not be extended, and applicants should prepare and submit applications pending further notification. Applications must be submitted to the Application Control Center at the address in this notice.

The program legislation permits the Secretary to pay up to 90 percent of the cost of projects at law schools. The program regulations permit the Secretary to establish annually a lower maximum Federal share. In FY 1980 with a $4 million appropriation level the maximum Federal share was 90 percent. In FY 1981 with a $3 million appropriation the maximum Federal share was 80 percent. With the prospect of a funding level of $960,000 for FY 1982, the Secretary is establishing a maximum Federal share of 50 percent. A major objective of this program is to increase the financial commitment of a law school to clinical legal education. Support of clinical legal education is not considered a permanent Federal responsibility. The reduction of the Federal share to 50 percent supports the program's objective. The Secretary expects to make between 25 and 30 awards, with no individual grant exceeding $38,500.

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless the amount is otherwise specified by statute or regulations.

Final regulations governing the Law School Clinical Experience Program were published in the **Federal Register** on July 14, 1981. These regulations broadly define the types of projects the Secretary intends to support under this program. The regulations also specify the selection criteria to be used in evaluating applications.

Application forms: Application forms and program information packages are expected to be ready for mailing by March 1, 1982. They may be obtained by writing to the Graduate Programs Branch, U.S. Department of Education, (Room 3060, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the criteria, instructions, and forms included in the program information packages.

Applicable regulations: The regulations applicable to this program are:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions). (These parts were previously codified as 45 CFR Parts 100a and 100c respectively); and

(b) The regulations in 34 CFR Part 639 published in the **Federal Register** on July 14, 1981, 46 FR 36338–36340.

Further information: For further information contact Dr. Donald N. Bigelow, Chief Graduate Programs Branch, U.S. Department of Education, (Room 3060, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245–2347.

(20 U.S.C. 1134n–1134p)

Dated: February 24, 1982.

(Catalog of Federal Domestic Assistance Number 84.097, Law School Clinical Experience Program)

T. H. Bell,

Secretary of Education.

[FR Doc. 82-5579 Filed 3-1-82; 8:45 am]

BILLING CODE 4000-01-M

Pell Grant Program; Establishment of Deadline Dates

AGENCY: Department of Education.

ACTION: Notice of deadline dates for receipt of (1) applications for determining expected family contributions and Student Eligibility Reports, (2) Progress Reports and Student Validation Rosters, and (3) other actions.

SUPPLEMENTARY INFORMATION:

The Secretary gives notice to students of the deadline dates, types of forms, and addresses for filing and submitting (1) applications for determining expected family contributions, (2) recomputation requests, (3) requests for a variety of actions under special circumstances, and (4) Student Eligibility Reports (SER) that are required under the verification procedures (validation). Students need to be aware that the calculation of expected family contributions and the submission of valid SERs are prerequisties for receiving Pell Grant awards (formerly called Basis Grants). The Secretary also gives notice to institutions of the deadline dates for submitting Progress Reports and Student Validation Rosters that are required under this program. The authority for this program is contained in section 411 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a). The Pell Grant Program assists students in the continuation of their training and education at the postsecondary level by providing financial aid in helping them defray educational costs. In order to insure that applications, reports, and applicable requests are received by the deadline dates, students are encouraged to submit their information as early as possible.

STUDENT APPLICATIONS

Deadline date	Type of form	Address for submission
I. Deadline Date for Receipt of Applications Under Normal Circumstances.		
A. Received by March 29, 1982 or 30 days from the date of publication of this notice in the **Federal Register**, whichever is later.	Basic Grant Application Form	Basic Grants, P.O. Box 92781, Los Angeles, CA 90009.
	Basic Grant Special Condition Form	Basic Grants, P.O. Box 92869, Los Angeles, CA 90009.
	Family Financial Statement	American College Testing, Student Need Analysis Service, P.O. Box 4005, Iowa City, Iowa 52243.
	Financial Aid Form	College Scholarship Service, Box 2700, Princeton, NJ 08541. OR
	Finacial Aid Form	College Scholarship Service, Box 380, Berkeley, CA 94701.
	Pennsylvania Higher Education Assistance Agency	PHEAA/BG Application, P.O. Box 3157, Harrisburg, PA 17105.
	Student Aid Application for California	College Scholarship Service, Box 70, Berkeley, CA 94701.
These forms are used to provide data for calculating a student's expected family contribution or eligibility index, which is the index of need of a student for financial assistance as it relates to the expected family contribution schedule established by the Secretary. (Reference: Final Regulations for the Pell Grant Program—expected Family Contribution—published January 19, 1981 (46 FR 5320–5327)).		
	APPLICANTS RECOMPUTATION REQUESTS	
B. Received by may 15, 1982	Requests for recomputation of an eligibility index because of clerical or arithmetic errors, or because of extraordinary circumstances as described in §§ 690.39 and 690.48 of the Pell Grant Program regulations.	Basic Grants, P.O. Box 92781, Los Angeles, CA 90009.
	Corrections to previously submitted data	
These forms are used to correct information reported on the Student Eligibility Report. (See Section III below.)		
II. Deadline Dates for Receipt of Applications and Other Requests Under Special Circumstances.		
A. Received by May 15, 1982	Basic Grant correction application (this form is described below in paragraph 1).	Basic Grants, P.O. Box 92781, Los Angeles, CA 90009.
B. Received by June 15, 1982	Requests for a duplicate SER (a student must submit a written request for a duplicate SER).	Basic Grants, P.O. Box 92889, Los Angeles, CA 90009.
	Verification of correct information (this procedure is described below in paragraph 2).	Basic Grants, P.O. Box 92889, Los Angeles, CA 90009.
C. Received by June 21, 1982	Requests for payment—ADS Form 304, for students who enroll before May 1, 1982.	Basic Grants, P.O. Box 92783, Los Angeles, CA 90009.
D. Received by July 29, 1982	Requests for payment—ADS, Form 304, for students enrolling after May 1, 1982.	Basic Grants, P.O. Box 92783, Los Angeles, CA 90009.
E. Received by August 10, 1982	Additional and/or corrected requests for payment—ADS, Form 304-1.	Basic Grants, P.O. Box 92883, Los Angeles, CA 90009.

1. A Basic Grant Correction Application is sent to applicants when:

(a) The applicant does not complete required sections of the original application.

(b) The applicant changes his or her status from dependent student to independent student or *vice versa* on the SER.

(c) The applicant indicates that information in Section B of the original application was incorrectly reported. (The student may notify the application processor by telephone or in writing.)

2. This deadline date applies to an applicant whose Student Eligibility Report is returned for verification even though it apparently is accurate and complete. These verification requests occur because of edit checks built into the processing systgem which are triggered by applicants reporting unusual information such as zero or very low income.

General Information

Application forms: Application forms and information brochures are available and may be obtained from college financial aid administrators, high school counselors, or Educational Opportunity Center counselors, or by writing to Basic Grants, P.O. Box 84, Washington, D.C. 20044.

III. Deadline Dates for Submission of Student Eligibility Reports Under "Validation" Procedures.

The verification procedures (validation) involve collecting documents from Pell Grant applicants and the applicants' parents to verify the information reported on the SER. It may also require the applicant to correct any inaccurate information on his or her SER, submit the corrected SER for reprocessing and resubmit the returned SER to the institution's student financial aid office.

This notice applies only to students undergoing validation and does not conflict with nor supersede the deadline dates established above by the Secretary.

Validation Process and Deadline Dates. A student who is selected to have his or her application verified under the Validation Process must adhere to the following procedures and deadlines in order to receive a Pell Grant award for the 1981–82 award year:

Regular Disbursement System. 1. If a student is selected to have his or her application verified under the Validation Process and that student attends an institution that participates in the Pell Grant Program under the Regular Disbursment System, he or she has 90 days from his or her last day of enrollment or September 30, 1982, whichever comes first, to provide the requested documents to the institution.

2. If the SER of that student contains inaccurate information, he or she must make the correction on the SER, submit the corrected SER to the Department of Education's processing center at the address indicated on the SER and resubmit the returned valid SER to the institution by the closing date for the submission of documents indicated in paragraph 1.

3. If the student did not submit the corrected SER to the Department of Education's processing center by May 15, 1982, the student must submit the corrected SER to his or her institution along with the requested documents. The institution submits the corrected SER and documents to the U.S. Department of Education, Student Validation Branch, P.O. Box 23185, Washington, D.C. 20024.

The Secretary reviews the documents, reprocesses the SER and returns the reprocessed SER to the student. The student must resubmit the returned SER to the institution by the deadline date for the submission of documents indicated in paragraph 1.

It should be noted that the Secretary requires about eight weeks to review the

documents and reprocess the SERs. Therefore, students are advised to provide the appropriate documents and forms to their institutions within the first 30 days of the 90-day period.

Alternate Disbursement System. If a student is selected to have his or her application verified under the Validation Process and that student attends an institution that participates in the Pell Grant Program under the Alternate Disbursement System, he or she has 90 days from his or her last day of enrollment or September 30, 1982, whichever comes first, to complete the Validation Process. In order to complete the Validation Process the student must—

1. Submit his or her SER along with requested documents to the Student Validation Branch, P.O. Box 23185, Washington, D.C. 20024;

2. Correct any inaccurate information reported on the SER;

3. Sign and return the corrected SER received from the Department of Education to the Student Validation Branch for reprocessing at the above address; and

4. Submit the new SER the student will receive from the Department of Education along with the ED Form 304 or 304–1 to Basic Grants, P.O. Box 92783, Los Angeles, California 90009.

Institution Reports

IV. Deadline Dates for Submission of Progress Reports and Student Validation Rosters to the Secretary.

Institutions must submit their Progress Reports (ED Form 255–3) and Student Validation Rosters (ED Form 255–4) in accordance with the following deadline dates:

Report	Deadline date
October 31 progress report	November 15.
February 28 progress report	March 15.
June 30 progress report	July 15.
Student validation roster	Six weeks of its receipt.

Institutions that fail to submit these reports by the applicable deadline date may be subject to a fine or to a suspension, limitation, or termination proceeding under Subpart G of the Student Assistance General Provisions in 34 CFR 668.71 through 668.85.

Applicable Regulations: The regulations applicable to this program are the Student Assistance General Provisions regulations in 34 CFR Part 668 and the Pell Grant Program regulations in 34 CFR Part 690.

For Further Information Contact: Mr. William L. Moran, Chief, Policy Section, or Mrs. Altia J. Jackson, Program Grant Branch, Division of Policy and Program Development, Office of Student Financial Assistance, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 4318, ROB–3), Washington, D.C. 20202. Telephone: (202) 472–4300.

Dated: February 26, 1982.

(Catalog of Federal Domestic Assistance No. 84.063—Pell Grant Program)

T. H. Bell,

Secretary of Education.

[FR Doc. 82-5729 Filed 3-1-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

Energy Conservation Program for Consumer Products; Petition for Waiver of Furnaces Test Procedures From Lennox Industries, Inc.

[Case No. F–004]

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Petition for waiver of test procedures.

SUMMARY: Today's notice publishes a "Petition for Waiver" from Lennox Industries, Inc., requesting a waiver from the existing Department of Energy (DOE) test procedures for furnaces. The petition requests DOE to grant relief from the test procedure requirements relating to the determination of the efficiency improvement attributable to the condensing of flue gases. DOE is soliciting comments, data and information respecting the petition.

DATE: DOE will accept comments, data, and information not later than April 1, 1982.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Case No. F–004, Mail Stop CE–113.1, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: James A. Smith, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Stop CE–113.1, Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20585, (202) 252–9127. Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B–128, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252–9510.

SUPPLEMENTARY INFORMATION:

Background:

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95–619, 92 Stat. 3266, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

DOE has amended the prescribed test procedures by adding 10 CFR 430.27, Petitions for Waiver, to allow the Assistant Secretary for Conservation and Renewable Energy temporarily to waive test procedures for a particular basic model. 45 FR 64108 (September 26, 1980). Waivers may be granted when one or more design characteristics of a basic model either prevent testing of the basic model according to the prescribed test procedures or lead to results so unrepresentative of the model's true energy consumption as to provide data materially inaccurate comparative data.

Lennox Industries, Inc., filed a Petition for Waiver from the DOE test procedures for furnaces. Specifically, the petitioner believes that the use of the existing furnace test procedure will lead to results that provide materially inaccurate comparative data when these test procedures are applied to the model G14 pulse combustion furnace line manufactured by Lennox Industries, Inc.

The Lennox petition seeks a waiver from the DOE test method basing condensation calculations on the average flue gas temperature. Lennox contends that its model G14 furnace line condenses more of the water vapor than the DOE test method predicts. The discrepancy is on the order of a 1 or 2 percentage points of efficiency. The company believes its model G14 Furnaces are the first warm air furnaces in the marketplace with 92 to 95 percent energy efficiency levels and represent significant improvements over existing furnace efficiency levels.

Lennox requests the option to use the condensate measuring method set forth in Appendix C of National Bureau of Standards Interagency Report 80–2110, Recommended Testing and Calculation Procedures for Estimating the Seasonal Performance of Residential Condensing Furnaces and Boilers, to determine the energy efficiency of its model G14 Furnace line. Lennox contends that the alternate test method is of sufficient

reliability to permit in-house testing by manufacturers.

Pursuant to paragraph (b) of 10 CFR 430.27, DOE is hereby publishing the "Petition for Waiver." DOE solicits comments, data, and information respecting the petition, particularly the request to permit in-house testing.

Issued in Washington, D.C., February 22, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

October 9, 1981.

1. Petition for Waiver

Gentlemen: In accordance with 10 CFR 430.27, this is a petition for waiver from the test procedure specified in 10 CFR Part 430, Subpart B, Appendix N, as amended August 12, 1980. Lennox Industries Inc. has developed and is planning to market a line of pulse combustion, condensing, gas-fired, warm air furnaces that fall within the scope of 10 CFR Part 430, Subpart B, Appendix N. Inasmuch as a furnaces manufacturer may not make any energy efficiency representations on furnaces unless they are based on the results of the Appendix N tests, and the Appendix N tests do not give full credit for the efficiency increase due to latent heat recovery, we submit this petition.

2. General Description of Petitioner's Business

Lennox Industries Inc., a U.S. corporation, has been a major manufacturer of both residential and commercial heating applicances for more than 85 years and has now developed a line of high efficiency, gas-fired warm air furnaces which operate on the principle of pulse combustion that will condense a portion of the water vapor in the flue products. These furnaces will be manufactured in five input sizes, from 40,000 British thermal units per hour (Btuh) to 130,000 Btuh, and will be marketed in the U.S. beginning in November 1981, under the model designation "G14" and the Lennox brand name.

3. Lennox Model G14 Pulse Combustion Furnace Principles of Operations

The model G14 furnace uses a pulse combustion burner coupled with a heat exchanger that allows the flue gas to be cooled below its dew point, thus recovering a portion of the latent heat of the water vapor in the flue products. This enables the furnace to operate at steady state efficiency levels in excess of 90% as determined by the existing Appendix N tests performed at the Lennox laboratory.

The principles of operation of the Lennox G14 pulse combustion furnace are very similar to the Hydrotherm, Inc. Hydro-Pulse ™ boiler, which was granted a similar waiver of test procedure by the DOE on July 2, 1981.

4. DOE Test Does Not Adequately Measure Condensate

Lennox recognizes the 10 CFR Part 430, as amended on August 12, 1980, does account for condensation of water vapor in the flue gas of a furnace, but can prove that the Lennox model G14 Furnace condenses more of the water vapor than the DOE test method predicts. This discrepancy is on the order of one or two percentage points of efficiency, and is due to the DOE test method basing condensation calculations on the average flue gas temperature.

5. DOE Test Is Unfair to the General Public and the Petitioner

The new Lennox model G14 is expected to be the first warm air furnace in the marketplace with 92% to 95% energy efficiency levels (depending on input size), and represents a significant improvement over the existing furnace efficiency levels. In order to persuade the consumer to spend the additional dollars for a more efficient furnace rather than a lesser expensive-lesser efficient model, Lennox believes it is vital to be able to accurately represent the full energy efficiency of the model G14. The energy efficiency of a high efficiency furnace will have a major impact on the fuel usage, operating cost, and the economic justification of the purchase of a furnace of this type. If Lennox is not allowed to accurately represent the energy efficiency of the model G14, we will be placed at a competitive disadvantage and suffer economic hardship in recovering the substantial costs incurred in the G14 development. Failure to grant this petition would also tend to discourage the future development of high efficiency models by all manufacturers of these appliances.

6. Proposed Alternate Test Method

The condensate measuring method outlined in Appendix C of NBSIR 80–2110, *Recommended Testing and Calculation Procedures for Estimating the Seasonal Performance of Residential Condensing Furnaces and Boilers,* will result in a more accurate representation of the true energy efficiency of the model G14 furnace line. Therefore, this petition requests that Lennox be allowed the option to use the NBSIR 80–2110 method, in addition to the tests specified in 10 CFR Part 430, to determine the energy efficiency of the model G14 furnace line. This is the same method of test granted to Hydrotherm, Inc. on July 2, 1981, with the exception that Lennox recommends that the modified test method is of sufficient reliability to permit in-house testing by manufacturers, when those manufacturers have their own test facilities.

7. Public Policy

The granting of this waiver will serve to further the nation's energy conservation policy by encouraging the consumer to buy and use more efficient appliances and by encouraging manufacturers to continue to develop high efficiency heating appliances.

8. Other Manufacturers

It is our belief that two other manufacturers market basic models of furnaces or boilers in the United States that operate in the condensing mode. These manufacturers are:

1. Hydrotherm, Inc., Rockland Avenue, Northvale, New Jersey 07647; Boiler manufacturer.

2. SJC Corp. 206 Woodford avenue, Elyria, Ohio 44035; Furnace manufacturer.

If additional information is required, contact Jim Mullen or Hal Rhea of Lennox R&D.

Respectfully,

Lennox Industries Inc.

R. L. Stephens,

Vice President.

[FR Doc. 82–5593 Filed 3–1–82; 8:45 am]

BILLING CODE 6450–01–M

[Case No. DW–002]

Energy Conservation Program for Consumer Products; Petition for Waiver of Dishwasher Test Procedures From General Electric Co.

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Petition for waiver of test procedures.

SUMMARY: Today's notice publishes a "Petition for Waiver" from General Electric Company requesting a waiver from the existing Department of Energy (DOE) test procedures for dishwashers. The petition requests DOE to grant relief from the test procedure requirements relating to the calculation of per-cycle energy consumption for General Electric's dishwashers designed to operate with inlet water at a temperature of 120°F. Further, General Electric requested confidential treatment of information contained in the petition. DOE is soliciting comments, data and information respecting the petition.

DATES: DOE will accept comments, data, and information not later than April 1, 1982.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Case No. DW–002, Mail Stop CE–113.1, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: James A. Smith, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Stop CE–113.1, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9127. Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B–128, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9510.

SUPPLEMENTARY INFORMATION:

Background

The Energy Conservation Program for

Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95–619, 92 Stat. 3266, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including dishwashers. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

DOE has amended the prescribed test procedures by adding 10 CFR 430.27, Petitions for Waiver, to allow the Assistant Secretary for Conservation and Renewable Energy temporarily to waive test procedures for a particular basic model. 45 FR 64108 (September 26, 1980). Waivers may be granted when one or more design characteristics of a basic model either prevent testing of the basic model according to the prescribed test procedures or lead to results so unrepresentative of the model's true energy consumption so as to provide materially inaccurate comparative data.

The General Electric Company filed a Petition for Waiver from the DOE test procedures for dishwashers on the grounds that the procedures give materially inaccurate estimates of the energy consumed by all models of its "T" series dishwashers, which are designed to operate with inlet water temperature of 120°F. Dishwashers are one of the products the Federal Trade Commission has labeled. This information forms the basis of the EnergyGuide labels used in the Federal Trade Commission Appliance Labeling Program and assists consumers in making comparisons between dishwashers. General Electric's petition alleges the test procedure requirement that measurement of energy consumption based on an inlet temperature of 140°F and nominal water heater temperature rise of 90°F yields an inaccurate estimate of the annual operating cost of dishwashers designed to operate with inlet water at 120°F and a temperature rise of 70°F. On the same date, General Electric filed a request for confidential treatment contained in the petition. The petitioner believes the request for confidential treatment is justified in accordance with the applicable provisions of 5 U.S.C. 552(b)(4).

In accordance with the provisions of 10 CFR 430.27(b), DOE is hereby publishing the "Petition for Waiver" with the information deleted which DOE has determined to be confidential pursuant to 5 U.S.C. 552(b)(4). DOE solicits comments, data and information respecting the petition.

Issued in Washington, D.C., February 22, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Note.—The original of this document contains information which is arguably confidential under 18 U.S.C. 1905. Such material has been deleted from this copy and replaced with XXXX's.

Petition for Waiver; Dishwasher Test Procedures—10 CFR Part 430 (Appendix C)

Pursuant to 10 CFR 430.27 General Company (GE) respectfully petitions for a waiver to the requirements of Sections 2.3 and 4.1 of Appendix C, "Uniform Test Method for Measuring the Energy Consumption of Dishwashers," 10 CFR Part 430.

Introduction

The Laundry and Dishwasher Products Division of General Electric Company, headquarters in Louisville, Kentucky, manufactures and sells clothes washers, clothes dryers, dishwashers, disposers, and trash compactors. GE has manufactured electric dishwashers since 1930. It has been and continues to be the objective of GE to provide the users of its products with the highest quality and performance.

Pub. L. 94–163 required the Department of Energy (DOE) to establish standardized test procedures and to establish minimum energy efficiency standards, if needed to save a significant amount of energy, and it required the Federal Trade Commission (FTC) to establish an energy label program. DOE established test procedures for dishwashers on August 8, 1977. The FTC established a label program on November 19, 1979, which included dishwashers. DOE has not, as yet, established minimum energy efficiency standards. It has, however, issued an Advance Notice of Proposed Rulemaking for dishwashers on December 13, 1979. GE, in its response to DOE's Advance Notice, expressed concerned that the "standard test procedure" for dishwashers did not contain any measure of performance or "output." Without a standardized measure of performance included in the test procedure, it becomes the responsibility of the manufacturer to assure high performance of the dishwashers when the test is performed to measure energy consumption which is needed to comply with the FTC's energy label program.

The label program can be a factor in the consumer's evaluation of competitive products and should provide the consumer with a true measure of the cost of annual operation of the dishwasher. The cost of operation, of course, is based on the measure of energy consumption as determined by the standard test procedure.

The DOE standard test is based on supplying 140°F ±5°F inlet water to the dishwasher. The test procedure was established based on the fact that the dishwasher detergent requires inlet water of this temperature to function properly in the attainment of acceptable washing performance. In recent years in an effort to conserve energy, there have been many public statements and efforts directed at lowering the temperature setting on household water heaters. GE feels that a response to this trend is imperative. We must provide a product that will function properly with lower inlet water temperature in order to maintain excellent washing performance.

General Electric's New Model Dishwashers

The basic thrust behind GE's new model dishwashers is to provide the consumer with consistently excellent wash/dry performance even if the temperature of the inlet water is reduced to 120°F.

General Electric Should Not Be Required To Test Its New Model Dishwashers at 140 ₅F.

If GE is required to test its new model dishwashers using the standard test described in 10 CFR Part 430, the energy consumption measurement will result in an annual cost of operation that will mislead the consumer through the required FTC product energy label and will be detrimental to GE in relation to competitive brands of dishwashers. Test results on a representative model, equipped with this capability, are as follows:

Annual Cost of Operation

	Dollars
Tested per DOE test at 140°F. inlet water	61
Tested per DOE test modified to 120°F. inlet water	55
Reduction	6

Since the label also has a table indicating various costs of energy, the difference could be as much as $19 per year. This difference represents approximately 10% of the annual operating cost and could certainly be significant both to the consumer and to GE in a competitive comparison. This illustrates that the label, under current DOE test procedures, would be misleading to the consumer by overstating the energy consumption.

Requested Test Procedure Waiver

GE requests that the DOE grant a waiver of the test procedures for all models of its dishwashers, designated as "T" series, and all subsequent models with the above-described feature. Specifically, GE requests that for such models the provisions of Sections 2.3 and 4.1 of Appendix C, 10 CFR Part 430, "Uniform Test Method for Measuring the Energy Consumption of Dishwashers," be modified as follows:

Section 2.3—Substitute "between 115°F. and 125°F." for "between 135°F. and 145°F."

Section 4.1—Substitute "70°F." for "90°F."

These modifications will provide for a true measure of energy consumption of GE's new model dishwashers as designed. GE will modify its user instructions to state that the product is designed to operate with inlet water as low as 120°F. and that the energy consumption used to calculate the cost of operation shown on the energy label is based on 120°F. supply water temperature.

Affected Persons

GE knows of no person or persons that will be adversely affected by granting this waiver.

Similar Design Models

GE has reason to believe that Hobart Corporation's model KD–19 and Norris Industries' LER series have similar characteristics in that there is an automatic thermostatic control of temperature. Although Norris Industries' LER series model is claimed to be unique, there are some similarities, at least, in that the machine can accept inlet water below the standard test requirements of 140°F. DOE has already granted waivers substantially similar to that requested herein to both Hobart Corporation (Model KD–19) and Norris Industries (LER series).

Expedited Resolution of Petition

GE * * * requests DOE to grant our request as early as practical * * * to allow time to procure and attach the proper product energy labels.

GE stands ready to provide DOE with additional information, if needed, to act on this request.

Respectfully submitted.

J. R. Britt,

General Manager, Laundry and Dishwasher Products Engineering Department, Laundry/Dishwasher Products Division AP–1–230, (502) 452–4519.

[FR Doc. 82–5594 Filed 3–1–82; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

City of Long Beach, California; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with the City of Long Beach, California, and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: April 1, 1982.

ADDRESS: Send comments to: Sandra K. Webb, Director, Los Angeles Office, Economic Regulatory Administration, U.S. Department of Energy, 845 South Figueroa Street, Suite 400, Los Angeles, California 90017.

FOR FURTHER INFORMATION CONTACT: Sandra K. Webb, Director, Los Angeles Office, Economic Regulatory Administration, 845 South Figueroa Street, Suite 400, Los Angeles, California 90017, phone (213) 688–4014. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On February 12, 1982, the ERA executed a proposed Consent Order with the City of Long Beach, California.

Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than 30 days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

The City of Long Beach, California is engaged in the production and sale of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212, in connection with the City's transactions involving crude oil during the period February 21, 1974 through January 15, 1975 ("the period covered by this Consent Order"), the ERA and the City of Long Beach entered into a Consent Order, the significant terms of which are as follows:

A. The Consent Order covers sales of crude oil by the City during the period from February 21, 1974 through January 15, 1975.

B. The DOE alleges that during the period covered by the Consent Order the City collected bonuses in sales of crude oil, which practice resulted in sales at prices in excess of the applicable ceiling established by 10 CFR 212.73.

C. Execution of the Consent Order constitutes neither an admission by the City nor a finding by DOE of any violation by the City of any statute or regulations.

II. Refunds

A. Disposition of Refunds

Under this Consent Order, the City will expend the sum of $1,000,000, including interest, for energy related programs or projects. Upon full satisfaction of the terms and conditions of this Consent Order by the City, the DOE releases the City from any civil claims that the DOE may have arising out of the specified transactions during the period covered by this Consent Order.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comments on the City of Long Beach, California Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on April 1, 1982. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Los Angeles on the 12th day of February 1982.

Sandra K. Webb,

Director, Los Angeles Office, Economic Regulatory Administration.

[FR Doc. 82–5496 Filed 3–1–82; 8:45 am]

BILLING CODE 6450–01–M

State of California and City of Long Beach, California; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed Consent Order and Opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with the State of California and the City of Long Beach, California, and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by: April 1, 1982.

ADDRESS: Send comments to: Sandra K. Webb, Director, Los Angeles Office, Economic Regulatory Administration, U.S. Department of Energy, 845 South Figueroa Street, Suite 400, Los Angeles, California 90017.

FOR FURTHER INFORMATION CONTACT: Sandra K. Webb, Director, Los Angeles Office, Economic Regulatory Administration, 845 South Figueroa Street, Suite 400, Los Angeles, California 90017, phone (213) 688–4014. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On February 12, 1982, the ERA executed a proposed Consent Order with the State of California and the City of Long Beach, California.

Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than 30 days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

The State of California and the City of Long Beach, California are engaged in the production and sale of crude oil and were subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212, in connection with the State and City's transactions involving crude oil during the period August 19, 1973 through January 28, 1981 ("the period covered by this Consent Order"), the ERA, the State of California and the City of Long Beach entered into a Consent Order, the significant terms of which are as follows:

A. The Consent Order covers sales of crude oil by the State and City during the period from August 19, 1973 through January 28, 1981.

B. The DOE alleges that during the period covered by the Consent Order the State of California and City of Long Beach sold crude oil at prices in excess of the applicable ceiling prices under 6 CFR 150.353 and 150.354 and 10 CFR 212.73 and 212.74.

C. Execution of the Consent Order constitutes neither an admission by the State of California or the City of Long Beach nor a finding by DOE of any violation by the State or City of any statute or regulations.

II. Refunds

A. Disposition of Refunds

Under this Consent Order, the State of California and City of Long Beach will expend the sum of $5,000,000, including interest, for energy related programs or projects. Upon full satisfaction of the terms and conditions of this Consent Order by the State and City, The DOE releases the State and City from any civil claims that the DOE may have arising out of the specified transactions during the period covered by this Consent Order.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comments on the State of California and City of Long Beach, California Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on April 1, 1982. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Los Angeles on the 12th day of February 1982.

Sandra K. Webb,

Director Los Angeles Office, Economic Regulatory Administration.

[FR Doc. 82–5495 Filed 3–1–82; 8:45 am]

BILLING CODE 6450–01–M

Proposed Remedial Order to Texaco, Inc. and Opportunity for Objection

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Proposed remedial order to Texaco, Inc. and opportunity for objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel (OSC), of the Economic Regulatory Administration (ERA), Department of Energy (DOE), hereby gives notice that a Proposed Remedial Order (PRO) was issued on January 8, 1982 to Texaco, Inc. (Texaco), 2000 Westchester Avenue, White Plains, New York 10650, and that any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR 205.193 on or before March 17, 1982.

II. The Proposed Remedial Order

Texaco is a refiner engaged in the production and sale of crude oil and natural gas, in refining, and in the marketing of petroleum products subject to DOE regulations. By this PRO, OSC sets forth proposed findings of fact and conclusions of law concerning Texaco's calculation and reporting of recoveries of increased costs for certain natural gas liquid products under the refiner price rules in 10 CFR Part 212, Subpart E, between September 1973 and December 1980. Texaco is charged with overstating the amount of its unrecovered increased costs available for pass-through by $30,930,438 in violation of the refiner price rules.

From August 1973 through January 28, 1981, refiners were required under the Mandatory Petroleum Price Regulations to file periodic reports describing the methods of calculation and amounts of increased costs used by refiners in determining their lawful selling prices for covered products. Refiners were also required to report amounts of increased costs recovered in sales of these products.

During the period September 1973 through December 1976, Texaco failed to properly calculate and report recoveries on sales of natural gasoline, propane, iso-butane, and normal butane. Specifically, Texaco either incorrectly reported or omitted from its reports certain of its sales of these products. Moreover, Texaco failed to calculate cost recoveries on the basis of the highest cost increment included in the selling price to each class of purchaser of these products for each reporting period, as required by the regulations. As a result, Texaco overstated the amount of its unrecovered increased costs available for pass-through during the period September 1973 through December 1976 by $30,930,438.

As a remedy, Texaco is directed to make adjustments to its banked costs to reflect the overstatement of unrecovered costs, to recompute its maximum allowable prices during the months of September 1973 through December 1976 for each product, to calculate recoveries on the basis of the highest increment charged each class of purchaser of a product during this period, and to resubmit its periodic reports during the period September 1973 through December 1980 to reflect the recalculations.

Requests for copies of the Proposed Remedial Order, with confidential information deleted, should be directed to: Freedom of Information Reading Room, Forrestal Building, Room 1E–190,

1000 Independence Avenue, S.W., Washington, D.C. 20585.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals on or before March 17, 1982. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Issued in Washington, D.C. February 10, 1982.

Milton Lorenz,

Special Counsel.

[FR Doc. 82-5497 Filed 3-1-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER82-313-000]

Arizona Public Service Co.; Filing

February 24, 1982.

The filing Company submits the following:

Take notice that Arizona Public Service Company on February 16, 1982, tendered for filing as an initial rate schedule an Interruptible Transmission Service Agreement between Tucson Electric Power Company (Tucson) and Arizona Public Service Company (APS) dated December 21, 1981.

It is requested that waiver under the provisions of § 35.11 so that service could be commenced on March 1, 1982, the date the Palo Verde-Devers line becomes operational.

A copy of this filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 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. 82-5626 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-308-000]

Arizona Public Service Co.; Filing

February 24, 1982.

The filing Company submits the following:

Take notice that Arizona Public Service Company (Arizona) on February 16, 1982, tendered for filing the Firm Transmission Service Agreement between the Tucson Electric Power Company (Tucson) and Arizona dated December 21, 1981.

Waiver is requested under the provisions of § 35.11 so that this Agreement becomes effective as of March 1, 1982, the date the line between Palo Verde-Devers line becomes operational.

A copy of this filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5627 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5452-000]

Chasm Hydro, Inc.; Application for Preliminary Permit

March 1, 1982.

Take notice that Chasm Hydro, Inc. (Applicant) filed on October 5, 1981, and revised on February 10, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r) for Project No. 5452 to be known as the LaSell Dam Project located on the Great Chazy River in the Town of Altona, Clinton County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Dowd, Box 319, Chateaugay, New York 12920.

Project Description. The proposed project would utilize the existing facilities owned by the Town of Altona, New York, consist of: (1) A 300-foot long and 30-foot high concrete reinforced masonry buttress-type dam having a 64-foot long spillway section and with a 250-foot long wingwall at each side; (2) a 72-inch sluice pipe and a 72-inch intake gate located at the dam's left side; (3) a 5-foot long 72-inch penstock; (4) a reservoir having a surface area of 12 acres and a storage capacity of 93 acre-feet at normal maximum surface elevation 712 feet; and (5) appurtenant facilities.

Applicant proposes to repair the dam and to construct: (1) A 2,350-foot long diameter penstock; (2) a reinforced concrete powerhouse containing a generating unit having a rated capacity of 700 kW; (3) a 2,400-foot long transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3,644,305 kWh. Applicant would sell the project energy to New York State Electric & Gas Corporation.

Proposed Scope of Studies Under Permit. A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would evaluate the existing facilities, determine engineering, economic and environmental feasibility, perform studies, and gather the information necesssary for inclusion in an application for an FERC license or exemption. Applicant estimates the cost of the work under the permit to be $45,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 8, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to

submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 10, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments. Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene. Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 10, 1982.

Filing and Service of Responsive Documents. Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5595 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-64-000]

Chevron USA, Inc.—Bakersfield; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

February 24, 1982.

On January 25, 1982, Chevron USA, Inc., of Concord, California filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility will be a topping-cycle cogeneration facility located near Bakersfield, California. The primary energy source will be crude oil. The capacity of the facility will be 4276 kilowatts. Thermal output in the form of steam will be 336 million Btu/hour which will be injected for tertiary oil recovery. Installation of the facility was scheduled to begin in February 1982. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before April 1, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5610 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-324-000]

Cincinnati Gas & Electric Co.; Proposed Tariff Change

February 24, 1982.

The filing Company submits the following:

Take notice that The Cincinnati Gas & Electric Company (Cincinnati) tendered for filing on February 18, 1982 a Seventh Supplemental Agreement dated as of January 1, 1982, to the Interconnection Agreement dated July 15, 1969, between Cincinnati and the Louisville Gas and Electric Company.

The Seventh Supplemental Agreement increases the Demand Charge for Short-Term Power from $0.85 per kilowatt of billing demand for each calendar week of short-term power reservation or $0.14 per kilowatt of billing demand per day for each day of short-term power reservation of less than a full calendar week to $1.05 per kilowatt of billing demand for each calendar week of short-term power reservation or $0.175 per kilowatt of billing demand per day for each day of short-term power reservation of less than a full calendar week. There is no estimate of increased revenues from the proposed charges since Short-Term Power transactions will occur only as load and capacity conditions dictate.

Cincinnati states that the increase in rates was negotiated by the parties. Louisville Gas and Electric Company concurs in the filing of the Seventh Supplemental Agreement.

A copy of the filing was served upon Louisville Gas and Electric Company, the Public Utilities Commission of Ohio and the Public Service Commission of Kentucky.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 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. 82-5628 Filed 3-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-159-000]

Cities Service Gas Co.; Application

March 1, 1982.

Take notice that on January 18, 1982, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-159-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public

convenience and necessity authorizing the continued operation of existing facilities and the sale of natural gas to The Gas Service Company (Gas Service) for resale to the distribution area formerly served by Sekco Gas Company, Inc. (SEKCO) and the construction and operation of an additional delivery point to Gas Service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is asserted that Gas Service agreed to purchase the gas distribution facilities owned by SEKCO because SEKCO was experiencing operational difficulties and proposed abandonment of service to the area.

Applicant asserts that pursuant to an agreement dated November 6, 1981, it would continue the sale of gas to Gas Service for resale in the distribution area in southeastern Kansas formerly served by SEKCO. Applicant also proposes to install measuring, regulating and appurtenant facilities in Bourbon County, Kansas, as an additional delivery point to Gas Service in this area.

Applicant estimates that the total cost of the proposed facilities would be $7,500. Such cost, it is asserted, would be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5596 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-21-002]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 25, 1982.

Take notice that Columbia Gas Transmission Corporation (Columbia) on February 11, 1982, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, to be effective as follows:

March 1, 1982

Eight Revised Sheet No. 16B

April 1, 1982

Ninth Revised Sheet No. 16B

Columbia states that the filing of Eighth Revised Sheet No. 16B is being made for the sole purpose of adjusting its surcharge effective March 1, 1982, to provide for the difference between the estimated balance and the actual balance in its Unrecovered Cost Adjustment Account on March 31, 1981, which results in an additional credit of $9,304. Columbia further states that Ninth Revised Sheet No. 16B is being tendered herein to provide for the elimination of said surcharge effective April 1, 1982, which is consistent with the provisions of Section 11 of Columbia's Rate Schedule CSS.

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, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions of protests should be filed on or before March 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5611 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-M

[Docket No. CP82-187-000]

Consolidated Gas Supply Corp.; Application

March 1, 1982.

Take notice that on February 1, 1982, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No CP82-187-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to New Jersey Natural Gas Company (NJN), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to sell to NJN on a best-efforts interruptible basis up to 80,000 dekatherms (dt) equivalent of natural gas per day at the rate specified in Applicant's Rate Schedule E, FERC Gas Tariff, Third Revised Volume No. 1, or any effective superseding rate schedule which is currently $3.2778 per dt equivalent including all adjustments. It is stated that NJN is required to take or pay for an average daily quantity of 40,000 dt equivalent of gas. Applicant explains that the proposed sale would commence on the later of the day following receipt of all regulatory approvals or May 1, 1982, and would continue until October 31, 1982.

Applicant submits that the point of delivery for NJN's gas would be the existing interconnection between the facilities of Applicant and Texas Eastern Transmission Corporation in Westermoreland County, Pennsylvania, known as the Oakford Connection.

Applicant requests that the sales quantities to NJN would not be considered in allocating costs and designing rates in Docket No. RP81-80 or any future rate proceeding under Section 4 or 5 of the Natural Gas Act and that Applicant be permitted to retain all revenues from this proposed sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or

1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5597 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5851-000]

Emerald Peoples Utility District; Application for Preliminary Permit

March 1, 1982.

Take notice that Emerald Peoples Utility District (Applicant) filed on January 5, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5851 to be known as the Black Creek Water Power Project located on Waldo Lake and using the waters of Noth Fork of Middle Fork of Williamette River, Black and Salmon Creeks in Lane County, near Oakridge, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mrs. Enid Smith, 84899 Tillicum Avenue, #9, Pleasant Hill, Oregon 97401, with a copy to: Fairman, Frisk & Monaco, Attorneys at Law, Suite 1822, 2025 Eye Street, N.W., Washington, D.C. 20006.

Project Description. The proposed project, to be located within the boundaries of the Williamette National Forest, would consist of: (1) Waldo Lake, a natural lake; (2) the existing diversion gate and connecting tunnel (both to be rehabilitated); (3) a 3.5-mile long, 30-inch diameter penstock; (4) a powerhouse to contain three generating units with a total rated capacity of 9 MW; and (5) a transmission line to connnect to an existing Bonneville Power Administration 12.5-kV line.

Proposed Scope of Studies Under Permit. A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 30-month permit to study the feasibility of the project. No new roads would be required to conduct the studies.

Competing Applications. This application was filed as a competing application to Hydro Dyne Company's application for Project No. 5552 filed on October 21, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments. Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene. Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 26, 1982.

Filing and Service of Responsive Documents. Any filing must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5598 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5716-000]

Energenics Systems Inc.; Application for Preliminary Permit

March 1, 1982.

Take notice that Energenics Systems Inc. (Applicant) filed on December 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 7981(a)–825(r)] for Project No. 5716 to be known as the Newt Graham Lock and Dam Project located on the Verdigris River in Wagoner County, Oklahoma. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., Energenics Systems Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description.—The proposed project would utilize the exiting Corps of Engineers' Newt Graham Lock & Dam and would consist of: (1) A new powerhouse containing one or more generating units with a total rated capacity of 2 MW; (2) an existing 115 kV transmission line; and (3) appurtenant facilities. The applicant estimates that the average annual energy output would be 4 GWh. The most likely market for the energy derived at the project is the Kamo Electric Cooperative.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicants would decide whether to proceed with

more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $35,000.

Competing Applications.—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 14, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 14, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comment within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 14, 1982.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy of must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5599 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5717-000]

Energenics Systems, Inc.; Application for Preliminary Permit

March 1, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on December 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5717 to be known as the Chouteau Lock and Dam Project located on the Verdigris River in Wagoner County, Oklahoma. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description. The proposed project would utilize the existing Corps of Engineers' Chouteau Lock and Dam and would consist of: (1) A new powerhouse containing two generating units with a total rated capacity of 2 MW; (2) an existing 115–kV transmission line; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be approximately 4 GWh. The most likely market for the power is Kamo Electric Cooperative.

Proposed Scope of Studies Under Permit. A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $35,000.

Completing Applications. Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 14, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 14, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments. Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene. Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 14, 1982.

Filing and Service of Responsive Documents. Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must

also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5600 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-186-000]

EOOE Gas Co.; Application

March 1, 1982.

Take notice that on January 28, 1982, EOOE Gas Company (Applicant), 606 Page Street, DeQuincy, Louisiana 70633, filed in Docket No. CP82-186-000 an application pursuant to Section 1(c) of the Natural Gas Act for exemption from the provisions of the Natural Gas Act and the Regulations of the Commission thereunder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant owns and operates nineteen miles of intrastate pipeline in Allen Parish, Louisiana, which was acquired from the Boise Southern Company (Boise Southern) on January 1, 1982. Applicant asserts that by order dated February 29, 1980, Applicant was authorized by the Commissioner of Conservation of the State of Louisiana to acquire and operate the pipeline facilities to supply natural gas to the Town of Elizabeth, Louisiana, and to nerby agricultural and industrial users. Applicant, it is explained, was authorized to secure natural gas from both intrastate and interstate sources to provide the service but does not presently have any gas supplies under contract and is not presently negotiating with any supplier.

Applicant submits that a fourteen-mile portion of the acquired facilities has been used since 1975 to transport gas purchased by Elizabeth under the terms of an order pursuant to Section 7(a) of the Natural Gas Act issued by the Federal Power Commission on September 3, 1975, in Docket No. CP75-302. Applicant avers that until recently it had intended to purchase intrastate gas to supply residential and commercial gas to Elizabeth and industrial gas to Boise Southern. However, as Boise Southern was closing its Elizabeth plant, the transportation and sale arrangements contemplated were no longer economically viable, it is explained.

Applicant avers that its rates and charges would be subject to regulation by the Louisiana Public Service Commission and the Louisiana Commissioner of Conservation. Applicant further states that all gas sold or transported by it would be consumed within the State of Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

FR Doc. 82-5601 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3363-001]

Hydro Corporation of Pennsylvania; Surrender of Preliminary Permit

March 1, 1982.

Take notice that Hydro Corporation of Pennsylvania, Permittee for the U.S. Army Corps of Engineers' Union City Dam, Project No. 3363, has requested that its preliminary permit be terminated. The preliminary permit was issued February 9, 1981, and would have expired on July 1, 1982. The project would have been located on French Creek in Erie County, Pennsylvania. Hydro Corporation of Pennsylvania cites that after evaluation of the site, "Construction costs for dam improvement alone renders this site infeasible for hydro development."

Hydro Corporation of Pennsylvania filed its request on February 4, 1982, and the surrender of its permit for Project No. 3363 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5629 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-310-000]

Illinois Power Co.; Filing

February 24, 1982.

The filing Company submits the following:

Take notice that on February 16, 1982, Illinois Power Company (Illinois) tendered for filing proposed Modification No. 8, dated December 7, 1981, to the Interconnection Agreement, dated July 25, 1975, between Western Illinois Power Cooperative, Inc. and Illinois.

Illinois indicates that this filing is made for an increase for Short-Term Firm Capacity, Maintenance Power and Short-Term Non-Firm Power reservation charges, an increase in the minimum charge for Emergency Energy and for a new service schedule, Non-Displacement Energy.

Illinois Power states that a copy of the filing was served upon Western Illinois Power Cooperative, Inc. and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 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. 82-5630 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-155-000]

Interstate Power Co.; Application

March 1, 1982.

Take notice that on January 15, 1982, Interstate Power Company (Applicant), 1000 Main Street, Dubuque, Iowa 52001, filed in Docket No. CP82-155-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities and the limited-term leasing and operation of certain pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct approximately 6.72 miles of 14-inch pipeline from a point north of Albany, Illinois, where its 27-mile Hooppole pipeline meets the Mississippi River looping in a southerly arc to a point just north of and along the Meredosia Dike

by Illinois State Highway 84 to the Mississippi River to the Dome Pipeline Company (Dome) 12-inch pipeline river crossing. Applicant indicates that the Dome pipeline crossing is presently an Interstate Commerce Products Pipeline. Applicant further proposes to lease one of Dome's four river crossings for a period of 15 years. Applicant states that said crossing crosses the Mississippi river via the Dome pipeline to its Clinton area integrated distribution system at a point north of U.S. Highway 67 within the city limits of Camanche, Iowa.

Applicant states that following the termination of the aforesaid 15-year lease, the Dome Petroleum Pipeline leased line would revert back to Dome as a products line and Applicant at that time would seek authorization to construct a river crossing within the vicinity of the Dome leased line.

Applicant states that the proposed construction and leasing is needed in order to provide added capacity to serve its Iowa distribution customers and still meet its reliability criteria.

Applicant estimates the total cost of the proposed construction to be $2,750,000 which cost would be financed from Applicant's earnings.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Comisison or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5602 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-311-000]

Kentucky Utilities Co.; Filing

February 24, 1982.

The filing Company submits the following:

Take notice that on February 16, 1982, the Kentucky Utilities Company (Kentucky) tendered for filing a change in its Rate Schedule FERC 164 to include an additional delivery point to Old Dominion Power Company (Customer). Service is expected to begin on or about February 15, 1982, which is requested as the effective date.

Kentucky states that no reasonable billing estimates can be made since the load served will be that transferred from other delivery points from time to time.

Kentucky requests an effective date of February 15, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been sent to Customer, Virginia State Corporation Commission, and the Kentucky 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 or the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Any such petitions or protests should be filed on or before March 12, 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. All person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5631 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-160-000]

Lone Star Gathering Co.; Application

March 1, 1982.

Take notice that on January 18, 1982, Lone Star Gathering Company, (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP82-160-000 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of three natural gas taps, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that two of the proposed taps would be located in Panola County, Texas, and one tap would be constructed in Rusk County, Texas. Applicant states that the purpose of said taps would be to augment Applicant's ability to take delivery of and transport natural gas for the account of Natural Gas Pipeline Company of America.

Applicant estimates the total cost of the proposed facilities to be $1,560 which cost would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if

the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5603 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-81-000]

Louisiana Resources Co.; Application for Approval of Rates

March 1, 1982.

Take notice that on December 2, 1981, Louisiana Resources Company (Applicant), P.O. Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. ST82-81-000 an application pursuant to Section 284.123(b)(2) of the Commission's Regulations for approval of rates charged for the transportation of natural gas on behalf of Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on May 6, 1981, Applicant and Southern entered into an agreement whereby Applicant would transport for the account of Southern up to 25,000 Mcf of gas per day from a point in Cameron Parish, Louisiana, to a point in Vermilion Parish, Louisiana, where such gas is delivered to Sugar Bowl Gas Corporation for delivery by exchange to Southern.

For said service, Applicant proposes to charge Southern an initial amount of 22.25 cents per million Btu of gas transported. Applicant asserts that the proposed rate would be fair and equitable in that it would reasonably compensate it for transportation services rendered and would not be in excess of rates charged for comparable intrastate service. Applicant notes that the rates for which approval is sought are the same as those which previously have been approved by the Commission for comparable transportation services provided by Applicant in Docket Nos. ST79-26, ST80-153, and ST80-277.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5604 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-146-000]

Mid-Continent Gas Storage Co.; Application

March 1, 1982.

Take notice that on January 7, 1982, Mid-Continent Gas Storage Company (Applicant, P.O. Box 190. Aurora, Illinois 60507, filed in Docket No. CP82-146-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing storage service of from 1,000,000 Mcf to 8,000,000 Mcf of natural gas annually for a term ending November 1, 2000, for East Tennessee Natural Gas Company (East Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant entered into an agreement dated January 1, 1982, with its parent, Northern Illinois Gas Company (NI-Gas), whereunder Applicant leases an undivided interest in NI-Gas' intrastate storage and transportation system for a fixed period ending November 1, 2000. It is further stated that under this agreement Applicant acquired those rights necessary to provide East Tennessee with the storage service outlined in the limited-term storage agreement dated January 1, 1982, between Applicant and East Tennessee.

It is submitted that the storage agreement provides that during each injection period (April 1 through October 1) Applicant would deliver or cause to be delivered into storage an injection volume of natural gas for East Tennessee's account. East Tennessee may rather than have Applicant inject volumes on its behalf deliver or cause to be delivered to Applicant the injection period volume for storage. If the election is made, applicant has an obligation to accept up to the injection period volume of gas during the injection period except that Applicant is obligated to accept gas only on 200 days of each injection period, it is stated. During each injection period, 2 percent of the volume of gas delivered to applicant for injection on any given day would be delivered at no cost for use as compressor fuel and would not be included in the injection period volume, Applicant asserts. If East Tennessee has not made the election for any injection period such volumes stored for its account are required to be made up at no cost to Applicant with a 2 percent allowance for compressor fuel as the first gas delivered in the next injection period, it is states.

Applicant submits that during the term of the storage agreement the injection period volumes are 1,000,000 Mcf in the 1982 injection period and 4,000,000 for each successive injection period. These volumes can be increased up to 6,000,000 Mcf for the 1985 injection period and thereafter and up to 8,000,000 Mcf for the 1986 injection period and thereafter.

Applicant further explains that during each of the withdrawal periods (November 1 through March 31 of each succeeding storage year) Applicant would make available to East Tennessee an aggregate storage withdrawal volume of gas thermally equivalent to the injection period volume of the immediately preceding injection period. Applicant is obligated to make deliveries on 150 days of each withdrawal period.

It is stated that the rate charged East Tennessee would be based upon the most current rate order approved by the Illinois Commerce Commission. East Tennessee would pay a proportionate share of the total cost of service for NI-Gas' storage facilities derived from the most current NI-Gas rate order. Under the storage agreement, there is a minimum bill equal to 80 percent of the product of the applicable injection period volume and the storage rate. If injections are made above 80 percent of the applicable injection period volume, it is stated that the resulting annual charge less the minimum bill payment is due as an additional charge allocated equally to the five months of the applicable withdrawal period. If East Tennessee does not make the election described above, there is also a deferred injection charge based on NI-Gas' approved rate of return, the volume of gas injected for East Tennessee's account, and NI-Gas' average cost of gas purchased and produced, it is explained.

Applicant states that all injection and withdrawal gas required for the storage service would be furnished by East Tennessee. East Tennessee, however, would not be required to furnish any base gas.

East Tennessee, it is stated, agrees to deliver injection gas and accept withdrawal gas at already existing interconnections of NI-Gas' intrastate facilities with those of one or more of NI-Gas' existing pipeline suppliers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5605 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-320-000]

Montana Power Co.; Filing

February 24, 1982.

The filing Company submits the following:

Take notice that on February 18, 1982, the Montana Power Company (Montana) tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M-1 during December, 1981, along with cost justification for the rate charges.

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 March 12, 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. 82-5614 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5512-000]

New York State Energy Research and Development Authority; Application for Preliminary Permit

March 1, 1982.

Take notice that the New York State Energy Research and Development Authority (Applicant) filed on October 16, 1981, and revised on January 8, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5512 to be known as the Comprehensive Erie Barge Canal Development Project located on the New York State Barge Canal and the Mohawk River in or near the towns of Tribes Hill, Randall, Canajoharie, Fort Plain, Mindenville, and Jacksonburg, in Montgomery and Herkimer Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. C. Todd Miles, New York State Energy Research & Development Authority, Two Rockefeller Plaza, Albany, New York 12223.

Project Description.—The proposed run-of-river project would utilize existing Barge Canal facilities owned by New York State and would consist of six developments:

A. The Lock 12 Development comprising: (1) An existing bridge-type movable dam; (2) a reservior having a surface area of 325 acres and a storage capacity of 4,875 acre-feet at normal pool elevation 276.8 USGS; (3) an intake structure; (4) four 10-foot diameter 200-foot long penstocks; (5) a powerhouse containing a generating unit having a rated capacity of 4,400 kW at a head of 10 feet and a flow of 6,500 c.f.s.; (6) a switchyard; (7) a 5,000-foot long transmission line; and (8) appurtenant facilities. Applicant estimates that the average annual energy output would be 17,600,000 kWh.

B. The Lock 13 Development comprising: (1) An existing bridge-type movable dam; (2) a reservoir having a surface area of 100 acres and a storage capacity of 1,500 acre-feet at normal pool elevation 284.8 USGS; (3) an intake structure; (4) four 10-foot diameter 200-foot long penstocks; (5) a powerhouse containing a generating unit having a rated capacity of 2,000 kW at a head of 7 feet and a flow of 4,200 cfs; (6) a switchyard; (7) a 5,000-foot long transmission line; and (8) appurtenant facilities. Applicant estimates that the average annual energy output would be 8,200,000 kWh.

C. The Lock 14 Development comprising: (1) An existing bridge-type movable dam; (2) a reservoir having a surface area of 125 acres and a storage capacity of 1,875 acre-feet at normal pool elevation 292.8 USGS; (3) an intake structure; (4) a penstock; (5) a powerhouse containing a generating unit having a rated capacity of 1,800 kW at a head of 7 feet and a flow of 3,800 cfs; (6) a switchyard; (7) a 600-foot long transmission line; and (8) appurtenant facilities. Applicant estimates that the average annual energy output would be 7,400 kWh.

D. The Lock 15 Development comprising: (1) An existing bridge-type movable dam; (2) a reservoir having a surface area of 60 acres and a storage capacity of 900 acre-feet at normal pool elevation 300.8 USGS; (3) an intake structure; (4) a penstock; (5) a powerhouse containing a generating unit having a rated capacity of 1,800 kW at a head of 7 feet and a flow of 3,700 cfs; (6) a switchyard; (7) a 500-foot long transmission line; and (8) appurtenant facilities. Applicant estimates that the average annual energy output would be 7,200,000 kWh.

E. The Lock 16 Development comprising: (1) An existing bridge-type movable dam; (2) a reservoir having surface area of 85 acres and a storage capacity of 1,275 acre-feet at normal pool elevation 321.3 USGS; (3) a four-mile long portion of the Barge Canal (to be used as an intake channel); (4) a power canal; (5) a powerhouse containing two generating units having a total rated capacity of 3,700 kW at a

head of 19.5 feet and a flow of 2,800 cfs; (6) a switchyard; (7) a 500-foot long transmission line; (8) a tailrace; and (9) appurtenant facilities. Applicant estimates that the average annual energy output would be 15,200,000 kWh.

F. The Lock 18 Development comprising: (1) An existing bridge-type movable dam; (2) a reservoir having a surface area of 100 acres and a storage capacity of 1,500 acre-feet at normal pool elevation 381.8 USGS; (3) a 4-mile long portion of the Barge Canal (to be used as an intake channel); (4) a head canal; (5) a powerhouse containing a generating unit having a rated capacity of 1,700 kW at a head of 19 feet and a flow of 1,300 cfs; (6) a switchyard; (7) a 500-foot long transmission line; (8) a tailrace; and (9) appurtenant facilities. Applicant estimates that the average annual energy output would be 7,300,000 kWh.

The project would comprise 7 generating units having a total rated capacity of 15,400 kW and would produce an average annual energy output of 62.9 million kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies under Permit. A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18-months, during which time it would review existing studies and would perform economic, marketing, environmental and feasibility assessment studies and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $257,000.

Competing Applications. This application was filed as a competing application to Mohawk Energy Corporation's application for Project No. 4339 filed on March 16, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments. Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene. Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Pracatice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 26, 1982.

Filing and Service of Responsive Documents. Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secreatary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

FR Doc. 82-5606 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-322-000]

Niagara Mohawk Power Corp.; Filing

February 24, 1982.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) of February 18, 1982, tendered for filing a cancellation of its FERC Rate Schedule No. 116 between Niagara and Vermont Public Power Supply Authority (VPPSA), which became effective October 1, 1981.

Niagara presently has on file an agreement with VPPSA dated October 1, 1981. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule FERC No. 116. This cancellation is a result of the short term nature of the original agreement which called for the service to end October 31, 1981.

This cancellation terminates the transmission rate for wheeling power and energy from and to VPPSA as provided for in the terms of the original agreement. The cancellation is provided to be effective October 31, 1981.

Copies of the filing were served upon the Vermont Public Supply Authority and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 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. 82-5615 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-48-000]

Nornev Demonstration Geothermal Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

February 24, 1982.

On January 11, 1982, Nornev Demonstration Geothermal Co., of Reno, Nevada filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The proposed facility will be a 13.5 megawatt geothermal facility located in the Northern Nevada Beowawe Geothermal Field. The primary energy source will be geothermal fluid. Applicant states that there are no other small power production facilities located within one mile of the proposed facility which are owned by Applicant and which use the same energy source. The planned facility will not use any natural gas, coal or oil.

Membership interests in Nornev Demonstration Geothermal Co. are held in equal parts by Pacific Power and Light, Sierra Pacific Power Company,

Eugene Water and Electric Board (EWEB), and Sacramento Municipal Utility District (SMUD). Applicant contends that, being municipal utilities, neither EWEB nor SMUD is a "definitional" electric utility, and thus no more than 50 percent of the equity interest of the facility is owned by electric utilities, electric utility holding companies or any combination thereof.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests must be filed on or before April 2, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5632 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-54-000]

North Canal Waterworks; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

February 25, 1982.

On January 21, 1982, North Canal Waterworks of Boston, Massachusetts filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a 2.52 megawatt hydroelectric facility located on the North Canal below the Great Stone Dam on the Merrimack River in Lawrence, Massachusetts. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility. Applicant states that the facility is partly owned by Rowland Industries and partly by Essex Company both of Lawrence, Massachusetts. North Canal Waterworks is the lessee and operator of the facility. The Essex Company is also the general partner of Lawrence Hydroelectric Associates, which owns and operates the Lawrence Hydroelectric Project. The Lawrence Hydroelectric project, which is located within one mile of the North Canal Waterworks, is a qualifying hydroelectric small power production facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before April 2, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5616 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA 82-2-37-000 (PGA 82-2, IPR 82-2)]

Northwest Pipeline Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

February 25, 1982.

Take notice that Northwest Pipeline Corporation (Northwest), on February 12, 1982, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in its FERC Gas Tariff, First Revised Volume No. 1. Such change in rates is for the purpose of (1) reflecting changes in Northwest's cost of purchased gas which will become effective during the period April 1, 1982 through September 30, 1982, applied to volumes purchased for the 12-month period ending December 31, 1981; (2) its change in unrecovered purchased gas costs since Northwest's prior PGAC filing dated August 14, 1981 and (3) projecting incremental surcharges to be assessed Northwest's affected direct and sales for resale customers pursuant to Order 49. Northwest has not included any change in rates for the level of costs associated with its pre-1973 leasehold production which is treated on a cost-of-service basis for rate purposes.

The current PGAC adjustment, for which notice is given herein, aggregates to an increase of .703¢ per therm in all rate schedules affected by and subject to the PGAC. The annualized change in Northwest's rates is an increase of $23,964,384. Northwest proposes to recover, through a surcharge, the balance of $20,672,966 in its FERC Account No. 191, as of December 31, 1981. The proposed change in rates from the PGAC and the other changes proposed by Northwest would result in a net increase in its annual revenues from jurisdictional sales and sevice of $95,857,535.

Northwest is concurrently filing a notice of change in rates applicable to section 13.7, changes in Rates to Reflect Curtailment Credits, contained in its First Revised Volume No. 1 Tariff. In accordance with Article 13.7 contained in the aforementioned tariff, the current rate adjustments under the Demand Charge Credit Adjustment provision is to become effective on Northwest's PGAC adjustment date. Accordingly, both rate adjustments are reflected on the tendered Sixth Revised Sheet No. 10 which is proposed to become effective on April 1, 1982. Northwest also tendered for filing and acceptance Fourth Revised Sheet No. 10–B. Fourth Revised Sheet No. 10–B sets forth revised projected incremental pricing surcharges to become effective April 1, 1982 as part of the instant filing.

A copy of this filing has been served on all parties on record in Docket No. RP72–154, upon all jurisdictional customers, and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeidng. 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. 82-5617 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-37-001]

Northwest Pipeline Corp.; Change in Rates Pursuant to Demand Charge Credit Adjustment

February 25, 1982.

Take notice that Northwest Pipeline Corporation ("Northwest"), on February 12, 1982 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, filed pursuant to the Commission's order issued March 29, 1974, at Docket No. RP74-72 and Article 13.7 of Northwest's FERC Gas Tariff, First Revised Volume No. 1. The change in rates will result in .000¢ per therm for Rate Schedules ODL-1, DS-1 and PL-1. As more fully explained in the instant filing, the demand charge credit adjustment reflected on Northwest's Statement of Rates is zero.

Northwest is concurrently filing a notice of change in rates applicable to Article 16, Purchased Gas Cost Adjustment Provision contained in its First Revised Volume No. 1 Tariff. Both rate adjustments are reflected on the tendered Sixth Revised Sheet No. 10 which is proposed to become effective April 1, 1982.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the FERC, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1982. Protests will be considered by the Commission in determining the appropriate actions 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. 82-5618 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-309-000]

Oklahoma Gas and Electric Co.; Filing

February 24, 1982.

The filing Company submits the following:

Take notice that on February 16, 1982, Oklahoma Gas and Electric Company (Oklahoma) tendered for filing Agreements for sale of 150 MW of power and energy increasing to 200 MW in April, to Gulf States Utilities Company (GSU) for the year 1982. Oklahoma states that the rate is the same as that contained in Docket No. ER81-256-000 which covered a similar sale during year 1981.

Oklahoma 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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 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. 82-5619 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-314-000]

Pacific Gas and Electric Co.; Filing

February 24, 1982.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PG&E) on February 16, 1982, tendered for filing a letter agreement between PG&E and the Department of Water and Power of the City of Los Angeles (Los Angeles) dated February 10, 1977.

PG&E States that the letter agreement provides for the sale, purchase or exchange by PG&E of such energy as each determines is surplus to its needs. Such energy in nonfirm and interruptible. The price for energy to be sold or exchanged shall be mutually agreed upon prior to delivery.

PG&E proposes and effective date of January 26, 1977, 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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 12, 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. 82-5633 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-316-000]

Pacific Power & Light Co.; Filing

February 24, 1982.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on February 16, 1982, tendered for filing, in accordance with § 35.13 of the Commission's Regulations, Contract No. DE-MS79-81BP90867 between Pacific and Bonneville Power Administration (Bonneville).

This Contract provides for the sale of firm electric capacity and energy by Pacific to Bonneville.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective on September 1, 1981.

Copies of the filing were supplied to Bonneville.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.9 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 12, 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. 82-5634 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-317-000]

Pacific Power & Light Co.; Filing

February 24, 1982.

The filing Company submits the following:

Take Notice that Pacific Power & Light Company (Pacific) on February 16, 1982, tendered for filing, in accordance with § 35.13 of the Commission's Regulations, Supplement and Amendment No. 3 to the Transmission Agreement dated January 26, 1981, with Tri-State Generation & Transmission Association, Inc. (Tri-State). Supplement and Amendment No. 3 provides a new Point-of-Delivery to Tri-State and transmission of power and energy by Pacific for Tri-State.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective July 9, 1981, which it claims is the date service became available to Tri-State.

Copies of the filing were supplied to Tri-State.

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 12, 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. 82-5620 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-318-000]

Philadelphia Electric Power Co., et al.; Filing

February 24, 1982.

Take notice that Philadelphia Electric Power Company, The Susquehanna Electric Company and The Susquehanna Power Company (collectively referred to as "the Companies") on February 17, 1982, tendered for filing proposed changes in their FERC Electric Service Tariffs Volume No. 1 applicable to the Conowingo Project (FERC Project No. 405) sales and services. The proposed changes would increase revenues from jurisdictional sales and service by $4,838,481 based on the 12-month period ending December 31, 1981.

The change modifies existing cost of service tariffs by substituting a variable rate of return for the previously established fixed rate of return.

The Companies request an effective date of April 19, 1982.

Copies of the filing were served upon Philadelphia Electric Company, the Public Service Commission of Maryland and the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 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. 82-5621 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-312-000]

Potomac Edison Co.; Filing

February 24, 1982.

Take notice that the Potomac Edison Company (Potomac) on February 16, 1982, tendered for filing an Electric Service Agreement with BARC Electric Cooperative. The changes proposed in this Agreement, which supersedes a previous Agreement between the parties, do not contemplate any change in rates from those under which BARC Electric Cooperative is now being served.

Potomac states that the changes proposed are for the purpose of superseding a previous Agreement between the parties and for consistency between this Agreement and those under which similar customers are served.

Potomac requests an effective date of November 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon BARC Electric Cooperative and the Virginia State Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 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. 82-5635 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-321-000]

Public Service Company of New Mexico; Filing

February 24, 1982.

Take notice that on February 18, 1982, Public Service Company of New Mexico (PNM) tendered for filing an amendment to an Interconnection Agreement (designated PNM Rate Schedule FPC No. 31) and an Electric Service Agreement (designated PNM Rate Schedule FPC No. 36) with Plains Electric Generation and Transmission Cooperative, Inc. (Plains). The amendment will modify certain operating procedures to provide load patterning capabilities and the treatment of diversity in cost of service allocations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 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. 82-5622 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5949-000]

Public Utility District No. 1 of Lewis County, Washington; Application for Preliminary Permit

March 1, 1982.

Take notice that Public Utility District No. 1 of Lewis County, Washington (Applicant) filed on February 5, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5949 to be known as the Summit Creek Waterpower Project located on Summit Creek, within the Gifford Pinchot National Forest in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary H. Kalich, Manager, Public Utility District No. 1 of Lewis County, P.O. Box 330, Chehalis, Washington 98532.

Project Description. The proposed project would consist of: (1) A 10-foot high concrete-gravity diversion structure; (2) a 60-inch diameter, 5,800-foot long pipeline; (3) a 60-inch diameter, 800-foot long penstock; (4) a powerhouse containing two generating units with a total installed capacity of 10.4 MW and an estimated average annual energy production of 37.4 GWh; and (5) a 1.5-mile long transmission line.

Proposed Scope of Studies Under Permit. A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 36-month permit. During the permit period technical, economic, financial, environmental and engineering feasibility studies will be undertaken; consultations with and obtaining necessary permits from the U.S. Forest Service and other Federal, State and local agencies, and an application for a license will be prepared. The estimated cost of the above activities is $200,000.

Competing Applications. This application was filed as a competing application to Hydro Resource Company's application for Project No. 5320 filed on September 4, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments. Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agenies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene. Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practices and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 26, 1982.

Filing and Service of Responsive Documents. Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5607 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-323-000]

Southwestern Electric Power Co.; Filing

February 24, 1982.

Take notice that on February 18, 1982, Southwestern Electric Power Company (SWEPCO), tendered for filing two Letter Agreements between SWEPCO and Gulf States Utilities Company (GSU), dated December 11, 1981, which provide for SWEPCO to furnish transmission service through its system for capacity and associated energy GSU purchased from Oklahoma Gas and Electric Company (OGE) in the amount of: (1) 50 MW for the period of January 1, 1982 through December 31, 1982; (2) 100 MW for the period of January 1, 1982 through March 31, 1982, and increasing to 150 MW beginning on April 1, 1982 and continuing through December 31, 1982.

SWEPCO requests waiver of the prior notice requirement to allow an effective date of January 1, 1982.

A copy of the filing was furnished to the Louisiana Public Service Commission, the Public Utility Commission of Texas, Oklahoma Gas and Electric Company, and Gulf States Utilities Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 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. 82-5623 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 405-008]

Susquehanna Power Co. and Philadelphia Electric Power Co.; Application for Amendment of License

March 1, 1982.

Take notice that an application was filed on November 19, 1981, under the Federal Power Act, 16 U.S.C. 791(a)–825(r), by the Susquehanna Power

Company and the Philadelphia Electric Power Company, joint Licensees of the Conowingo Project No. 405, located in Cecil and Harford Counties, Maryland and York and Lancaster Counties, Pennsylvania, for approval of a revision to its recreation use plan, Exhibit R. This filing was made in response to Article 43 of the FERC Order Issuing New Major License of August 13, 1980. Correspondence with the Licensees should be directed to: Mr. Eugene J. Bradley, 2301 Market Street, Philadelphia, Pennsylvania 19101.

The Licensees propose to make minor improvements at six existing boat access areas and to study and identify potential swimming areas for development at the project.

Comments, Protests, or Petitions To Intervene. Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be filed on or before April 23, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5636 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA82-14-000]

Texas City Refining, Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

February 24, 1982.

Take notice that Texas City Refining, Inc. on February 16, 1982 filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before March 11, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before March 11, 1982, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5637 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-188-000]

Texas Eastern Transmission Corp.; Application

March 1, 1982.

Take notice that on February 2, 1982, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82-188-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for New Jersey Natural Gas Company (New Jersey), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 80,000 dekatherms (dt) equivalent of natural gas per day, less quantities retained for applicable shrinkage, pursuant to a gas transportation agreement dated January 21, 1982. It is stated that pursuant to a gas purchase agreement between New Jersey and Consolidated Gas Supply Corporation (Consolidated) Consolidated would make said gas available by displacement to Applicant at the existing point of interconnection between Applicant and Consolidated located at Applicant's meter station 082 in Westmoreland County, Pennsylvania, or at other mutually agreeable existing points of delivery in Applicant's Zone C. It is further stated that Applicant would deliver said gas to New Jersey at Applicant's meter station 953 in Middlesex County, New Jersey, or other mutually agreeable existing points of delivery.

It is stated that Applicant would charge New Jersey the applicable effective TS-1 basic rate under its Rate Schedule TS-1 which rate is currently 13.98 cents per dt equivalent. It is noted, however, that Applicant would charge New Jersey the applicable effective TS-1 excess rate which is currently 16.02 cents per dt equivalent for quantities of gas transported and delivered by Applicant which when added to the quantities delivered to New Jersey under Applicant's Rate Schedule TS-1 and SS-11 and other transportation agreements exceed the combined total curtailment of natural gas sales to New Jersey under all of Applicant's firm sales rate schedules. It is stated that Applicant would retain applicable shrinkage for use in providing the transportation service proposed herein and would have the right to increase the amount of applicable shrinkage from time to time in order to insure that it retains a quantity of gas sufficient to meet its requirements in providing such transportation service. Applicant proposes to retain all revenues resulting from transportation of gas for New Jersey.

Applicant states that the proposed service would not adversely affect or displace capacity for services or sales to high priority users.

Applicant further requests that the authorization granted herein be limited to a term commencing upon the date of initial delivery or sixty days after receipt of certificate authorization whichever occurs earlier and terminating one year from such date.

It is asserted that the proposed service would enable New Jersey to implement its purchase of natural gas and help it fulfill its need for a greater natural gas supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or

1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5608 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-480-001]

Topico; Application

March 1, 1982.

Take notice that on January 28, 1982, Topico (Applicant), 4000 Mahoning Avenue, Warren, Ohio 44482, filed in Docket No. CP81-480-001 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for National Fuel Gas Supply Corporation (National Fuel) and the operation of facilities necessary for such transportation, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Applicant is an intrastate pipeline subject to the jurisdiction of the Public Utilities Commission of Ohio (PUCO).

It is also submitted that on August 18, 1981, Applicant filed in the instant docket a Petition for Declaratory Order requesting approval of the subject transport pursuant to section 311(a) of the Natural Gas Policy Act of 1978. Applicant asserts that this application is filed in the alternative to the request for a declaratory order.

Applicant states that it has entered into a transportation arrangement with National Fuel pursuant to which Applicant would transport natural gas on behalf of National Fuel from Applicant's meter in Ohio through approximately ninety-three feet of facilities to National Fuel's meter in Pennsylvania for seven years and for so long thereafter as the contract seller to National Fuel continues to produce gas from the wells dedicated to National Fuel.

Applicant asserts that it would deliver to National Fuel up to 7 billion Btu of gas per day and would charge the 35.5-cent per Mcf PUCO tariff rate for the Ohio portion of the transportation as per the agreement with National Fuel.

Applicant further requests a Commission declaration that Applicant would remain an intrastate pipeline not subject to the Commission's jurisdiction for any purpose not contemplated by this application and that the facilities and transportation of gas by suppliers of Applicant would remain exempt from the Commission's jurisdiction.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5609 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-315-000]

Tucson Electric Power Co.; Filing

February 24, 1982.

Take notice that Tucson Electric Power Company (Tucson) on February 16, 1982, tendered for filing Amendment No. 2 to the "Tucson-Los Angeles 1979 Nonfirm Energy Agreement" between Tucson and Los Angeles Department of Water and Power ("Los Angeles"). The primary purpose of this Amendment No. 2 is to extend the term of the Agreement by advancing the termination date from December 31, 1981 to May 31, 1982. Tucson states that copies of the filing were served upon Los Angeles.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 12, 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. 82-5624 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-319-000]

Vermont Electric Power Co., Inc.; Filing

February 24, 1982.

Take notice that on February 17, 1982, Vermont Electric Power Company, Inc. ("Velco") tendered for filing Agreements between itself and utilities in Vermont on whose behalf Velco purchases power

from sources outside the state. The agreements provide for Velco's resale of the power to those utilities at cost, for transmission across Velco's facilities, and for allocation of the cost of Velco substation facilities used by those utilities. This filing would not affect Velco's revenues but, for ease of administration, would replace existing individual contracts for resale of power and transmission with a standard Power Purchase Agreement and Transmission Agreement. It would also replace individual contracts for sharing of the cost of Velco substation facilities with a standard Substation Participation Agreement.

The filing includes two amendments to existing contracts. Velco purchases Vermont Yankee power under a Three-Party Power Agreement assigning to it entitlements to that power acquired by Central Vermont Public Service Corporation and Green Mountain Power Company. In accordance with those two utilities' commitments to offer their entitlements on a non-discriminatory basis to all Vermont utilities, the Three-Party Power Agreement requires Velco to resell Vermont Yankee power to Central Vermont and Green Mountain and a portion to other Vermont utilities. Under a Three-Party Transmission Agreement, Velco provides transmission service to each of the purchasing utilities for Vermont Yankee and other power. Both three-party agreements will continue in effect under this filing. Velco tendered amendments to both agreements to conform several of their provisions to the new Power Purchase Agreement and Transmission Agreement. The amendment to the Three-Party Transmission Agreement provides for termination of four existing contracts.

The Power Purchase Agreement, the Transmission Agreement and the amendments to the two Three-Party Agreements are executed as of June 1, 1981 and provide that they will become effective as of that date. The Substation Participation Agreement is to become effective December 1, 1981. Velco requests waiver of the 60-day notice requirement to permit these effective dates, which also apply to cancellation of existing contracts.

Copies of the filing have been served on all the affected customers and the Vermont Public Service Department.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 12, 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 applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5625 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. OF82-63-000]

Westfir Energy Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

February 24, 1982.

On January 26, 1982, Westfir Energy Co. of Pasco, Washington filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The proposed small power production facility will be located in Westfir, Oregon 97492. The primary energy source will be biomass in the form of mill wastes and residues from logging and thinning operations. Coal will be used as a backup energy source, providing an estimated 8 percent of the total Btu input to the facility. Oil will be used during startup of the facility and usage of oil and coal combined will not exceed 25 percent of total Btu input to the facility. The capacity of the facility will be 7.5 megawatts. Westfir has proposed to build another biomass fueled facility and combined capacity of the facilities will not exceed 80 megawatts on an average annual basis. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before April 1, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5638 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. OF82-62-000]

Westfir Energy Co., Application for Commission Certification of Qualifying Status of a Small Power Production Facility

February 24, 1982.

On January 26, 1982, Westfir Energy Co. of Pasco, Washington filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to §292.207 of the Commission's rules.

The proposed small power production facility will be located in Westfir, Oregon 97492. The primary energy source will be biomass in the form of hogged wood waste and residue from logging and thinning operations. Coal will be used as a backup energy source, providing an estimated 8 percent of the total Btu input to the facility. The capacity of the facility will be 4.5 megawatts. Westfir has proposed to build another biomass fueled small power production facility within one mile of this facility and combined capacity of the facilities will not exeed 80 megawatts on an average annual basis. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before April 1, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-5639 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CS81-118-001, et al]

Natural Gas Companies; Applications for "Small Producer" Certificates [1]

February 24, 1982.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and to open public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 10, 1982 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become a parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules and Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS81-118-001	[2] 2/10/82	G. & N. Company & WIN-JAC, Inc., (G. & N. Company), Post Office Box 398, Smackover, Arkansas 71762.
CS82-17-000	1/25/82	Alfred P. Otto, Rt. 2, Box 20, Victoria, Texas 77901
CS82-18-000	2/3/82	Pomfret Production Co. Inc., One Elizabethtown Plaza, Elizabeth, New Jersey 07207
CS82-19-000	1/5/82	OKC Limited Partnership, P.O. Box 34190, Dallas, Texas 75234
CS82-20-000	2/5/82	Lester Smith, Box 375, Syracuse, Kansas 67878
CS82-21-000	2/8/82	OCFOGO, Inc., P.O. Box 751, Toledo, Ohio 43695
CS82-22-000	2/4/82	Energy Rock Inc., Suite 201, 730 Main, Billings, Montana 59105
CS82-23-000	2/11/82	William H. Davis, 1820 Liberty Tower, Oklahoma City, Oklahoma 73102
CS82-24-000	2/16/82	Titan Energy Corporation, 6430 So. Yosemite St., Suite 315, Englewood, Colorado 80111

[2] Applicant is filing to add WIN-JAC Inc. as certificate holder of the small producer certificate.

[FR Doc. 82-5612 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-11943-001, et al.]

Natural Gas Companies; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificate [1]

February 24, 1982.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 10, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-11943-001, D, Feb. 5, 1982	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Tennessee Gas Pipeline Co., Chesterville Field, Colorado County, Texas.	[1]	
G-11943-002, D, Feb. 5, 1982	do	Tennessee Gas Pipeline Co., Chesterville and Lissie Fields, Colorado and Wharton Counties, Texas.	[2]	
G-13758-000, C, Feb. 12, 1982	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Transcontinental Gas Pipe Line Corp., South Pelto Block 20 Field, Offshore Louisiana.	[3]	15.025
G-14943-000, D, Feb. 5, 1982	Sun Oil Co., P.O. Box 20, Dallas, Texas 75221	Tennessee Gas Pipeline Co., North Sun Field (K-1 Sand Unit Only), Starr County, Texas.	[4]	

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI61-949-000, D, Sept. 24, 1980	Arco Oil & Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Texas 75221.	Lone Star Gas Co., East Durant Field, Bryan County, Oklahoma.	(5)	
CI64-799-000, D, Feb. 12, 1982	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	El Paso Natural Gas Co., Waha Field, Pecos and Reeves Counties, Texas.	(6)	
CI82-171-000, D, Feb. 3, 1982	Harold D. Courson, 800 N. Main, P.O. Box 809, Perryton, Texas 79070.	Northern Natural Gas Co., Hansford (Upper Morrow) Field, Ochiltree County, Texas.	(7)	
CI82-172-000 (CI65-260), B, Feb. 8, 1981.	Sohio Petroleum Co., 50 Penn Place, Suite 1100, Oklahoma City, Oklahoma 73118.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Texas.	(8)	
CI82-173-000, A, Feb. 8, 1982	Arco Oil & Gas Co., Division of Atlantic Richfield Co., Post Office Box 2819, Dallas, Texas 75221.	Arkansas Louisiana Gas Co., Mississippi Canyon Blk. 148 Field, Offshore Louisiana.	(9)	15.025
CI82-174-000, A, Jan. 21, 1982	Getty Oil Co., P.O. Box 1404, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corp., South Pelto Area Blocks 12 (E/2) & 18, Offshore Louisiana.	(10)	15.025
CI82-175-000, (G-5903), B, Feb. 11, 1982.	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Transcontinental Gas Pipe Line Corp.; The Mission Valley Field, Victoria County, Texas; St. Charles Bay and Black Jack Fields, Aransas County, Texas; and the San Antonio Bay Field, Calhoun County, Texas.	(11)	
CI82-177-000, A, Feb. 16, 1982	Texoma Production Co., P.O. Box 90996, Houston, Texas 77090.	Natural Gas Pipeline Co. of America, East Cameron Block 340 Field, Offshore Louisiana.	(12)	15.025
CI72-724-001, D, Feb. 10, 1982	Sun Exploration and Production Co., (formerly Sun Oil Co., P.O. Box 20, Dallas, Texas 75221.	Michigan Wisconsin Pipe Line Co., N.E. Boiling Springs Area, Woodward County, Oklahoma.	(13)	
CI82-47-001, C, Feb. 16, 1982	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	El Paso Natural Gas Co., Hughes #12 Well, San Juan Area, Rio Arriba County, New Mexico.	(14)	14.65
CI82-129-000, (CI73-475), B, Dec. 9, 1981.	do	El Paso Natural Gas Co., Jalmat-Langlie-Mattix Field, Lea County, New Mexico.	(15)	
CI82-136-000, (CI73-474), B, Dec. 9, 1981.	do	do	(16)	
CI82-178-000, A, Feb. 16, 1982	Sun Exploration and Production Co., P.O. Box 20, Dallas, Texas 75221.	Trunkline Gas Co., West Cameron Area (South Addition), Block #624, Offshore Louisiana.	(16)	15.025
CI82-179-000 (CI75-404), B, Feb. 16, 1982.	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160.	United Gas Pipe Line Co., Arnaudville Field, St. Martin Parish, Louisiana.	(17)	

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[1] Cessation of production of the Anderson Section 20 Unit and the Clara M. Anderson Unit wells.

[2] By assignment of Oil, Gas and Mineral Leases, effective July 20, 1978, Mobil Oil Corporation, predecessor to MPTM assigned to Goldston Oil Corporation all of its right, title and interest from the surface down to the depth of 9,790 feet.

[3] Applicant is filing under Gas Sale Contract dated September 18, 1957, amended by Amendment dated December 7, 1981.

[4] Sun's rights only insofar as to the K-1 Sand Unit released because all economically recoverable reserves had been depleted.

[5] Leases have expired and applicant no longer owns any interest.

[6] Acreage is non-producing and so no sales have taken place.

[7] Partial abandonment for use by the royalty/surface owner for necessary agricultural pumping of irrigation water.

[8] Sales of natural gas previously authorized by this certificate have ceased due to depletion of the reserves underlying the dedicated acreage.

[9] Applicant is filing under Gas Purchase and Sales Agreement dated October 1, 1981.

[10] Applicant is filing under Gas Purchase Contract dated December 3, 1981.

[11] The remove vacant Rate Schedule No. 105 from Commission Records. The contract was revised June 16, 1966, to exclude: 1) The Mission Valley Field in Victoria County, Texas; 2) The St. Charles Bay and Black Jack Fields in Aransas County, Texas and 3) The San Antonio Bay Field in Calhoun County, Texas. The revised contract was cancelled January 16, 1968. No longer feasible for purchaser to operate its facilities to purchase the small volume of gas available.

[12] Applicant is filing under Gas Sales Contract Sales dated February 3, 1982.

[13] Sun released rights to these leases because all economically recoverable reserves had been depleted.

[14] Applicant is filing under Gas Purchase Agreement dated June 9, 1981, amended by Supplemental Gas Purchase Agreement dated December 22, 1981.

[15] No initial delivery, contract expired and no well on property subject to RS 396.

[16] Applicant is filing under Gas Purchase Contract dated August 7, 1981.

[17] Well depleted.

[18] No initial delivery, contract expired and no well on property subject to RS 395.

[FR Doc. 82-5613 Filed 3-1-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures and solicitation of further comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures to be followed in refunding $4,073,532.67 in consent order funds. The funds are maintained in two escrow accounts that were established in settlement of enforcement proceedings brought by the Office of Enforcement (now the Office of Special Counsel) in the matters of Olin Corporation ($3,738,926.71), and Anadarko Production Company ($334,605.96).

DATES AND ADDRESSES: Applications for Refund must be postmarked on or before June 1, 1982 and should be addressed to Olin (Anadarko) Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461. Comments must be filed on or before April 1, 1982 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461. All applications and comments should display conspicuously a reference to the appropriate case number.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461 (202) 633-8377.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the final decision and order set out below. The final decision and order relates to two consent orders entered into by the Office of Enforcement of the DOE's Economic Regulatory Administration and Olin Corporation, *see* 45 FR 21339 (1980), and Anadarko Production Company, *see* 45 FR 11527 (1980). Both firms are gas plant operators that produced natural gas liquids (NGLs). Pursuant to the consent orders, these firms have agreed to make refunds totaling over $4 million with respect to violations of DOE price regulation alleged to have occurred at various times between 1973 and 1978.

The Office of Hearings and Appeals has previously issued a proposed decision and order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of the consent order funds.

The proposed decision and order discussing the distribution of funds obtained through these consent orders was issued on October 16, 1981, 46 FR 52024 (1981).

The final decision and order, reflects our analysis of comments received from interested parties. As we indicate in the final decision, applications for refund from the consent order funds may now be filed. Applications will be accepted provided they are postmarked no later than ninety days from the date of publication of this notice. *See* 10 CFR 205.283. We will accept applications from all claimants that can affirmatively demonstrate that they have been directly injured by the violations alleged in the consent orders. A detailed discussion of what information a party must provide in order to assert a successful claim is set forth in the final decision and order appended to this notice.

The final decision reaches no determination with regard to the disposition of any funds in the second stage of the proceeding, however, because the most appropriate disposition of the remaining funds may be determined, to a great extent, by the amount of money that remains after the first stage of the proceeding. Instead, the final decision solicits further comments on the appropriate distribution of these funds.

Commenting parties are requested to submit two copies of their comments. Comments should be filed on or before April 1, 1982 and should be addressed to the address set forth at the beginning of that notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on February 24, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Olin Corporation and Anadarko Production Company

Dates of Filing: September 1, 1981, September 4, 1981

Case Numbers: BEF–0079, BEF–0085

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) (now the Office of Special Counsel) may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V.

In accordance with these regulatory provisions, the OE filed Petitions for the Implementation of Special Refund Procedures in connection with consent orders entered into with Olin Corporation (Olin) and Anadarko Production Company (Anadarko). Under the terms of these consent orders, the firms agreed to make refunds for their alleged violations of the DOE price regulations in sales of natural gas liquids (NGLs) in the amounts of $3,738,926.71 (Olin) (*1*) and $334,605.96 (Anadarko) (*2*). The funds have been paid to the DOE and are now being held in an escrow account under the jurisdiction of the DOE pending instructions from the Office of Hearings and Appeals regarding their distribution.

Background

A proposed decision and order which tentatively established special refund procedures to be used in adjudicating claims to the settlement funds involved in this proceeding has been previously issued, and comments have been received from interested parties concerning the proper disposition of the consent order funds. (*3*) In the proposed decision we tentatively established a two-stage refund procedure for the consent order funds. In the first stage, we determined that those firms which purchased NGLs during the relevant period from the firms involved and which believed they were eligible for a portion of the consent order funds should file Applications for Refund pursuant to 10 CFR 205.283. Downstream purchasers would also be permitted to file Applications for Refund during the first stage of the refund process. Each application would be analyzed, individual determinations on the merits of each application would be rendered, and all meritorious claims would then be paid. Finally, we suggested as the second stage of the refund process that first purchasers submit proposals which set forth appropriate mechanisms for returning moneys to the parties who likely paid increased prices as a result of the alleged overcharges. Alternatively, we proposed that if such plans proved infeasible, the portion of the settlement fund which, because of prohibitive administrative costs, might otherwise go undistributed be deposited in the Treasury of the United States. *See* 10 CFR 205.287(c).

The proposed decision and order was published in the **Federal Register**, and copies were sent to all interested parties. 46 FR 52024 (1981). The comment period specified in the **Federal Register** has passed. The case involving Olin and Anadarko have in common many factual and legal issues. Both firms are "gas plant operators" as that term was defined in 10 CFR 212.162. Both have identified first purchasers who have filed claims which, if properly established, would completely exhaust the consent order funds. Furthermore, the proposed decision and order suggested identical first-stage refund procedures for both firms. Finally, many of the commenters who responded to our request for comments filed virtually the same comments in each case. Consequently, we believe that these two cases should be consolidated for a final determination concerning the first stage of the refund procedures.

This decision establishes the mechanism by which firms that purchased NGLs from the firms may file Applications for Refund. We shall first discuss the comments which we received concerning the first stage refund procedures which we tentatively adopted in the proposed decision and order in these cases. Then we shall discuss in detail the Application for Refund procedures that we have decided to adopt. We shall not, however, discuss the second stage refund process in this decision. As noted above, the first purchasers identified in these cases have filed claims which, if meritorious, could thoroughly deplete the consent order funds involved. In that event no second stage would be necessary. (*4*) Moreover, our determination concerning the final disposition of any residual funds will necessarily depend on the size of the fund. *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers*). It is therefore unnecessary at this time for us to reach the issues raised by the commenters concerning the proposed disposition of funds remaining after all meritorious claims have been paid. (*5*)

Jurisdiction

In our October 16 proposed decision we determined that we should assert jurisdiction over these cases. Specifically, we stated that:

After reviewing the record developed in this proceeding, we have concluded that the implementation of Subpart V procedures is appropriate. In the instant case, there is a significant degree of difficulty inherent in identifying the persons who were injured by the alleged overcharges. Moreover, even in

cases where an injured person can be identified, it is difficult to ascertain the amounts that such persons should receive. Until recently, NGLs were subject to a comprehensive price regulation scheme which could be used to channel refunds to ultimate consumers. However, on January 28, 1981, President Reagan exempted crude oil and all refined products from the DOE regulatory program E.O. No. 12287, 46 FR 9909 (1981). As a result, price rollbacks are now an ineffective means of making restitution to purchasers who have been injured since there are currently no price ceilings against which price rollbacks can be measured. Moreover, to make refunds to the parties affected by the alleged overcharges, a determination must be made regarding the extent to which the higher costs were passed through to downstream customers. As a result, the persons entitled to refunds are not readily identifiable, and the amounts of the refunds that such persons should receive are not readily ascertainable. Under these circumstances, we believe that Subpart V provides the most useful mechanism to effect restitution to persons actually injured by alleged pricing violations. We have therefore decided to exercise jurisdiction over the funds received by the DOE in settlement of the enforcement proceeding underlying the Petition for Implementation of Special Refund Procedures filed by the OE in these two cases.

46 FR 52025. None of the parties filing comments in this proceeding objects to OHA's jurisdiction over these cases or challenges our authority to fashion special refund procedures. Consequently, we have decided to grant the two Petitions and hereby accept juridiction over the Olin and Anadarko consent order funds.

The Attorney General for the State of Michigan, however, contends that the procedures set forth in the proposed determination fail to effectuate its restitutionary purpose. In that regard, the Michigan Attorney General asserts that state governments are better suited to adjudicate the disposition of the settlement funds than the Office of Hearings and Appeals. The Attorney General notes that under the American common law system, States have traditionally held the sovereign right to take possession of unclaimed funds belonging to their citizens. The Attorney General asserts that the State of Michigan has ample procedures and expertise to assure all claimants of due process in the adjudication of their claims. The Attorney General therefore suggests that it would be more efficient to turn over each state's share of the settlement funds to the appropriate state government for distribution in accordance with the national restitutionary goals and state procedures, rather than utilizing Subpart V in these cases.

Generally, we agree with the Attorney General that the states can serve as effective conduits for the distribution of settlement funds in appropriate cases. Indeed, in a recent case we suggested that a portion of certain settlement funds may be distributed through the states if substantial amounts remain after all meritorious claims have satisfied. *See Office of Enforcement,* 9 DOE ¶ 82,521 (1982) (hereinafter cited as *Alkek*). However, the cases presently before us involve circumstances that are materially different from those present in *Alkek.* In *Alkek* most of the settlement funds were obtained from producers or resellers of crude oil whose alleged regulatory violations fell into three major categories. The first category concerned producers' sales of "old" price-controlled crude oil as "new" or "stripper well" oil subject to less stringent controls. The second type of violation involved producers who allegedly miscalculated the prices of "old" oil which they sold. The third type involved resellers or brokers of crude oil who miscertified "old" crude oil. We observed that due to the nature of these violations and the operation of the Crude Oil Entitlements Program, 10 CFR 211.67, it was likely that few firms would be able to demonstrate during the first stage that they had been injured. Consequently, we predicted that there would be a large fund remaining at the conclusion of the first stage of the refund process. In contrast, in the present cases we have received numerous notices of claims which, if meritorious, would exhaust the settlement funds.

In addition, the locale of the injured parties may be more readily ascertained in the present cases than in *Alkek.* In *Alkek,* we determined that it was unlikely that the effects of crude oil violations could be localized due to the operation of the DOE regulatory program. In particular, we noted that the operation of the Entitlements Program would have spread the effects of the violations among all refiners even if they had not purchased crude oil from any of the crude oil producers involved. Consequently, we proposed to disburse the remainder of the *Alkek* funds through a nation-wide mechanism. In the case of NGLs, tracing the effects of overcharges may be much less complex because they were not subject to the Entitlements Program. Furthermore, it may develop that in the course of adjudicating Applications for Refund we may determine that a firm who purchased NGLs passed on the overcharges to customers in a discrete marketing area. *See, e.g., Vickers.* In that event we may conclude that distribution through the indicated States would be appropriate if the amount of money involved is substantial. However, we do not know the amount, if any, of the funds that will be available for distribution after the first stage is completed. As we have stated above, the DOE has received notices of claims which, if meritorious, would exhaust the settlement fund, and there would not be a second-stage distribution. Consequently, we have concluded that it would be premature to establish a second-stage refund mechanism and that it would be inappropriate for us to relinquish these funds to the States at this time.

Comments on the Proposed First Stage. In the proposed decision which we issued for these cases, we tentatively concluded that as the first stage of the refund procedures we would accept Applications for Refund from parties which had purchased NGLs produced by the two natural gas processors involved. In addition to satisfying the filing requirements of 10 CFR 205.283, the applicant would be required to demonstrate that it purchased during the relevant time period a specific quantity of products which was produced with or from the NGLs sold by Olin or Anadarko. In addition, unless the applicant was an ultimate consumer, a party claiming that it was injured would also have to demonstrate that it absorbed any cost increase resulting from the alleged overcharges. We also stated that we would accept and evaluate on a case-by-case basis applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers. Finally, we solicited comments from all interested parties concerning our proposals.

In response to our request, we received comments from numerous parties including one of the firms, their first purchasers, their downstream purchasers, state governments, offices within the DOE, and public interest groups. Commenting parties suggested various modifications of the proposed procedures and expressed several concerns which we shall discuss below. They commented that: (1) the proposed first stage is unfair because it would give direct purchasers first priority in filing claims for the settlement funds (those commenters also thought that the Proposed Decision did not establish an adequate level of proof of injury for claimants); (2) the OHA cannot as a matter of law require that a claimant prove that it did not pass on the overcharges to its customers; and (3) claimants who have themselves entered

into DOE consent orders or are the subject of DOE enforcement proceedings for the relevant time periods should not be permitted to file Applications for Refunds. We will discuss each of these points in turn.

Some of the commenters complained that the proposed decision appeared to give priority to first purchasers and thereby prejudice the claims of downstream purchasers. In addition, those commenters objected to the proposed procedures because they believed the proposals would permit first purchasers to automatically recover refunds to the extent that their "banked" (unrecovered increased product) costs for the relevant period equalled or exceeded the amount claimed.

We believe that these commenters have taken an unnecessarily narrow view of the proceedings envisioned by the proposed decision and the Subpart V regulations. As an initial matter, our proposed decision clearly stated that Applications for Refund would be accepted from *all* claimants, including representatives of groups of consumers. *See Office of Enforcement*, 46 FR at 52026. In addition, the required showing of sufficient banks is only a threshold showing to be applied in making a determination as to whether a claimant actually suffered any injury. If a claimant meets this test, it will still be necessary for the firm to proffer some type of additional evidence, depending upon the size and nature of firm, to demonstrate that it indeed was injured by the alleged overcharges. To the extent that a first purchaser can establish that it did not pass on overcharges to its downstream customers, those customers were not injured and would have no claim. We therefore disagree with commenters who believe that first purchasers are being accorded an unwarranted priority status in these proceedings.

Several commenters claim that the OHA cannot as a matter of law require a claimant to prove that it did not pass on the alleged overcharges to its customers. In support of that position, the commenters cite the antitrust case of *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977). In *Illinois Brick*, The Court held that the "pass-on" theory could not be used offensively by a plaintiff who was not a direct purchaser from the defendant but claimed that the effects of an antitrust violation had been passed on to it by an intermediate party. The Court had previously held in *Hanover Shoe v. United Shoe Machine Corp.*, 392 U.S. 481 (1968), that "passing on" could not be used as a defense in a private antitrust action by a defendant alleging that the plaintiff had passed on the resulting overcharges to its customers and therefore suffered no injury.

We have discussed at great length the factors distinguishing private antitrust actions brought under section 4 of the Sherman Act from government actions brought under section 209 of the Economic Stabilization Act, such as the instant cases, in our recent decision in *Office of Enforcement*, 9 DOE ¶ 82,508 (1981) (hereinafter cited as *Coline*). In *Coline* we held that the considerations underlying the exclusion of pass-on evidence in private antitrust actions, as well as private actions brought under section 210 of the ESA, were inapplicable to section 209 actions. Consequently, we reaffirmed our authority to require proof by a claimant that it absorbed overcharges in order to establish entitlement to a portion of the settlement fund. No new arguments have been presented in this proceeding which would lead us to alter our position on this matter.

Some of the commenters, including enforcement officials of the DOE, have contended that claimants who have themselves entered into consent orders or who are currently the subject of enforcement proceedings should be precluded from filing Applications for Refunds. Those commenters contend that since such claimants have also violated the DOE regulations they should be excluded from these equitable proceedings because they have "unclean hands." (*6*) In addition, the Office of Special Counsel (OSC) observed that since it has closed its investigation of firms with which it has entered into consent orders, there is no mechanism for ascertaining the truth of a firm's allegations concerning its banks of unrecovered product cost increases. Moreover, the OSC asserts that its agreement to a consent order does not indicate that it has retreated from its position that a firm violated the DOE regulations. Finally, several parties noted that there are still numerous unresolved enforcement cases involving parties who have filed notices of claims. Consequently, the OHA has been urged to delay or deny disposition of any consent order funds to any claimant who has been or is currently the target of enforcement proceedings.

Upon consideration of the documents filed in these proceedings, we have concluded that it would be inappropriate at this time to refuse to entertain Applications for Refund from any class of claimants. The purpose of the present determination is simply to "set forth the standards and procedures that will be used in evaluating individual Applications for Refunds." 10 CFR 205.282(d). A determination on the merits of a particular Application for refund is a separate process which may include an investigation of statements made by the applicant, submission of information by other sources, and the convening of a conference or hearing. 10 CFR 205.284. While we agree that consent order funds should not be distributed to parties who, for example, have profited from a criminal scheme to circumvent the DOE regulations, we certainly are in no position to rule on a claimant's eligibility in advance of the filing of an Application for Refund. Moreover, we think it would be undesirable to delay distribution of these funds for the period of years that may elapse before pending enforcement actions have been completed.

Instead of adopting a blanket prohibition against certain claimants, we shall require that each person filing an Application for Refund specify whether there is or has been an enforcement proceeding covering its compliance with the DOE regulations. The applicant should also state whether the matter has been concluded and provide a copy of any adjudicated order issued in the case or any consent order, or other settlement entered into by the applicant. Where appropriate, the relevant enforcement office may be informed of the application by the OHA. We shall then decide on a case-by-case basis whether the applicant was injured by the alleged overcharges in light of all the available information, including substantial evidence of violations.

Thus, it is possible that a firm which is the subject of an ongoing enforcement proceeding might still be eligible to receive a refund from the consent order funds. However, if a final remedial order is ultimately issued against such a firm, some adjustment might be appropriate at the conclusion of the enforcement proceeding to ensure that it does not retain any unwarranted benefits. (*7*) If it ever becomes necessary, this type of determination will be made on a case-by-case basis, according to the equities involved. Where a claimant has already negotiated a consent order, we believe that it will generally be contrary to the policy encouraging settlements to exclude a claimant solely on that basis. Finally, we wish to emphasize that these refund proceedings may not be used as a substitute for private actions that might be brought under section 210 of the ESA. The purpose of these proceedings is to provide an equitable mechanism for refunding monies to persons who were injured by alleged overcharges, not to provide an

alternative legal forum to adjudge the regulatory compliance of claimants.

Application for Refund Procedures. After having considered all the comments received concerning the first-stage proceedings tentatively adopted in our Proposed Decision and Order we have concluded that: (i) the OHA has properly asserted jurisdiction over these cases pursuant to 10 CFR Part 205, Subpart V; (ii) the OHA has authority to implement all of the procedures which were tentatively adopted in the Proposed Decision for these cases; and (iii) Applications for Refund should now be accepted from parties who purchased NGLs from Olin or Anadarko or who purchased products made from those NGLs. We shall now discuss the specific requirements for Applications for Refund that we have decided to adopt.

We have determined to accept Applications for Refund of a portion of the two firms' consent order funds filed on or before June 1, 1982. *See* 10 CFR 205.283. We will consider all applications, although we may later impose a lower dollar limit on claims. *See* 10 CFR 205.286(b). Applications made on behalf of a class of claimants will be considered on a case-by-case basis. An application must be in writing, signed by the applicant, and specify which case it pertains to, by firm name and case number. If the applicant is not a direct purchaser from one of the five firms, it should submit evidence indicating from whom the NGLs were purchased and what basis the applicant has for its belief that the NGLs which it purchased originated from the natural gas processing plants named in the consent orders.

Any application for a refund in excess of $100 must be filed in duplicate, and a copy of that application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, Federal Building, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. Any applicant who believes that his application contains confidential information must so indicate on the first page of his application and submit two additional copies of his application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application shall indicate whether the applicant or any person acting on his instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in the underlying enforcement proceeding. Each application shall also include the following statements: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name, title, and telephone number of a person who may be contacted by the OHA for additional information concerning the Application. All applications should be sent to: Consent Order Refund Proceeding, Case Nos. BEF–0079; 0085, Office of Hearings and Appeals, Department of Energy, 12th Street & Pennsylvania Avenue, NW., Washington, D.C. 20461. All applications for Refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

In order to assist applicants in establishing eligibility for a portion of the consent order funds, the following section discusses the showing that should be made by refiners, resellers, retailers and end-users of the NGLs covered by the consent orders:

A. Each applicant should report its volume of purchases of NGLs by calendar quarter for the period of time for which it is claiming it was injured by the alleged overcharges;

B. Each applicant should specify how it used the NGLs—as a petrochemical producer, refiner, reseller or ultimate consumer;

C. If the applicant is a refiner or reseller, it should state whether it maintained banks of unrecouped product cost increases from the date of the violation through January 27, 1981. It should also furnish the OHA with quarterly bank calculations for the entire period;

D. The applicant must submit evidence to establish that it did not pass on the overcharges to its customers. For example, a firm may submit market surveys to show that price increases to recover overcharges were infeasible; and

E. The applicant should report whether it is or has been involved as a party in other DOE enforcement proceedings or section 210 actions. If these actions have terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. Of course, the applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its Application for Refund. *See* 10 CFR 205.9(d).

Distribution of the Remainder of the Consent Order Funds. Several comments addressed our proposed distribution of the remainder, if any, of the consent order funds after all meritorious claims have been paid. Those comments can be divided into two groups. First, some comments contend that the Office of Hearings and Appeals lacks the statutory or regulatory authority to implement the proposed distribution. Secondly, some comments acknowledge that this Office possesses the authority to fashion such a restitutionary mechanism, but suggest alternatives to or modifications of our original proposal. In this Decision, we are not implementing the second-stage refund procedure. Such a step would be difficult to take before the analysis and processing of Applications for Refund filed in the first stage of the distribution of the consent order funds to claimants, since the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second-stage distribution scheme. Moreover, in the present cases claimants have asserted claims which, if meritorious, would completely exhaust the consent order funds. However, in order for members of the public to be made aware of outstanding issues and be able to comment on them, we summarized and briefly addressed the comments received concerning the proposed second-stage procedure in the *Vickers* decision. *See Vickers*, 8 DOE at 85, 398-99. Many of the same parties who commented on the second-stage procedures proposed for the *Vickers* case submitted virtually identical comments in the present cases. We will not reiterate our discussion of these issues. We continue to seek additional comments on these issues.

It is therefore ordered That: The refund amounts provided by Olin Corporation and Anadarko Production Company will be distributed in the manner set forth in the foregoing Decision.

Dated: February 24, 1982.

George B., Breznay,

Director, Office of Hearings and Appeals.

Footnotes

(1) As a part of its enforcement activities, the OE conducted an audit of Olin in order to determine whether the firm had complied with the DOE pricing regulations applicable to NGLs. *See* CFR Part 150, Subpart L and 10 CFR Part 212, Subparts E and K. The OE audit of Olin's first sales of NGLs during the period September 1, 1973 through December 31, 1978. Olin sold NGLs to only two firms during this period: Phillips Petroleum Company (Phillips) and Enterprise Products Company (Enterprise). In order to settle all claims and disputes between the parties regarding the firm's first sales of NGLs, Olin

agreed to pay $3,738,926.71 to the DOE. The parties further agreed that this amount would be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V. The Olin proposed consent order was finalized without modification on March 12, 1980. *See* 45 CFR 21339 (1980). Phillips has indicated that it intends to file an Application for Refund.

(2) The audit of Anadarko revealed possible overcharges with respect to first sales of NGLs during the period August 1973 through December 1978. Anadarko sold NGLs to four firms during this period: Farmland Industries; Bultman, Inc.; Derby Refining Company; and Sauvage Gas Company. In order to settle all claims and disputes between the parties regarding the firm's first sales of NGLs, Anadarko agreed to pay $334,605.97 to the DOE. The parties further agreed that this sum would be distributed by the DOE pursuant to Subpart V. Notice of the proposed consent order was published in the **Federal Register** on February 21, 1980. *See* 45 CFR 11527 (1980). The proposed consent order was finalized without modification on April 3, 1980. *See* 45 CFR 22185 (1980). Farmland has indicated that it intends to file an Application for Refund.

(3) We issued a proposed decision and order discussing the distribution of the funds obtained through consent orders with Olin and Anadarko on October 16, 1981. *See* 46 FR 52024 (October 23, 1981).

(4) Since most of the first purchasers claim that they have adequate banks of unrecouped product costs to establish that they could not have passed through the overcharge amounts, none of the identified first purchasers submitted plans for distribution of the remainder of the funds.

(5) We have already discussed many of these comments in *Vickers*.

(6) We have previously held that the equitable doctrine of clean hands will be applied by the OHA in temporary stay, and exception cases that involve requests for equitable relief. *See Acomi Corporation*, 4 DOE ¶82,542 (1979) and cases cited therein. Special refund proceedings are likewise equitable cases.

The Temporary Emergency Court of Appeals has recently approved the use of the "clean hands" doctrine in determining whether a purchaser may receive refunds for violations of the DOE regulations. In *Citronelle-Mobile Gathering, Inc. v. Edwards*, No. 5–60 (Temp. Emer. Ct. App. January 21, 1982), the court held that because the purchasers of the crude oil involved "aided and abetted" the producer in its violation of the price regulations for their material benefit, "they are barred by 'unclean hands' from seeking or recovering any of the illegal profits." *Id.*, slip op. at 11–12. This was true even though the purchasers sought the advice of counsel before proceeding with the transactions involved and made a good faith effort to comply with the price regulations. *Id.*, slip op. at 9, *approving Citronelle-Mobile Gathering, Inc. v. O'Leary*, 499 F. Supp. 871, 885 (S.D. Ala. 1980).

(7) *See* note 6 *supra*.

[FR Doc. 82–5550 Filed 3–1–82; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

DOE/NSF Nuclear Science Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee

Date and time: Monday, March 22, 1982—9:00 a.m.–6:00 p.m. Tuesday, March 23, 1982—9:00 a.m.–6:00 p.m.

Place: U.S. Department of Energy, Room 4A–104, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585

Contact: John R. Erskine, U.S. Department of Energy, Division of Nuclear Physics, ER–23 GTN, Washington, DC 20545, Telephone: 301–353–3613, FTS 233–3613.

Purpose of Committee

To provide advice to the Department of Energy and the National Science Foundation on the management of and long range planning for basic nuclear research programs.

Tentative Agenda

Reports of working groups on facility proposals. Discussion of facility proposals and formulation of recommendations. Review of draft report to NSF and DOE. "Recommendations for FY 84 Facility Construction" Reports from Subcommittees Public Comment (10 minute rule)

Public Participation

The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gloria Decker at 202–252–5187. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcripts

Available for public review and copying at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 24, 1982.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 82–5549 Filed 3–1–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–51402; TSH–FRL–2062–5]

Toxic Substances; 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 forty-one PMNs and provides a summary of each.

DATES: Written comments by:

PMN 82–91 to 82–127, April 11, 1982.

PMN 82–136, April 19, 1982.

PMN 82–137, 82–138, and 82–139, April 20, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51402]" 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 82–91

Close of Review Period. May 11, 1982.

Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.

Specific Chemical Identity. Octanoic acid, heptyl ester.

Use. The manufacturer states that the PMN substance will be used in time-temperature indicating devices.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	0	3
2d year	0	5
3d year	0	5

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 2 workers may experience dermal exposure 0.5 hr/day, 20 days/yr during transfer and cleanup.

Environmental Release/Disposal. Disposal is by approved landfill and treatment works.

PMN 82–92

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Octanoic acid, decyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–93

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Octanoic acid, dodecyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–94

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Octanoic acid, tetradecyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–95

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Octanoic acid, hexadecyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–96

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Decanoic acid, butyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–97

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Decanoic acid, pentyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–98

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Decanoic acid, isopentyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–99

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Decanoic acid, hexyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–100

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Decanoic acid, heptyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–101

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Decanoic acid, octyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–102

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Decanoic acid, tetradecyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–103

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Decanoic acid, hexadecyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–104

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Decanoic acid, octadecyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–105

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Dodecanoic acid, propyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–106

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Dodecanoic acid, butyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–107

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Dodecanoic acid, isobutyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–108

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Dodecanoic acid, pentyl ester.

Note.—For specific information regarding this PMN refer to PMN 82–91.

PMN 82–109

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Dodecanoic acid, heptyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-110

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Tetradecanoic acid, propyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-111

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Tetradecanoic acid, isobutyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-112

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Tetradecanoic acid, pentyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-113

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Tetradecanoic acid, isopentyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-114

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Tetradecanoic acid, hexyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-115

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Tetradecanoic acid, heptyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-116

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Tetradecanoic acid, octyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-117

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Hexadecanoic acid, propyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-118

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Hexadecanoic acid, pentyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-119

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Hexadecanoic acid, isopentyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-120

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity Hexadecanoic acid, hexyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-121

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Hexadecanoic acid, heptyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-122

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Hexadecanoic acid, decyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-123

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Hexadecanoic acid, dodecyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-124

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Octadecanoic acid, propyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-125

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Octadecanoic acid, pentyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-126

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Octadecanoic acid, isopentyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-127

Close of Review Period. May 11, 1982.
Manufacturer's Identity. Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55133.
Chemical Identity. Octadecanoic acid, heptyl ester.

Note.—For specific information regarding this PMN refer to PMN 82-91.

PMN 82-136

Close of Review Period. May 19, 1982.
Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturers site—Northeast region.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstituted heteromonocycle.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a consumer article.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	5.0	20.0
2d year	5.0	20.0
3d year	5.0	20.0

Physical/Chemical Properties

Appearance—Yellow needles, odorless.

Melting point—>200° C.

Solubility: water @ 96° C—>1.0 g/l.

Toxicity Data. No data were available.

Exposure. The manufacturer states that during manufacture, processing and disposal a total of 204 workers may experience dermal and inhalation exposure up to 24 hrs/day, up to 355 days/yr.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air, land and water. Disposal is by publicly owned treatment works (POTW) or landfill, or treatment or recovery.

PMN 82–137

Close of Review Period. May 20, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted amine complex.

Use. The manufacturer states that the PMN substance will be used as a component of a formulation used by specialized commercial customers.

PRODUCTION ESTIMATES

[Kilograms per year]

	Maximum
1st year	10,000
2d year	20,000
3d year	40,000

Physical/Chemical Properties

Appearance—Liquid.

Solubility: water—>10%.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—1,100–1,900 mg/kg.

Acute dermal toxicity LD_{50} (rat)—1.0–5.0 ml/kg.

Skin irritation (rabbit)—Strong.

Eye irritation (rabbit)—Strong.

Skin absorption—May be absored.

Environmental Test Data. Claimed confidential business information.

Exposure. The manufacturer states that during manufacture and processing 20 workers may experience dermal and inhalation exposure 1 hr/day, 5 days/yr during transfer.

Environmental Realease/Disposal. The manufacturer states that there will be no release to air, land and water. Disposal is to a publicly owned treatment works (POTW)

PMN 82–138

Close of Review Period. May 20, 1982.

Manufacture's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Trisubstituted phenol.

Use. The manufacturer states that the PMN substance will be used as a company-limited chemical intermediate.

PRODUCTION ESTIMATES

[Kilograms per year]

	Maximum
1st year	4,000
2d year	5,000
3d year	6,000

Physical/Chemical Properties

Melting point—170–182° C.

Toxicity Data. No data were sumitted.

Exposure. The manufacturer states that during manufacture and use a total of 56 workers may experience dermal and inhalation exposure up to 3 hrs/day, up to 10 days/yr during transfer.

Environmental Release/Disposal. The manufacturer states that there will be no release to the air, land and water. Disposal is by incineration.

PMN 82–139

Close of Review Period. May 20, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Polymer of hexanedioic acid and 2-(methylamino)ethanol.

Use. The manufacturer states that the PMN substance will be used as a site-limited non-intermediate, used in chemical manufacture.

PRODUCTION ESTIMATES

[Kilograms per year]

	Maximum
1st year	15
2d year	15
3d year	15

Physical/Chemical Properties

Solubility: water—>10%.

Number average molecular weight—700–800.

Glass transition temperature—−49° C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 5 workers may experience dermal and inhalation exposure 0.3 hr/day, 2 days/yr during transfer.

Environmental Release/Disposal. The manufacturer states that there will be no release to air and land with 0–15 kg released to water. Disposal is to a biological treatment system.

Dated: February 22, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82–5505 Filed 3–1–82; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Subgroup Meeting

February 23, 1982

Subgroup 3: Inter-Service Sharing Meeting: March 3, 1982, 2:30 P.M.–5:30 P.M., CBS Viewing Room, 1800 M Street, NW., 3rd Floor, Washington, D.C.

Agenda: Discussion and Review of Final Reports of Working Groups 3A, B, C and D.

Note.—If unable to complete business by 5:30 P.M. on March 3, meeting will be continued on March 4 in conjunction with CCIR Working Groups 10/11S as follows:

8–10:30 A.M., NASA Headquarters, 600 Independence Avenue, SW., Room 226A, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–5528 Filed 3–1–82; 8:45 am]

BILLING CODE 6712–01–M

[PR Docket Nos. 82–99, 82–100; File Nos. 116–A–RL–71, 272–A–L–71]

Aero Flite Service, Inc. and Cirrus Flight Operations, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

Order

Adopted: February 12, 1982.

Released: February 19, 1982.

In re the Application of Aero Flite Service, Inc., Minneapolis, Minnesota, PR Docket No. 82–99, File Number 116–A–RL–71; Cirrus Flight Operations, Inc., Minneapolis, Minnesota, PR Docket No. 82–100, File Number 272–A–L–71. For an

Aeronautical Advisory Station to serve Anoka County Airport, Minneapolis, Minnesota.

1. Aero Flite Service, Inc. (hereafter Aero) and Cirrus Flight Operations, Inc. (hereafter Cirrus) have each filed an application for authority to operate an aeronautical advisory station at Anoka County Airport, Minneapolis, Minnesota. Aero seeks renewal of its current station license while Cirrus filed for a new station authorization. Since Section 87.251(a) of our rules provides that only one aeronautical advisory station may be authorized at an airport, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate these applications for comparative hearing in order to determine which, if any, should be granted.

2. In view of the foregoing, it is ordered, That pursuant to the provisions of Section 309(e) of the Communications Act of 1934, as amended, and Section 0.331 of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following comparative issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications, including but not limited to operation of stations in the Aviation Services (Part 87) that may be or have been authorized to the applicant;

(5) Ability to provide information pertaining to primary and secondary communications as specified in Section 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators;

(b) To determine the manner in which Aero has operated Aeronautical Advisory Station KOL4 and whether such operations were in accordance with the rules governing the operation of this class of station.

(c) To determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. It is further ordered, That the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its application except issue (b) where the burdens are on Aero and issue (c) which is conclusory.

4. It is further ordered, That to avail themselves of an opportunity to be heard Aero and Cirrus, pursuant to Section 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Federal Communications Commission.

James C. McKinney,

Chief, Private Radio Bureau.

[FR Doc. 82-5531 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 82-115, 82-116; File Nos. BP-790222AE, BP-791012AG]

Blue Ridge Media Inc. and Mountaineer Broadcasing Service, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

Memorandum Opinion and Order

Adopted: February 17, 1982.

Released: February 23, 1982.

In re Applications of Blue Ridge Media, Inc. Boone, North Carolina, BC Docket No. 82-115 File No. BP-790222AE, Req: 1510 kHz, 500 W (250 W-CH), Day; Mountaineer Broadcasting Service, Inc., Blowing Rock, North Carolina, BC Docket No. 82-116, File No. BP-791012AG, Req: 1510 kHz, 1 kW (250 W-CH), Day, for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications for new AM stations. In addition it has before it (1) a petition to deny the application of Blue Ridge Media, Inc. (Blue Ridge) filed by Wilkes Broadcasting Company (Wilkes), an opposition thereto filed by Blue Ridge, and a reply pleading filed by Wilkes; (2) a petition to deny the application of Mountaineer Broadcasting Service, Inc. (Mountaineer) filed by Blue Ridge, an opposition thereto filed by Mountaineer, and a reply pleading filed by Blue Ridge, and (3) various related pleadings.[1]

[1] For good cause shown, we grant Mountaineer's petitions for leave to amend and accept the associated amendments filed on June 23, 1980, and March 4, May 1, and November 30, 1981. Blue Ridge urges that the latter amendment (which notified us pursuant to § 1.65 that an application by one of Mountaineer's principals for a new AM station in Raleigh, North Carolina, had been denied on comparative grounds) not be permitted to improve Mountaineer's comparative position in this proceeding. Blue Ridge's concern is unfounded, as the Raleigh proposal was not an "existing" mass communications outlet, and hence was outside the scope of the comparative issue. See *Policy Statement on Comparative Broadcast Hearings*, 1 FCC 2d 393, 394-95 (1965). Also, though unaccompanied by a petition for leave to amend, we accept Blue Ridge's amendments filed on September 5 and December 24, 1980, as they obviously are updating amendments required by § 1.65 of our Rules.

Application of Blue Ridge Media, Inc.

2. *Standing.* As licensee of station WATA, Boone, North Carolina, Wilkes would compete with Blue Ridge for audience and revenue. Hence, it has standing to file a petition to deny. *FCC* v. *Sanders Bros. Radio Station*, 309 U.S. 470 (1940). Wilkes' allegations of objectionable interference provide standing to petition as well. *FCC* v. *National Broadcasting Co.*, 319 U.S. 239 (1943).

3. *Misrepresentation Issues.* The Blue Ridge application as submitted to the Commission characterized the applicant as a corporation whose sole principal and stockholder was William E. Dollar. It is undisputed that Blue Ridge was not in fact incorporated at that time, its articles of incorporation not having been filed with the North Carolina Secretary of State until a month after the application was tendered. Wilkes argues that a misrepresentation issue is warranted, but we find no error of potential decisional significance. While not technically accurate, Blue Ridge's application did reflect Dollar's intentions. Hence there was never confusion as to the form in which Blue Ridge intended to operate. Furthermore, the applicant completed the incorporation process on its own initiative before petitioner raised the issue. Under these circumstances, we believe, further inquiry is not warranted.[2]

4. Turning next to Blue Ridge's ascertainment of community needs,[3] Wilkes maintains that the applicant's survey of community leaders did not involve face-to-face interviews as

[2] Even assuming, as Wilkes maintains, that Blue Ridge did not file its articles of incorporation with the county Recorder of Deeds within the time specified by state law, an isolated incident of this nature does not on its face raise questions as to the applicant's ability to operate in the public interest. *Violation by an Applicant of Laws of the U.S.*, 42 FCC 2d 399 (1951).

[3] The adequacy of Blue Ridge's efforts is no longer at issue here. *Deregulation of Radio*, 84 FCC 2d 968, 998 (1981).

claimed in the application. Rather, Wilkes argues, supported by the affidavits of two leaders interviewed for the survey, Blue Ridge's owner met with community leaders as a group, passed out questionnaires, and informed participants that they were "free to go" once the forms were completed. Blue Ridge, in contrast, claims that a person-to-person discussion followed the meeting, offering in support of this position affidavits from seven community leaders who attended the meeting in question and from three leaders personally contacted at a different time.

5. While the issue is not free of ambiguity, we find on balance insufficient grounds to warrant an issue. Read together, the affidavits suggest that community leaders met, that survey forms were distributed, and that a group of leaders (numbered as 25–30 in Blue Ridge's affidavits) engaged in a discussion of problems with Blue Ridge's president.[4] Though not a "face-to-face" meeting in the usual sense of the expression, *i.e.*, a one-to-one conversation, this discussion does seem to have been personal and to have been conducted in person. Given this, Blue Ridge's description does not seem to us so inaccurate as to call its good faith into question.[5]

6. *Engineering Issues.* We will specify an issue to determine whether Blue Ridge's proposed operation would so seriously distort the operation of Wilkes' station WATA—and vice versa—as to require denial of the application. The proposed antenna tower would be only about 700 feet from WATA's tower, and the parties appear to agree that Blue Ridge's operation could cause indentations in WATA's existing signal and create "dead spots" in its coverage of Boone. Blue Ridge has offered to provide and install any necessary corrective equipment, but Wilkes claims in opposition that available equipment and techniques will be useless for the purpose. Further inquiry is necessary to resolve the conflict.

7. Further inquiry is also necessary to determine whether Blue Ridge's proposed station would encompass Boone's business district with its 25 mV/m contour, as required by § 73.24(j) of our rules.[6] The information before us is inadequate to support any conclusions as to compliance, and is also insufficient to justify a waiver, should one be necessary. Blue Ridge argues in this latter regard that unique technical and topographicl conditions made compliance impossible, a position Wilkes disputes. We will specify an issue to permit exploration of this question.

Application of Mountaineer Broadcasting Service, Inc.

8. *Misrepresentation Issues.* Blue Ridge seeks a misrepresentation issue based upon the fact that Mountaineer's principals in their balance sheets erroneously listed as the "cash value" of their life insurance the face value of the policies.[7] We are persuaded, however, that an intent to deceive did not cause the error. It is significant in this regard that the balance sheets were of no decisional significance, in that the partners did not rely upon liquid assets to finance their proposal. Rather, the balance sheets were submitted simply to demonstrate that bank commitments were not unreasonable. Furthermore the applicant immediately made the necessary corrections upon being notified of the error. Under the circumstances, confusion seems a more likely explanation of the error than does bad faith.

9. Second, Blue Ridge challenges Mountaineer's claimed interviews of two community leaders, Dennis Cook and John Sudderth, supporting its charge with their affidavits. In opposition, Mountaineer submits new affidavits from both leaders and the principals who interviewed them, confirming that the two had participated in the ascertainment survey. In its reply, Blue Ridge says that if Sudderth was in fact interviewed, it was neither by a Mountaineer principal nor before the application was filed. This claim is supported only by an unexecuted affidavit of Mr. Sudderth, however, and petitioner has stated that it is unable to obtain an executed affidavit from him. We therefore find these allegations unsubstantiated.

10. Finally, Blue Ridge has filed an unauthorized supplemental pleading supported by the affidavit of a third leader, Charlie Brown, who states generally that "to the best of my knowledge and belief," he was not interviewed as claimed. Applicant replies with affidavits of the principal who claimed to have interviewed Brown and of a witnessing prospective management-level employee, and with a purported summary of Brown's comments. Petitioner has not replied to this showing. The dispute over a single ascertainment interview (out of 42), however, does not raise a substantial question of misrepresentation. See *Mize & Rowland Radio*, 86 FCC 2d 782 (1981). See also *Alabama Citizens for Responsive Television, Inc.*, 78 FCC 2d 615 (1979).

11. *Public File Issue.* Both parties agree that an amendment to the Blue Ridge application was not in the public files when William Dollar made a search in May 1980. The omission was not so significant in content or so extensive in scope as to render the public file substantially incomplete, though, and the incident itself was an isolated one. An issue is not warranted under these circumstances. See *Peoples Broadcasting Corp.*, 68 FCC 2d 1570 (1978).

Conclusions

12. Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Although the proposals are for different communities, they would serve substantial areas in common. Consequently, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will be specified.

13. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at at time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of Blue Ridge Media, Inc.:

a. The nature and extent of distortion of the radiated signals of station WATA, Boone, North Carolina, and of Blue Ridge's proposed station, due to their proximity, and

[4] As the discussion appears to have been voluntary and informal, it might well have been overlooked by Wilkes' affiants.

[5] The Commission expressly allowed ascertainment of community leaders in group meetings. See *Southern California Broadcasting Assoc., Inc.*, 30 FCC 2d 705 (1971). In response to Wilkes' allegation that community leaders were not informed of the meeting's purpose, Blue Ridge has submitted a copy of its invitation characterizing the event as an effort to secure community information required by the Commission.

[6] Wilkes' allegation to the contrary notwithstanding, we find that Blue Ridge's critical-hours proposal substantially complies with our requirements concerning coverage of residential areas.

[7] While Mountaineer at one time relied upon loans to its principals, it has amended its application to specify a corporate organization and a bank loan to the corporation rather than to the individuals involved. Therefore we need not consider here the effect of Mountaineer's reporting error on the applicant's financial qualifications.

b. The susceptibility of such distortion to reasonable corrective measures.

2. To determine whether the proposal of Blue Ridge Media, Inc., would encompass the Boone business district with its 25 mV/m contours, as required by § 73.24(j) of the Commission's rules, and if not whether circumstances exist which warrant waiver of the rule.

3. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

4. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing isues, which application should be granted.

14. It is further ordered, That the petition to deny filed by Wilkes Broadcasting Company, is granted to the extent indicated herein, and IS DENIED in all other respects, and that the petition to deny filed by Blue Ridge Media, Inc., is denied.

15. It is further ordered, that Wilkes Broadcasting Company is made a party to this proceeding.

16. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to Section 1.221(c) of the Commission's Rules, the parties shall, in person or by attorney, within 20 days of the mailing of this order, file with the Commission in triplicate written appearances stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

17. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing, as prescribed in the rule, and shall advise the Commission of pulbication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Laurence E. Harris,

Chief, Broadcast Bureau.

[FR Doc. 82-5532 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 82-90—82-93; File Nos. BPCT-790130KO, etc.]

Family Television, et al.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: February 12, 1982.

Released: February 22, 1982.

In re Applications of Family Television, Inc., Boulder, Colorado, BC Docket No. 82-90, File No. BPCT-790130KO; Rocky Mountain 14, Inc., Broomfield, Colorado, BC Docket No. 82-91, File No. BPCT-790130KP; C.S.T.V., Inc., Boulder, Colorado, BC Docket No. 82-92, File No. BPCT-790130KR; Boulder Telecasting Corporation, Boulder, Colorado, BC Docket No. 82-93, File No. BPCT-790130KS; for a construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications of Family Television, Inc. (Family), Rocky Mountain 14, Inc. (Rocky Mountain), C.S.T.V., Inc. (CSTV) and Boulder Telecasting Corporation (BTC)[1] for a new commercial television station to operate on Channel 14 in Boulder Colorado;[2] a statement filed August 15, 1979, by the Association of Maximum Service Telecasters (AMST) against the applications of Family, CSTV and BTC; a response to that statement filed August 29, 1979, by CSTV;[3] a petition for leave to amend filed April 21, 1981, by BTC; an opposition to BTC's petition filed May 6, 1981 by CSTV; a request for waiver of § 73.685[4] of the Commission's Rules filed by CSTV; and a request for waiver of § 73.1125[5] of the Commission's rules filed by BTC.

Section 307(b) Issue

2. These applications propose to serve different communities. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of broadcast service. Since these proposals do serve substantial common areas, however, in addition to the Section 307(b) issue, a contingent comparative issue will also be specified.

Protection of Table Mountain Radio Receiving Zone

3. Applicants for station authorization to operate in the vicinity of Boulder County, Colorado, are advised by § 73.1030(b) of the Commission's Rules to give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. Family and BTC both propose facilities subject to that rule, but neither has submitted any evidence that they have communicated with the Table Mountain Research Laboratories of the Department of Commerce as recommended by § 73.1030(b)(2). These applicants will be expected to consult with the Department of Commerce to avoid objections or proceedings to modify any authorization that may be granted. *See* § 73.1030(b)(3) of the Commission's Rules.

Family Television, Inc.

4. *Air hazard.* We have not received notification from the FAA that the tower height and location proposed by Family would not be a hazard to air navigation. Accordingly, an appropriate issue will be specified.

Rocky Mountain 14, Inc.

5. Because of the proximity of Rocky Mountain's proposed tower to KICM, a directional AM station, a grant of a construction permit to Rocky Mountain will be conditioned to ensure that KICM's radiation pattern is not adversely affected by the proposed construction.

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[1] The following amendments are accepted pursuant to § 1.65 of the Commission's rules: Family's amendment filed December 3, 1980; CSTV's amendments filed March 31, July 6 and October 28, 1981; Rocky Mountain's petitions for leave to amend filed January 22, February 26, April 23 and 24, 1981; and BTC's amendment filed June 3, 1981. The acceptance of other amendments filed by BTC is discussed below.

[2] Rocky Mountain filed its application for Channel 14 in Broomfield, Colorado. Channel 14 is allocated to Boulder, Colorado. Since Broomfield is within fifteen miles of Boulder, this application complies with § 73.607(b) of the Commission's rules.

[3] AMST's statement concerns a short-spacing problem between the facilities proposed by an applicant for Channel 22 in Loveland, Colorado and three of the Boulder applicants; Family, CSTV and BTC. The Loveland application, filed January 29, 1979 by Satellite Outreach Ministries, Inc. (file no. BPCT-790129LE), was dismissed by the Commission on September 17, 1979 and a petition for reconsideration of that dismissal was denied on July 15, 1980. *Satellite Outreach Ministries, Inc.*, 47 RR 2d 1381 (1980). Therefore, the Boulder applicants no longer have a short-spacing problem and AMST's statement will be dismissed as moot.

[4] Section 73.685(e) states that stations operating on Channel 14 with peak visual power output of more than 1 Kw may not employ directive transmitting antennas with a ratio of maximum to minimum radiation in the horizontal plane in excess of 15 dB.

[5] Section 73.1125 states that television stations shall maintain a main studio in the community of license except when good cause exists for locating the main studio outside the community of license and when to do so would be consistent with operation of the station in the public interest.

C.S.T.V., Inc.

6. *Waiver Request.* CSTV requests a waiver of § 73.685 of the Commission's Rules which states that the ratio of maximum to minimum radiation in the horizontal plane may not exceed 15 dB. CSTV proposes a horizontal plane pattern which will exceed the 15 dB maximum by approximately 5 dB. CSTV requests a waiver of § 73.685, stating that the use of a transmitting antenna with deep supression characteristics is necessary to protect the Table Mountain Radio Receiving Zone. We note that a letter from the Department of Commerce to CSTV, filed November 12, 1981, states that "successful coordination is obtained with the TV Channel 14 application of C.S.T.V." We find that CSTV has "set forth reasons, sufficient if true, to justify" a waiver of § 73.685 of the Commission's Rules. *Storer Broadcasting Company*, 351 U.S. 192, 204 (1956). Accordingly, CSTV's waiver request will be granted.

Boulder Telecasting Corporation

7. *Petition for leave to amend.* A petition for leave to amend filed April 24, 1981 and amendments filed May 26 and 29, 1981, revise BTC's financial qualifications to eliminate a possible issue. CSTV filed an opposition to BTC's petition. We find, however, that good cause exists for acceptance of the amendments. As discussed below, BTC has succeeded in eliminating a financial issue and acceptance of the amendments will neither delay the proceeding nor prejudice any of the competing applicants.[6] Accordingly, pursuant to § 73.3522(a)(2) of the Commission's Rules, BTC's petition for leave to amend filed April 21, 1981, will be granted and the amendments filed May 26 and 29, 1981 are accepted.

8. *Financial qualifications.* BTC indicates that $754,850 would be required to construct and operate its proposed facility for three months. To meet these expenses, BTC relies, in part, on $1,000 capital, deferred equipment credit of $447,281 and a $600,000 bank loan. The letters from the Lake View Bank, filed April 21, and May 26, 1981, indicate that a $600,000 loan commitment was made to BTC and Newsweb Corporation, its parent company. If the bank's commitment is to lend $600,000 to Newsweb, which it will relend to BTC, the applicant is required by Item 4(b), Section III, page 3 of FCC Form 301, to submit Newsweb's balance sheet and any loan or stock subscription agreement between Newsweb and the applicant. BTC has not submitted these items. In *Contemporary Television Broadcasting, Inc.*, 46 FR 9202 (January 28, 1981), the Commission held that bank loan commitment letters, directed to investors in an applicant, which earmark funds specifically for the construction and operation of the proposed station, will be accepted as part of the applicant's source of funds, without an examination of the investor's financial statement to determine whether he has sufficient net liquid assets, as supplemented by the bank loan, to meet his commitment to the applicant. FCC Form 301, however, still requires the applicant to submit this financial data. We find, however, that the bank letter submitted by BTC meets the requirements of FCC Form 301 for such commitments. We also find that this bank loan, as supplemented by BTC's other financial sources, establishes BTC's financial qualifications. Therefore, we hold that a bank loan commitment letter, directed to an investor in an applicant, which earmarks funds specifically for the construction and operation of the proposed station will be accepted as a part of the applicant's source of funds even if the investor's financial statement has not been submitted. *See Washington's Christian Television Outreach, Inc.*, FCC Mimeo No. 002820 (released August 19, 1981). In addition, we find it reasonable to assume, even in the absence of a loan or stock subscription agreement, that Newsweb will relend the $600,000 to BTC because Newsweb is wholly owned by Fred J. Eychaner, BTC's president, director and guarantor of the bank loan. Accordingly, we find BTC financially qualified to construct and operate its proposed facility.

9. *Main studio location.* BTC proposed a main studio located outside Boulder, the principal community to be served, and requested a "waiver" of § 73.613 of the Commission's Rules (current version at § 73.1125). BTC proposes locating its main studio at the transmitter site in Marshall, Colorado and therefore, BTC stated, its proposal would be consistent with the operation of the station in the public interest. BTC has not submitted any showing of good cause to support its proposed location and has not shown that the location of its main studio outside the community of license would be consistent with operation of the station in the public interest as required by § 73.1125(a)(3) of the Commission's Rules. An appropriate issue will be specified.

Conclusion and Order

10. Except as indicated by the issues specified below, the Commission finds the applicants legally, financially, technically and otherwise qualified. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that a grant of the applications will serve the public interest, convenience and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

11. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, on the following issues:

1. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of broadcast service.

2. To determine, if it is concluded that a choice among the applicants should not be based on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, with respect to Family Television, Inc., whether there is a reasonable possibility that the tower height and location proposed by the applicant would be a hazard to air navigation.

4. To determine, with respect to Boulder Telecasting Corporation, whether good cause exists for locating the main studio outside the city of Boulder and whether to do so would be consistent with the operation of the station in the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

12. It is further ordered, That, if Rocky Mountain 14, Inc.'s application is granted, the construction permit shall contain the following condition:

Prior to the construction of the TV tower authorized herein, the permittee shall notify AM station KICM so that, if necessary, the

[6] One of the grounds of CSTV's opposition is the involvement of Newsweb, BTC's parent company, in a hearing in another proceeding for a construction permit to operate on Channel 60 in Aurora, Illinois. CSTV argued that Newsweb failed to demonstrate that it can construct and operate both the Aurora and Boulder facilities. We note that Newsweb's subsidiary, Metrowest Corporation demonstrated its financial qualifications in the Aurora case. *See Metrowest Corporation*, FCC 81M-3684 (released Nov. 19, 1981). We also note that Metrowest was granted a construction permit to operate shared facilities on Channel 60 in Aurora. *Metrowest Corporation*, FCC 81M-3686 (released Nov. 19, 1981).

AM station may determine operating power by the indirect method and request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. The permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the aforementioned AM station. Both prior to construction of the TV tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by § 73.154(a) of the Commission's rules, shall be conducted to establish that the AM array has not been adversely affected and, the results submitted to the Commission and to the AM station. Thereafter the TV station may commence *Limited Program Tests.*

13. It is further ordered, That, AMST's statement filed against the applications of Family Television, Inc., C.S.T.V., Inc. and Boulder Telecasting Corporation is DISMISSED AS MOOT.

14. It is further ordered, That, the request for waiver of § 73.685 of the Commission's Rules filed by C.S.T.V., Inc. is granted.

15. It is further ordered, That, the Petition for Leave to Amend filed April 21, 1981 by Boulder Telecasting Corporation is granted.

16. It is further ordered, That, the Federal Aviation Administration is made a party respondent to this proceeding.

17. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

18. It is further ordered, That, the applicants herein shall, pursuant to § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-5533 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 82-97; 82-98; File Nos. BPH-801003AB; 801003AC]

K-106, Inc. and East Delta Communications, Inc.; Designating Applications For Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: February 12, 1982.

Released: February 22, 1982.

In the matter of K-106, Inc., Carthage, Texas, BC Docket No. 82-97, File No. BPH-801003AB, Req: 98.9 MHz, Channel 255 100 kW (H&V), 620 feet; East Delta Communications, Inc., Carthage, Texas, BC Docket No. 82-98, File No. BPH-801003AC, Req: 98.9 MHz, Channel 255 100 kW (H&V), 549.36 feet, For Construction Permit for a New FM Station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by K-106, Inc. (hereafter K-106), and East Delta Communications, Inc. (hereafter East Delta).

2. *K-106.* On December 12, 1980 the Chief, FM Branch, Broadcast Facilities Division, returned as unacceptable for filing the application of K-106, Inc. for a new FM station to operate on Channel 255 at Carthage, Texas because the proposed site was short-spaced with co-channel KDEY, Lufkin, Texas.[1] On January 12, 1981, K-106, Inc. filed a petition for reconsideration of the return of its application together with an amendment to its application eliminating the short-spacing. It also requested reinstatement of its application *nunc pro tunc.* An opposition to the petition was filed by Beverly Brown, a competing applicant who has since withdrawn his application.[2] Brown's opposition was based on the grounds that while the original application of K-106 was timely tendered, it contained an undisclosed "fundamental defect," which forecloses the *nunc pro tunc* acceptance of the amended application. The "fundamental defect" Brown relied on was that, at the time of the filing of the original application, K-106 had no reasonable assurance that the transmitter site specified in it application would be available to it. The transmitter site location specified in K-106's application: N 32° 05' 42" W 94° 04' 43" is owned by the International Paper Company. Inquiry by Brown revealed that no request had been made nor approval obtained for the use of International Paper Company's land.[3] Brown contended, therefore, that at the time of the filing of the original application no reasonable assurance existed that the transmitter site specified in K-106's application would be available to it.

3. In its reply to the opposition to the petition for reconsideration K-106 states that it committed a technical error in the plotting of the coordinates of the transmitter site location specified in its application. Instead of plotting the transmitter site coordinates as N 32° 05' 36", W 94° 04' 49", it erroneously plotted the coordinate which appear on the application. K-106 maintains that although its coordinates were in error, it had indeed secured an antenna-transmitter site. To reinforce this contention, K-106 has provided a copy of the option contract for the corrected coordinates.

4. In order to determine whether an application is entitled to *nunc pro tunc* treatment, we do not look to the question of whether it contained a "fundamental defect" when orignally tendered. Rather, the applicant must meet a two fold test. First, was the application substantially complete when tendered and second, if so, did the amendment correcting the defect require the assignment of a new file number. In other words, was the defect curable by the filing of a minor rather than a major amendment. Since the application in this instance was substantially complete and since the ameliorative amendment was a minor one, the proposal is entitled to *nunc pro tunc* consideration. *James River Broadcasting Corp., v. FCC,* 399 F. 2d 581 (D.C. Cir. 1968); *North American Broadcasting Co., Inc.,* 14 FCC 2d 617 (1968):

5. Since no determination has been reached that the antenna proposed by East Delta would not constitute a menace to air navigation, an issue regarding this matter is required.

6. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and population which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of

[1] See letter from Chief, FM Branch, December 12, 1980 to K-106, Inc. (8920-GAE).

[2] Since Brown has withdrawn, the opposition to petition for reconsideration is moot. However, on our own motion, we will consider the issues raised in Brown's petition.

[3] See Opposition to Petition for Reconsideration by Beverly E. Brown, filed date April 9, 1981.

determining whether a comparative preference should accrue to one of the applicants.

7. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by East Delta would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That the petition for reconsideration filed by K-106, Inc., is granted and the application is accepted *nunc pro tunc.*

10. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

11. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-5534 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 82-105—82-108; File Nos. BPET-810512KE, etc.]

Kentucky Authority for Educational TV, et al.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: February 16, 1982.
Released: February 22, 1982.

In re Applications of KENTUCKY AUTHORITY FOR EDUCATIONAL, TV, Lexington, Kentucky, BC DOCKET NO. 82-105, File No. BPET-810512KE; FBC, INCORPORATED, Lexington, Kentucky, BC DOCKET NO. 82-106, File No. BPCT-810529KF; LEXINGTON FAMILY TELEVISION, INC., Lexington, Kentucky, BC DOCKET NO. 82-107, File No. BPCT-810804KF; WAY OF THE CROSS OUTREACH, INC., Lexington, Kentucky, BC DOCKET NO. 82-108, File No. BPCT-810806KK, For Construction Permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Kentucky Authority for Educational TV (KAETV), FBC, Incorporated (FBC), Lexington Family Television, Inc. (Family) and Way of the Cross Outreach, Inc. (Way) for a new television broadcast station[1] on Channel 62, Lexington, Kentucky.

2. Channel 62 is one of five television channels allocated to Lexington, Kentucky, and is the only channel not authorized to an existing station. Channel 46 is reserved for noncommercial educational use. Kentucky Educational Television Foundation (KET) is the licensee of noncommercial educational station WKLE(TV), Channel 46, Lexington, Kentucky.[2] KAETV is the only applicant requesting noncommercial educational use of Channel 62. A question arises, therefore, as to whether there is a greater need for commercial programming as proposed by three of the applicants or for educational programming as proposed by KAETV. If it is determined that there is a greater need for noncommercial educational programming, a selection can be made without reliance on the standard comparative evaluation; if there is a greater need for commercial programming, a selection among those applicants proposing commercial programming can be made under the standard comparative issues. If no determination can be made with respect to whether there is a greater need for one or another of these types of programming, all of the applicants will be evaluated under the standard comparative issue. *Houma Broadcasters, Inc.*, FCC 80-534 (released September 30, 1980).

3. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the rules. We have no evidence that KAETV and Family have published the required local notice. To remedy this deficiency, KAETV and Family will each be required to file a statement of publication with the presiding Administrative Law Judge within 40 days after this Order appears in the **Federal Register** (April 12, 1982).

4. No determination has been reached that the tower heights and locations proposed by Family and Way would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

Kentucky Authority for Educational TV

5. Applicant estimates that it will require approximately $757,000 to construct its proposed facility and operate for three months, itemized as follows:

Equipment	$600,000
Land and building (existing)	
Installation	147,000
Operating costs (3 months)	10,000
Total	757,000

6. Review of the applicant's financial plan reveals that no allowance has been made for legal and miscellaneous costs. In view of the fact that this application must be prosecuted through a comparative hearing, KAETV will incur legal costs and other incidential costs that may arise. An appropriate issue will be specified.

7. To meet these expenses, KAETV intends to rely upon its bi-annual budget allocated by the State Legislature; funds requested from the National Telecommunications and Information Administration (NTIA) and assets belonging to KET (see footnote 2) which totalled $2,241,791 as of March, 1981. Kentucky may not rely on any of its sources of funds for the following reasons:

(1) Applicant has not indicated how much money will be allocated to it by the state; nor how much of it will be available for its proposed facility;

(2) The request for funds from NTIA, in January, 1981, does not ask for funds

[1] KAETV proposes a noncommercial educational facility.

[2] Kentucky Educational Television Foundation is a non-profit, tax exempt corporation established to assist in furthering the objectives of KAETV.

for a new UHF facility in Lexington, Kentucky;

(3) No balance sheet has been filed for KET as required by FCC Form 301 Section III, page 3, item 4.

Accordingly, a financial issue will be specified to determine the availability of at least $757,000, plus funds for any additional costs, to construct and operate as proposed.

Way of the Cross Outreach, Inc.

8. Applicant estimates that it will require $1,281,470 to construct its proposed facility and operate for three months, itemized as follows:

Equipment	$1,090,970
Land and building	
Other items	55,000
Operating expenses (3 months)	135,500
Total	1,281,470

9. Applicant indicates that it will incur no expenses for land and building. Way of the Cross Television, Inc. has agreed to loan the applicant a remote control truck equipped for broadcast operation, without charge for one year, but no provision has been made for the costs of a studio and office building.[3] An appropriate issue will be specified.

10. To meet these expenses, applicant intends to rely on commitments by individuals and institutions, and donations. Section III, page 3, item 4 requires that loans, donations and credit be supported by copies of the agreements, as well as balance sheets showing the ability of the individuals and institutions to meet their commitments. Such documentation has not been provided. Further, Way states that it is in the process of negotiating an equipment lease. We have no evidence that Way was successful in doing so; therefore, we must assume that the applicant will pay cash for its technical equipment. Accordingly, a financial issue will be specified to determine the availability of $1,281,470 plus such additional costs as may be incurred for studios and offices.

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

12. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934 as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues.

1. To determine whether there is a greater need for noncommercial educational programming or for commercial programming in Lexington, Kentucky and the surrounding area to be served.

2. To determine, with respect to Family and Way, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

3. To determine with respect to Kentucky Authority for Educational TV:

(a) Whether applicant has at least $757,760, plus any additional funds required for legal and miscellaneous costs;

(b) Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

4. To determine with respect to Way of the Cross Outreach, Inc.:

(a) Whether the applicant has made provision for the costs of land and buildings for studios and offices and, if not, to determine the reasonable additional costs which will be incurred;

(b) Whether the applicant has available $1,281,470, plus any additional costs to be incurred for land and studios and offices.

(c) Whether, in light of the evidence adduced pursuant to issues (a) and (b), applicant is financially qualified.

5. To determine, on a comparative basis, which of the proposals would best serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

13. It is further ordered, That, KAETV shall file with the presiding Administrative Law Judge proof of publication of local notice of the filing of their application within 40 days after this Order is published in the Federal Register.

14. It is further ordered, That, in the event of a grant of the application of KAETV, such grant shall be made subject to the outcome of the rule making proceeding in BC Docket No. 78-165, relating to multiple ownership of non-commercial educational broadcast facilities.

15. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 2.

16. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

17. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division Broadcast Bureau.

[FR Doc. 82-5535 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

[3] The applicant proposes a staff of 19 persons.

[BC Docket Nos. 82-94—82-96; File Nos. BPH-800324AE, Etc.]

Minn-Iowa Christian Broadcasting, Inc., et al.; Designating Applications for Consolidated Hearing of Stated Issues

Hearing Designation Order

Adopted: February 12, 1982.

Released: February 18, 1982.

In re Applications of Minn-Iowa Christian Broadcasting, Inc., Blue Earth, Minnesota, BC Docket No. 82-94, File No. BPH-800324AE, Req.: 100.9 MHz, Channel 265 3 kW (H&V), 300 feet; Logos Communications, Inc., Blue Earth, Minnesota, BC Docket No. 82-95, File No. BPH-800529AB, Req.: 100.9 MHz, Channel 265 3 kW (H&V), 245 feet; Minn-Iowa Radio, Inc., Blue Earth, Minnesota, BC Docket No. 82-96, File No. BPH-800828AD, Req.: 100.9 MHz, Channel 265 3 kW (H&V), 256 feet.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive application filed by Minn-Iowa Christian Broadcasting, Inc. (MIC); Logos Communications, Inc. (Logos); and Minn-Iowa Radio, Inc. (MIR).

2. *MIC.* In Article VIII of the MIC Articles of Incorporation, MIC lists seven directors but has provided the information required by Section II, Tables 1 and 2 for only four directors. In addition, Section II, paragraph 9, and Table 1 show 10,000 shares issued and outstanding, but page 9 of the By-laws shows only 8,000 shares issued and outstanding. Since these discrepancies

may be inadvertent, we will direct MIC to file with the Administrative Law Judge an amendment correcting these inconsistencies in its application.

3. *Logos.* Analysis of the financial data submitted by Logos reveals that $71,468 will be required to construct the proposed station and operate for three months, itemized as follows:

Cash equipment purchases	$10,225
Equipment down payment	9,406
Equipment payments with interest	6,800
Miscellaneous	8,200
Operating costs (three months)	36,837
Total	71,468

Logos plans to finance construction and operation with the following funds: $22,281 in existing capital and a $60,000 bank loan. However, Logos has not adequately established the availability of the bank loan to meet the costs of construction and operation of the proposed FM station. Logos has failed to provide the terms of payment, collateral or security required, and rate of interest to be charged, as required by Section III, Paragraph 4(e) of FCC Form 301. Therefore, Logos has demonstrated only $22,281 available to meet the $71,468 required to operate and construct the proposed station, and a limited financial issue will be specified.

4. *MIR.* Analysis of the financial data submitted by MIR reveals that $75,211 will be required to construct the proposed station and operate for three months, itemized as follows:

Cash equipment purchases	$49,136
Miscellaneous	9,200
Operating costs (three months)	16,875
Total	75,211

MIR plans to finance construction and operation with the following funds: $70,000 line of credit from Blue Earth State Bank and $100,000 line of credit from KAGE, Inc. However, MIC has not adequately established the availability of the line of credit from KAGE, Inc. From the information before us, we only find evidence of $4,875 in current liquid assets offset by $56,399 in current liabilities in the financial statement dated December 31, 1979 from KAGE, Inc. Accordingly, MIR has failed to show the necessary documentation to support more than $70,000 to meet the $75,211 required for construction and operation, and a limited financial issue will be specified.

5. Data submitted by the applicants indicates that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Logos Communications, Inc.: (a) The source and availability of additional funds over and above the $22,281 indicated; and (b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Minn-Iowa Radio, Inc.: (a) The source and availability of additional funds over and above the $70,000 indicated; and (b) Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine which of the proposals would on a comparative basis, best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

8. It is further ordered, That Minn-Iowa Christian Broadcasting, Inc. shall file an amendment with the Presiding Administrative Law Judge (i) showing compliance with Section II information on its directors, and (ii) clarifying its issued and outstanding stock status.

9. It is further ordered, That in the event the application of Minn-Iowa Radio, Inc. is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, Minn-Iowa Radio, Inc. will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

10. It is furthered ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 82-5536 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 82-101-82-104; File Nos. BPCT-810701 KH, etc.]

New West Broadcasting Co., Inc.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: February 12, 1982.

Released: February 22, 1982.

In re Applications of NEW WEST BROADCASTING CO., INC., Bozeman, Montana, BC DOCKET NO. 82-101, File No. BPCT-81070JKH; EDWARD M. JOHNSON, Bozeman, Montana, BC DOCKET NO. 82-102, File No. BPCT-810828 KF; TRI-B BROADCASTING, INC., Bozeman, Montana, BC DOCKET NO. 82-103, File No. BPCT-810904KF; BEE BROADCASTING INCORPORATED, Bozeman, Montana, BC DOCKET NO. 82-104, File No. BPCT-810908KJ, For Construction Permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commerical television broadcast station on Channel 7, Bozeman, Montana.

2. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the rules. We have no evidence that Edward M. Johnson or Bee Broadcasting Incorporated published the required notice. To remedy this

deficiency, Edward M. Johnson and Bee Broadcasting Incorporated will be required to publish local notice of their applications and to file statements of publication with the presiding Administrative Law Judge.

Edward M. Johnson

3. Since no determination has been reached that the tower height and location proposed by applicant would not constitute a hazard to air navigation, an issue regarding this matter is required.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Edward M. Johnson, whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine which of the proposals, on a comparative basis, would best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding with respect to issue 1.

7. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, That, Edward Johnson and Bee Broadcasting Incorporated shall file with the presiding Administrative Law Judge proof of publication of local notice of the filing of their application within 40 days after this Order is published in the **Federal Register** (On or before April 12, 1982).

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-5537 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1336]

Petitions for Reconsideration of Actions in Rule Making Proceedings

February 24, 1982.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before March 17, 1982. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Part 74 of the Commission's Rules to provide for the elimination of harmful interference safety to life and protection of property. (BC Docket No. 81-394)

Filed by: Eleanor S. Applewhaite & R. Bryan Hatchett, Attorneys for CBS Inc., on 2-12-82. Howard Monderer & John F. Sturm, Attorneys for National Broadcasting Company, Inc., on 2-12-82.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-5530 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

Steering Committee of the Telecommunications Industry Advisory Group; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Steering Committee of the Telecommunications Industry Advisory Group scheduled to meet on Tuesday, March 16, 1982, at 9:30 a.m. in Room 650 of the Commission's offices at 1919 M St., NW., Washington, D.C. In the event that all matters to be discussed are not covered at that time, the meeting will reconvene on the following day, March 17, at the same time and place. This meeting will be open to the public. The preliminary agenda is as follows:

I. General Administrative Matters.
II. Results of February 26 Assembly Meeting.
III. Procedures for Guidance and Control of Subcommittee Activities.
IV. Additional Subcommittee Proposals.
V. Presentation of Assigned Position Papers.
VI. Other Business.
VII. Presentation of Oral Statements.
VIII. Adjournment.

With prior approval of the Chairman, Gerald P. Vaughan, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Steering Committee objectives. Anyone not a member of the Steering Committee and wishing to make an oral presentation should contact Stephen T. Duffy, TIAG and Steering Committee Vice-Chairman (202/634-1509), at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-5527 Filed 3-1-82; 8:45 am]

BILLING CODE 6712-01-M

Study Group A of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT); Meeting

February 23, 1982.

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 17, 1982 at 10:00 a.m. in Room 856 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. This Study Group deals with U.S. Government aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT Study Group III and I meetings.

Members of the general public may attend the meeting and join in the discussion subject to instruction of the Chairman. Admittance of public members will be limited to seating available. Requests for further information should be directed to Earl S. Barbely, Conference Staff, Federal Communications Commission,

Washington, D.C., telephone (202) 632–3214.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–5529 Filed 3–1–82; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL LABOR RELATIONS AUTHORITY

Professional Air Traffic Contollers Organization, Affiliated with MEBA, AFL–CIO, and Federal Aviation Administration, DOT; Hearing

AGENCY: Federal Labor Relations Authority.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the time and place of a forthcoming hearing of the Federal Labor Relations Authority held pursuant to an Order of the United States Court of Appeals for the District of Columbia Circuit to hold an evidentiary hearing to determine the nature, extent, source and effect of any and all *ex parte* contacts and other approaches that may have been made to any member or members of the Authority while the appeal from the decision of the Administrative Law Judge in Case No. 3–CO–105, *Professional Air Traffic Controllers Organizaation, Affiliated with MEBA, AFL–CIO and Federal Aviation Administration, Department of Transportation,* was pending before the Authority. The Administrative Law Judge selected by the Office of Personnel Management to preside over the hearing is Judge John M. Vittone.

DATE: Thursday, March 4, 1982, 10:00 a.m.

ADDRESS: Courtroom 10, United States Courthouse, Constitution Avenue and John Marshall Place, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: James J. Shepard, Executive Director, Federal Labor Relations Authority, 500 C Street, S.W., Washington, D.C. 20424, (202) 382–0711.

SUPPLEMENTARY INFORMATION: During the prehearing conference held on February 26, 1982, it was determined that this hearing would commence at 9:30 a.m. After the hearing, however, it was discovered that the hearing room is not available until 10:00 a.m. Accordingly, the hearing will begin at that time.

Dated: Washington, D.C., February 26, 1982.

For the Authority.

James J. Shepard,

Executive Director.

FR Doc. 82–5787 Filed 3–1–82; 10:35 am]

BILLING CODE 6727–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 82–12; Agreement No. 7680–39]

American West African Conference; Agreement Order of Further Investigation and Hearing

Agreement No. 7680–39, an amendment to the basic conference agreement of the American West African Freight Conference, has been filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814).

The proposed amendment would modify the Agreement to authorize ratemaking for intermodal service in the trade between St. Lawrence River, Atlantic and Gulf ports and ports on the Gulf of Guinea.[1] Proponents were initially granted such authority for a period of 18 months commencing April 13, 1978, *American West African Freight Conference (Agreement No. 7680–36–Intermodal Services),* 18 S.R.R. 339 (1978), but it expired on September 6, 1979, without any intermodal cargo having been carried. The subject modification requests reinstatement of the intermodal provisions for a two-year period.

Notice of the filing of Agreement No. 7680–39 was published in the **Federal Register** on October 23, 1979. No protests or comments regarding the Agreement were received by the Commission.

By Order of June 8, 1981, the Commission conditionally disapproved Agreement No. 7680–39 on the ground that the Proponents had not justified Commission approval of the Agreement.[2] The Conference had not described present operating conditions in the trade and how they would be affected by its proposed activities. Therefore, the Commission could not determine if the trade would support a conference intermodal service and if conference control of intermodal rates would be reasonably likely to produce public benefits. In its Order of Conditional Disapproval, the Commission listed several topics to exemplify the type of information required to evaluate the Agreement. These items included:

1. The intermodal points which would be actually served in the United States and Africa, the commodities to be carried, the inland modes and routings, and the frequency of service contemplated by each member line;

2. The percentage of total trade traffic and the percentage of containerized trade traffic carried by the Conference;

3. The percentage of conference cargo and trade cargo that is containerized;

4. The percentage of conference containerized cargo that moves house-to-house from inland origins to inland destinations;

5. The level of existing intermodal rates in the trade and the level of proposed conference rates; and

6. The names and service descriptions of the Conference's competitors with particular emphasis on their intermodal activities and capabilities.

The Commission's Order of Conditional Disapproval recognized the Proponents' right to request a further hearing on or before August 6, 1981. The time within which the request was to be submitted was extended twice, finally resulting in an extension to November 24, 1981.

On November 23, 1981, Proponents submitted a request for further hearing stating that they would submit the following information: liner trade data and descriptions of port improvements, carrier equipment, and vessel assignments demonstrating the growth of the U.S.-West Africa trade, as well as the growth of containerization in the trade; a description of the economic incentives which support containerization of the subject trade and the benefits to be gained by its shippers; a description of competitors in the trade and data demonstrating that significant non-conference competition exists; an analysis of the cargo routes presently utilized in the U.S.-West Africa trade to show that intermodal service would move the cargo more naturally and efficiently through ports already served by the Conference; evidence of shipper demand for intermodal service; and evidence that conference control of ratemaking would lead to a more efficient service to a broader range of

[1] The intermodal services contemplated include a full range of point-to-point, port-to-port and point-to-port operations in both directions.

[2] Section 15 requires the Commission to disapprove any agreement which it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or violative of the Shipping Act. Amendment No. 39 to Agreement No. 7680 provides for rate fixing and therefore is *per se* violative of the antitrust laws and deemed contrary to the public interest unless justified by Proponents. The justification required is a demonstration that the Agreement is required by a serious transportation need, necessary to secure important public benefits, or furthers a valid regulatory purpose of the Shipping Act, 1916. *Federal Maritime Commission* v. *Aktiebologet Svenska Amerika Linien,* 390 U.S. 238 (1968).

points, and will cover a broad range of commodities at competitive rates. Accordingly, the request for a hearing is granted.

Therefore it is ordered, that pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), a formal investigation and hearing is hereby instituted to determine whether Agreement No. 7680–39 should be approved, disapproved or modified;

It is further ordered, that the carriers listed in the Appendix attached hereto are designated as Proponents in this proceeding;

It is further ordered, that pursuant to § 502.42 of the Commission's rules (46 CFR 502.42), the Commission's Bureau of Hearings and Field Operations (Hearing Counsel), shall be a party to this proceeding;

It is further ordered, that Proponents will submit two copies of their direct case, consisting of the information which they have said they would submit in their request for a hearing, along with any additional information which Proponents believe supports the approvability of this Agreement, to the Secretary of the Commission and one copy to each of the parties to this proceeding within 60 days from the date of this Order;

It is further ordered, that discovery shall be in accordance with the process set forth in § 502.201 of the Commission's rules (46 CFR 502.21) but shall not commence until the receipt by the Commission of Proponents' direct case;

It is further ordered, that after completion of such discovery, Hearing Counsel shall have an opportunity to submit written rebuttal testimony;

It is further ordered, that this matter is assigned to an Administrative Law Judge for public hearing and decision at a date and place to be hereafter determined by the Administrative Law Judge. This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue otherwise requires an oral hearing and cross-examination for the development of an adequate record;

It is further ordered, that this Order be published in the **Federal Register** and a copy served upon Proponents and the Commission's Office of Hearing Counsel;

It is further ordered, that all further 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; and

It is further ordered, that all documents submitted by any party inthis proceeding be filed in accordance with § 502.118 of the Commission's rules (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Joseph C. Polking,

Assistant Secretary.

Agreement No. 7680–39 Order of Further Investigation and Hearing

Commissioner Richard J. Daschbach, concurring.

Although I agree with the Commission's decision to grant Proponents' request for a further hearing now that the proceeding has progressed this far, I still believe that the Commission should simply have approved Agreement No. 7680–39 as filed. My reasons for granting the American West African Freight Conference's request for intermodal authority were explained in detail in my June 11, 1981 dissent to the Commission's Order of Conditional Disapproval.

Appendix—Members of the American West African Freight Conference

Barber Lines, A/S, c/o Barber Steamship Lines, Inc., 17 Battery Place, New York, New York 10004
Black Star Line, c/o F. W. Hartmann & Co., Inc., 17 Battery Place, New York, New York 10004
Compagnie Maritime Zairoise, S.A.R.L., c/o Tilston Roberts Corp., 17 Battery Place, New York, New York 10004
Companhia Nacional De Navegacao, c/o East Coast Overseas Corp., 80 Broad St., New York, New York 10004
Delta Steamship Lines, Inc., P.O. Box 50250, 1700 International Trade Mart Bldg., New Orleans, LA 70150
Elder Dempster Lines, Limited, c/o Atlantic Overseas Corp., Five World Trade Center, New York, New York 10048
Farrell Lines Incorporated, One Whitehall St., New York, New York 10004
Hayling Seas Lines, S.A., c/o Fixright Shipping Corp., Ltd., 17 Battery Place, New York, New York 10004
Jeco Shipping Line Int'l, N.V., c/o Combined Maritime Agencies, Inc., 50 Broadway, Suite 2100, New York, New York 10004
Medafrica Line, c/o Crossocean Shipping Co., Inc., One World Trade Center, New York, New York 10048
Nigeria America Line, Ltd., c/o Crossocean Shipping Co., Inc., One World Trade Center, New York, New York 10048
Torm West Africa Line, c/o Kerr Steamship Co., Inc., Two World Trade Center, New York, New York 10048
Uiterwyk Liberia Lines, 3105 West Waters Ave., Tampa, Florida 33614
Westwind Africa Line Limited, c/o Southern Star Shipping Co., Inc., 245 Park Ave., New York, New York 10017.

[FR Doc. 82–5544 Filed 3–1–82; 8:45 am]

BILLING CODE 6730–01–M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 22, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreements Nos.: T–3875–1 and T–3875–2.

Filing Party: Mr. Frank G. Martin, Jr., General Manager, Chicago Regional Port District, Butler Drive—Lake Calumet, Chicago, Illinois 60633.

Summary: Agreement No. T–3875–1, between the Chicago Regional Port District (Port) and Ceres Terminals, Incorporated, modifies the basic agreement between the parties which provides for the exclusive licensing of Ceres to perform stevedoring and other terminal services at the Iroquois Landing Lakefront Site in the Port of Chicago. The purpose of the modification is to reduce the minimum license fee by $6,250 per month or portion thereof after June 30, 1980, that the Port has not completed its paving and utilities service obligations, and to extend the term of the second renewal option period.

Agreement No. T–3875–2, between the same parties, provides for a reduction in the fee for breakbulk general cargo from

$.95 per 2,240 pounds to $.85 per 2,240 pounds.

Dated: February 25, 1982.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-5542 Filed 3-1-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2195]

Cargo International, Inc.; Order of Revocation

On February 5, 1982, Cargo International, Inc., 705 Third Avenue, North, Nashville, TN 37201 surrendered its Independent Ocean Freight Forwarder License No. 2195 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2195 issued to Cargo International, Inc. be revoked effective February 5, 1982.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Cargo International, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-5543 Filed 3-1-82; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Inex, Incorporated, 746 Birginal Drive, Bensenville, IL 60106, Officer: Dale T. Gomez, Sole Officer

C. H. Powell Co., Inc., Suite 1119, One World Trade Center, New York, NY 10048, Officers: Lillian Powell, President/Treasurer, Alfred E. Powell, Vice President, John S. Powell, Vice President, Paul A Powell, Vice President, Peter H. Powell, Vice President, Joseph P. Lisa, Secretary

International Traffic Corporation, 416 Bremer Bldg., St. Paul, MN 55101, Officer: Krikor A. Mokhtarian, Sole Officer.

Dated: February 25, 1982.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-5541 Filed 3-1-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Allied Bancshares of Illinois, Inc.; Formation of Bank Holding Company

Allied Bancshares of Illinois, Inc., Joliet, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of East Joliet Bank, Joliet, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-5470 Filed 3-1-82; 8:45 am]

BILLING CODE 6210-01-M

Dahlonega Bancorp., Inc.; Formation of Bank Holding Company

Dahlonega Bancorp., Inc., Dahlonega, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Dahlonega, Dahlonega, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-5471 Filed 3-1-82; 8:45 am]

BILLING CODE 6210-01-M

Farmers National Bancorp, Inc.; Formation of Bank Holding Company

Farmers National Bancorp, Inc., Geneseo, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company be acquiring 100 percent of the voting shares (less directors' qualifying shares) of The Farmers National Bank of Geneseo, Geneseo, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-5472 Filed 3-1-82; 8:45 am]

BILLING CODE 6210-01-M

First City Bancorp, Inc.; Acquisition of Bank

First City Bancorp, Inc., Marietta, Georgia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more

of the voting shares of Citizens DeKalb Bank, Clarkston, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 23, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-5473 Filed 3-1-82; 8:45 am]

BILLING CODE 6210-01-M

First State Bank Holding Co.; Formation of Bank Holding Company

First State Bank Holding Company, Lynnville, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 50 percent or more of the voting shares of First State Bank, Lynnville, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First State Bank Holding Company, Lynnville, Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission for L.W. Gause Company, Lynnville, Iowa to engage in the sale of casualty insurance in a community with a population of less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Lynnville, Iowa, and the geographic area to be served is Lynnville, Iowa. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than March 25, 1982.

Board of Governors of the Federal Reserve System, February 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-5474 Filed 3-1-82; 8:45 am]

BILLING CODE 6210-01-M

Gary-Wheaton Corp.; Acquisition of Bank

Gary-Wheaton Corporation, Wheaton, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Batavia Investment Company, Batavia, Illinois, and thereby indirectly acquire control of Batavia Bank, Bativia, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-5475 Filed 3-1-82; 8:45 am]

BILLING CODE 6210-01-M

National City Corp.; Acquisition of Bank

National City Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The Goodyear Bank, Akron, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-5476 Filed 3-1-82; 8:45 am]

BILLING CODE 6210-01-M

Seaport Bancorp, Inc.; Formation of Bank Holding Company

Seaport Bancorp, Inc.; Lewiston, Idaho, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Seaport Citizens Bank, Lewiston, Idaho. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 20, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summariazing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-5477 Filed 3-1-82; 8:45 am]

BILLING CODE 6210-01-M

Security Bancorp, Inc.; Formation of Bank Holding Company

Security Bancorp., Inc., Vincennes, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of the successor by merger to Security Bank and Trust Company, Vincennes, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-5478 Filed 3-1-82; 8:45 am]

BILLING CODE 6210-01-M

Standard Bancshares, Inc.; Formation of Bank Holding Company

Standard Bancshares, Inc., Evergreen Park, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Heritage Standard Bank, Evergreen Park, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 25, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-5479 Filed 3-1-82; 8:45 am]

BILLING CODE 6210-01-M

Westlands Diversified Bancorp, Inc.; Formation of Bank Holding Company

Westlands Diversified Bancorp, Inc., Santa Ana, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Compnmy Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Westlands Bank, Santa Ana, California ("Westlands Bank"). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

In connection with this application, Canadian Commercial Bank, Edmonton, Canada, and CCB Bancorp, Inc., Los Angeles, California, have each applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire indirect control of 40.12 percent or more of the voting shares of Westlands Bank.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the applications should submit views in writing to the Reserve Bank, to be received not later than March 23, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-5480 Filed 3-1-82; 8:45 am]

BILLING CODE 6210-01-M

GOLD COMMISSION

Notice of Meeting

Notice is hereby given that the Commission established pursuant to Pub. L. 96-389 to review the role of gold in the domestic and international monetary systems and report its findings and recommendations to the Congress, will meet in the Treasury Department Cash Room on Monday, March 8, 1982, beginning at 9:30 a.m. The meeting is open to the public.

Any comment or inquiry with respect to this notice can be addressed to Ralph V. Korp, Director, Office of International Monetary Affairs, U.S. Department of the Treasury, Washington, D.C. 20220, (202) 566-5365.

Dated: February 25, 1982.

Ralph V. Korp,

Director, Office of International Monetary Affairs, Department of the Treasury.

[FR Doc. 82-5465 Filed 3-1-82; 8:45 pm]

BILLING CODE 4810-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81D-0300]

Antimicrobial Drugs for Intramammary Infusion; Availability of Proposed Guideline; Open Meeting and Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces an open meeting to allow public discussion, and is extending the time for submitting comments, on a proposed revised guideline concerning the evaluation of antimicrobial drugs for intramammary infusion (infectious bovine mastitis) as related to target animal safety and effectiveness.

DATES: Comments by July 6, 1982. The meeting will be held on May 19, 1982, Conference Rm. J, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD, from 9 a.m. until approximately 4 p.m.

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

FOR FURTHER INFORMATION CONTACT: Terence Harvey, Bureau of Veterinary Medicine (HFV-2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3450.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 9, 1981 (46 FR 50152), FDA announced the availability of a proposed revised guideline (last revised in 1973) that describes the types of studies needed to establish target animal safety and

effectiveness of antimicrobial drugs for intramammary infusion for treatment and control of infectious bovine mastitis. The agency invited the submission of written comments on or before December 7, 1981. In the Federal Register of December 4, 1981 (46 FR 59309), the comment period was extended until February 5, 1982.

In a letter dated February 4, 1982 (on file with the Dockets Management Branch), the Animal Health Institute (AHI) requested that FDA extend the comment period for an additional 60 days and requested a meeting with the Bureau of Veterinary Medicine (BVM) to consider ways to reorganize and rewrite the guideline. After reviewing all the comments received, BVM believes it would be beneficial to hold an open meeting in which members of the Bureau and interested persons can exchange ideas about development of a practical and useful guideline. FDA will consider information presented at this meeting in developing the revised guideline.

In addition, interested persons may submit written comments on the proposed revision to the guideline to the Dockets Management Branch (address above) on or before July 6, 1982. Respondents should submit two copies (except that individuals may submit one copy) identified with the docket number found in the heading of this document. The guideline and received comments may be seen in the Dockets Management Branch from 9 a.m. to 4 p.m., Monday through Friday.

Dated: February 24, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-5456 Filed 2-25-82; 10:24 am]

BILLING CODE 4160-01-M

[Docket No. 82M-0036]

Avery Laboratories, Inc.; Premarket Approval of Model E-355F Spinal Epidural Electrode

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Model E-355F Spinal Epidural Electrode sponsored by Avery Laboratories, Inc., Farmingdale, NY 11735. After reviewing the recommendation of the Neurological Device Section of the Respiratory and Nervous System Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by April 1, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On July 9, 1981, Avery Laboratories, Inc., Farmingdale, NY 11735, submitted to FDA an application for premarket approval of the Model E-355F Spinal Epidural Electrode, a device used in conjunction with percutaneous electrical nerve stimulators to electrically stimulate the spinal cord in the treatment and management of chronic pain patients. The application was reviewed by the Neurological Device Section of the Respiratory and Nervous System Devices Panel, an FDA advisory committee, which recommended approval of the application. On February 2, 1982, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402) (address above). Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 1, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 24, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-5491 Filed 3-1-82; 8:45 am]

BILLING CODE 4160-01-M

Board of Tea Experts; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Board of Tea Experts

Date, time, and place. March 18 and 19, 10 a.m., Rm. 700, 850 Third Ave., Brooklyn, NY.

Type of meeting and contact person. Open public hearing, March 18, 10 a.m. to 11 a.m.; open committee discussion, March 18, 11 a.m. to 4:30 p.m., March 19,

10 a.m. to 4:30 p.m.; Robert H. Dick, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232, 212–965–5739.

General function of the Committee. The Board advises on establishment of uniform standards of purity, quality, and fitness for consumption of all teas imported into the United States pursuant to 21 U.S.C. 42.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Board.

Open committee discussion. Discussion and selection of tea standards.

The Commissioner approves the scheduling of meetings at locations outside of the Washington, DC area on the basis of the criteria of 21 CFR 14.22 of FDA's regulations relating to public advisory committees.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Section 10.210 (21 CFR 10.210) of FDA's procedural regulations requires FDA to give notice of the availability of reimbursement for participation and certain FDA proceedings including advisory committee meetings. However, on November 27, 1981, the United States Court of Appeals for the Fourth Circuit held that FDA does not have authority to reimburse public participants in its administrative proceedings. *Pacific Legal Foundation* v. *Goyan*, No. 80–1854 (4th Cir. November 27, 1981). Accordingly, reimbursement will not be available for participation in the proceedings described in this notice.

Dated: February 24, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–5492 Filed 3–1–82; 8:45 am]

BILLING CODE 4160–01–M

Public Advisory Committees; Request for Nominations for Voting Members

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on the Panel on Review of Allergenic Extracts in the Bureau of Biologics. A notice of reestablishment of this committee appears elsewhere in this issue of the **Federal Register.**

DATE: Nominations should be received by April 1, 1982.

ADDRESS: All nominations for membership must be sent to: Clay Sisk, Bureau of Biologics (HFB–5), Food and Drug Administration, 8800 Rockville Pike (Bldg. 29), Bethesda, MD 20205.

FOR FURTHER INFORMATION CONTACT: Clay Sisk, at the address given above (301–443–5455).

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for voting members on the Panel on Review of Allergenic Extracts. The function of the committee is to review and evaluate available data on the safety, effectiveness, and adequacy of labeling of currently marketed biological products for the diagnosis, prevention, or treatment of allergies and allergic diseases and advise the Commissioner of Food and Drugs on the affirmation or revocation of biological product licenses based on a current evaluation of the safety, effectiveness, and labeling of the products. The committee will have seven voting members and two nonvoting members. In the interests of efficiency and continuity, FDA intends to select as voting members those voting members of the original Panel on Review of Allergenic Extracts who are willing to serve on the new Panel. Three members of the original Panel have indicated their willingness to serve on the new Panel. The agency will consider the individuals nominated in response to this notice in selecting the remaining voting members. FDA intends to select as the nonvoting member representing consumer interests the same individual who served in this capacity on the original Panel on Review of Allergenic Extracts. The regulated industry may select the nonvoting industry representative and should notify the contact person listed above when this selection is made and who the industry representative will be.

Persons nominated for voting membership shall have adequately diversified experience appropriate to the work of the committee in one or more fields such as allergy, pediatrics, chronic respiratory diseases, immunology, internal medicine, microbiology, and related specialties. The specialized training and experience necessary to qualify the nominee as an expert suitable for appointment is subject to review, but may include experience in medical practice, teaching, and/or research relevant to the field of activity of the committee. The term of office is from the date of selection through December 31, 1983, unless the committee is renewed for an additional period of time by the Secretary of Health and Human Services.

Any interested persons may nominate one or more qualified persons for membership on the advisory committee. A complete curriculum vitae of the nominees shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by FDA to provide detailed information

concerning such matters as financial holdings, consultancies, and research grants or contracts to permit evaluation of possible sources of conflict of interest.

FDA has a special interest in assuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and therefore extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates.

This notice is issued under the Federal Advisory Committtee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14 relating to advisory committees.

Dated: February 12, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-5493 Filed 3-1-82; 8:45 am]

BILLING CODE 4160-01-M

Health Services Administration

List of Recipients of Indian Health Scholarships Under the Indian Health Scholarship Program

The regulations governing Indian Health Care Improvement Act Programs (Pub. L. 94–437) provides at 42 CFR 36.334 that the Indian Health Service shall publish annually in the **Federal Register** a list of recipients of Indian Health Scholarships, including the name of each recipient, school and tribal affiliation if applicable. These scholarships were awarded under authority of section 757 of the Public Health Service Act (42 U.S.C. 294y–1). The following is a list of Indian Health Scholarship recipients for Fiscal Year 1981:

Abe, Winifred, University of New Mexico, Navajo
Abeita, Esther, University of Hawaii at Manoa, Pueblo
Allery, Ronnie, University of North Dakota, Chippewa
American Horse, Cora, Grigham Young University, Navajo
Ami, Carletta June, Phoenix College, Hopi
Anderson, Ella Mae, University of Albuquerque, Navajo
Anderson, Mitchell, Northeastern State University, Choctaw
Anderson, Sharon, Cheyenne River Nursing Pgm, Sioux
Antone, Lenora, Charles Drew, Papago
Arbuckle, Katherine, University of Montana, Chippewa
Archuleta, Margaret, University of California, Paiute/Shoshone/Tewa
Arkie, Vaughan, University of Denver, Mohave
Armachain, William, Western Carolina University, Cherokee
Arthur, Lena, University of Montana, Chippewa
Ashley, Partick, University of Albuquerque, Navajo
Atcitty, Candace, Arizona State University, Navajo
Azure, Madonna, University fo North Dakota, Arickara
Azure, Vernon D University of North Dakota, Chippewa
Baptisto, Carolyn, Arizona State University, Chippewa
Barsness, Linda, University of Utah, Sioux
Barton, Michael, University of North Dakota, Navajo
Bear, Sue Ann, East Central OK State University, Creek/Seminole
Bear, Walletta, Massachusetts College of Pharmacy, Penobscot
Beatty, Beverly, University of Oklahoma, Apache
Beatty, Eileen, San Bernardino Valley College, Apache
Becenti, Sandra, University of New Mexico, Navajo
Begay, Martha, Marion College, Navajo
Begay, Natalie, California State University, Navajo
Begay, Lydia, University of Oklahoma, Navajo
Begay, Rita Weyrauch, University of California, Papago
Begaye, Louise, University of New Mexico, Navajo
Belanger, Alanna, College of St Scholastica, Chippewa
Belcourt, Daniel, University of Montana, Chippewa
Belcourt, Gordon, University of California, Blackfeet
Belcourt, Janet, University of Hawaii, Chippewa
Bell, Joseph, University of North Carolina, Lumbee
Bell, Michael, University of Oregon, Hopi
Beller, Barbara, American River, Sioux
Bellinger, Thomas, University of North Dakota, Eskimo
Bemo, Warren Lee, East Central OK State University, Seminole/Creek
Ben, Timothy, Mississippi State University, Choctaw
Benally, Dorothy, Bacone College, Navajo
Bender, Barry, University of North Dakota, Sioux
Bender, Le Ann, Mary College, Sioux
Bergen, Velina, University of Arizona, Navajo/Pima
Berrey, Katerhine, Arizona State University, Osage/Quapaw
Bigpond, Wendell, Tulsa University, Creek
Billedeaux, Louis, Brigham Young University, Blackfeet
Billy, Harrison, University of Arizona, Navajo
Black Lance, Julie, Indiana University, Sioux
Blankenship, Ronald, Western Carolina University, Cherokee
Bloom, Kelly Marie, Northern Arizona University, Taos/Paiute
Bluehouse, Orrin, Northern Arizona University, Navajo
Bockius, Melissa, University of Oklahoma, Osage
Boham, Randall, Montana State University, Chippewa
Bolinsky, Catherine, South Oklahoma City Jr. College, Kiowa
Boyiddle, Betty, South Oklahoma City Jr. Collete Blackfeet
Bradley, Cinda, University of Kansas, Cherokee
Brafford, Debra, California State University, Sioux
Brafford, Donald, California State University, Sioux
Brewington, Belinda, University of North Carolina, Lumbee
Brewster, Elmer, University of California, Paiute
Brooks, Carlotta, University of Wyoming, Chippewa
Brown (Freese), Teresa, University of Arizona, Cherokee
Brown, Lorraine, Tulsa Jr College, Sioux
Buckanaga, Sharon, Bemidji State University, Chippewa
Bullard, Wanda, East Carolina University, Lumbee
Burdette, Melinda, Maricopa Tech Comm College, Apache
Burgess, Rea, Northern Oklahoma College, Ponca
Burt, Rand, Northeastern State University, Cherokee
Buterin, Terenty, Anchorage Community College, Aleut
Callan, Thelma, Mesa Community College, Navajo
Castilla, Kim, University of North Dakota, Spokane/Winnebago
Chargin, Clarice, University of New Mexico, Hidatsa
Chavez, Elvira, University of New Mexico, Acoma Pueblo
Chavis, Lorrie, East Carolina University, Lumbee
Choate, Lymona, East Central OK State University, Choctaw
Christensen, Michael, University of North Dakota, Mandan/Hidatsa
Clark, Lynda, Portland Community College, Tsimpsian
Clay, Julie, University of Oklahoma, Omaha
Clayton, Jerdie, Central State University, Cheyenne
Clevenger, James, Central State University, Cherokee
Click, James, Oklahoma University, Creek
Coburn, Dugan, Oregon Institute of Technology, Blackfeet
Conlan, Christopher, Dartmouth Medical School, Seneca
Conlan, Marigold, College of St Catherine, Hopi-Miwok
Conter, Catherine, Eastern Montana, Crow
Coolbaugh, Roxanne, Spokane Community College, Chippewa
Crawford, Georgia, University of New Mexico, Navajo
Cropp, Thomas, East Central OK State University, Creek
Cucumber, Raymond, University of North Carolina, Cherokee
Cully, Harold, East Central OK State University, Creek/Seminole
Curley, Sylvia, University of New Mexico, Sioux
Cypress, Jeanette, University of Albuquerque, Seminole

Dale, Regena, Arizona State University, Navajo
Daney, Elizabeth, Eastern OK State College, Choctaw
Daniel, Lucy, Pima Community College, Papago
Danielson, James, University of Maryland, Cherokee
Danielson, Robert, George Mason University, Cherokee
Danielson, Thomas, Prince Georges Community College, Cherokee
Danny, Lorraine, Arizona State University, Navajo
Dause, Daniel, Oklahoma University, Cherokee
Dayzie, Bernadette, University of Arizona, Navajo
De Asis, Bernard, University of Arizona, Tlingit
De Costy, Patricia, Mohawk Valley Community College, Caddo
De Haas, Delores, University of Arizona, Sioux
De Montigny, Suzanne, Dartmouth College, Chippewa
De Vaney, Carol Ann, Chemeketa Community College, Eskimo
Decorse, Judith, Arizona State University, Quechan-Papago
Delaney, Henry, Southern Oregon State College, Klamath
Denetclaw, Deborah, New Mexico State University, Navajo
Deschenie, Maybelle, University of Albuquerque, Navajo
Detsoi, Fern, University of New Mexico, Navajo
Dial, Lydia, University of North Carolina, Lumbee
Dion, Donald, University of South Dakota, Crow Creek
Dodge, Marilyn, Mesa Community College, Hoopa
Douglas, Stan, Seminole Junior College, Creek
Dreadfulwater, JB, University of OK Health Sciences, Cherokee
Duganne, Martha, Texas Womans University, Seminole
Earl, Anita, Arizona State University, Navajo
Earl, Alta, University of NM Gallup Branch, Navajo
Ecoffey, Allen, University of Nebraska, Sioux
Ecoffey, Patricia, School of Radiologic Technology, Sioux
Eder, Kathy, Rocky Mountain College, Sioux
Ellery, Loren, Carroll College, Chippewa
Ellis, Karen, Yakima Valley Community College, Assiniboine
Epps, Donald, Florida State University, Lumbee
Eriacho, Johanna, New Mexico State University, Zuni
Etcitty, Theodora, Carroll College, Sioux
Eteeyan, William, Highland Community Jr College, Potawatomi
Everling, Linus, University of California, Chippewa
Falcon, Gary E., University of North Dakota, Chippewa
Faulkner, Martha, University of Oklahoma, Non Indian
Felter, Ernest, Northern Arizona University, Arapahoe
Fischer, Gloria, Mary College, Sioux
Flanagan, Ronal, Northeastern State University, Cherokee
Folster, Laddie, California State University, Sioux
Forrest, Poco Erin, University Reno Nevada, Paiute
Fowler, Renda, Navajo Community College, Navajo
Fox, Vickie (Mason), University of North Dakota, Arickara
Frank, Jo Ann, Mountain View College, Choctaw
Frank, Marth Kee, University of New Mexico, Navajo
Frank, Linda, University of New Mexico, Navajo
Franklin, Valerie, University of New Mexico, Navajo
Frazier, Madeline, University of Colorado, Pueblo
Frederick, Dennis, Presentation College, Cheyenne
Freese, Richard, University of Arizona, Non-Indian
French, Gary, Western Carolina University, Cherokee
Frost, Jean, University of Arizona, Navajo
Fulgham, Rebecca, University of Montana, Blackfeet
Gachupin, Rosalind, University of Arizona, Pueblo
Gallo, Roel, University of North Dakota, Comanche
Gano, Mary Susan, Skagit Valley College, Cherokee
Garcia, Lori, University of North Dakota, Chippewa
Garcia, Timothy, University of North Dakota, Pueblo
George, Bella, University of New Mexico, Navajo
Ghachu, Jolene, Brigham Young University, Zuni
Glenn, Kathleen, University of Oklahoma, Osage/Cherokee
Gomez, Myrna, University of Oklahoma, Wichita
Gourneau, Linda, University of North Dakota, 3 Affiliated
Gregory, Eric, University of Wyoming, Delaware
Grijalva, Edwin, University of California, Miwok
Guerriere, Sherry, University of Pennsylvania, Sioux
Gullickson, Janet, Mary College, Sioux
Hacker, Marlene, Hount Marty College, Sioux
Hall, Leslie, University of the Pacific, Maidu
Hansen, Shelley, University of Portland, Aleut
Harjo, Loretta, Sacramento City College, Pomo
Harjo, Lucille, University of Oklahoma, Creek
Harlan, Birdie, University of Oklahoma, Cherokee
Harrison, Carlene, Oscar Rose Jr. College, Navajo/Hopi
Harrison, Jane, Phoenix College, Navajo
Harwood, Donna, University of New Mexico, Blackfeet
Haukaas, Thomas, University of North Dakota, Sioux
Hawronsky, John, University of North Dakota, Chippewa
Henke, Margaret, University of North Dakota, 3 Affiliated
Hensley, Eloise, Casper College, Arapahoe
Herman, Linda Susan, South Dakota State University, Sioux
Hernandez, Marie, Phoenix College, Pima/Pueblo
Higby, Georgina, San Bernardino Valley College, Menominee
Hill, Sammy, East Central OK State University, Creek
Hill, Lucinda, University of Arizona, Navajo
Hockert, Melissa, St. Marys Jr. College, Chippewa
Homer, Judith, Scottsdale Community College, Pmeoda
Honanwaima, Mary, College of Santa Fe, Hopi
Hopper, Robert, University of North Dakota, Cherokee
Hopper, Melanie, Oklahoma State University, Choctaw
Howard, Reyes, University of New Mexico, Pueblo Isleta
Hubbard, Joseph, Arizona State University, Navajo
Huma, Violet Nita, University of Arizona, Hopi/Tewa
Humeyeatewa, Maggie, Fort Lewis College, Hopi
Humphrey, Lisa Gay, Oklahoma State University, Cherokee
Humphrey, Irene, University of Montana, Blackfeet
Hunt, Cassina, East Carolina University, Lumbee
Hunt, Peggy, Pembroke State University, Lumbee
Hunt, Wanda, East Carolina University, Lumbee
Innis, Emma, Phoenix College, Seneca
Isaacs, Barbara, East Central OK State University, Chickasaw
Jackson, Gayle, Northern Arizona University, Pima
Jackson, Robin, Collete of the Redwoods, Hoopa/Yurok
Jacobs, Ella May, University of Oklahoma, Creek
Jacobs, Karla, Troy State University, Lumbee
Janke, Wendy, College of St. Scholastica, Chickasaw
Jenkins, Patrick, University of Texas, Creek
Jewett, Lorraine, Cheyenne River Nursing PGM, Sioux
Jimerson, Crystal, Syracuse University, Sioux
Joe, Laverne, Northern Arizona University, Navajo
John, Sharon, Washington State University, Yakima
John, Barbara, Oklahoma University, Choctaw
Johnson, Dagne, Presentation College, Chippewa
Johnson, Doriann F., Pima Community College, Papago/Navajo
Johnson, Samuel, University of Oklahoma, Choctaw
Johnson, Sheila, Murray State College, Choctaw
Johnson, Virginia, University of Toledo, Cherokee
Johnson, Karen, Alexandria Area Voc Technical Inst., Brotherton
Johnson, Lena, University of New Mexico, Navajo
Johnson, Virginia, Western Carolina University, Cherokee
Johnston, Rosemary, Arizona State University, Hualapai

Johnston, Mary Ann, Fresno City College, Seminole
Jojola, Shirly, University of New Mexico, Pueblo
Jones, Patsy Ann, Sandhills Community College, Lumbee
Jones, Terry, (Inmed) Ohio State University, Cherokee
Jones, Jerri, Oklahoma Baptist University, Seminole
Kanouse, Charlotte, University of New Mexico, Navajo
Keoke, Emory, University of North Dakota, Sioux
Kinsley, Molly, Pima Community College, Papago
Kipp, Christine, Yakima Valley Community College, Yakima
Kohl, Cindy, University of Texas, Sioux
Koomsa, Elisa, American University, Kiowa
Koplin, Brett, Princeton University, Sioux
Kuper, Marjorie, Northeastern OK A & M College, Cherokee
Kurley, Charlene, University of New Mexico, Navajo
Kuwanhoyioma, Peggy, Northern Arizona University, Hopi/Papago
LaFernier, Richard, University of Wisconsin, Chippewa
LaMarr, Thomazine, Bacone College, Cherokee
LaPlante, Jay Paul, University of North Dakota, Blackfeet
Labelle, Brian, University of North Dakota, Sioux
Lambert, James, Northeastern OK State University, Cherokee
Lambert, Valerie, University of Washington, Assiniboine
Lane, Gloria, University of New Mexico, Navajo
Larson, Richard Lee, University of North Dakota, Chippewa
Larson, Rodney, University of North Dakota, Chippewa
Larvie, Aloysius, South Dakota State University, Sioux
Lazo, Ronald, Southeastern Louisiana University, Choctaw/Apache
LeBeau, Chase, Lilliam, St Joseph Mercy School, Sioux
LeBeau, Brenda, University of North Dakota, Sioux
LeCornu, Andre, Anchorage Community College, Haida
Leonardelli, Lynn, Cameron University, Delaware
Lewis, Madeline, PiMA Community College, Papago
Lipnick, Ronald, Oral Roberts University, Coyote
Livermont, Pauline, Cheyenne River Nursing PGM, Sioux
Locklear, Anthony, University of North Carolina, Lumbee
Locklear, Cynthia, Sandhills Community College, Lumbee
Locklear, Eric, University of North Carolina, Lumbee
Locklear, Lita, University of North Carolina, Lumbee
Locklear, Nan O. Lene, University of North Carolina, Lumbee
Long Tjaden, Laura Ann, University of Wyoming, Aparahoe
Long, Reno Micheal, University of North Dakota, Arapahoe
Long, Bernard, University of North Dakota, Sioux
Lookinglass, Rita, Arizona State University, Navajo
Lopez, Juan, Maricopa Tech Comm College, Papago
Lowery, Cornelia, East Carolina University, Lumbee
Lowery, Phyllis, Pembroke State University, Lumbee
Lowery, Jinnie, University of North Carolina, Lumbee
Lowery-Calvo, Cara, Portland State University, Lumbee
Lufkin, Eula Mae, East Central OK State University, Choctaw
Lujan, Ernestine, New Mexico State University, Pueblo
Lupe, Joy, Northern Arizona University, Apache
Lynch, Mavis, California State University, Cree
Mac Clain, Alma, Gonaga University, Colville
Mac Warren, Alice, Everett Community College, Siletz of Oregon
Maciel, Loraine, Mt San Jacinto Community College, Sobobo
Maggard, Florence, University of Nevada/Reno, Mi-Wok
Manica, Mary Kathryn, Mount Marty College, Sioux
Manuel, Frances, University of Arizona, Papago
Marcus, Erlinda, Mt San Jacinto College, Cahuilla
Mariano, Joanne, University of New Mexico, Acoma
Marshall, David P., University of Arizona, Cherokee/Creek
Marshall, Karen, East Carolina University, Lumbee
Martin, Gwen, University of New Mexico, Navajo
Martin, Karen, University of Arizona, Hopi
Martinez, Cleoves, University of New Mexico, Non-Indian
Mason, Verna, University of Texas at Arlington, Comanche
Mathis, Curtis, Northeastern State University, Cherokee
Maude, Sally Ann, California State University, Quechan
Maynor, Angela, University of North Carolina, Lumbee
McAdams, E. Lucille, University of Hawaii, Shoshone
McCabe, Kathy, Northern Arizona University, Navajo
McCoy, David, University of North Carolina, Chippewa
McCrary, Leesa, Northeastern OK State University, Cherokee
McKerry, Rosita, Navajo Community College, Navajo
McKinley, Laura, Arizona State University, Northern Ute
McSwain, Gayle, Loma Linda University, Mono
McThomas, Vivian, Phoenix College, Navajo
Mells, Colleen, Mary College, Sioux
Miezwa, Judith, University of North Dakota, Chippewa
Milane, Priscilla, Highland Community Jr. College, Zuni
Milane, Velda, University of New Mexico, Zuni
Miller, Mindy, East Carolina University, Lumbee
Mills, Brenda, S.D. School of Mines & Tech, Sioux
Mitchell, Marcinda, Oklahoma State University, Cherokee
Mitchell, Natalie, University of Maine, Penobscot
Mitchell, Robert, Oklahoma State University, Cherokee
Montes de Oca, Elouise, Haskell Jr. College, Klamath
Montgomery, Fermina, Fresno City College, Paiute
Moore, Caroline, University of Portland, Sioux
Morris, Stella, Fresno City College, Mono
Morrison, Sarah, Eastern OK State College, Creek
Morrison, Marjorie, University of New Mexico, Cheyene
Moseley, Jeanette, Montana State University, Blackfeet
Mouse, Joyce, Bacone College, Cherokee
Mowrer, Karla, South Dakota State University, Cheyenne
Myron, Clarence, University of New Mexico, Hopi
Nakai, Robert, University of California, Navajo
Nations, Elnora, Western Carolina University, Cherokee
Neal, Barbara, Oral Roberts University, Cherokee
Nephew, Mark, Springfield College, Cherokee
Neptune, Neana, Eastern Maine Vocational Tech Inst., Penobscott
Netterville, Juanita, Mary College, Sioux
Nez, Charity, University of Albuquerque, Navajo
Nuvamsa, Wanda, Mesa Community College, Pima
O'Connor, Rose, Montana State University, Chippewa
O'Rourke, Charlene, Phoenix College, Sioux
Olin, Rebecca, Yale University, Koyukuk
Olney, Arlene, Central Washington University, Yakima
Olney, Jeanne, Washington State University, Yakima
Olson, Donald, Oral Roberts University, Eskimo
Ondelacy, Loretta, University of Albuquerque, Navajo
Ortiz, Lorraine, Fresno City College, Navajo
Osborne, Shine Ray, Idaho State University, Shoshone
Otero, Beverly, Phoenix College—Maricopa, Sioux
Owle, Sue, Western Carolina University, Cherokee
Oxendine, Sandra, Sandhills Community College, Lumbee
Oxendine, Dwight, University of North Carolina, Lumbee
Paisano, Roberta, Northern Arizona University, Pueblo
Parker, Maria, Brigham Young University, Sioux
Parker, Myra, University of East Tennessee State, Cherokee
Parsons, Janelle, Seminole Jr College, Creek/Seminole
Pattea, Sandra, Scottsdale Community College, Mohave/Apache

Patterson, Nancy, Kansas Newman College, Cherokee
Pavatea, Myrna, Arizona State University, Hopi
Pearson, Betsy, Brown University, Choctaw
Pearson, Mark, Northeastern University, Choctaw
Peel, Kayla, Fayetteville Tech Institute, Seminole
Pete, Deanne, University of Oklahoma, Navajo
Peters, Irene, University of Oklahoma, Cherokee
Pfeifer, Mary, Northeastern University, Cherokee
Picotti, Wesley, James Madison University, Mandan/Hidatsa
Pierce, Cathy, Massachusetts, Nanticoke
Pierce, Rosalie, Mesa Community College, Papago
Pittman, Robert, University of Arizona, Sioux
Pittman, Russell, University of Arizona, Sioux
Plentyholes, Paul, Metro State College, Sioux
Polaco, Diane, College of Sante Fe, Chippewa/Minnesota
Porter, Linda, East Central OK State University, Cherokee
Powers, Yvonne Jean, Union College, Sioux
Powskey, Linda Mae, Maricopa Tech Comm College, Hualapai
Pratt, Regina, Maricopa Tech Comm College, Pima
Quade, Velas, Phoenix College, Apache
Queen, Kathryn, Southwestern Technical College Cherokee
Queen, Mary Jo, Brevard College, Cherokee
Queen, Steven, East Carolina University, Cherokee
Ramon, Leona, Southwestern State University, Navajo
Randall, Carol, Oglala Sioux Community College, Sioux
Rattler, Mickey, Western Carolina University, Cherokee
Raymond, Arthur, University of North Dakota, Sioux
Redhouse, Diane, Bacone College, Navajo
Redleaf, Betty, University of South Dakota, Non-Indian
Redwing, Lisa, University of Minnesota-Morris, Sioux
Reevis, Virginia, Yakima Valley College, Yakima
Riddles, Dorney, University of OK Health Sciences, Comanche
Riggs, Sarah, Arizona State University, Navajo
Ripley, David, University of North Dakota, 3 Affiliated
Roberts, Andrew, University of California, Sac & Fox
Rodriguez, Brenda, Idaho State University, Oneida
Romsa, Daniel, University of North Dakota, Blackfeet
Roosevelt, Leeann, Arizona State University, Apache
Rosas, Darlene, Cheyenne River Nursing Pgm, Sioux
Ross, Randall, Black Hills State College, Pawnee
Roth, Beverly, Portland State University, Tsimpsian
Roubidoux, Mary, Chaffey College, Kansas/Nebraska
Sage, Freida, Arizona State University, Navajo
Samis, Shellean, Murray State College, Choctaw
Sampson, Diane, Temple University, Lumbee
Sampson, Karen, University of North Carolina, Lumbee
Sanchez, Charlotte, Paris Jr College, Choctaw
Sandoval, Brenda, University of Albuquerque, Chippewa/Sioux
Sandoval, Katherine, New Mexico State University, Navajo
Savoy, Norma, University of Denver, Cheyenne
Schildt, Robin, Whitworth College, Blackfeet
Schweigman, Linda, Rapid City Regional Hosp, Navajo
Scott, Louella, Meridian Jr College, Choctaw
Sepeda, Catherine, Sacramento City College, Mi-Wok
Sepulvado, Donald, Catholic University of America, Apache
Seversen, Gordon, University of Colorado, Alaska Indian
Shije, Amadeo, New Mexico Highlands University, Pueblo
Shinn, Cynthia, Western Nevada Community College, Paiute
Sigana, Diane, College of St. Catherine, Chippewa
Sinclair, Linda, University of North Dakota, Blackfeet
Singer, Bobby, Northern Arizona University, Navajo
Skupien, Mary Beth, University of Michigan, Chippewa
Slack, Janet, College of Great Falls, Salish/Kootenai
Smith, Geraldine, University of Oklahoma, Cherokee
Smith, Donald Lee, Arizona State University, Sioux
Smith, Frances, Western Carolina University, Cherokee
Smith, Linda, Eastern Washington University, Peoria
Smith, Mary, Seattle University, Blackfeet
Smith, Nannie, University of Southern Mississippi, Choctaw
Solis, Miguelita, University of New Mexico, Pueblo
Sollars, Bridgette, University of Wyoming, Shoshone
Sprengler Wesley, Lois, Carroll College, Apache
St John, Janice, Dakota Wesleyan University, Sioux
Stamp, Juanita, Miles Community College, Arapahoe
Stanton, Terry, Rhode Island College, Narragansett
Starr, Patricia, Arizona State University, Navajo
Stars, Lorenzo, University of South Dakota, Sioux
Stetter, Maria, Regis College, Tigua Isleta
Storch, Catherine, Everett Community College, Menominee
Stubbs, Kathy, Oklahoma College of Osteopathic, Creek
Summers, Tracy, University of North Dakota, Sioux/Assiniboine
Sutter, Virginia Watan, University of Colorado, Arapahoe
Tahmahkera, Garrison, Arizona State University, Comanche
Tanniehill, Jean, Carroll College, Chippewa
Tapscott, Frances, Sandhills Community College, Lumbee
Taylor, Debra Lee, University of Montana, Blackfeet
Tenorio, Mary Frances, University of New Mexico, Pueblo
Thomas, Marilyn, Murray State College, Seminole/Creek
Thomas, Mark, Montana State University, Arapahoe
Thomas, Wilburn, Northeastern OK A & M College, Cherokee
Thomas, Gloria, University of Oklahoma, Winnebago
Thompson, Deborah, University of South Dakota, Sioux
Thompson, Joyce Ellen, Oklahoma University, Cherokee
Thompson, Renee, Connors State College, Cherokee
Tonemah, Beth, Mary College, Tuscarora
Townsend, Dennis, University of Arizona, Shoshone
Toyekoyah, Dawn, U of Science and Arts of OK, Keowa
Tsosie, Laverne, University of New Mexico, Navajo
Tsosie, Marlene, University of New Mexico, Navajo
Tsosie, Theresa, Brigham Young University, Navajo
Tutt, Michael, University of Arizona, Navajo
Tyler, Scott, University of North Dakota, Makah
Vallee, Marcia, East Central OK State University, Salish/Kootenai
Van Brunt, Kristy, University of Washington, Colville
Van Brunt, Bruce, Gonzaga University, Colville
Verny, Jann Carol, University of Washington, Tsimpsian
Vest, Lisa, Phoenix College, Pima
Vieux, Teresa, Seminole Jr College, Potawatomi
Vigil, Martin, College of Santa Fe, Pueblo
Vivier, Mercal Cook, University of California, Chippewa
Wakatani, Christine, Richard Daley City College, Creek
Walker, Amy, University of Tennessee, Cherokee
Walker, Anne, University of Hawaii at Manoa, Eskimo
Walker, David, Oscar Rose Jr College, Sac & Fox
Wall, Teresa, Arizona State University, Choctaw/Pima
Wallen, Carlyle, Phoenix College, Apache
Wallette, Janice, University of North Dakota, Chippewa
Walton, Peggy, University of New Mexico, Comanche
Wanya, Ramona, University of New Mexico, Acoma/Hopi
Warne, Beverly, Arizona State University, Oglala Sioux
Warren, Sheila, Everett Community College, Siletz
Watson, Jo Denise, East Central OK State University, Chickasaw
Wells, Kathryn, East Central OK State University, Choctaw
Werk, Diane, Northern Montana College, Arapahoe
Whirlwindhorse, Kevin, S.D. School of Mines & Tech, Sioux

White Temple, Emmett, University of North Dakota, Sioux
White, Leight, Russell Sage College, St Regis
Whiteplume, Burnett, University of Hawaii, Arapahoe
Whitford, Lisa, Montana State University, Chippewa
Whitman, Darrel, Colorado State University, Pima
Widenhouse, Ernest, Southern Missionary College, Cherokee
Wiley, Dorinda, University of Albuquerque, Apache-Hopi
Willburn, Sandra Jo, University of California, Wailaki/Wintu
Williams, Lori Marie, University of Montana, Sioux
Wilson, Timothy, University of North Dakota, Cheyenne
Withers, Ruth, University of Alaska, Aleut
Wood, Wanda, Hood College, Oneida
Wright, Richard, Southern Oregon State College, Klamath
Wyaco, Berlinda, Weber State College, Zuni
Yazzie, Martha, University of New Mexico, Navajo
York, Donna, Bacone College, Creek
Youst, Lauri, College of the Redwoods, Wintun
Yoyokie, Zelda, Northern Arizona University, Hopi
Ziegler, Donna, St Marys Jr College, Chippeaw
Zighami, Martha, South OK City Junior College, Choctaw
Zizzo, Neva Jean, Southwestern OK State University, Wichita

FOR FURTHER INFORMATION CONTACT:
Mr. Pierre Columbel, Indian Health Service, Parklawn Building, Room 6A–29, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: 301–443–5441.

Dated: February 19, 1982.

John H. Kelso,

Acting Administrator.

[FR Doc. 82-5518 Filed 3-1-82; 8:45 am]

BILLING CODE 4160-16-M

Public Health Service

Notice of Assessment of Medical Technology

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of non-invasive (transcutaneous) method of monitoring cardiac output by Doppler ultrasound in acute myocardial infarction or other cardiac 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 June 1, 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: February 10, 1982.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 82-5494 Filed 3-1-82; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AR 035766]

Arizona; Order Providing for Opening of Public Lands

February 19, 1982.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272, amended, 43 U.S.C. 315g) the following lands have been reconveyed to the United States:

Gila and Salt River Meridian, Arizona

That portion of sec. 20, T.13 N., R. 20 W., described as follows:

Parcel 1

Beginning at the east quarter corner of said section 23; thence southerly along the east line of said section 23 south 00°19'19" west 1,319.47 feet to the southeast corner of the northeast quarter of the southeast quarter; thence westerly along the south line of said northeast quarter of the southeast quarter north 89°40'04" west 1,320.41 feet to the southwest corner of said northeast quarter of the southeast quarter; thence northerly along the west line of said northeast quarter of the southeast quarter north 00°18'20" east 659.76 feet to the southeast corner of the northeast quarter of the northwest quarter of the southeast quarter; thence westerly along the south line of said northeast quarter of the northwest quarter of the southeast quarter north 89°40'00" west 660.29 feet to the southwest corner of said northeast quarter of the northwest quarter of the southeast quarter; thence northerly along the west line of said northeast quarter of the northwest quarter of the southeast quarter north 00°17'51" east 659.76 feet to the northwest corner of said northeast quarter of the northwest quarter of the southeast quarter; thence westerly along the south line of the north half of said section 23 north 89°39'57" west 660.39 feet to the center of said section 23; thence northerly along the west line of the east half of said section 23 north 00°17'22" east 616.39 feet to a point, said point also lies south 00°17'22" west 701.26 feet from the northwest corner of the southwest quarter of the northeast quarter, said point also being on a nontangent curve concave northeasterly having a radius of 5100.00 feet, a radial line of said curve at said point bears south 28°47'49" west, thence southeasterly along said curve through a central angle of 28°28'53" a distance of 2,535.17 feet; thence tangent to said curve south 89°41'04" east 209.80 feet to the point of beginning.

Parcel 2

Beginning at the southwest corner of the northeast quarter of northwest quarter of said section 23; thence northerly along the west line of said northeast quarter to the northwest quarter, north 00°18'15" east 325.16 feet to a point on a nontangent curve concave northeasterly having a radius of 5,100.00 feet, a radial line of said curve through said point bears south 47°40'19" west; thence southeasterly along said curve through a central angle of 05°11'44" a distance of 462.45 feet to a point on the south line of said northeast quarter of the northwest quarter, a radial line of said curve through said point bears south 42°28'35" west; thence westerly along said south line north 89°37'23" west 328.20 feet to the point of beginning.

The areas described aggregate approximatley 62.36 acres in Mohave County.

2. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 are hereby open to operation of the public land laws including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to March 31, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the

Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–3706).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–5525 Filed 3–1–82; 8:45 am]

BILLING CODE 4310–84–M

[2920 (14.33) OR 33224 9230/OR–08–5256]

Oregon; Public Land in Clackamas County; Modification of Realty Action Noncompetitive Occupancy Lease

February 19, 1982.

This notice will amend the original notice dated February 10, 1982. Transamerica Title Insurance Company has received sole interest in the improvements located on the land in:

T. 6 S., R. 2 E.,

Willamette Meridian, Oregon

Sec. 5, portion of SE¼NW¼.

Containing approximately 0.3 acre.

The proposed lessee for the non-competitive occupancy lease is changed from Associates Financial Services to Transamerica Title Insurance Company. All terms and conditions mentioned in the original notice will remain the same.

John D. Evans,

Acting District Manager.

[FR Doc. 82–5519 Filed 3–1–82; 8:45 am]

BILLING CODE 4310–84–M

[M 45991(SD)]

South Dakota; Conveyance of Public Lands, Lawrence County

February 18, 1982.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), the following described lands have been sold by noncompetitive sale to the Black Hills Chairlift Corporation, Lead, South Dakota:

Black Hills Meridian

T. 4 N., R. 2 E.,
Sec. 1, lots 9, 14, 15, 16, 17, 18, 19, 20, 21, and MS 997;
Sec. 12, lots 2 and 3.

Containing 17.81 acres.

The purpose of this notice is to inform the pubic and interested state and local governmental officials of the issuance of the conveyance document to the Black Hills Chairlift Corporation.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operation.

[FR Doc. 82–5521 Filed 3–1–82; 8:45 am]

BILLING CODE 4310–84–M

[U–48538]

Utah; Salt Lake District Realty Action—Land Exchange; Correction

In **Federal Register** January 21, 1982, Volume 47, No. 14, appearing on pages 3038, 3039 in the issue of Thursday, January 21, 1982 make the following addition on page 3039 to include reservation on lands to be transferred from the United States:

The patent will contain a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

Frank W. Snell,

Salt Lake District Manager.

[FR Doc. 82–5523 Filed 3–1–82; 8:45 am]

BILLING CODE 4310–84–M

[OR 11469 (WASH)]

Washington; Termination of Proposed Withdrawal and Reservation of Lands

Notice of Forest Service, U.S. Department of Agriculture, application OR 11469 (WASH) for withdrawal and reservation of lands was published as FR Doc. 74–13422 on page 20618 of the issue of June 12, 1974, and republished as FR Doc. 77–3464 on page 6915 of the issue of February 4, 1977, and as FR Doc. 81–37209 on page 63399 of the issue of December 31, 1981. The purpose of the proposed withdrawal was to protect the Hannegan Road and Whatcom Pass Trail Travel Influence Zones, and the following described lands were temporarily segregated from location and entry under the mining laws (30 U.S.C. Ch. 2):

Willamette Meridian

Mt. Baker National Forest

Hannegan Road (Forest Service Road No. 402) Travel Influence Zone A strip of land, 1,300 feet on each side of the surveyed centerline of said road from the west line of Lot 8 Sec. 31, T. 40. N., R. 9 E., to its terminus at Hannegan Campground in the NE¼SE¼, Sec. 35, T. 40 N., R. 9 E., through the following sections:

T. 39 N., R. 9 E.,
Sec. NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 4, N½, and N½S½;
Sec. 5, N½, and N½SE¼;
Sec. 6, N½NE¼.
T. 40., N., R. 9 E., partly unsurveyed,
Sec. 31, Lots 8, N½SE¼, and SE¼SE¼;
Sec. 32, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 33, S½SE¼;
Sec. 34, S½NE¼, SE¼NW¼, and S½;
Sec. 35, SW¼NE¼, W½SE¼NE¼, W½E½SE¼NE¼, S½NW¼, SW¼, W½SE¼, W½E½SE¼, and W½E½E½SE¼.

Whatcom Pass Trail (Forest Service Trail No. 674) Travel Influence Zone.

A strip of land 1,320 feet on each side of said existing trail is located on-the-ground from its beginning at the end of the Hannegan Road No. 402 in the NE¼SE¼, sec. 35, T. 40 N., R. 9 E., to where it enters the North Cascades National Park on the east line of the NE¼NE¼, sec. 8, T. 39 N., R. 10 E., through the following sections:

T. 39 N., R. 9 E., unsurveyed,
Sec. 1, NE¼, N½NW¼, SE¼NW¼, and N½SE¼.
T. 39 N., R. 10. E., unsurveyed,
Sec. 5, SW¼SW¼, and S½SE¼;
Sec. 6, SW¼NE¼, W½NW¼, SE¼NW¼, and S½;
Sec. 7, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 8, N½ SW¼, N½SE¼, and SW¼SE¼.
T. 40 N., R., 9 E., unsurveyed,
Sec. 35, E½E½SE¼NE¼, and E½E½E½SE¼;
Sec. 36, S½NW¼, SW¼, W½SE¼, and SE¼SE¼.

The areas described aggregate approximately 2,898 acres in Whatcom County, Washington.

The applicant agency has cancelled the application in its entirety therefore, pursuant to the regulations contained in 43 CFR 2310.2–1(c), the above described lands will be relieved of the above-mentioned segregative effect at 7:30 a.m., on April 9, 1982.

Dated: February 23, 1982.

Leland D. Morrison,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–5522 Filed 3–1–82; 8:45 am]

BILLING CODE 4310–84–M

[W–5697]

Wyoming; Termination of Classification of Public Lands for Multiple-Use Management and Mineral Segregation

February 22, 1982.

1. On November 8, 1967, (FR Vol. 32, No. 217, Pages 15552 and 15553), the public lands described in the notice aggregating 1,300,356 acres, were classified for multiple-use management under the Act of September 19, 1964, and segregated as follows: (a) All the described lands from appropriation under the agricultural lands laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334), and from sales under section 2455 of the Revised Statutes 28 Stat. 687, (formerly U.S.C. 1171); (b) the public lands described in paragraph 4 of the notice

were further segregated from appropriation under the general mining laws (30 U.S.C. 21).

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under paragraph 1 above, is hereby terminated. This action will restore all of the lands to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

3. The lands described in paragraph 4 of the notice, which were further segregated from appropriation under the general mining laws (30 U.S.C. 21), will be open to location under the United States mining laws at 10:00 a.m. on April 6, 1982, subject to valid existing rights. The lands aggregate approximately 23,113 acres in Uinta and Sublette Counties, Wyoming.

4. The lands have been and will continue to be open to the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, P.O. Box 1828, Cheyenne, Wyoming 82003.

F. William Eikenberry,

Associate State Director.

[FR Doc. 82-5520 Filed 3-1-82; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 19, 1982. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 17, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

ALABAMA

ANTEBELLUM HOMES IN EUTAW THEMATIC RESOURCES. Reference—see individual listings under Greene County.

Calhoun County

Anniston, *Berman House,* 1307 Quintard Ave.

Greene County

Eutaw, *Anthony, David Rinehart, House (Antebellum Homes in Eutaw Thematic Resources)* 307 Wilson Ave.

Eutaw, *Braune, Gustave, House (Antebellum Homes in Eutaw Thematic Resources)* 236 Prairie St.

Eutaw, *Cockrell, Samuel W., House (Antebellum Homes in Eutaw Thematic Resources)* 210 Wilson St.

Eutaw, *Davis, Attoway R., House (Antebellum Homes in Eutaw Thematic Resources)* 305 Main St.

Eutaw, *Elliott, John W., House (Antebellum Homes in Eutaw Thematic Resources)* 244 Prairie St.

Eutaw, *Elliott, John W., House (Antebellum Homes in Eutaw Thematic Resources)* 244 Prairie St.

Eutaw, *Garconniere of James B. Clark House (Antebellum Homes in Eutaw Thematic Resources)* 400 Mesopotamia St.

Eutaw, *Gray, Rev. John H., House (Antebellum Homes in Eutaw Thematic Resources)* 709 Mesopotamia St.

Eutaw, *Gullett, Benjamin D., House (Antebellum Homes in Eutaw Thematic Resources)* 317 Main St.

Eutaw, *Hale, Stephen Fowler, House (Antebellum Homes in Eutaw Thematic Resources)* 223 Wilson St.

Eutaw, *Jones, William C., House (Antebellum Homes in Eutaw Thematic Resources)* 507 Mesopotamia St.

Eutaw, *Meriwether, Dr. Willis, House (Antebellum Homes in Eutaw Thematic Resources)* 243 Wilson Ave.

Eutaw, *Perkins, William, House (Antebellum Homes in Eutaw Thematic Resources)* 89 Spencer St.

Eutaw, *Pippen, Littleberry, House (Antebellum Homes in Eutaw Thematic Resources)* 431 Springfield St.

Eutaw, *Reese, Edwin, House (Antebellum Homes in Eutaw Thematic Resources)* 244 Wilson Ave.

Eutaw, *Roberts, Charles L., House (Antebellum Homes in Eutaw Thematic Resources)* 303 Washington Ave.

Eutaw, *Schoppert, Phillip, House (Antebellum Homes in Eutaw Thematic Resources)* 230 Prairie St.

Eutaw, *Steele, Richard G., House (Antebellum Homes in Eutaw Thematic Resources)* 1155 Mesopotamia St.

Eutaw, *Vaughan, Iredell, P., House (Antebellum Homes in Eutaw Thematic Resources)* 409 Wilson St.

Eutaw, *Webb, William Peter, House (Antebellum Homes in Eutaw Thematic Resources)* 401 Main St.

Eutaw, *White, Asa, House (Antebellum Homes in Eutaw Thematic Resources)* 314 Mesopotamia St.

Eutaw, *Wilson, Catlin, House (Antebellum Homes in Eutaw Thematic Resources)* 237 Wilson Ave.

Eutaw, *Wright, Daniel R., House (Murphy-Dunlop House) (Antebellum Homes in Eutaw Thematic Resources)* 501 Pickens St.

Eutaw vicinity, *Coleman, John, House (Grassdale) (Antebellum Homes in Eutaw Thematic Resources)* 1160 Mesopotamia St.

Eutaw vicinity, *Glenville (Jincy P. Glenn House) (Antebellum Homes in Eutaw Thematic Resources)* 200 Scears St.

Eutaw vicinity, *Herndon-Liverman House (Antebellum Homes in Eutaw Thematic Resources)* 822 Mesopotamia St.

Eutaw vicinity, *Murphy, Samuel R., House (Antebellum Homes in Eutaw Thematic Resources)* 1150 Mesopotamia St.

Eutaw vicinity, *Rogers, William A., House (Antebellum Homes in Eutaw Thematic Resources)* 1149 Mesopotamia St.

Jefferson County

Birmingham, *Empire Building,* 1928 1st Ave., N.

CALIFORNIA

Orange County

Orange, *Plaza Historic District,* Roughly bounded by Maple and Almond Aves., Orange and Olive Sts.

COLORADO

Larimer County

Estes Park vicinity, *Rocky Mountain National Park Utility Area Historic District,* Beaver Meadows Entrance Rd.

ILLINOIS

Calhoun County

Michael vicinity, *Klunk, Michael, Farmstead*

Coles County

Mattoon, *Unity Church,* 2200 Western Ave.

Fayette County

Vandalia, *First Presbyterian Church,* 301 W. Main St.

Greene County

Eldred vicinity, *Columbiana Archeological Site (Ge 90)*

Kane County

Aurora, *Graham Building,* 33 S. Stolp Ave.

Aurora, *Masonic Temple,* 104 S. Lincoln Ave.

Batavia, *First Methodist Church of Batavia,* 355 1st St.

Lee County

Dixon, *Reagan's, Ronald, Boyhood Home,* 816 S. Hennepin Ave.

Madison County

Alton, *Rutherford House,* 1006 Pearl St.

McLean County

Ellsworth vicinity, *Bane, Warren, Site (M1-5)*

Peoria County

Peoria, *Gale, Judge Jacob, House,* 403 NE. Jefferson St.

Peoria, *Peoria Cordage Company*

Will County

Peotone, *Rathje, H. A., Mill,* 433 W. Corning Ave.

Winnebago County

Rockford, *Svea Music Hall,* 326 7th St.

MICHIGAN

Bay County

Bay City, *Bay County Building,* 515 Center Ave.

Houghton County

South Range, *Kaleva Temple,* Trimountain Ave.

Lenawee County

Adrian vicinity, *Raisin Valley Friends Meetinghouse*, 3552 N. Adrian Hwy.

Oakland County

Orchard Lake, *Orchard Lake Schools Historic District*, Indian Trail

Ottawa County

Grand Haven, *Ferry, Edward P., House*, 514 Lafayette St.

Washtenaw County

Ann Arbor, *Hoffstetter, Jacob, House*, 322 E. Washington St.
Ann Arbor, *Methodist Episcopal Church Parsonage*, 322 E. Washington St.

Wayne County

Detroit, *Boydell, William C., House*, 4614 Cass Ave.
Detroit, *State Savings Bank*, 151 W. Fort St.

MINNESOTA

Carver County

Chanhassen, *St. Hubertus Catholic Church*, Great Plains Blvd. and W. 78th St.

Olmsted County

Chatfield, *White, Milo, House (Hazelwood)* 122 Burr Oak St.
Rochester, *Avalon Hotel*, 301 N. Broadway
Rochester vicinity, *Mayowood Historic District*, SR 125.

Pope County

POPE COUNTY MULTIPLE RESOURCE AREA. This area includes: Glenwood, *Fremad Association Building (Pope County State Bank Building)* 2—22 S. Franklin St.; *Glenwood Public Library*, 108 SE. 1st Ave.; *Pope County Courthouse*, E. Minnesota St.; Glenwood vicinity, *Sunset Beach Hotel*, SR 17 (published as pending 1–26–82); *Terrace Mill Historic District*, Skarpness Rd. and SR 21 (previously listed in the National Register 7–17–79); *Terrace Historic District*, Off MN 104 (expansion of Terrace Mill Historic District); Lowry, *Lowry Public School*, Florence Ave. and Maple St.; Sedan vicinity, *Iverson, Urjans, Cabin*, Off MN 104 (published as pending 1–26–82); Starbuck, *Minnewaska Hospital*, Wollan and 5th Sts.; Villard vicinity, *Pennie, Daniel, House*, SR 27

Ramsey County

St. Paul, *St. Paul Womens' City Club*, 305 St. Peter St.

MISSISSIPPI

Adams County

Natchez, *Brandon, Gerard, IV House, 708 N. Union St.*
Natchez vicinity, *Cedar Grove*, SE of Natchez
Washington vicinity, *Warren-Erwin House*, Palestine Rd.

Amite County

Centreville vicinity, *Sunnyslope*, NE of Centerville

Warren County

Vicksburg, Anchuca, *1010 1st E. St.*
Vicksburg, *Walnut Hills*, 1214 Adams St.

Wilkinson County

Centreville vicinity, *Forest Home Plantation*, SW of Centreville

MISSOURI

St. Louis (independent city) Hotel Statler, 822 Washington Ave. *Lincoln Trust Building*, 706 Chestnut St.

NEW HAMPSHIRE

Grafton County

Bethlehem, *Burt-Cheney Farm*, U.S. 302

OKLAHOMA

Alfalfa County

Cherokee, *Hotel Cherokee*, 117 W. Main St.

Bryan County

Durant, *Bryan Hotel*, 101 W. Main St.

Choctaw County

Hugo vicinity, *Everidge Cabin and Cemetery*, SR

Coal County

Coalgate vicinity, *Gassaway, Percy L., House*, NW of Coalgate

Creek County

Drumright, *First United Methodist Church of Drumright*, 115 N. Pennsylvania Ave.
Drumright vicinity, *Barnett, Jackson, No. 11 Oil Well*, S of Drumright
Oilton, *First Baptist Church*, 109 E. Main St.
Sapulpa, *Crothers, James I., House*, 618 S. Main St.

Lincoln County

Chandler, *Clapp-Cunningham Building*, 1021–1025 Manvel Ave.

Oklahoma County

Oklahoma City, *Farmers Public Market*, 311 S. Klein St.

Payne County

Yale, *First Baptist Church*, 303 E. Boston St.

Seminole County

Sasakwa, *Brown, Alice, House*, Chestnut St.

SOUTH CAROLINA

Abbeville County

Due West, *Erskine College-Due West Historic District, Main*, Church, College, Bonner, Hayne, Washington, Cleveland, Depot and Abbeville Sts.

Aiken County

Aiken, *Willcox's* Colleton Ave.

Charleston County

McClellanville, *McClellanville Historic District*, S. Pinckney, Lofton, Charlotte, Church, Water, Oak, Venning, Legare, Morrison and Scotia Sts.

Greenville County

Greer vicinity, *Barnwell, Arthur, House*, S of Greer on SR 14

Kershaw County

Camden, *Kendall Mill Historic District*, Roughly bounded by RR tracks, Kendall Lake, Lakeshore Dr., McRae Rd., and Haile St.

Newberry County

Chappells vicinity, *Moon-Dominick House*, NE of Chappells

Oconee County

Newry, *Newry Historic District*, Broadway, River Ridge Rd., South, Branch, and Palmeto Aves.

Orangeburg

Eutawville vicinity, *Numertia Plantation*, E of Eutawville

TENNESSEE

Loudon County

Lenoir City, *Lenoir City Company*, Depot St.

Shelby County

Memphis, *Calvary Episcopal Church and Parish House*, 102 N. 2nd St.

TEXAS

Chambers County

Wallisville, *Old Wallisville Town Site (Wallisville 41Ch228, 41CH237–241, and 41CH243)* I 10

WASHINGTON

Missions in Stevens County Thematic Resources. Reference—see individual listings under Stevens County.

Jefferson County

Port Townsend, *Gagen-Sherlock House*, 1906 Cherry St.

Okanogan County

Winthrop, *Waring, Guy, Cabin (The Castle)* 285 Castle Ave.

Pierce County

Eatonville, *Galbraith, John, House*, 140 Oak St. E.
Tacoma, *Thornewood*, Manor House, 8601 N. Thorne Lane, SW., Carriage House, 4 Tornewood Lane, SW., Gatehouse, 8307 N. Thorne Lane, SW.

Snohomish County

Lynnwood, *Keeler's Korner*, 16401 U.S. 99

Stevens County

Chewelah, *St. Francis Regis Mission Cemetery (Missions in Stevens County Thematic Resources)* Old Valley Ave.
Ford vicinity, *Tshimakain Mission Site (Missions in Stevens County Thematic Resources)* NE of Ford
Kettle Falls vicinity, *Pia Mission (Missions in Stevens County Thematic Resources)* Kelly Hill and Barstow Rd.
Kettle Falls vicinity, *St. Francis Regis Mission Site (Missions in Stevens County Thematic Resources)* U.S. 395
Kettle Falls vicinity, *St. Paul's Mission (Missions in Stevens County Thematic Resources)* (previously listed in the National Register in Kettle Falls District 11–20–74)

WISCONSIN

Eau Claire County

Eau Claire, *Walter-Heins House*, 605 N. Barstow St.

St. Croix County

Boardman vicinity, *Lewis Farmhouse*, Farm Dr.

[FR Doc. 82-5545 Filed 3-1-82; 8:45 am]

BILLING CODE 4310-71-M

National Register of Historic Places; Notification of Pending Nominations

Nomination of the following historic district for listing in the National Register of Historic Places was received by the National Park Service February 22, 1982. Waiver of the 15-day public commenting period following this publication is necessary in order to list the district before March 15, 1982. Listing of the district by this date will allow owners of two of the buildings within the district to qualify for preservation tax incentives under provisions of the Economic Recovery Tax Act of 1981 and assist the developers in meeting a deadline for securing financing of the project. The Michigan State Historic Preservation Officer has stated that the project is of considerable importance in the preservation of the historic district and particularly the two buildings which will undergo rehabilitation. Waiver of the public commenting period will allow timely listing which is necessary to aid in the preservation of properties within this historic district.

Carol D. Shull,

Acting Keeper of the National Register.

MICHIGAN

Kent County

Grand Rapids, *Heartside Historic District*, Division, Commerce, and Ionia Aves. Fulton, Weston, Oakes and Cherry Sts

[FR Doc. 82-5546 Filed 3-1-82; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Lands Reclamation Program

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

ACTION: Notice of availability of Finding of No Significant Impact (FONSI) addressing Environmental Assessments (EAs) for development of twenty-two (22) abandoned mine land projects under the Commonwealth of Virginia Reclamation Plan.

SUMMARY: OSM, has prepared Environmental Assessments on 22 projects included in the Federal Grant Application submitted by the Commonwealth of Virginia to the Office of Surface Mining.

A Finding of No Significance Impact (FONSI) has been made on the twenty-two (22) reclamation projects indicated below and included in the grant application developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231-1234.

ADDRESS: Copies of the EAs and FONSI are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:00 p.m.: Office of Surface Mining, Region I, U.S. Department of the Interior, 603 Morris Street, Charleston, West Virginia 25301.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Assistant Regional Director, Division of Abandoned Mine Lands, Office of Surface Mining, U.S. Department of the Interior, 603 Morris Street, Charleston, West Virginia 25301; Telephone: 304/342-8125.

SUPPLEMENTARY INFORMATION: Reclamation Projects included in FONSI by county:

Buchanan County

—Jewell Valley gob pile No. 1, Rt. 638,
—Gob pile No. 2, Jewell Valley,
—Gob pile No. 1, Roseann,
—Gob pile and tipple, Roseann,
—Levisa Fork Tipple, Grundy,
—Swan Fork landslide, Hurley,
—Paw Paw landslide, Kelsa,
—Mill Branch landslide, State Route 666 near U.S. 460,
—Fox Creek landslide, State Route 619 near Leemaster,

Wise County

—Impoundment and landslide, Inman,
—No. 2 refuse pile, Inman,
—Surface mine, Dixiana,
—Deep mines No. 1 and 2, Derby,
—Sedimentation, Bold Camp,
—Dry Fork Coeburn,
—Straight Hollow refuse area, Dante,
—Meade Fork refuse pile, Routes 83 and 632,

Tazewell County

—Boisse Vain refuse area, Pocahontas,
—Townhill tipple, Richlands,

Dickenson County

—Crabtree Fork sedimentation, State Route 633,

Lee County

—Driftwood landslide, Pennington Gap,

Russell County

—Lynn Springs deep mine, Route 732 near Dye.

Dated: February 24, 1982.

Thomas M. Butler,

Acting Director, Office of Surface Mining.

[FR Doc. 82-5548 Filed 3-1-82; 8:45 am]

BILLING CODE 4310-05-M

Abandoned Mine Land Reclamation Program; Kentucky

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

ACTION: Receipt of the abandoned mine land reclamation (AML) grant application from the State of Kentucky.

SUMMARY: On January 5, 1982, the State of Kentucky submitted to OSM its proposed abandoned mine land reclamation grant application under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State grant application. The grant will not be approved until the Secretary has approved the Title V Regulatory Program and the Title IV Reclamation Program.

DATES: Written comments on the application must be received on or before 5:00 p.m. April 1, 1982.

ADDRESS: Copies of the full text of the proposed Kentucky application are available for review during regular business hours at the following locations: Office of Surface Mining Reclamation and Enforcement, Region II, 530 Gay Street, Suite 500, Knoxville, Tennessee.

Written comments should be sent to: W. Hord Tipton, Acting Regional Director, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street, Suite 500, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Assistant Regional Director, AML, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street, Suite 500, Knoxville, Tennessee 37902; (615) 637-8060.

SUPPLEMENTARY INFORMATION: On May 29, 1981, a State reclamation plan was submitted to the Secretary. Action by the Secretary on the Reclamation Plan has been delayed because Kentucky does not have an approved State regulatory program under Title V of SMCRA and was enjoined from submitting its program. Under Section 405(c) of the SMCRA, the Secretary connot approve a State abandoned mine land reclamation program unless that State has an approved State regulatory program pursuant to Section 503 of the SMCRA.

On January 5, 1982, OSM received an AML reclamation grant application from the State of Kentucky.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, established an Abandoned Mine Land Reclamation Program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State and Federal law.

Each State having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA may submit to the Secretary a State reclamation grant application to implement the provisions of the approved State Reclamation Plan.

Grants may be issued only to States with an approved Title V Regulatory Program for active mine reclamation and an approved Title IV Reclamation Program. The grant application received from the State of Kentucky will be reviewed and held pending a final approval by the Secretary on the State of Kentucky Title V and Title IV programs in accordance with SMCRA.

This notice describes the nature of the proposed projects and sets forth information concerning public participation in the development of the projects. This publication does not represent any decision by the Secretary on the Title V Regulatory Program or the Title IV Reclamation Program but is published solely for the purpose of expediting the review process and the implementation of the reclamation program if the State of Kentucky Title V and Title IV programs are approved.

All written comments must be mailed or hand carried to the Regional Director's Office above.

The Regional Director has found that the State has given the public adequate notice and opportunity to comment in public hearings, and the record of such hearings does not reflect major unresolved controversies.

The comment period will close at 5:00 p.m. on April 1, 1982. Comments received after that time will not be considered. During the comment period representatives of the Regional Director's office will be available to meet between 8:00 a.m. and 4:00 p.m. at the request of members of the public to receive their advice and recommendations concerning the proposed State AML reclamation application.

Persons wishing to meet with representatives of the Regional Director's Office during this time period may place such requests with William Bradford, Public Information Officer, telephone 615/971–5237, at the Regional Director's office above.

Meetings may be scheduled between 9 a.m. and noon and 1 p.m. and 4 p.m. Monday through Friday excluding holidays at the Regional Director's office.

The Director intends to continue to discuss the State's application with representatives of the State throughout the review process.

In order to comply with the requirements of the National Environmental Policy Act, OSM will assess the environmental effects of all State reclamation projects. The primary basis for this assessment will be the environmental information provided in the project grant application.

The Director has determined that this is not a significant issue within the meaning of 43 CFR Part 14 and no regulatory analysis is being prepared on the Director's decision relating to the AML grant application.

The Kentucky AML Reclamation Grant Application can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.
2. Views of other Federal agencies have been solicited and considered.
3. The application meets all the requirements of the OSM, AML reclamation program provisions and the required Federal circulars.
4. The State has an approved regulatory program and an approved State reclamation plan.

The following constitutes a summary of the contents of the submission:

1. Designation of authorized State Agency to administer the program,
2. Objectives and need for the assistance,
3. Project ranking and selection,
4. Coordination with other reclamation programs,
5. Results and benefits expected,
6. Plan of action pertaining to the scope,
7. Monthly or quarterly projections of accomplishments to be achieved,
8. Kinds of data to be collected and maintained,
9. Criteria used to evaluate the results and success of the projects,
10. Key individuals to be employed,
11. Precise location of the project and area to be served,
12. Budgetary calculations for each project,
13. Description of the public's participation in planning and preparation of the grant application,
14. A complete environmental assessment for each project.

Dated: February 24, 1982.

Thomas M. Butler,

Acting Director, Office of Surface Mining.

[FR Doc. 82–5648 Filed 3–1–82; 8:45 am]

BILLING CODE 4310–05–M

Abandoned Mine Land Reclamation Program; Montana

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

ACTION: Receipt of the abandoned mine land reclamation (AML) grant application from the State of Montana.

SUMMARY: On December 14, 1981, the State of Montana submitted to OSM a proposed abandoned mine land reclamation grant application under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adquacy of the State grant application.

DATES: Written comments on the application must be received on or before 5:00 p.m. April 1, 1982.

ADDRESS: Copies of the full text of the proposed Montana grant application are available for review during regular business hours at the following locations: Office of Surface Mining Reclamation and Enforcement, Wyoming State Office, 935 Tendell Blvd. (Freden Bldg.), Mills, Wyoming.

Written comments should be sent to: Bill Thomas, State Director, Office of Surface Mining Reclamation and Enforcement, P.O. Box 1420, Mills, Wyoming 82644.

FOR FURTHER INFORMATION CONTACT: Bill Thomas, State Director, Office of Surface Mining Reclamation and Enforcement, Same address as above, Telephone (307) 265–5550 x5776.

SUPPLEMENTARY INFORMATION: On December 14, 1982, OSM received an abandoned mine reclamation grant application from the State of Montana. The purpose of this submission is to implement the State reclamation program as codified in 30 CFR, Chapter VII, Subchapter T, Part 926 as published in the **Federal Register** 45 FR 70445 on October 24, 1980.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA),

Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an Abandoned Mine Land Reclamation Program for the purpose of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continung reclamation responsiblity under State and Federal law.

Each State having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA may submit to the Secretary a State reclamation grant application to implement the provisions of the approved State Reclamation Plan. Grants may be issued only to States with an approved Title V Regulatory Program for active mine reclamation and an approved Title IV State Reclamation Plan.

A State Reclamation Plan for Montana was submitted to the Secretary on June 16, 1980 and approved on October 24, 1980 which demonstrated the capability of the State to administer an abandoned mine reclamation program in accordance with Title IV of SMCRA. In approving the State Plan the Secretary determined that the State had the necessary legislation to implement the provisions of the Plan.

This notice describes the nature of the proposed projects and sets forth information concerning public participation in the Director's determination of whether or not the submitted application should be approved.

The receipt of the application will result in the implementation of approved projects for the reclamation of abandoned mine lands in Montana.

All written comments must be mailed or hand carried to the State Director's Office above.

The Director has found that the State has given the public adequate notice and opportunity to comment in public hearings, and the record of such hearings does not reflect major unresolved controversies.

The comment period will close at 5:00 p.m. on April 1, 1982. Comments received after that time will not be considered. During the comment period representatives of the State Director's office will be available to meet with the public to receive their advice and recommendations concerning the proposed State AML reclamation grant application.

Persons wishing to meet with representatives of the State Director's office during this time period may place such request with Bill Thomas, State Director, telephone 307/265–5550 x5776 at the State Director's office above.

Meetings may be scheduled between 9 a.m. and noon and 1 p.m. and 4 p.m. Monday through Friday excluding holidays at the State Director's office.

The Director intends to continue to discuss the State's application with representatives of the State throughout the review process.

In order to comply with the requirements of the National Environmental Policy Act, OSM will assess the environmental effects of all State reclamation projects. The primary basis for this assessment will be the environmental information provided in the project grant application.

The Director has determined that this is not a significant rule within the meaning of 43 CFR Part 14 and no regulatory analysis is being prepared on the Director's decision relating to the AML grant application.

The Montana AML Reclamation Grant Application can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The application meets all the requirements of the OSM, AML reclamation program provisions and the required Federal circulars.

4. The State has an approved regulatory program and an approved State reclamation plan.

The following constitutes a summary of the contents of the submission:

1. Designation of an authorized State Agency to administer the program,

2. Objectives and need for the assistance,

3. Project ranking and selection,

4. Coordination with other reclamation programs,

5. Results and benefits expected,

6. Plan of action pertaining to the scope,

7. Monthly or quarterly projections of accomplishments to be achieved,

8. Kinds of data to be collected and maintained,

9. Crirteria used to evaluate the results and success of the projects,

10. Key individuals to be employed,

11. Precise locations of the project and area to be served,

12. Budgetary calculations for each project,

13. Description of the public's participation in planning and preparation of the grant application,

14. A complete environmental assessment for each project.

Dated: February 23, 1982.

Thomas M. Butler,

Acting Director, Office of Surface Mining.

[FR Doc. 82–5654 Filed 3–1–82; 8:45 am]

BILLING CODE 4310–05–M

Abandoned Mine and Land Reclamation Program; Virginia

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

ACTION: Receipt of the abandoned mine land reclamation (AML) grant application from the State of Virginia.

SUMMARY: On January 8, 1982, the State of Virginia submitted to OSM its proposed abandoned mine land reclamation grant application under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State grant application.

DATES: Written comments on the application must be received on or before 5:00 p.m. April 1, 1982.

ADDRESS: Copies of the full text of the proposed Virginia grant application are available for review during regular business hours at the following locations: Office of Surface Mining Reclamation and Enforcement, Region I, 603 Morris Street, Charleston, West Virginia.

Written comments should be sent to: Patt Boggs, Regional Director, Office of Surface Mining Reclamation and Enforcement, Same address as above.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Assistant Regional Director, AML, Office of Surface Mining Reclamation and Enforcement, Same address as above; (717) 823–0563.

SUPPLEMENTARY INFORMATION: On January 8, 1982, OSM received an abandoned mine reclamation grant application from the State of Virginia. The purpose of this submission is to implement the State reclamation program as codified in 30 CFR, Chapter VII Subchapter T, Part 946 as published in the **Federal Register** 46 FR 61085 on December 15, 1981.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an Abandoned Mine Land Reclamation Program for the purpose of reclaiming and restoring land and water resources adversely affected by past

mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State and Federal law.

Each State having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA may submit to the Secretary a State reclamation grant application to implement the provisions of the approved State Reclamation Plan. Grants may be issued only to States with an approved Title V Regulatory Program for active mine reclamation and an approved Title IV State Reclamation Plan.

A State Reclamation Plan for Virginia was submitted to the Secretary on September 22, 1980 and approved on December 15, 1981 which demonstrated the capability of the State to administer an abandoned mine reclamation program in accordance with Title IV of SMCRA. In approving the State Plan the Secretary determined that the State had the necessary legislation to implement the provisions of the Plan.

This notice describes the nature of the proposed projects and sets forth information concerning public participation in the Director's determination of whether or not the submitted application should be approved.

The receipt of the application will result in the implementation of approved projects for the reclamation of abandoned mine lands in Virginia.

All written comments must be mailed or hand carried to the Regional Director's Office above.

The Regional Director has found that the State has given the public adequate notice and opportunity to comment in public hearings, and the record of such hearings does not reflect major unresolved controversies.

The comment period will close at 5:00 p.m. on April, 1982. Comments received after that time will not be considered. During the comment period representatives of the Regional Director's office will be available to meet with the public to receive their advice and recommendations concerning the proposed State AML reclamation grant application.

Persons wishing to meet with representatives of the Regional Director's office during this time period may place such request with Richard Leonard, Public Information Officer, telephone 304/342-8125 at the Regional Director's office above.

Meetings may be scheduled between 9 a.m. and noon and 1 p.m. and 4 p.m. Monday through Friday excluding holidays at the Regional Director's office.

The Director intends to continue to discuss the State's application with representatives of the State throughout the review process.

In order to comply with the requirements of the National Environmental Policy Act, OSM will assess the environmental effects of all State reclamation projects. The primary basis for this assessment will be the environmental information provided in the project grant application.

The Director has determined that this is not a significant rule within the meaning of 43 CFR Part 14 and no regulatory analysis is being prepared on the Director's decision relating to the AML grant application.

The Virginia AML Reclamation Grant Application can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.
2. Views of other Federal agencies have been solicited and considered.
3. The application meets all the requirements of the OSM, AML reclamation program provisions and the required Federal circulars.
4. The State has an approved regulatory program and an approved State reclamation plan.

The following constitutes a summary of the contents of the submission:

1. Designation of a authorized State Agency to administer the program,
2. Objectives and need for the assistance,
3. Project ranking and selection,
4. Coordination with other reclamation programs,
5. Results and benefits expected,
6. Plan of action pertaining to the scope,
7. Monthly or quarterly projections of accomplishments to be achieved,
8. Kinds of data to be collected and maintainied,
9. Criteria used to evaluate the results and success of the projects,
10. Key individuals to be employed,
11. Precise location of the project and area to be served,
12. Budgetary calculations for each project,
13. Description of the public's participation in planning and preparation of the grant application,
14. A complete environmental assessment for each project.

Dated: February 23, 1982.

Thomas M. Butler,

Director, Office of Surface Mining.

[FR Doc. 82-5653 Filed 3-1-81; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in

accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 24, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F–14756, filed February 8, 1982. Applicant: MICHAEL E. KLEPFER, P.O. Box 1565, Binghamton, NY 13902. Representative: Donald C. Carmien, Esq., P.O. Box 1922, Binghamton, NY 13902–1922. Applicant is a director and officer of Canny Trucking Co., MC–29929, a motor common carrier of general commodities NY, NJ and PA. Applicant seeks to continue to control his wholly owned contract carrier, Kem Contract Carriers, Inc., MC–155370, which transport food and relates products between points in the U.S. under continuing contract with Spaulding Bakeries, Incorporated, of Binghamton, NY 13903 transporting typewriters between points in U.S. Corporation of Cleveland, OH. Applicant was granted a partial waiver of filing the requirements of Form OP–F–44 Appendix A, Attachments A–5 and A–8 in MC–F–14756, service January 2, 1982.

MC–F–14788F, filed January 26, 1982. Applicant: RUAN TRANSPORT CORPORATION (RUAN) (666 Grand Avenue, Des Moines, IA 50309)—continuance in control—Peake, Inc. (Peake) (P.O. Box 855, Des Mones, IA 50304). Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Ruan seeks authority to continue in control of Peake. John Ruan, president and sole stockholder of Ruan, also seeks to continue in control through the transaction. Peake is a motor common carrier pursuant to certificates issued in docket No. MC–149244 and subnumbers thereunder. Ruan Transport Corporation is a motor common carrier pursuant to certificates issued in docket No. MC–107496 and subnumbers thereunder. In addition to controlling Ruan, John Ruan controls Arizona Tank Lines, Inc. (MC–99427 and subs thereunder), Sooner Transport Corporation (MC–110567 and subs thereunder), and Lambert Transfer Company (MC–154234).

Note.—Ruan was authorized to control Peake (formerly known as Denver Chicago Transport Co., Inc.) a noncarrier in MC–F–8080. Since Peake recently acquired interstate operating authority, Peake is now an I.C.C. regulated carrier. Peake in its new status as an interstate carrier properly filed an application under 49 U.S.C. 11343.

MC–F–14793, filed February 2, 1982, authority sought by BIRMINGHAM-NASHVILLE EXPRESS, INC., 715 Poplar Ave., Nashville, TN, 37210 to acquire Certificate No. MC–121656 (Subs 2, 4, and 5) from Springfield Express, Inc., P.O. Box 310, Springfield, TN, 37172, and for control by Mr. Forrest M. Durrett, 715 Poplar Ave., Nashville, TN 37210 of said operating rights through the transaction. Representatives: Henry E. Seaton, 1024 Pennsylvania Bldg., 13th & Pennsylvania Ave., N.W., Washington, DC 2004 and Steven L. Edwards, Suite 806, 315 Union St., Nashville, TN 37201. Operating rights transferred authorized general commodities, with exceptions, over *regular routes,* with restrictions, (1) between Nashville, TN, and Springfield, TN, serving all intermediate points in Robertson Cy., and serving Barren Plains, TN, as an off-route point; (2) between Springfield, TN, and Russellville, KY, and between Russellville, KY, and Owensboro, KY, serving all intermediate points; (3) between Owensboro, KY and Nashville, TN, serving no intermediate points, as an alternate route. Transferee is a common carrier (MC–128521) operating in all States. Application for temporary transfer has been filed.

MC–F–14794, filed February 2, 1982. TRANSPORT INVESTMENT CORPORATION (TRANSPORT) (322 U.S. Hwy 20 West, Michigan City, IN 46360)—control—Arrow Transportation Co. (Arrow) (1911 N.E. 58th Avenue, Des Moines, IA 50313) and Arrow Leasing Co. (Leasing) (1911 N.E. 58th Avenue, Des Moines, IA 50315)—and continuance in control—Tri State Tire & Rubber, Inc. d.b.a. Tandem Transport (Tandem) (322 U.S. Hwy 20 West, Michigan City, IN 46360) and St. Louis Freight Lines, Inc. (debtor-in-possession) (St. Louis) (1000 Michigan Avenue, St. Louis, MI 48880). Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312). Transport, and, in turn, Walter G. Bay, of Claire, MI, who controls Transport through stock ownership, seek authority to acquire control of Arrow and Leasing through the purchase of all their outstanding captial stock. By the same application, Transport and Mr. Bay seek authority to continue in control of Tandem and St. Louis. Arrow holds authority in Permit No. MC–116164 and subnumbers thereunder authorizing the transportation of brick and brick products, and insulation, from Des Moines, IA to points in the coterminous States, and brick and refractory products from Grimes, Redfield and Ottumwa, IA to points in IA, IL, IN, KS, OH, MI, MN, MO, NE, ND, SD, and WI. Arrow also holds common carrier authority in Certificate No. MC–116164 (Sub-No. 15) authorizing the nonradial transportation of metal products, rubber and plastic products and fiberglass products, between points in IL, IN, IA, KS, MI, MO, MN, NE, ND, SD, and WI. Leasing is a noncarrier engaged in equipment leasing. Tandem is also a noncarrier at present, but is subject to the Commission's jurisdiction by virtae of temporary and emergency temporary authority granted in the No. MC–156133 series. St. Louis is a motor common carrier holding authority in Certificate No. MC–117165 and subnumbers thereunder. It specializes in the transportation of building materials, lumber, and wood products, plastic pipe and insulation, and salt products between points in and east of ND, SD, NE, KS, OK, and TX. St. Louis is presently in reorganization under Chapter XI of the Bankruptcy Act under the supervision of the U.S. Bankruptcy Court for the Eastern District of MI Northern Division. Mr. Bay is President of St. Louis and in addition is a director and minority stockholder.

Note.—Leasing and Tandem are noncarriers and, accordingly, the application will be dismissed insofar as it relates to these entities. When Tandem applies for permanent authority, it should request authority for

continuance in control in conjunction with Arrow and St. Louis.

[FR Doc. 82-5500 Filed 3-1-82; 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 these applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP2-33

Decided: February 18, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating).

MC 99143 (Sub-6), filed February 4, 1982. Applicant: OHIO VALLEY CHARTER SERVICE, INC., 15583 Sprucevale Rd., East Liverpool, OH 43920. Representative: Donald J. Balsley, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219, 412-471-1800. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, between points in Belmont, Trumbull, Harrison, Portage, Stark, Guernsey, and Tuscawaras Counties, OH, Brooke, Ohio, and Marshall Counties, WV, and Beaver, Lawrence, and Mercer Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 130162 (Sub-1), filed January 29, 1982. Applicant: GEM TOURS, INC., 4129-C State St., Santa Barbara, CA 93110. Representative: Gerald M. Chaput (same address as applicant), 805-964-6985. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, in round trip sight-seeing and pleasure tours, between points in Santa Barbara, San Luis Obispo, and Ventura Counties, CA, on the one hand, and on the other, points in the U.S.

MC 143553 (Sub-9), filed February 4, 1982. Applicant: CONTINENTAL TRANSPORT SYSTEMS, INC., 35 Main St., P.O. Box 236, Versailles, CT 06383. Representative: Bradford I. Greene (same address as applicant), 203-822-8261. Transporting *such commodities* as are produced, used or dealt in by manufacturers of forest products, paper, lumber, and wood and paper products, between points in the U.S., under continuing contract(s) with (a) Simkins Industries, Inc., of New Haven, CT, and (b) Federal Paper Board Company, Inc., of Montvale, NJ.

MC 160262, filed January 28, 1982. Applicant: GARY TORNABENE, d.b.a. J.T.T., 305 West Lewis St., Canastota, NY 13032. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, 315-472-8845. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Queensboro Farm Products, Inc., of Long Island City, NY.

MC 160393, filed February 1, 1982. Applicant: JIM MILLER TRUCKING, INC., 644 East Slater St., Marshall, MO 65340. Representative: Thomas P. Rose, P.O. Box 205 Jefferson City, MO 65102, 314-636-2321. Transporting *food and related products*, (1) between facilities used by Wilson Foods Corporation, at Independence, Marshall, Kansas City and Sedalia, MO, on the one hand, and, on the other, points in the U.S., and (2) between facilities used by Banquet Foods Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

Volume No. OP 2-35

Decided: February 22, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 172 (Sub-10), filed February 4, 1982. Applicant: WADE TOURS, INC., 251 Burdek St., Schenectady, NY 46624. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St. N.W., Washington, DC 20005 202-783-3525. Transporting *passengers and their baggage*, in the same vehilce with passengers, in round trip charter and special operations, beginning and ending at points in Albany, Fulton, Montgomery, Otsego, Saratoga, Schenectady, Schoharie, Warren, and Washington, Counties, NY, and extending to points in the U.S. (except AK).

MC 4312 (Sub-2), filed January 20, 1982. Applicant: GARY WILLIAM MILLER d.b.a. COTTAGE GROVE-EUGENE FREIGHT COMPANY, 1051 South 4th St., Cottage Grove, OR 97424. Representative: Gary William Miller, (same address as applicant), 503-942-3422. *Over Regular Routes* transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Cottage Grove and Yoncalla, OR over OR Hwy 99 and Interstate Hwy 5.

Note.—Applicant intends to tack its existing authority at Cottage Grove and Eugene, OR.

MC 20992 (Sub-67), filed February 8, 1982. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *metal products,* between Detroit, MI, Pittsburgh, PA and Chicago, IL, and points in St. Clair County, MI, on the one hand, and, on the other, points in IL, IA, MN and WI.

MC 80252 (Sub-25), filed February 4, 1982. Applicant: SOUTHWESTERN MOTOR TRANSPORT, INC., 4600 Goldfield, San Antonio, TX 78285. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, 214–741–6263. Transporting, in foreign commerce only, *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in TX, on the one hand, and, on the other, ports of entry in TX on the international boundary line between the U.S. and the Republic of Mexico.

MC 107913 (Sub-24), filed February 5, 1982. Applicant: F & W EXPRESS, INC., 165 S. Parkway West, Memphis, TN 38109. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103, 901–525–6781. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Shelby County, TN, on the one hand, and, on the other, those points in AR on and north of Interstate Hwys 40 and 30, between Memphis, TN and Texarkana, TX.

MC 114052 (Sub-11), filed February 1, 1982. Applicant: CANTENCAMP TRANSFER & STORAGE, INC., 218 East Richmond St., Shawano, WI 54166. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53202, 414–273–7410. Transporting *such commodities* as are dealt in, used by or distributed by a manufacturer or converter of paper and paper products and medical products, between points in the U.S., under continuing contract(s) with Little Rapids Corporation of Green Bay, WI.

MC 126473 (Sub-51), filed February 8, 1982. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Doug Dickey, (same address as applicant), 319–695–3601. Transporting *clay, concrete, glass or stone products,* between points in Thomas County, GA and Tippah County, MS, on the one hand, and, on the other, points in AL, AR, FL, IL, IN, KY, LA, MI, MO, OH, PA, TX and WI.

MC 136123 (Sub-34), filed February 1, 1982. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: David M. Kuehl, (same as above), (813) 722–0506. Transporting *such comodities* as are dealt in or used by the printing industry, between points in the U.S.

MC 136123 (Sub-35), filed February 2, 1982. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: David M. Kuehl, (same as applicant), (813) 722–0506. Transporting *plastic and plastic articles,* between the facilities of Thompson Industries Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 136123 (Sub-36), filed February 8, 1982. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: David M. Kuehl, (same address as applicant), (813) 722–0506. Transporting *agricultural chemicals, materials, and supplies,* between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 139923 (Sub-88), filed February 8, 1982. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer D, Stoud, OK 74079. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068, 312–698–2235. Transporting (1) *general commodities (except classes A and B explosives, household goods and commodities in bulk), between points in Fresno County, CA, on the one hand, and, on the other, those points in the U.S. in and west of MT, WY, CO and TX, and* (2) *such commodities* as are dealt in or used by food business houses, between points in the U.S. (except AK and HI).

MC 144153 (Sub-3), filed February 8, 1982. Applicant: OSCAR G. BJUGSTAD, OSCAR L. BJUGSTAD, AND AUGUST D. BJUGSTAD, d.b.a. BJUGSTAD TRUCKING CO., Route 2, Hwy 51, Stoughton, WI 53589. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting (1) *salt,* between points in the U.S., under continuing contract(s) with Waukesha Warehouse, Inc., of Waukesha, WI, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of pre-engineered buildings, between points in the U.S., under continuing contract(s) with Varco-Pruden Metal Building Systems, Inc., a Unit of AMCA International Corporation, of Evansville, WI.

MC 146233 (Sub-3), filed February 8, 1982. Applicant: BOBBY REEVES CO., INC., 310 Edwards St., P.O. Box 576, Calhoun, GA 30701. Representative: Mark S. Gray, 235 Peachtree St., N.E., 1200 Gas Light Tower, Atlanta, GA 30303, 404–522–2322. Transporting *iron and steel articles,* between points in the U.S. (except AK and HI), under continuing contract(s) with National-Standard Company, of Niles, MI.

MC 146343 (Sub-15), filed February 2, 1982. Applicant: SOUTHERN EXPRESS CORPORATION, 505 South Ocean Blvd., Pompano Beach, FL 33062. Representative: Southern Enterprises Incorporated, 2 Sawyer Dr., Coventry, RI 02816, 401–822–0878. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Diversified Appliance Corporation, of Providence, RI.

MC 147423 (Sub-2), filed February 5, 1982. Applicant: BOND TRANSFER, INC., 1831 Mills Ave., El Paso, TX 79901. Representative: Gary L. Thompson (same address as applicant), 915–533–9887. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in El Paso County, TX, on the one hand, and, on the other, points in NM.

MC 149133 (Sub-12), filed February 8, 1982. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Blvd./P.O. Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same address as applicant), 704–588–2109. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with National Shirt Shops, of New York, NY.

MC 153763 (Sub-1), filed February 5, 1982. Applicant: GARY NIPPERT TRUCKING, INC., 114 Duffer, Mangum, OK 73554. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237. Transporting *metal products,* between points in OK, KS and TX.

MC 153862 (Sub-2), filed February 8, 1982. Applicant: E & F TRUCKING, INC., R.D. #3, Denver, PA 17517. Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011, 717–232–8324. Transporting (1) *food and related products,* between Philadelphia, PA and points in Dauphin, Montgomery, Berks, Bucks, Lebanon, Chester, Delaware, Lancaster, Lehigh and Schuylkill Counties, PA, on the one hand, and, on the other, points in the U.S. and (2) *chemicals and related products,* between points in Lancaster

and Lebanon Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 155103 (Sub-1), filed February 1, 1982. Applicant: FREIGHTMASTER, INC., P.O. Box 488, Taylorsville, NC 28681. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, 615–790–2510. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Beacon Hose Manufacturing Company, of Charlotte, NC.

MC 155523 (Sub-5), filed February 4, 1982. Applicant: PHOENIX MOTOR EXPRESS, INC., P.O. Box 246, Hasbrouck Heights, NJ 07604. Representative: Gerald K. Gimmel, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, 301–840–8565. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 156313 (Sub-2), filed February 5, 1982. Applicant: FALCON, INC., R.D. #1, Rte. 19, Harmony, PA 16037. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, 412–281–9494. Transporting *paper and paper products, plastics and plastic products, adhesives, chemicals, and machinery,* between points in the U.S., under continuing contract(s) with Weyerhaeuser Company, of Harmony, PA.

MC 156313 (Sub-4), filed February 5, 1982. Applicant: FALCON, INC., R.D. #1, Rte. 19, Harmony, PA 16037. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, 412–281–9494. Transporting *floor coverings, appliances, and plumbing and heating supplies,* between points in the U.S., under continuing contract(s) with Weinheimers, of Tonawanda, NY.

MC 157183 (Sub-1), filed February 4, 1982. Applicant: SERVICE LINES, INC., 5720 Tulane Dr. SW., Atlanta, GA 30336. Representative: Howard W. Teal, 3002 East Anderson Dr., Lithia Springs, GA 30057, 404–948–3314. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with J.C. Penney Company, Incorporated, of New York, NY.

MC 157302 (Sub-3), filed February 1, 1982. Applicant: OLD SOUTH FREIGHT SERVICE, INC., 2805 Foster Ave., Suite 202, Nashville, TN 37210. Representative: Stephen L. Edwards, 315 Union St., 806 Nashville Bank & Trust Bldg., Nashville, TN 37210, 615–244–2926. Transporting *metal products,* between points in Jefferson County, AL, Wake and Nash Counties, NC, and Greenville County, SC, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 159193, filed February 2, 1982. Applicant: JAMES H. VAUGHN d.b.a. VAUGHN TRUCKING CO., P.O. Box 127, Jonesboro, AR 72401. Representative: R. Conner Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, 901–526–4114. Transporting *glass products,* between points in Craighead County, AR, on the one hand, and, on the other, points in AL, AZ, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MA, MN, MI, MS, MO, NE, NJ, NY, NC, OH, OK, OR, PA, SC, TN, TX, VA, WA, and WI.

MC 159513, filed February 8, 1982. Applicant: LOK TRUCKING COMPANY, P.O. Box 44B, Route 2, Frisco, TX 75034. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279. Transporting *textile products,* between points in CT, GA, MA, NJ, NC, RI, SC, TN, on the one hand, and, on the other, TX.

MC 159803 (Sub-1), filed February 1, 1982. Applicant: K & L ASSOCIATES, 417 Washington Ave., North Haven, CT 06473. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, 212–263–2078. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with (a) Country Home Bakeries, Inc., of Atlanta, GA and (b) Simkins Industries, of New Haven, CT.

MC 159992, filed January 7, 1982. Applicant: FAYE B. EMORY, d.b.a. ACCENT TRAVEL AND TOUR ARRANGEMENTS, P.O. Box 8096, Spartanburg, SC 29303. Representative: Faye B. Emory, Rte. #8 Highway 9, Spartanburg, SC 29303, 803–578–2526. As a *broker,* at Spartanburg, SC, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* between points in SC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160343, filed February 4, 1982. Applicant: LIQUID LINES, INC., 564 Merrill Rd., Pittsfield, MA 01201. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY, 716–265–9510. Transporting *petroleum and petroleum products,* between points in NY and MA.

MC 160412, filed February 4, 1982. Applicant: PETRO TANK LINES, INC., P.O. Box 2184, West Memphis, AR 72301. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Ave., Memphis, TN 38103, 901–527–2482. Transporting *petroleum,* between points in Shelby County, TN, on the one hand, and, on the other, points in Ashley, Chicot, Clay, Cleburne, Craighead, Crittenden, Cross, Desha, Drew, Greene, Independence, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Mississippi, Monroe, Phillips, Poinsett, Prairie, Pulaski, Randolph, St. Francis, Sharp, White and Woodruff Counties, AR.

MC 160413, filed February 4, 1982. Applicant: BARBARA A. BROWN, d.b.a. FREEDOM TRAVEL, Box 90–A RDI Lake Carey, Tunkhannock, PA 18657. Representative: John Hovan, 154 Warren St., Tunkhannock, PA 18657, 717–836–2859. As a *broker,* at Tunkhannock, PA, in arranging for the transportation of *passengers and their baggage,* between points in PA, on the one hand, and, on the other, points in the U.S.

MC 160422, filed February 5, 1982. Applicant: CLEAR LAKE TRUCK & CRANE, INC., 3430 Finley Rd., Lakeport, CA 95453. Representative: Mike Pavlakis, Box 646, Carson City, NV 89702, 702–882–0202. Transporting *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and pick up thereof, between points in WA, OR, CA, ID, NV, UT, and CO.

MC 160452, filed February 5, 1982. Applicant: ONLY WAY TRUCKING, INC., 6920 East U.S. 223, Ottawa Lake, MI 49267. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, 614–228–8575. Transporting *metal products,* between points in OH, IN, IL, and MI, on the one hand, and, on the other, points in WI, IL, MI, IN, KY, TN, OH, WV, PA, NY, NJ, CT, RI and MA.

Volume No. OP–37

Decided: February 23, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 73533 (Sub-27), filed February 8, 1982. Applicant: KEY WAY TRANSPORT, INC., 820 South Oldham St., Baltimore, MD 21224. Representative: W. F. Lamperelli (same address as applicant), 301–327–5800. Transporting *food and related products,* between points in the U.S., under

continuing contract(s) with Pompeian, Inc., of Baltimore, MD.

MC 80653 (Sub-33), filed February 2, 1982. Applicant: DAVID GRAHAM CO., P.O. Box 254, Levittown, PA 19059. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005–2075, (202) 347–3987. Transporting *machinery, building materials, metal products, lumber and wood products, clay, concrete, glass or stone products,* and *such commodities,* the transportation of which, because of size or weight, require the use of special equipment, between points in the U.S. (except AK, CT, DE, HI, IL, IN, KY, MA, MI, MD, NC, NJ, NY, OH, PA, RI, VA, WV, and DC).

MC 126473 (Sub-50), filed February 5, 1982. Applicant: HAROLD DICKEY TRANSPORT, INC, Packwood, IA 52580. Representative: Doug Dickey (same as applicant), (319) 695–3601. Transporting *food and related products,* between points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 145742 (Sub-10), filed February 5, 1982. Applicant: BOLES TRUCKING, INC., R.R. #1 Ina, IL 62846. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (618) 437–5428. Transporting *acids and chemicals, machinery, engines, and machinery and engine parts,* between points in the U.S., under continuing contract(s) with Precision National, Inc., of Mt. Vernon, IL.

MC 154103 (Sub-6), filed February 5, 1982. Applicant: MID-SOUTH FREIGHT, INC., 28 Industrial Park Drive, P.O. Box 446, Hendersonville, TN 37075. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with R. R. Donnelley and Sons, of Gallatin, TN, Target Trading, of New Milford, CT, Apex International, of Bicknell, IN, and Golden Dipt Company, of Millstadt, IL.

MC 154772, filed February 1, 1982. Applicant: CUTLER-MAGNER COMPANY, 12th Ave. W. & The Waterfront, P.O. Box 60807, Duluth, MN 55802. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, 612–340–0808. Transporting *building and construction materials,* between points in Cook, Kane, Whiteside, Tazewell, and Peoria Counties, IL, Henry County, IA, Upper Peninsula of MI, and points in WI, MN, ND, and SD.

MC 156103 (Sub-2), filed February 4, 1982. Applicant: MASS TRANSPORT, INC., 12 Mason St., Worcester, MA 01609. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413–781–8205. Transporting (1) *coin, currency and instruments and documents used in the business of banks and banking institutions in armored motor vehicles escorted by armed guards,* and (2) *such commercial papers, documents and written instruments* (except coin, currency, and negotiable instruments) *as are used in the business of banks and banking institutions,* between points in the U.S., under continuing contract(s) with (a) Northern Connecticut National Bank, of Windsor Locks, CT, (b) Worcester County National Bank, of Worcester, MA, (c) Federal Reserve Bank of Boston, of Boston, MA, (d) Guaranty Bank and Trust, of Worcester, MA, and (e) Food Mart, division of Waldbaum, Inc., of Holyoke, MA.

MC 156313 (Sub-1), filed February 5, 1982. Applicant: FALCON, INC., RD. #1, Rte. 19, Harmony, PA 16037. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, 412–281–9494. Transporting *metals,* between points in the U.S., under continuing contract(s) with Keystone Resources, of Pittsburgh, PA

MC 156313 (Sub-3), filed February 5, 1982. Applicant: FALCON, INC., R.D. #1 Rte. 19, Harmony, PA 16037. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, 412–281–9494. Transporting *fire suppression units,* between points in the U.S., under continuing contract(s) with T. Messner & Associates, of Williamsville, NY.

MC 160432, filed February 5, 1982. Applicant: MICHAEL J. CANGELOSI, d.b.a. MICHAEL J. CANGELOSI TRUCKING, 1353 Fremont St., Anaheim, CA 92804. Representative: Michael J. Cangelosi (same as applicant), (712) 827–8357. Transporting *lumber and wood products, and building materials,* between points in Clark County, NV, AZ and CA.

MC 160453, filed February 5, 1982. Applicant: SCHROCK, INC., Broderick St., Berlin, PA 15530. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, 412–281–9494. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Somerset County, PA, and extending to points in the U.S. (including AK but excluding HI).

Volume No. OP 3–032

Decided: February 23, 1982.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 74 (Sub-11), filed February 4, 1982. Applicant: VALLEY TRANSIT COMPANY, INC., P.O. Box 1870, Harlingen, TX 78551. Representative: Paul D. Angenend, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78551, (512) 476–6391. (A) Over regular routes, transporting *passengers and their baggage, and express and newspapers,* in the same vehicles with passengers, (1) between Mission, TX and Roma, TX over U.S. Hwy 83, serving all intermediate points; (2) between Harlingen, TX and Houston, TX, from Harlingen over U.S. Hwy 77 to junction Texas Hwy 44, then over Texas Hwy 44 to Corpus Christi, then over Interstate Hwy 37 to junction U.S. Hwy 77, then over U.S. Hwy 77 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Houston, and return over the same route, serving the intermediate points of Corpus Christi and Raymondville, TX; (3) between Harlingen, TX and San Antonio, TX, from Harlingen over U.S. Hwy 77 to junction Interstate Hwy 37 and Texas Hwy 9, then over Interstate Hwy 37 and Texas Hwy 9 to junction U.S. Hwy 281, then over U.S. Hwy 281 to San Antonio, and return over the same route, serving the intermediate points of Raymondville, Kingsville, and Robstown, TX; (B) over irregular routes, transporting passengers and their baggage, in charter and special party operations, beginning and ending at Corpus Christi, Kingsville, Mission, Raymondville, Robstown and Roma, TX and extending to points in the U.S.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 10115 (Sub-13), filed February 8, 1982. Applicant: C. D. ZIMMERMAN, INC., P.O. Box 293, R.D. #2, Mifflintown, PA 17059. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting *fabricated metal products* (except ordnance) between points in Mifflin County, PA, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, MD, MI, NC, NJ, NY, OH, OK, SC, TX, VA and WV.

MC 30114 (Sub-13), filed February 10, 1982. Applicant: MOLA TRUCKING, INC., d.b.a. MITCHKO TRUCKING, 650 Myrtle Ave., Boonton, NJ 07005. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives, hazardous materials, household goods, and commodities in bulk), between the facilities of Drew Chemical Corporation, its subsidiaries, division, and vendors,

at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 116004 (Sub-67), filed February 8, 1982. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (same address as applicant), (214) 438–2611. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Texarkana, AR/TX and New Orleans, LA; from Texarkana, AR/TX over US Hwy 71 to junction U.S. Hwy 190, then over US Hwy 190 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, LA, and return over the same route, serving all intermediate points and serving points in Calcasieu, Ouachita and Lafayette Parishes, LA and Jefferson County, TX as off-route points.

MC 142935 (Sub-26), filed February 10, 1982. Applicant: PLASTIC EXPRESS, 2301 E. Francis Street, Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, (714) 738–3889. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 144225 (Sub-5), filed February 16, 1982. Applicant: JADEEL TRUCKING, INC., 8333 W. McNab Rd., Tamarac, FL 33321. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850, (301) 424–2420. Transporting *metal and vinyl products*, between points in the U.S., under continuing contract(s) with A.D.M. Industries, Inc., of Miami, FL.

MC 145925 (Sub-2), filed February 8, 1982. Applicant: TRANS CONTINENTAL LEASING, LTD., 8920 Pershall Road, Hazelwood, MO 63042. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Thomas J. Lipton, Inc., of Englewood Cliffs, NJ, Ralston Purina Company, of St. Louis, MO, Banquet Foods Corporation, of Ballwin, MO, Dana Brown Private Brands, Inc., of St. Louis, MO, Green Bay Food Co., Division of Dean Foods, Green Bay, WI, and Schnuck Markets, Inc., of Bridgeton, MO.

MC 147585 (Sub-12), filed February 17, 1982. Applicant: DICK WELLER, INC., Shoham Rd., Warehouse Point, CT 06088. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *food and related products*, between the facilities of Chef Reddy, at or near Park Rapids, MN, on the one hand, and, on the other, points in the U.S.

MC 148175 (Sub-5), filed February 16, 1982. Applicant: ROBERT DENTON d.b.a. SPIRIT TRUCKING, 8700 S. Wolf Rd., Hinsdale, IL 60521. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NJ, on the one hand, and, on the other, Chicago, IL.

MC 148275 (Sub-8), filed February 16, 1982. Applicant: J. L. McCOY, INC., P.O. Box 525, Ravenswood, WV 26164. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526, (304) 562–3460. Transporting (1) *metal products*, between points in the U.S., (except AK and HI), under continuing contract(s) with Met-Tech Industries, Inc., of Cambridge, OH, and (2)(a) *paper and paper products*, and (b) *containers*, between points in the U.S., under continuing contract(s) with Stone Container Corporation, of Chicago, IL.

MC 148445 (Sub-11), filed February 16, 1982. Applicant: WLD TRUCKING COMPANY, a Corporation, 4527 North 16th St., P.O. Box 32458, Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012, (602) 266–2224. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Sunshine Mills, Inc., of Tupelo, MS.

MC 152744 (Sub-3), filed February 16, 1982. Applicant: CITADEL TRANSPORT, INC., 180 N. Michigan Ave., Chicago, IL 60601. Representative: Thomas M. O'Brien, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *such commodities* as are dealt in or used by processors and distributors of food and related products, between points in the U.S., under continuing contract(s) with Swift & Company, of Chicago, IL.

MC 153474 (Sub-2), filed February 16, 1982. Applicant: WAYNE THOMAS, d.b.a. C & W TRUCKING, P.O. Box 261, R.D. 3, DuBois, PA 15801. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 No. Second St., Clearfield, PA 16830, (814) 765–9611. Transporting *metal products*, between points in Clearfield County, PA, on the one hand, and, on the other, points in the U.S.

MC 157045, filed February 16, 1982. Applicant: R.T.C., INC. d.b.a. REPKA TRUCKING COMPANY, INC., 1515 South Walnut, South Bend, IN 46614. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204–3491, (317) 638–1301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in La Porte, St. Joseph, Elkhart, Starke, Allen, Marshall, Kosciusko, Pulaski, and Fulton Counties, IN, Berrien and Cass Counties, MI, and Chicago, IL.

MC 157514, filed February 16, 1982. Applicant: WILLIAM A. SMITH, 308 E. Maumee, Adrian, MI 49221. Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482–2400. Transporting *food and related products*, (1) between points in Hillsdale County, IL, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA and WV, and (2) between points in Suffolk County, MA, on the one hand, and, on the other, points in IL, IN, MI, OH and WI.

MC 158585, filed February 16, 1982. Applicant: U.S. SERVICES, INC., 14168 Orange Ave., Suite D, Paramount, CA 90723. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017, (213) 627–8471. Transporting *waste materials, hazardous waste materials, recycleable materials and polychlorinated biphenois*, between points in the U.S. Condition: The authority granted herein to the extent it authorizes the transport of hazardous materials is limited in point of time to a period of five (5) years from the date of issuance.

MC 160085, filed February 8, 1982. Applicant: NEBRASKA SALT & GRAIN CO., Route 2, Box 1, Gothenburg, NE 69138. Representative: Jesse F. Davis, 3917 East Funston, Wichita, KS 67218. Transporting *shale aggregate*, in bulk, between points in the U.S., under continuing contract(s) with Valley Block Co., of Loveland, CO.

MC 160155, filed February 11, 1982. Applicant: MCT, INC., 6640 West Touhy Ave., Niles, IL 60648. Representative: Leonard R. Kofkin, 29 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contracts with (a) Wells Lamont Corporation, of Niles IL, (b) Reliance Comm/Tec, a Division of Reliable Electric, of Franklin Park, IL, (c) Contract Designs, Inc., of Memphis, TN, (d) National Presto Industries, Inc., of Eau Claire, WI, (e) A1-Ways Air Freight, Inc., of Bensenville, IL, (f) All-Pro Air Systems, Inc., of Elk Grove Village, IL, and (g) Southeast Shippers Association, of Memphis, TN.

MC 160195 (Sub-1), filed February 2, 1982. Applicant: SAN RAFAEL TRUCK

LINE, P.O. Box 3916, Phoenix, AZ 85030. Representative: Kinley T. Gleave (same address as applicant), (602) 254–1957. Transporting *primary metal products* and *fabricated metal products*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in CA, CO, ID, NV, OR, UT and WA.

MC 160514, filed February 10, 1982. Applicant: BROTHERS SAVARESE TRUCKING, INC., 100 Hollister Road, Teterboro, NJ 07608. Representative: Edward F. Bowes, Seven Becker Farm Rd., P.O. Box Y, Rodeland, NJ 07068, (201) 992–2200. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Majestic Industries, Inc., of Teterboro, NJ.

MC 160545, filed February 11, 1982. Applicant: TLC TOURS, RD #1, Box 155, Eaton, IN 42338. Representative: June Medsker (same address as applicant), (317) 396–3434. Transporting *passengers and their baggage*, in special operations, limited to the transportation of not more than 15 passengers (excluding the driver thereof), beginning and ending at points in IN and OH, and extending to points in the U.S.

MC 160604, filed February 16, 1982. Applicant: CASTLE LEASING, INC., R.R. #4, Box 157, New Castle, IN 47362. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting (1) *metal products*, (2) *machinery* and (3) *those commodities* which because of their size or weight require specialized equipment or handling, between Denver, CO, Philadelphia, PA, Houston, TX, and points in IN, on the one hand, and, on the other, points in the U.S.

Volume No. OP4–65

Decided: February 23, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 51146 (Sub-862), filed February 18, 1982. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Charles Singer, 3061 Ridge Rd., Green Bay, WI 54304, (414) 497–2201. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with General Foods Corporation, of White Plans, NY, and its subsidiaries.

MC 105636 (Sub-43), filed February 18, 1982. Applicant: ARMELLINI EXPRESS LINES, INC., Crane Creek Pky., P.O. Box 2394, Stuart, FL 33494. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St., NW, Washington, DC 20001, (202) 628–9243. Transporting *general commodities* (except classes A and B explosives), between points in Cattaraugus County, NY and points in OH and PA, on the one hand, and, on the other, points in FL.

MC 144606 (Sub-25), filed February 16, 1982. Applicant: DUNCAN & SON LINES, INC., 714 E. Baseline Rd., Buckeye, AZ 85326. Representative: Donald W. Powell, 4150 N. 12th St., Phoenix, AZ 85014, (602) 241–0777. Transporting *waste or scrap materials* not identified by industry producing, between points in AZ, CA, CO, NM, TX, and UT.

MC 144616 (Sub-18), filed February 16, 1982. Applicant: SOUTHWESTERN CARRIERS, INC., P.O. Box 79495, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112, (817) 457–0804. Transporting *food and related products*, between points in the U.S.

MC 159386, filed February 16, 1982. Applicant: DOUG EHRLICH, INC., 201 East Arbor, #202E, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 773, Bismarck, ND 58502, (701) 223–5300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Plywood Distributing Co., Inc., of Wheaton, IL, Holland Construction Co., and Holland Loader Co., both of Billings, MT.

MC 160126, filed February 16, 1982. Applicant: STARLINE SIGHTSEEING TOURS, INC., 6845 Hollywood Blvd., Los Angeles, CA 90028. Representative: James H. Lyons, 523 W. 6th St., Suite 1216, Los Angeles, CA 90014, (213) 626–6451. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in Los Angeles and Orange Counties, CA, and extending to points in AZ, ID, NM, NV, OR, UT, and WA.

MC 160276 (Sub-1), filed February 11, 1982. Applicant: BIGELOW TRANSPORTATION CO., INC., P.O. Box 3089, Greenville, SC 29602. Representative: William H. Borghesani, Jr., 1150 17th St., NW., Washington, D.C. 20036, (202) 457–1122. Transporting *such commodities* as are dealt in or used by department and trading stamp redemption stores, between points in the U.S., under continuing contract(s) with The Sperry and Hutchinson Company, Inc., of New York, NY.

MC 160436, filed February 16, 1982. Applicant: CUSTOMIZED TRANSPORTATION SERVICE, INC., 2414 Jacobs Dr., New Albany, IN 47150. Representative: Harold C. Jolliff, 3242 Beech Dr., Columbus, IN 47201, (812) 379–2556. Transporting *pulverized limestone*, between points in the U.S., under continuing contract(s) with Airco Carbide, a division of Airco, Inc., of Louisville, KY.

Volume No. OP4–69

Decided: February 23, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 144606 (Sub-24), filed February 16, 1982. Applicant: DUNCAN & SON LINES, INC., 714 E. Baseline Rd., Buckeye, AZ 85326. Representative: Donald W. Powell, 4150 N. 12th St., Phoenix, AZ 85014, (602) 241–0777. Transporting *pulp, paper and related products*, between points in Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, CA, on the one hand, and, on the other, points in Maricopa and Pima Counties, AZ.

MC 146516 (Sub-10), filed February 18, 1982. Applicant: ALEXANDER TRUCKING, INC., 1209 S. Woodland Dr., Dothan, AL 36301. Representative: Daniel O. Hands, Suite 200–A 205 W. Touhy Ave., Park Ridge, IL 60068, (312) 698–2235. Transporting *chemicals and related products* (except classes A and B explosives and commodities in bulk), between New Orleans, LA, on the one hand, and, on the other, points in AL, AR, GA, MS, OK, TN, and TX.

MC 158406 (Sub-1, filed February 18, 1982. Applicant: COMPU-TRANSPORT, INC., 5800 Corporate Way, West Palm Beach, FL 33407. Representative: Dr. H. Nathan Yagoda, 75 Anderson Dr., Wayne, NJ 07040, (201) 595–5177. Transporting *used automobiles and used trucks*, between points in the U.S.

MC 160626, filed February 18, 1982. Applicant: RONNIE G. SMITH, d.b.a. BLUE RIDGE MOUNTAIN TOURS, 20 A S. Main St., Marion, NC 28752. Representative: Bobby Lynn Frisbee (same address as applicant), (704) 652–4594. To operate as a broker, at Marion, NC, in arranging for the transportation of *passengers and their baggage*, in charter and special operations, beginning and ending at points in McDowell, Burke, Rutherford, Avery, Yancey, Catawba, Iredell, and Mitchell Counties, NC, and extending to points in the U.S.

Volume No. OP4–70

Decided: February 22, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 28067 (Sub-25), filed February 16, 1982. Applicant: WILLIAMS MOTOR TRANSFER, INC., South Vine St., Barre, VT 05641. Representative: John P. Monte, P.O. Box 686, Barre, VT 05641, (802) 476–6671. Transporting *building materials equipment and machinery* between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, points in NH and VT.

MC 89617 (Sub-31), filed February 17, 1982. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 1494, Conway, SC 29526. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW. Washington, DC 20006, (202) 331–3700. Transporting *machinery and metal products*, between points in Franklin County, PA, on the one hand, and, on the other, points in Horry County, SC.

MC 100597 (Sub-11), filed February 16, 1982. Applicant: FAIRFIELD TRUCKING, INC., Box 272, Hamburg, AR 71646. Representative: James R. Holt, P.O. Box 523, Collierville, TN 38017. Transporting *chemicals and related products*, between points in AL, AR, LA, MS, MO, TN, and TX.

MC 126327 (Sub-21), filed February 16, 1982. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: John W. White Jr. (same address as applicant), (408) 727–9000. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of grocery products, between points in the U.S.

MC 149157 (Sub-8), filed February 16, 1982. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502–285, (712) 323–9124. Transporting *such merchandise* as is dealt in or used by home furnishing outlet stores, between points in the U.S., under continuing contract(s) with Midwest Waterbed Distributors, Inc., of Waite Park, MN.

MC 126327 (Sub-22), filed February 16, 1982. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: John W. White Jr. (same address as applicant), (408) 727–9000. Transporting *plastic and rubber products*, between points in the U.S.

MC 153967, filed February 16, 1982. Applicant: CONTRANS, INC., 25 James St., New Haven, CT 06513. Representative: Donald S. Baillie, P.O. Box 765, Cheshire, CT 06410, (203) 272–2933. Transporting *general commodities* (except classes A and B explosives), between points in CT, on the one hand, and, on the other, New York, NY. Condition: A grant of authority is conditioned upon the receipt from applicant of a satisfactory explanaton why the proposed operations are not proscribed by 49 U.S.C. 11323, which limits the ownership and control of other carriers by freight forwarders.

MC 150987 (Sub-4), filed February 16, 1982. Applicant: DYSART'S TRANSPORTATION, INC., MRC 156, Bangor, ME 04401. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696–7610. Transporting *general commodities* (except household goods and classes A and B explosives), between points in ME, on the one hand, and, on the other, points in the U.S. (except HI and AK).

MC 156207, filed February 16, 1982. Applicant: CHARLES J. UNRATH AND JAMES C. UNRATH, d.b.a. BLUE RIVER TRANSPORT, P.O. Box 237, Delafield, WI 53018. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *transportation equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with Canadian Kenworth Company, division of Paccar, of Canada, Ltd.

MC 160557, filed February 16, 1982. Applicant: PATTERSON FARMS TRUCKING, INC., R.R. 2, Garnett, KS 66032. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *food and related products*, between points in Ford County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160587, filed February 16, 1982. Applicant: RONALD H. MOORE, d.b.a. MOORE TRUCKING, 1660 Dearborn St., Aurora, IL 60505. Representative: Anthony E. Young, 29 S. LaSalle St., Chicago, IL 60603, (312) 782–8880. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of insulation, between points in the U.S., under continuing contract(s) with Forty-Eight Insulators, Inc., of Aurora, IL.

Volume No. OP5–41

Decided: February 18, 1982.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 118838 (Sub-94), filed February 5, 1982. Applicant: GABOR TRUCKING, INC., P.O. Box 678, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *metal products* between points in the U.S., under continuing contract(s) with Ex-L-Tube, Inc., of Minneapolis, MN.

MC 127739 (Sub-9), filed February 10, 1982. Applicant: BOYCE BRUCE TRUCKING CO., INC., 517 N. Metts St., Louisville, MS 39339. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, 601–948–5711. Transporting *Iron and steel articles*, between points in Winston County, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NM, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, and WI.

MC 141318 (Sub-16), filed February 4, 1982. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., P.O. Box Ltd., Medford, WI 54451. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1314. Transporting *salt, salt products, and food seasoning compounds*, between points in the U.S., under continuing contract(s) with Morton-Norwich Products, Inc., of Chicago, IL.

MC 144189 (Sub-18), filed February 10, 1982. Applicant: CORPORATE TRANSPORT INC., 107 7th North St., Liverpool, NY 13088. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, 914–835–4411. Transporting *such commodities* as are dealt in by manufacturers of paper and paper products, between points in the U.S. under continuing contract(s) with Foster Paper Company, Inc. of Utica, NY.

MC 145108 (Sub-62), filed February 4, 1982. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren, (same address as applicant), (212) 492–7332. Transporting *food and related products* between points in the U.S. (except AK and HI), under continuing contract(s) with Kane-Miller Corporation and Amelio Brothers and Co., Inc., both of Chicago, IL.

MC 151118 (Sub-18), filed February 9, 1982. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601–355–2576. Transporting (1) *pulp, paper and related products*, (2) *printed matter*, and (3) *machinery*, between Chicago, IL; and points in Iroquois County, IL; Lenawee County, MI; Middlesex County, CT; Dunklin County, MO; Lamar County, TX; Hardin County, TX; Douglas County, OR; Stevens County, GA; Lake County, OH; and Riverside County, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151869, filed February 8, 1982. Applicant: A. M. ROUTLEY TRUCKING

LTD., 11420 Granville Ave., Richmond, B.C. Canada V6Y 1R6. Representative: Jim Pitzer, 15 South Grady Way—Suite 321, Renton, WA 98055, (206) 235–1111. In foreign commerce only, transporting (1) *general commodities in containers,* (2) *concrete, clay and stone,* (3) *chemicals* (except classes A and B explosives), (4) *scrap metal,* (5) *roofing tile and systems, and* (6) *lumber and wood products,* between ports of entry on the International boundary line between the U.S. and Canada in WA, on the one hand, and, on the other, points in WA, OR, CA, UT, NV, TX, and CO.

MC 155769 (Sub-1), filed February 8, 1982. Applicant: A.G.S. TRANSPORT, INC., 8428 Southampton Dr., Miramar, FL 33025. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd. St., Miami, FL 33166, 305–592–0036. Transporting *rubber and plastic products,* between points in the U.S.

MC 158129 (Sub-1), filed February 10, 1982. Applicant: REGAL TRANSPORTATION, INC., P.O. Box 310, Niles, OH 44446. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the facilities of Bostwick Steel Lath Company of Niles, OH, and The Bostwick Steel Framing Company of Knoxville, TN, on the one hand, and, on the other, points in the U.S.

MC 159439, filed February 9, 1982. Applicant: RICHARD McDOLE, d.b.a. REX TOWING AND WELDING, 1931 First St., Rock Island, IL 61201. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *wrecked and disabled motor vehicles and trailers, and replacements therefor,* between points in Rock Island County, IL, on the one hand, and, on the other, points in IA.

MC 159659, filed February 10, 1982. Applicant: J WAY STERILE SERVICE, INC., 639 Ramsey Ave., Hillside, NJ 07205. Representative: A. David Millner, 7 Becker Farm Rd., P.O. Box "Y", Roseland, NJ 07068, 201–992–2200. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Mars Manufacturing Company of Asheville, NC; Isomedix, Inc. of Whippany, NJ; International Corp. of Hillside, NJ; Baumgartner Associates of So. Plainfield, NJ; Bridgestone Tire Co. of America, Inc. of Torrance, CA; and C. H. Dexter Division, The Dexter Corporation of Windsor Locks, CT.

MC 160419, Filed February 4, 1982. Applicant: POE TRAVEL SERVICE, 915 Cumberland St., P.O. Box 2576, Little Rock, AR 72203. Representative: James B. Rule (same address as applicant), (501) 376–4171. To operate as a *broker* at Little Rock, AR in arranging transportation of *passengers and their baggage,* in special and charter operations, between points in the U.S.

MC 160429, filed February 5, 1982. Applicant: OHIO HIGHWAY EXPRESS, INC., 2416 W. Superior Ave., Cleveland, OH 44113. Representative: Ted Waite, Jr., (same address as applicant), (216) 771–4429. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in OH, on the one hand, and, on the other, points in MI.

MC 160489, filed February 8, 1982. Applicant: MARTIN BROTHERS, INC., P.O. Box 851, Evanston, WY 82930. Representative: Dennis S. Chapman, 656 E. 3230 North, Provo, UT 84604, 801–375–0971. Transporting *Mercer commodities,* between those points in the United States in and west of ND, SD, NE, KS, OK, TX, and LA.

MC 160508, filed February 10, 1982. Applicant: THE DEPOT, INC., 3301 West Central Ave., Toledo, OH 43606. Representative: Jerry Simons (same address as applicant), 419–537–1500. To operate as a *broker* at Toledo, OH, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, in special or charter operations, beginning and ending at points in OH, MI, IN, PA and WV, and extending to points in the U.S.

MC 160509, filed February 9, 1982. Applicant: NORTH AMERICAN TRAILS, 111 Stoney Brook Rd., Belmont, MA 02178. Representative: Robert Accetta (same address as applicant), 617–489–2883. To operate as a *broker,* at Belmont, MA, in arranging the transportation of *passengers and their baggage,* in the same vehicle with passengers, in special or charter operations between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-5501 Filed 3-1-82; 8:45 am]

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[Volume No. 237]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: February 24, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 18738 (Sub-No. 68)X, filed February 4, 1982. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th St., Riverdale, IL 60627. Representative: Carl L. Steiner, 29 South LaSalle St., Chicago, IL 60603. Lead and Subs 20, 21, 22, 23, 24, 25, 27, 28, 32, 33, 37, 38, 43, 44, 46F, 59F, 61F, 62F, 63F, 64F and 66F certificates: (A) Broaden from (1)(a) lead (pages 1, 2, 3, 4 and 5) and Subs 21, 25, 27, 28, 32, 38, 43, 44, 46F, 59F, 61F, 62F, 63F, and 64F, iron and steel products; scrap, iron, steel and metals; iron and steel and articles made thereof; wire, coated iron and steel articles; sheet steel and coils; and steel mill products to "metal products"; (b) lead (pages 2 and 3), soap, ammonia and glycerin and soap to "chemicals and

related products"; (c) lead (pages 2, 4 and 5), glass products and stone to "stone, clay and glass products"; (d) lead (pages 2 and 3), dog food, canned eggs, and packing house products to "food and related products to "food and related products"; (e) lead (page 2) and Sub 43, refrigeration equipment and contractors machinery, equipment, supplies and material to "machinery"; (f) lead (page 2), pitch to "petroleum and petroleum products"; and, (g) lead (page 3) and Subs 24, 33 and 37, roofing materials, composition building slabs, reinforced precast concrete forms or shapes and laminated panels to "building materials"; (B) remove (1) lead and Subs 20, 22 and 23, all exceptions from the general commodities description, except classes A and B explosives, household goods and commodities in bulk; (2) lead (pages 2 and 3) "in truckload lots only" restriction; (3) Sub 20, "immediately prior movement by water carrier" restriction; (4) Sub 28, "size or weight" restriction; (5) Subs 28, 32, 37 and 43, "originating at and/or destined to" restriction; (6) Subs 32 and 43, "commodities in bulk" restriction; (7) Subs 24, 32, 44, 46F, 61F, 62F, and 63F, facilities restriction; and (8) Sub 24, restriction prohibiting service at (a) points any part of which is traversed by indicated portions of said highways, and, (b) Detroit, MI, and points in the Detroit, MI, commercial zone; (C) broaden to (1) lead (regular routes), all intermediate points; (2) lead, county-wide authority from off-route points: (a) (page 1), Lafayette (Tippecanoe County, IN) and Bradley (Kankakee County, IL); and (b) (page 3), Dunkirk (Jay County, IN) (3) countywide authority: (a) lead (page 4), St. Paul (Decatur County, IN) and Glenmont (Holmes County, OH); Federal and Chicago, IL (Madison and Cook, Lake, DuPage and Will Counties IL, and Lake and Porter Counties, IN) and Middletown (Butler County, OH); Mansfield (Richland County, OH) and Buffalo (Erie County, NY); (b) lead (page 5), Chicago, IL (Cook, Lake, DuPage and Will Counties, IL and Lake and Porter Counties, IN); (c) Sub 20, Piqua (Miami County, OH) and Holland, Grand Rapids and Lansing (Ottawa, Kent and Ingham Counties, MI); (d) Sub 21, Aurora (Dearborn County, IN); (e) Sub 22, Buckner (Oldham County, KY); (f) Sub 23, Burlington (Des Moines County, IA); Paducah (McCracken County, KY); Piqua (Miami County, OH), and Holland, Grand Rapids and Lansing (Ottawa, Kent and Ingham Counties, MI); (g) Sub 24, North Judson (Starke County, IN); (h) Sub 25, Joliet (Will County, IL); (i) Sub-No. 33, Pittsburgh (Allegheny, Butler, Westmoreland, Washington and Beaver Counties, PA); (j) Sub 38, Danville and Decatur (Vermilion and Macon Counties, IL) and Edon, Sidney and Toledo (Williams, Shelby and Lucas Counties, OH); (k) Sub 43, Indian Oaks (Kankakee County, IL); (l) Sub 44, Kingsbury (La Porte County, IN); (m) Sub 46F, Sterling and Rock Falls (Whiteside County, IL); (n) Sub 59F, Joliet (Will County, IL); (o) Sub 61F, Youngstown and Lorain (Mahoning and Lorain Counties, OH); (p) Sub 62F, Butler and Leechburg (Butler and Armstrong Counties, PA); Zanesville (Muskingum County, OH); and Chicago, IL (Cook, Lake, DuPage and Will Counties, IL, and Lake and Porter Counties, IN); (q) Sub 63F, Aliquippa and Pittsburgh (Beaver, Allegheny, Butler, Westmoreland, and Washington Counties, PA) and Youngstown (Mahoning County, OH); and, (r) Sub 64F, Chicago, IL, (Cook, Lake, DuPage and Will Counties, IL, and Lake and Porter Counties, IN) and Horicon (Dodge County, WI); and, (4) radial authority, lead (irregular routes), and Subs 21, 24, 27, 28, 32, 33, 37, 38, 44, 46F, 62F, 63F, and 64F.

MC 35835 (Sub-No. 35)X, filed February 10, 1982. Applicant: JENSEN TRANSPORT, INC., 300 Ninth Ave., S.E., Independence, IA 50644. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Lead and Subs 17, 18, 19, 22, 24, 25, 26, 29, 30, 31, 32 and 34 certificates: (A) Broaden to (1) lead, "farm products" from livestock; "metal products" from hardware; "textile mill products" from twine; "chemicals and related products" from fertilizer; "machinery" from agricultural implements and parts, and batteries and electric generators; "pulp, paper and related products" from egg cases, egg case fillers, and egg case materials; "materials, equipment and supplies used in the manufacture of Casein" from equipment used in the manufacture of casein; "transportation equipment" from automobile parts and accessories; "household goods" from emigrant moveables; "printed matter" from advertising matter; (2) "food and related products" from (a) lead, feed, casein, corn oil, corn syrup, corn syrup mixtures, liquid sugar and blends thereof, beer and malt beverages; (b) Subs 17 and 19, Corn Syrup, liquid sugar and blends thereof; (c) Sub 18, corn syrup; (d) Sub 22, corn oil, corn gluten, corn starch, potato starch, corn gluten feed and meal and corn germ meal; (e) Sub 24, corn products and blends; (f) Sub 25, dry soybean products; (g) Sub 26, liquid animal and poultry feed; (h) Subs 29, 31 and 32, corn products; (i) Sub 30, lactose and Lactose products; and (j) Sub 34, beverages; (B) remove (1) commodities in bulk restriction, all Subs, except 30, 32 and 34; (2) plantsite restriction, Subs 19, 29 and 31; (3) in containers restriction, lead and Sub 32; (4) specified commodity restriction, Sub 31; (5) in tank vehicles restriction, lead and Subs 17, 19, 22, 26, 29 and 31; and (6) originating at and/or destined to restriction, Subs 19, 24 and 29; (C) broaden to (1) county-wide authority: (a) lead and Sub 30, Buchanan County, IA (Independence); (b) lead, Buchanan County IA (Jesup, Aurora, Fairbank, Hazelton and Lamont), and Benton, Bremer, Black Hawk, Delaware, Fayette and Linn Counties, IA (points within 25 miles of Independence); (c) Sub 29, Cook County, IL (Elk Grove Village); (d) lead, Bremer County, IA (Summer, Tripoli and Plainfield); Fayette County, IA (Hawkeye, Oelwein, Randalia and Westgate), Bremer, Chickasaw and Fayette Counties, IA (points within 15 miles of Sumner), Bremer, Chickasaw, Fayette and Winneshiek Counties, IA (points within 15 miles of Hawkeye), Linn County, IA (Alburnett and Cedar Rapids); (e) Sub 24, Linn County, IA (Cedar Rapids); (f) lead, Linn, Benton, Buchanan, Cedar, Johnson and Jones Counties, IA (points within 15 miles of Alburnett); McHenry County, IL (Union); (g) lead and Sub 24, Clinton County, IA (Clinton); (h) lead, Jones County, IA (Olin), Muscatine County, IA (Wilton Junction (now Wilton)); (i) Sub 24, Muscatine County, IA (Muscatine); (j) lead, Black Hawk County, IA (Waterloo), Bulter County, IA (Clarksville and Shell Rock), Johnson County, IA (Iowa City), Whiteside County, IL (Erie), Winnebago County, IL (Rockford), Hancock County, IL (Warsaw), Cerro Gordo County, IA (Mason City), LaCrosse County, WI (LaCrosse), St. Joseph County, IN (South Bend); (k) Sub 30, Franklin County, OH and St. Joseph County, MI (Columbus, OH and Sturgis, MI); and, (1) Sub 31, Tazewell County, IL (Pekin); and, (2) radial authority, all Subs.

MC 73828 (Sub-No. 5)X, filed February 16, 1982. Applicant: D & R MOVING & TRUCKING, INC., 3670 West Oceanside Road, Oceanside, NY 11572. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Subs 2 and 3, broaden household goods to "household goods and furniture and fixtures".

MC 89369 (Sub–26X), filed February 16, 1982. Applicant: JOART TRUCKING COMPANY, P.O. Box 332, New Brunswick, NJ 08903. Representative: Edward F. Bowes, Seven Becker Farm Road, P.O. Box Y, Roseland, NJ 07068. Lead and Subs 12, 13, 15, 16, 17, 18, 20F, 22F, and 23F: (1) Broaden to

"commodities in bulk" from (all in bulk) liquid commodities, vegetable and fish oil, and sea animal oils, lead; dry synthetic plastics, Subs 13 and 18; dry chemicals, Sub 15; plastic materials and synthetic latex, Sub 16; chlor-alkali products, Subs 17 and 23F; dry plastic materials, Sub 20F; soda ash and dry plastic materials, Sub 22F; and benzyl chloride, in shipper owned cargo tanks, Sub 12; (2) remove the in tank and/or hopper type vehicles restrictions, lead and Subs 13, 15, 17, 18, 20F, 22F, and 23F; (3) remove facilities limitations, Subs 15, 16 and 23F and the originating at and/or destined to restriction, Subs 16 and 17; (4) eliminate ex-rail or ex-water restriction, Sub 22F; (5) change one-way to radial authority, lead, and Subs 12, 13, 15, 16, 17, 18, 22F, and 23F; and (6) change cities to county-wide authority: Philadelphia, PA (Philadelphia, Bucks, Montgomery, Chester and Delaware Counties), Stamford and Bridgeport, CT (Fairfield County), New Haven and Hartford, CT (New Haven and Hartford Counties), Providence, RI (Providence, Bristol and Kent Counties, RI and Bristol County, MA), Easton, PA (Northampton and Bucks Counties, PA and Warren County, NJ), Allentown, PA (Lehigh County), Chester, PA (Delaware County), Marcus Hook, PA (Delaware County), Pottstown, PA (Montgomery, Berks, and Chester Counties), Reading, PA (Berks County), Conshohocken and Catasauqua, PA (Montgomery and Lehigh Counties), and Buchanan and Newburgh, NY (Westchester, Orange, and Dutchess Counties), lead; Delaware City, DE (New Castle County), Subs 13, 18 and 23F; Burlington, NJ (Burlington County), Sub 15; Perryville, MD (Cecil County), Sub 16; Linden, NJ (Union County), Sub 17; Anderson, SC (Anderson County), Sub 18; and Solvay, NY (Onondaga County), Bayonne, NJ (Hudson, Essex, Middlesex and Union Counties, NJ, Bronx, New York, Queens, Kings and Richmond Counties, NY), and Paulsboro, NJ (Gloucester County), Sub 23F.

MC 107496 (Sub–1285X), filed February 4, 1982. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Subs 396, 408, 421, 476, 538, 661, 724, 737, 767, 801, 965, 985, 992, 1010, 1011, 1019, 1027, 1028, 1030, 1037, 1045, 1083, 1087, 1119, 1139, 1176, 1200, 1219, 1222, 1223, 1250, 1268, and 1278 broaden (1) to "food and related products" from Sub 396, liquid animal feed supplements; Sub 408, feed ingredients; Sub 421, inedible tallow; Sub 476, dry sugar; 538, fish oils, fish protein meals, fish flours and blends; Sub 661, starch and blends thereof, and corn products; Sub 724, edible oils and blends thereof; Sub 737, vegetable oil; Sub 767, liquid feed and liquid feed supplements, feed, liquid feed supplements, dry feed ingredients; Subs 801, 1010 and 1083, corn products and blends containing corn products; Sub 965, flour, sugar, corn syrup and blends thereof; Sub 985, liquid animal feed and feed supplements, inedible tallow; Sub 992, liquid feed supplements; Sub 1011, sugar, corn products, and blends containing corn products; Sub 1019, animal mucosa; Sub 1027, products of corn (except corn oil); Sub 1028, sugar and corn products; Sub 1030, hog mucosa; Sub 1037, products derived from corn and blends containing corn products derived from corn, Sub 1045, liquid feed and liquid feed supplements, and liquid feed supplements; Sub 1087, animal and poultry feed and animal and poultry feed ingredients; Sub 1119, liquid sugar and corn syrup; Sub 1139, feed grade phosphate; Sub 1176, sweeteners; Subs 1200 and 1223, flour; Subs 1219 and 1250, sugar, corn syrup, and blends of sugar and corn syrup; Subs 1222 and 1268 tallow; and Sub 1278, soybean oil, animal fats & oils, and animal and plant foods, feeds, supplements and ingredient; to "chemicals and related products" from potash and superhphosphate, dry, Sub 737; liquid chemicals, Sub 965; vinyl acetate, Sub 985; liquid chemicals (except fertilizer) and liquid weed killing compounds, Sub 992; lead oxide (litharge) and caustic soda, Sub 1011; (2) remove facilities limitation, in bulk, in tank vehicles, originating at/destined to, interlining and ex-rail restriction, (3) remove excetion to named commodities, Subs 396 (4) remove restriction to service from named facilities in Sub 801; (5) remove exception to (a) Phoenix, AZ, in Sub 724 (b) Springfield, MO in Sub 965 to allow statewide authority, (c) Richmond and Smithfield, VA, Springfield and Verona, MO, Chattanooga, TN and West Alexandria, OH, to allow nationwide authority, Sub 1030, (6) from Morrill, NE to Scottsbluff County; Lucerne, CO to Weld County; Weeping Water, NE to Cass County; Denver, CO to Denver County; Memphis, TN to Shelby County, TN and Crittenden County, AR; Menominee, MI to Menominee County; Lincoln, NE to Lancaster County; Des Moines and West Des Moines, IA to Polk County; Havana, IL to Mason County; Savage, MN to Scott, Hennepin and Dakota Counties; Omaha, NE to Douglas and Sarpy Counties, NE and Pottawattamie County, IA; Battle Creek, MI to Calhoun County; Crete, NE to Saline County; Cedar Rapids, Clinton, Muscatine and Keokuk, IA to Linn, Clinton, Muscatine and Lee Counties; Kansas City, MO to Jackson and Clay Counties, MO and Wyandotte County, KS; Union, IL to McHenry County; Clarence, IA to Cedar County, Smithfield, KY to Henry County; Blair, NE to Washington County, Lafayette, IN to Tippecanoe County; Decatur, AL to Morgan County, Indianapolis, IN to Marion County; St. Paul, MN to Ramsey and Hennepin Counties; Cordova, IL to Rock Island County; Chicago and Pekin, IL to Cook and Tazewell Counties; Kansas City, KS-Kansas City, MO to Jackson and Clay Counties, MO and Wyandotte County, KS; Franklin, OH to Warren and Williams Counties; North Chicago, IL to Cook County; Montezuma, NY to Cayuga County; Sterling, CO to Logan County; Nebraska City, NE to Otoe County; Supreme, LA to Assumption Parish; Marseilles, IL to La Salle County; St. Louis, MO to St. Louis, MO and St. Louis and St. Charles Counties, MO and Madison and St. Clair Counties, IL; Reserve, LA to St. John the Baptist Parish; Amarillo, TX to Potter and Randall Counties; Dakota City and West Point, NE to Dakota and Cuming Counties; Denison and Ft. Dodge, IA to Crawford and Webster Counties; Luverne, MN to Rock County; Emporia, KS to Lyon County; St. Joseph, MO to Buchanan County; Birmingham, AL to Jefferson County; Holcomb, KS to Finney County, and (7) to radial authority.

MC 112223 (Sub-136X) filed February 10, 1982. Applicant: QUICKIE TRANSPORT COMPANY, 1700 N.E. New Brighton Blvd., Minneapolis, MN 55413. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Subs 2, 4, 6, 8, 31, 34, 35, 36, 38, 41, 43, 45, 47, 49, 52, 54, 57, 59, 60, 63, 64, 65, 67, 71, 73, 78, 79, 81, 83, 85, 86, 87, 88, 91, 92, 93, 97, 98, 100, 103, 104, 105, 108F, 109F, 111F, 113F, 115F, 116F, 121F, 123F, 125F, 126F, 130, 131F, 132, 133F, and 134F; (1) broaden to (a)"food and related products" from molasses (Subs 2, part 1, and 8), fat and tallow (Sub 35), tallow (Sub 52), and edible sugar, dry (Sub 131F); (b) "coal and coal products" from coal and coke (Subs 2, part 2, 31, 49, 65, 73, and 91); (c) "petroleum, natural gas and their products" from petroleum products (Subs 2, part 3,4, 6, 36, 59, 81, 109F, and 123F), petroleum and petroleum products (Subs 34, 45, 83, and 85), petroleum and petroleum products (except anhydrous ammonia (Sub 93), jet fuel (sub 54), liquified petroleum gas (Subs 108F, 130, and 132F), and liquid gas, LPG (Sub 126F); (d)"chemicals and related products" from phosphate &

phosphate compounds, dry (Sub 38), liquid fertilizer and fertilizer solutions (Subs 41, 113F, and 133 F), fertilizer compounds, urea ammonium nitrate fertilizer and superphosphate (Sub 57), dry fertilizer, dry fertilizer compounds and dry fertilizer materials (Sub 60), mixed liquid fertilizer (Sub 63), dry fertilizer and dry fertilizer ingredients (Sub 71), inedible animal fat (Sub 78), epoxidized vinyl plasticizers (Sub 86), salt (Sub 87), liquid concrete admixture (Sub 88), anhydrous ammonia (Subs 97, 103, 104, 105, and 125F), fertilizer and fertilizer ingredients (Subs 111F and 115F); (d) "clay, concrete, glass or stone products" from cement (Subs 43, 64, and 67) and mineral filler (Sub 79); (e) "ores and minerals" from aggregate, silica sand, trap rock, and limestone (Sub 47, landscape rock (Sub 92), crushed stone (Sub 98, parts 2 and 3), and bentonite clay (Sub 121F); (f) "building materials" from roofing granules (Sub 98, part 1); and (g) "metal products" from foundry slag (Sub 100), castings (Sub 116F), and fly ash (Sub 134F); (2) remove in bulk and/or vehicles restrictions, wherever they appear in the above named Subs; (3) remove the facilities or airport limitations, Subs 2, 4, 8, 36, 43, 54, 64, 67, 81, 83, 85, 97, 100, 103, 104, 108F, 115F, and 116F, and the originating at or destined to restrictions, Subs 45, 49, 59, and 116F; (4) change one-way to radial authority in the above named Subs; and (5) replace cities with counties: Crookston and Port Cargill (Savage), MN (Polk and Scott Counties), Chaska, East Grand Forks, Moorehead, Minneapolis and St. Paul, MN (Carver, Scott, Polk, Clay, Anoka, Hennepin, Dakota, Washington and Ramsey Counties, MN, Grand Forks and Cass Counties, ND, and St. Croix and Pierce Counties, WI), and Hastings, MN and Des Moines, IA (Dakota and Washington Counties, MN, Pierce County, WI and Polk County, IA), Sub 2; Hastings, MN and Des Moines, IA (Dakota and Washington Counties, MN, Pierce County, WI and Polk County, IA), Sub 4; Wrenshall, MN (Carlton County), Sub 6; Crookston and Polk Cargill (Savage), MN (Polk and Scott Counties), Sub 8; Superior, WI (Douglas County, WI and St. Louis County, MN), Ashland, WI (Ashland and Bayfield Counties), La Crosse, WI (La Crosse County, WI and Winona and Houston Counties, MN), Duluth, MN (St. Louis and Carlton Counties, MN and Douglas County, WI), Red Wing, MN (Goodhue County, MN and Pierce County, WI) and points in Wisconsin within 100 miles and Red Wing (Vernon, Monroe, Jackson, Clark, Taylor, Buffalo, Rusk, Sawyer, Washburn, Burnett, Pierce, St. Croix, Chippewa, Polk, Barron, Dunn, Eau Claire, Pepin, Trempealeau, Crawford, Vernon, La Crosse, Wood, and Marathon Counties, WI), Sub 31; Eau Claire and points with 20 miles thereof (Eau Claire, Trempealeau, Buffalo, Pepin, Dunn and Chippewa Counties, WI), Sub 34; New Richmond, WI (St. Croix County), Sub 35, approximately 4 miles west of Duluth, MN and points within 2 miles thereof (St. Louis County, MN), Sub 36; Stillwater, Red Wing and Wabasha, MN (Washington, Goodhue, and Wabasha Counties, MN, and St. Croix, Pierce and Buffalo Counties, WI), and Minneapolis and St. Paul, MN (Anoka, Carver, Hennepin, Ramsey, Scott, Dakota and Washingto Counties, MN and St. Croix and Pierce Counties, WI), Sub 38; Prescott, WI and Jackson, MN (Pierce County, WI and Dakota, Washington and Jackson Counties, MN), Sub 41; Mason City, IA (Cerro Gordo County), Sub 43; Marshall, MN (Lyon County), Sub 45; Berlin and Portage, WI (Green Lake and Columbia Counties), Dresser, WI (Polk County), and Linwood, IA and Kenosha, Manitowoc, Milwaukee, Racine and Sparta, WI (Scott County, IA and Kenosha, Manitowoc, Milwaukee, Waukesha, Washington, Ozaukee, Racine and Monroe Counties, WI), Sub 47; Pine Bend, MN (Dakota County), Sub 49; Barron, WI (Barron County), Sub 52; Grand Forks, ND and points within 10 miles thereof and Duluth, MN (Grand Forks County, ND and Polk and St. Louis Counties, MN), Sub 54; Port Cargill, MN (Scott County), Sub 57; Wrenshall, MN (Carlton County), Sub 59; St. Paul, MN (Anoka, Hennepin, Dakota, Carver, Scott, Ramsey and Washington Counties, MN and St. Croix and Pierce Counties, WI), Sub 60; Jackson, MN (Jackson County), Sub 63; Burnsville Township, Dakota County, MN (Dakota County), Sub 64; Fargo, ND (Cass County, ND and Clay County, MN), Sub 67; Pine Bend, MN (Dakota County), Sub 71; Arcadia, WI (Trempealeau County), Sub 78; Eyota, MN (Olmstead County), Sub 81; St. Cloud, MN (Stearns, Benton and Sherburne Counties), and Milford, and Le Mars, IA (Dickinson and Plymouth Counties), Sub 83; Spring Valley, MN (Fillmore County), Sub 85; Blooming Prairie, MN (Steele County), Sub 86; Pine Bend, MN (Dakota County), Sub 87; Minneapolis, MN (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, MN and St. Croix and Pierce Counties, WI), Sub 88; Glenwood, MN (Pope County), and Grand Forks, ND (Grand Forks County, ND and Polk County, MN), Sub 97; Wausau and Kremlin, WI (Marathon and Chippewa Counties), Sub 98; Waupaca, WI (Waupaca County), Sub 100; Barnesville and Benson, MN (Clay and Swift Counties), Sub 103; Spencer and Holstein, IA, and David City, NE (Clay and Ida Counties, IA and Butler County, NE), Sub 104; Algona, Spencer and Garner, IA (Kossuth, Clay, and Hancock Counties), Sub 105; New Hampton, IA, Benson and Mankato, MN, and Carrington, ND (Chickasaw County, IA, Swift, Blue Earth and Nicollet Counties, MN, and Foster County, ND), Sub 108F; Superior, WI (Douglas County, WI and St. Louis County, MN), Sub 109F; Grand Forks ND (Grand Forks County, ND and Polk County, MN), Sub 111F; Alexandria, MN (Douglas County), Sub 113F; Mason City, IA (Cerro Gordo County), Sub 115F; Berlin and Waupaca, WI and Fridley, MN (Green Lake, Waushara and Waupaca Counties, WI and Anoka, Hennepin and Ramesy Counties, MN), Sub 116F; Minot, ND (Ward County), Sub 123F; Pine Bend and Vernon Center, MN (Dakota and Blue Earth Counties), Sub 125F; Mankato and Vernon Center, MN (Blue Earth and Nicollet Counties), Sub 126F; Minneapolis and Vernon Center, MN (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington and Blue Earth Counties, MN and St. Croix and Pierce Counties, WI), and Clear Lake and Sanborn, IA (Cerro Gordo and O'Brien Counties), Sub 130; Chaska, Crookston, Moorehead and Renville, MN and Wahpeton, ND (Carver, Scott, Polk, Clay, Renville, and Wilkin Counties, MN and Cass and Richland Counties, ND), Battle Creek, MI (Calhoun County), Evansville and Lafayette, IN (Vanderburgh and Tippecanoe Counties, IN and Henderson County, KY), Chicago and Kankakee, IL (Lake, Cook, DuPage, Will and Kankakee Counties, Il and Lake County, IN), Sub 131; Mentor, MN (Polk County), Sub 132F; Minneapolis, St. Paul and Pine Bend, MN (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, MN and St. Croix and Pierce Counties, WI); Sub 133F; and Alma, WI (Buffalo County), Sub 134F.

MC 119700 (Sub-81X), filed February 8, 1982. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Alex M. Lewandowski, Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Lead and Subs 2, 3, 7, 8, 9, 12, 14, 15, 16, 18G, 28, 29, 31, 34, 36, 37, 41, 42, 44, 45, 48, 49, 50, 51, 53, 54, 61, 63, 66, 69, 70, 71, 72, 73, 74, and 75: (1) Replace one-way service with radial; (2) broaden commodities to: (a) "metal products," from iron and steel articles (Subs 2, 3, 7, 9, 12, 29, 31, 34, 36, 37, 42, 45, 50, 53, 54, 61, 66, 70, 71, 72, 73, 74, and 75), and from iron and steel,

aluminum, and tanks and parts (Sub 28); (b) "metal products, building materials, and lumber and wood products," from steel articles, such materials as are used or useful on highway construction projects, used steel forms used on highway construction projects, iron and steel wire, in coils, used steel and wooden spools, and pallets and other incidental articles (lead certificate); (c) "lumber and wood products," from lumber, wooden pallets, posts and poles, particleboard, and lumber mill products (Subs 14, 16, and 18); (d) "lumber and wood products, and building materials," from lumber, lumber mill and wood products, plywood, and particleboard (Sub 48), and from wallboard, particleboard, composition board, lumber, insulation, piling, posts and poles, and construction materials (Sub 49); (e) "ores and minerals," from quarry stone and granite (Sub 14); (f) "pulp, paper and related products," from wood pulp, paper, and paper products (Sub 15); (g) "clay, concrete, glass or stone products," from refractories (Sub 28); (h) "building materials," from gypsum, wallboard and joint cement (Sub 41), from plastic pipe and conduit, plastic and iron fittings and connections, valves, hydrants, gaskets, and commodities used in the installation of plastic pipe and conduit (Sub 51), and from plastic pipe and fittings (Sub 63); (i) "prefabricated metal buildings," from prefabricated metal buildings, knocked down (Sub 31); and (j) "metal products, and building materials," and manufactured wire products (Sub 69); (3) broaden cities and plantsites to countywide: lead certificate, Jackson, Clay, Platte and Cass Counties, MO and Johnson, Wyandotte and Leavenworth Counties, KS (Kansas City, MO): St. Louis, St. Charles and Jefferson Counties, MO, St. Louis, MO, and Monroe, St. Clair and Madison Counties, IL (St. Louis): Green County, MO (Springfield): Cook, DuPage, Lake and Will Counties, IL and Lake County, IN (Chicago): Washington, Douglas and Sarpy Counties, NE and Pottawattamie and Mills Counties, IA (Omaha): Oklahoma and Cleveland Counties, OK (Oklahoma City): and Racine, Waukesha, Milwaukee and Washington Counties, WI (Milwaukee); lead and Sub 9, Tulsa County, OK (Tulsa); lead and Sub 2, Monroe, St. Clair and Madison Counties, IL (points in IL within the St. Louis, MO-East St. Louis, IL commercial); Sub 2, Porter County, IN (Portage); Subs 3 and 36, Whiteside County, IL (Sterling); Subs 7 and 37, Putnam County, IL (plantsite in Putnam County); Sub 12, Jackson, Clay, Platte and Cass Counties, MO and Johnson, Wyandotte and Leavenworth Counties, KS (plantsite in the Kansas City, MO/KS commercial zone); Sub 14, Iron County, MO (Graniteville); Sub 15, Harris and Angelina Counties, TX (plantsites at Herty and Sheldon); Sub 16, Union County, AR (Huttig): and Winn Parish, LA (Lillis and Winnfield); Sub 18, Shelby and Fayette Counties, TN, Crittenden County, AR, and DeSoto and Marshall Counties, MS (Memphis); Sub 29, Liberty County, TX (facilities in Liberty County); Sub 31, Doniphan County, KS (facilities near Wathena); Sub 34, Franklin County, MO (Gerald); Sub 41, Hardeman County, TX (Acme); Sub 42, Leon County, TX (facilities near Jewett); Sub 44, Dallas, Kaufman, Johnson, Tarrant, Denton, Collin and Rockwall Counties, TX (facilities at Dallas); Sub 45, Franklin County, MO (facilities near Union); Sub 48, Sabine and Natchitoches Parishes, LA (plantsites near Zwolle and Natchitoches); Sub 49, Angelina and Sabine Counties, TX (facilities near Diboll and Pineland); Sub 50, Trumbull, Mahoning, Cuyahoga, Medina, Summit, Geauga, Lake and Lorain Counties, OH (facilities at McDonald, Cleveland, and Lorain); Sub 51, Boone County, MO (facilities near Columbia); Sub 53, Boyd and Greenup Counties, KY (facilities at Ashland), and Warren and Butler County, OH (Middletown); Sub 54, Washington and Dakota Counties, MN (facilities near Newport); Sub 61, Monroe County, MI (facilities near Monroe); Sub 63, Phelps County, MO (facilities at Rolla); Sub 66, St. Francois County, MO (Farmington); Sub 69, Marshall County, OK (Madill); Sub 70, Shelby and Fayette Counties, TN, Crittenden County, AR, DeSoto and Marshall Counties, MS (Memphis): Harris, Brazoria, Fort Bend and Chambers Counties, TX (Houston): and Sandusky, Erie, Seneca and Huron Counties, OH (Bellevue); Sub 71, Douglas County, KS (facilities near Lawrence); and Sub 72, Franklin County, KS (Ottawa); and (4) remove various restrictions: (a) against transportation of cement, rock, sand, and gravel (lead certificate), pipe, tubes, tubing, and commodities requiring special equipment (Subs 2 and 3), oilfield and pipeline commodities (Sub 12), commodities in bulk (Subs 7, 29, 41, and 49), and newsprint (Sub 15); (b) requiring transportation in "vehicles equipped with filtered ventilators (lead certificate); (c) on service "originating at or desinted to" the named origins and destinations (Subs 7, 12, 16, 28, 29, 34, and 36); (d) against service to Gary, IN and its commercial zone (Sub 9); and St. Louis, MO and its commercial zone (Sub 14); and (e) limiting traffic to specified commodities when moving together with other specified commodities (Sub 12).

MC 142963 (Sub-3X), filed February 16, 1982. Applicant: IRON & METAL TRUCKING, INC., 701 Stones Levy, Cleveland, OH 44113. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. Sub 2 permit, broaden (1) coke, flue dust, and mill scale, in bulk, in dump vehicles to "commodities in bulk", and (2) to between points in the U.S. (except AK and HI), under a continuing contract(s) with named shipper.

MC 146438 (Sub-12X), filed February 16, 1982. Applicant: ETV, INC., P.O. Box 393, Comstock Park, MI 49321. Representative: Miss Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Subs 2F, 4F, and 6F: (1) Broaden frozen food and materials and supplies (Subs 2F and 6F) and frozen bakery goods and material and supplies (Sub-4F) to "food and related products, and material and supplies"; (2) change one-way to radial authority, Subs 2F, 4F, and 6F; (3) remove facilities limitations and/or the originating at and destined to restriction, Subs 2F, 4F, and 6F; (4) remove except commodities in bulk restriction, Subs 2F and 6F, and size and weight restriction, Sub 6F; and (5) change cities to counties: Saugtuck and Benton Harbor, MI (Allegan and Berrien Counties), Louisville, KY (Jefferson County), and Montgomery and Fort Payne, AL (Montgomery and DeKalk Counties), Sub 2F; Zeeland, MI (Ottawa County), Pottstown, Lake Winola, Fogelsville and Philadelphia, PA (Montgomery, Wyoming, Lehigh and Philadelphia Counties), and McMinnville, Portland, and Salem, OR (Yamhill, Multnomah and Marion Counties), Sub 4F; and Traverse City, MI (Grand Traverse County) and Forest, MS (Scott County), Sub 6F.

MC 148335 (Sub-3X), filed February 16, 1982. Applicant: RAIL FLITE TRANSPORTATION, INC., 7718 Stevens Rd., Darien, IL 60559. Representative: Alex J. Miller, 555 S. Woodward Ave., Suite 512, Birmingham, MI 48011. Sub 2F, broaden (1) from general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) to general commodities (except classes A and B explosives), and (2) remove the ex-rail restriction.

MC 148472 (Sub-6X), filed February 16, 1982. Applicant: CLOVER CLUB FOODS COMPANY, P.O. Box 228, Kaysville, UT 84037. Representative:

Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. Sub 2 Permit broaden to between points in the United States, under continuing contract(s) with named shippers.

[FR Doc. 82-5503 Filed 3-1-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-037]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

MC 139785 Sub-4 (republication) filed August 3, 1981 previously published in Federal Register issue of August 26, 1981. Applicant: LIETZ TRANSPORTATION, INC., Route 1, Coloma, WI 54930. Representative: John L. Bruemmer, 121 W. Doty St., Madison, WI 53703. A Decision by the Commission, Division 2, Acting as an Appellate Division, decision February 12, 1982, and served February 19, 1982, finds that the performance by applicant of service described herein to operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *food and related products*, between points in the United States under continuing contract(s) with Kickapoo Fur Foods, Inc. and Lea Bros., of Alma Center, WI, Coloma Meat Products, Inc., Coloma, WI, and Wisconsin Brand, Inc., of Iola, WI, and (2) *metal products, lumber and wood products*, and *packaged oils and greases*, between points in the United States, and under continuing contract(s) with ORC Industries, Inc. and its subsidiary, Weber Industries, Inc., of LaCrosse, WI. Robert Netzer doing business as Ronco Body Co., Coloma, WI, Performance Products, Ltd., of Rice Lake, WI, and Ted Mannstedt & Son, Inc., of LaCrosse, WI; that the applicant is fit, willing, and able to properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect the applicant's actual grant of authority.

MC 258754 (republication) filed October 13, 1981, previously published in Federal Register issue of October 29, 1981. Applicant: LLOYD C. PIERCE d.b.a. ASSOCIATED EXPRESS, 1539 Mines Avenue, Montebello, CA 90640. Representative: Lloyd C. Pierce, 1539 Mines Avenue, Montebello, CA 90640. A Decision of the Commission, Review Board 2, decided February 11, 1982, and served February 22, 1982, finds that the performance by applicant of the service described herein to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, (1) *chemicals and related products* (except classes A and B explosives), between points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in California, Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Texas, Washington, and Wyoming, (2) contractors' *equipment and building materials*, between points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada Oregon, Utah, Texas, Washington, and Wyoming, and (3) metal products, between Los Angeles, CA, and Memphis, TN, on the one hand, and, on the other, those points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundaries of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary between the United States and Canada; that the applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect the applicant's actual grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-5502 Filed 3-1-82; 8:45 am]

BILLING CODE 7035-01-M

[Rate Application No. MC-1523]

Motor Carriers; Rate Application; Proposed Amendment

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rate Application No. MC-1523.

SUMMARY: National Motor Freight Traffic Association, on behalf of all common carriers by motor vehicles or railroads and freight forwarder participants in the National Motor Freight Classification ICC NMF-100-H, seek to amend Released Rate Order No. MC-545 to increase the released values on glass-ceramic ware or laminated glassware, cooking or serving, from the existing range of 35¢ to $5 per pound to a range of 90¢ to $12.65 per pound.

ADDRESS OF APPLICANT: William W. Pugh, Counsel, National Motor Freight Traffic Association, Inc., 1616 "P" Street, NW., Washington, DC 20036, Tel. (202) 797-5310.

FOR FURTHER INFORMATION CONTACT: Mr. Max Pieper, Unit Supervisor, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275-7832.

SUPPLEMENTARY INFORMATION: Relief is sought under 49 U.S.C. 10730 and 11707.

Agatha L. Mergenovich,

Secretary.

FR Doc. 82-5499 Filed 3-1-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Crown Oil Corp.; Proposed Final Judgment and Competitive Impact Statement

Pursuant to the Antitrust Procedures and Penalties Act ["APPA"] 15 U.S.C. 16(d), the Antitrust Division published below Comments it received on the proposed Final Judgment in *U.S. v. Crown Oil Corporation, et al.*, Civ. No. 81-0787-TJH C.D. Ca., together with its Responses thereto.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

Copies of the exhibits are filed with the original document and may be inspected at the Office of the Clerk, Central District of California, and in the Legal Procedures Unit, Room 7416, Department of Justice, Washington, D.C.

U.S. District Court, Central District of California

United States of America, Plaintiff, v. *Crown Oil Corporation; Granex Corporation, U.S.A.; and Pan Pacific Commodities*, Defendants.

Civil No. 81-0787-TJH. Government's response to comments of PVO International Inc.; Comments of PVO International Inc.

Pursuant to the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16(d), the Government hereby publishes and responds to the comments of PVO International Inc.

(hereinafter "PVO") concerning the proposed Final Judgment in *United States* v. *Crown Oil Corp., et al.*, Civ. No. 81-0787-TJH (C.D. Cal., filed Feb. 17, 1981). The Government has carefully reviewed the comments of PVO and has concluded that the issues it raises do not warrant any modification of the proposed Final Judgment.

I. The Terms of the Proposed Final Judgment Will Provide Effective Relief

As PVO recognizes (PVO Comment, at 2), the complaint in this action alleged a price-fixing conspiracy. The proposed Final Judgment enjoins not only the fixing of prices but also any discrimination in prices or other terms of sales between or among refiners, end-users or dealers of crude or refined coconut oil. In addition, the proposed Final Judgment prohibits communication of information on price or other terms of sales with others involved in marketing coconut oil, except in connection with a bona fide purchase or sale. The defendants are also required to institute antitrust compliance programs, and the proposed decree allows for inspection by the Government to assure compliance with the Judgment's terms. Thus, contrary to PVO's suggestion that the proposed Final Judgment will provide ineffective relief, the proposed decree provides all of the injunctive relief sought by the complaint as well as all of the relief that could reasonably be expected to be obtained after a full trial.

Despite this high level of consistency between the complaint and the proposed decree, PVO attempts to demonstrate that the decree will not provide effective relief by suggesting that the defendants' activities are currently illegal. Such a claim is both factually unsupported by PVO and inappropriate in the context of the Court's determination of whether or not the proposed Final Judgment should be entered. Although the complaint alleges activities which would be a *per se* violation of the Sherman Act, 15 U.S.C. 1, the existence and legality of those activities were at issue in this case. Thus, unless and until the Court enters the proposed decree, defendants are not enjoined from any of those activities.

Further, the nature of the alleged illegal practices concerning PVO is peculiarly underfined in its Comment. Notwithstanding PVO's assertion that it is particularly well qualified to know of the continuing illegality (PVO Comment, at 2), PVO makes no showing of illegal activity. It does not claim, for instance, that the defendants' prices for crude coconut oil sold to PVO were uniformly determined. Indeed, its only "proof" of alleged price discrimination is that defendant Granex Corp. sells refined coconut oil at a lower price than PVO is able to, even though PVO has a new and efficient refinery.

PVO seeks modification of the proposed decree before its entry "so that relief will be accomplished * * *." (PVO Comment, at 4). Not surprisingly, however, inasmuch as the proposed Final Judgment is highly consistent with the complaint in this action, PVO makes no suggestion for modification of that proposed decree to accomplish that nonspecific desire for relief.

This proposed decree fully meets the test of *United States* v. *National Broadcasting Co.*, 449 F. Supp. 1127, 1144 (C.D. Cal. 1978), and it should be entered. Once entered, if PVO has evidence of business practices in violation of the decree and brings it to the Government's attention, the Government will be in a position to enforce the decree against any defendant in violation of it.

II. The Terms of the Proposed Final Judgment Are Consistent With the Public Interest

The APPA conditions entry of the proposed Final Judgment on the Court's finding the Judgment to be in the public interest. 15 U.S.C. 16(e). In making the public interest determination, this Court may consider:

(1) The competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) The impact of entry of such judgment upon the public generally and individuals *alleging specific injury from the violations set forth in the complaint* including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e) (1), (2) (emphasis added).

PVO relies upon 15 U.S.C. 16(e)(2) to claim that entry of the proposed Final Judgment will adversely affect the public in two ways. First, it asserts that the public will be harmed by the resulting unemployment and economic dislocation which will follow possible closure of PVO's refinery. Second, the public, as consumers, will be injured if defendants increase their prices following PVO's demise.

Even assuming PVO's parade of horribles were more than mere speculation, the underlying illegality complained of by PVO is an attempt to monopolize by defendants. (PVO Comment, at 4). That allegation, however, was not made by the Government in the complaint in this action. Thus, even were the need for such remedies factually supported, remedies for an attempt-to-monopolize violation are not appropriate for inclusion in the proposed Final Judgment.

The Government has examined the impact of the proposed decree on competition. The terms of the Final Judgment are designed to prevent any recurrence of the activities alleged in the complaint. It is also designed to ensure that in the future the defendants' prices will be independently determined and will be free from the restraining and artificial influences which result from communications and agreements among competitors. Thus, the proposed decree protects the public interest by remedying the violations alleged in the complaint and assuring healthy competition in the future. It should therefore be entered.

Conclusion

The terms of the propsoed Final Judgment provide effective relief. They provide all of the injunctive relief sought in the complaint. Therefore, the proposed decree is consistent with the public interest as it fully redresses the violations alleged in the complaint. For these reasons, it is appropriate that the proposed Final Judgment be entered without modification upon certification by the Government of its compliance with the publication requirements of the APPA.

Dated: February 10, 1982.

Respectfully submitted,

Stephen S. Trott,
U.S. Attorney.
Leon W. Weidman,
Assistant U.S. Attorney, Chief, Antitrust Division.
Kathryn W. Tate,
Assistant U.S. Attorney.

U.S. District Court Central District of California

United States of America, Plaintiff, v. *Crown Oil Corporation; Granex Corporation, U.S.A.; and Pan Pacific Commodities*, Defendants.

Civil No. 81-0787-TJH.
Filed.
Entered.

Comment Relating to Proposed Consent Judgment

PVO International Inc. (hereinafter PVO) objects to entry of the proposed final judgment on the grounds that the judgment would provide no effective relief from the unlawful price fixing and discriminatory pricing by defendant described in the government's complaint. PVO also objects to entry of the proposed judgment on the further grounds that it would be contrary to the public interest. For those reasons PVO requests that the Court refuse to approve the proposed judgment unless and until it terms are refined and modified so that it will afford meaningful relief from defendants' violations of the antitrust laws.

1. The Proposed Judgment Provides No Effective Relief

The complaint in this action alleged violations of Section 1 of the Sherman Act by which the three named defendant corporations and unnamed co-conspirators agreed, *inter alia*, to: "raise, fix, maintain and stabilize the price of crude coconut oil in the United States" and to "refuse to sell crude coconut oil to purchasers in the United States, other than defendants or their co-conspirators, for less than certain set prices". *See* Complaint, § 12 (a) and (c) at p. 5.

The government has now entered into a consent agreement with defendants under which these violations supposedly are to have ceased. But that consent agreement has not resulted in any change in defendants' illegal business practices, as PVO can attest. PVO, a California corporation, engages in the business of refining, processing, and marketing edible and industrial oils. A very substantial part of PVO's business has involved coconut oil. PVO is and has been a direct purchaser of crude coconut oil from defendants. PVO is also a refiner which converts crude coconut oil into refined and sells refined oil in competition with defendant Granex Corporation. Because of the nature of its business, PVO is thus particularly well qualified to know that this consent decree has not caused defendants to cease their illegal practices.

Throughout the pendency of the government's suit, and continuing to the

present, defendant Granex is selling refined coconut oil on the open market in the United States at one cent a pound less than PVO's manufacturing costs—the cost of buying crude coconut oil and refining it. PVO's costs of refining crude coconut oil are less than those of its competitors because PVO has a newer, larger, and more efficient refinery. Therefore, the conclusion is inescapable that defendants are continuing to fix prices and to discriminate in price by charging PVO higher prices for crude coconut oil than they charge each other, and particularly Granex Corporation. The factual support for the assertions made in this paragraph is contained in the attached declaration of James W. Karson.

Therefore, the terms of the consent agreement, which have not been sufficient to terminate defendants' illegal price fixing and price discrimination, should not be approved as a final judgment in this matter. The injunctive relief agreed to by the parties does not accomplish cessation of the activities of which the government complained. That fact should be accorded great weight by this Court in evaluating the proposed final judgment under the rationale set forth in *United States* v. *Nat. Broadcasting Co., Inc.*, 449 F. Supp. 1127 (C.D. Cal. 1978). That Court described the standards by which a final judgment like that proposed here should be tested.

[I]n evaluating a proposed consent decree, one highly significant factor is the degree to which the proposed decree advances and is consistent with the government's original prayer for relief * * *. 449 F. Supp. at 1414. Citations omitted.

Because the proposed final judgment here does not effectuate the relief sought in the government's complaint, it does not merit approval without modification so that relief will be accomplished by its terms.

2. Approval Of The Proposed Judgment Would Be Contrary To The Public Interest.

PVO also opposes approval of the proposed final judgment as it presently stands because approval would be inconsistent with the public interest. Pursuant to 15 U.S.C. 16(e), a determination that entry of a proposed consent judgment is in the public interest is a prerequisite to approval. The statute further provides that the impact of entry of the judgment upon the public generally is a matter which the court may consider in making that necessary determination. Entry of the proposed judgment would adversely affect the public generally in two significant ways, making approval of the proposed judgment incompatible with the statutory scheme.

First, if the judgment is approved, it is readily foreseeable that PVO will shortly be forced to close its refining plant in Richmond, California. In the past, prior to defendants' unlawful attempt to monopolize the market for coconut oil, PVO processed and refined coconut oil through a two-part integrated system. The first stage of this system was PVO's San Pablo plant in the Philippines, which processed copra into crude coconut oil. The second stage of the process was to refine crude oil into refined oil at the Richmond plant. Through unlawful activities, these defendants and their co-conspirators forced PVO to sell its San Pablo plant. That made PVO totally dependent on the defendants and their co-conspirators for its supply of crude coconut oil. Thereafter, the defendants and their co-conspirators sold crude coconut oil to PVO at prices substantially higher than those paid by the defendant domestic refiners and competitors of PVO. This unlawful trade practice continues to this very day causing PVO losses of thousands of dollars. *See* Karson declaration, p. 4. As a result, unless those practices cease, PVO will no longer be able to operate the Richmond coconut oil refinery. The closure of that plant would seriously and directly harm the public interest by leading to the unemployment of the plant's 75 employees and the resulting economic dislocation of the Richmond community.

Second, approval of the judgment would harm consumers monetarily. PVO's Richmond plant now produces 25–30% of the edible coconut oils consumed in the United States. Elimination of PVO from this market would lessen competition, and would concentrate monopoly power in the market for coconut oil products in this country in the hands of defendants. The predictable effect, of course, is a significant increase in the price charged for coconut oil products, to the detriment of the United States' consumers.

For these reasons, PVO opposes entry of the proposed judgment as it presently exists, and will seek to participate in the proceedings before the Court in order to obtain the modifications of the judgment necessary to accomplish effective relief.

Dated: January 21, 1982.

Alioto & Alioto,
Joseph L. Alioto,
Joseph M. Alioto,
Patricia Tenoso Sturdevant
Patricia T. Sturdevant,
Attorneys for plaintiff.

Affidavit

State of California,
City and County of San Francisco, ss:

James W. Karson, being first duly sworn, on oath deposes and says:

1. I am, and have been since November 17, 1975, a Vice President of PVO International Inc. ("PVO"). From July 1, 1976 to March 3, 1980 and beginning again in May, 1981 until the present, I have been and am now responsible for the operation and profitability of PVO's vegetable oil refining facility located in Richmond, California.

2. That beginning prior to the initiation of the United States Government Grand Jury investigation concerning the defendants' involvement in the United States coconut oil market and continuing to the present, Granex Corporation, U.S.A. has consistently sold finished coconut oil products at prices lower than PVO could profitably sell the same even when PVO eliminated its profit margin in an attempt to meet Granex's prices.

3. That PVO's Richmond, California vegetable oil refinery is larger and more cost-efficient on a unit basis than Granex's refinery in San Francisco, California when compared on a utilization basis.

4. That for the eleven (11) month period ending November 30, 1981, PVO incurred a loss of approximately One Million Six Hundred and Ten Thousand Dollars ($1,610,000.00) on its coconut oil business.

5. That PVO employs approximately 75 employees at its Richmond, California plant.

6. That should PVO's Richmond facility close as a result of Granex's pricing policies, the coconut oil market will, in fact, be left predominantly to Granex. I believe PVO's Richmond facility produces and supplies approximately 25% to 30% of the edible coconut oil consumed in the United States.

Dated: January 21, 1982.

James W. Karson.

Subscribed to and sworn before me at San Francisco, California this 21st day of January 1982.

Lois B. Snyder,
Notary Public.

Certificate of Mailing

I declare that I am employed in the County of San Francisco. I am over the age of 18 years and not a party to the within action. My business address is 111 Sutter Street, San Francisco, California 94104.

On January 21, 1982 I served the attached document by placing a true and correct copy thereof enclosed in a sealed envelope with postage fully prepaid in the United States mail at San Francisco, California, addressed as follows:

James F. Kirkham, Esq., Pillsbury, Madison & Sutro, 225 Bush Street, P.O. Box 7880, San Francisco, California 94120
William J. Linklater, 130 East Randolph Drive, Chicago, Illinois 60601
Leon W. Weidman, Chief, Antitrust Division, U.S. Attorneys Office, Rm. 1443A, U.S. Court House, 312 N. Spring Street, Los Angeles, California 90012

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of January, 1982 at San Francisco, California.

Lloydel Roesch.

Certificate of Service by Mail

I, Margaret S. Isenberg, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is U.S. Attorney's Office, Antitrust Division, Room 1441A, U.S. Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by the U.S. Attorney's office at whose direction the service by mail described in this Certificate was made; that on February 10, 1982, I deposited in the United States mails in the U.S. Courthouse Building, 312 North Spring Street, in the above-entitled action, in an envelope bearing the requisite postage, a copy of Government's Response to Comments of PVO International, Inc.; Comments of PVO International Inc. addressed to: See attached list of counsel at their last known address, at which place there is a delivery service by United States mail.

This Certificate is executed on February 10, 1982, at Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.

Margeret S. Isenberg.

William J. Linklater,

Baker & McKenzie, 2700 Prudential Plaza, Chicago, IL 60601.

James F. Kirkham,

Pillsbury, Madison & Sutro, 225 Bush Street, San Francisco, CA 94104.

Patricia Sturdevant,

Alioto & Alioto, 111 Sutter Street, Suite 2100, San Francisco, CA 94104.

U.S. District Court, Central District of California

United States of America, Plaintiff v. *Crown Oil Corporation; Granex Corporation, U.S.A.; and Pan Pacific Commodities*, Defendants.

Civil No. 81-0787-TJH.

Government's response to memorandum amicus curiae and public comments of private plaintiffs; public comments of private plaintiffs

Table of Contents

I. The Terms of the Proposed Final Judgment Are Consistent With the Public Interest.

A. Section 5(a) of the Clayton Act Does Not Preclude Entry of This Decree.

B. The Proposed Decree Provides All of the Injunctive Relief Sought by the Government's Complaint.

1. Restitution or Fines Are Inappropriate Remedies.

2. Movants' Discovery Concerns Cannot be Incorporated Into the Decree.

II. The Terms of the Proposed Final Judgment Will Provide Effective Relief.

A. Paragraphs II and V Extend, Rather Than Limit, the Scope of the Proposed Decree.

B. The Judgment's Effectiveness is Not Dilluted by the Allowance of Prior Communications Between Parent and Subsidiary.

Conclusion.

Table of Cases

Cases

Banco National de Cuba v. *Sabbatino*, 376 U.S. 398 (1964)

Douglas Oil Co. v. *Petrol Stops Northwest*, 441 U.S. 211 (1979)

FTC v. *Great Western United Corp.*, [1976–1979 Transfer Binder, FTC Complaints and Orders] Trade Reg. Rep. (CCH) ¶ 21, 261 (FTC Dkt. C–2306, 1977)

McGraw-Edison Co. v. *Performed Line Products Co.*, 362 F.2d 339 (9th Cir.), *cert. denied*, 385 U.S. 919 (1966)

Occidental Petroleum Corp. v. *Buttes Gas & Oil Co.*, 331 F. Supp. 92 (C.D. Cal. 1971), *aff'd per curiam*, 461 F.2d 1261 (9th Cir.), *cert. denied*, 409 U.S. 950 (1972)

Regal Knitwear Co. v. *NLRB*, 324 U.S. 9 (1945)

Timberlane Lumber Co. v. *Bank of America N.T. & S.A.*, 549 F.2d 597 (9th Cir. 1976)

Underhill v. *Hernandez*, 168 U.S. 250 (1897)

United States v. *Associated Milk Producers, Inc.*, 394 F. Supp. 29 (W.D. Mo. 1975), *aff'd.*, 534 F.2d 113 (8th Cir.), *cert. denied sub nom. National Farmers' Organization, Inc.* v. *United States*, 429 U.S. 940 (1976)

United States v. *Automobile Manufacturers Association*, 307 F. Supp. 617 (C.D. Cal.), *aff'd per curiam sub nom., City of New York* v. *United States*, 397 U.S. 248 (1970)

United States v. *Bechtel Corp.*, 648 F.2d 660 (9th Cir. 1981)

United States v. *Gillette Co.*, 406 F. Supp. 713 (D. Mass. 1975)

United States v. *National Broadcasting Co.*, 449 F. Supp. 1127 (C.D. Cal. 1978)

Statutes and Rules

Antitrust Procedures and Penalties Act:
15 U.S.C. 16(d)
15 U.S.C. 16(e)
15 U.S.C. 16(e)(2)
Clayton Act: 15 U.S.C. 16(a)
FTC Act:
15 U.S.C. 45(1)
15 U.S.C. 45(m)(1)(A)
Sherman Act: 15 U.S.C. 4
Federal Rules of Civil Procedure: Rule 65(d)
Federal Rules of Criminal Procedure: Rule 6(e)

Other Authorities

H.R. Rep. No. 93–1463, 93d Cong., 2d Sess. (1974)

S. Rep. No. 93–298, 93d Cong., 1st Sess. (1973)

Pursuant to the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16(d), the Government hereby publishes and responds to the Memorandum Amicus Curiae and Public Comments of the plaintiffs in *In re Coconut Oil Antitrust Litigation*, M.D.L. No. 474 (N.D. Cal.) (hereinafter "the movants") concerning the proposed Final Judgement in *United States* v. *Crown Oil Corp., et al.*, Civ. No. 81–0787–TJH (C.D. Cal., filed Feb. 17, 1981). The Government has carefully reviewed the Comments of the movants and has concluded that the issues they have raised do not warrant modification in the proposed Final Judgment.

The movants have failed to demonstrate that the proposed decree is against the public interest. The proposed Judgment provides all of the injuctive relief sought by the Government's complaint. Those other remedies suggested by the movants—restitution or fines—are inappropriate in civil injuctive actions. Further, under *Douglas Oil Co.* v. *Petrol Stops Northwest*, 441 U.S. 211 (1979), movants' discovery concerns cannot be addressed in the proposed decree.

Movant's fears concerning the scope of certain specific paragraphs of the proposed decree are equally without merit. These paragraphs, as well as the entire proposed Final Judgment, are designed to provide effective relief against those violations alleged in the complaint.

For the reasons set forth below, this Final Judgment is in the public interest and should be entered without the delay associated with further procedural hearings.

I. The Terms of the Proposed Final Judgment Are Consistent With the Public Interest

A. Section 5(a) of the Clayton Act Does Not Preclude Entry of This Decree

The underlying theme of movants' objections to the entry of the proposed Final Judgment is that its entry will deny them the advantage of using the Judgment to establish prima facie proof or invoke collateral estoppel to establish liability in their private action. See, *e.g.*, Movants' Comments at 3–5, 14. Indeed, Section I of Movants' Comments is limited to the theory that the proposed decree should not be entered solely because it would not assist the movants in their private action. This theory ignores the express proviso of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), whose very language makes clear that Congress intended that consent decrees would not assist private litigants.

Section 5(a) of the Clayton Act * * * expressly excepts from these provisions consent decrees entered in such actions. In so doing, it implicitly recognizes consent decrees as a means of terminating civil anti-trust actions brought by the Government, and their use has become a most effective technique in anti-trust enforcement.

United States v. *Automobile Manufacturers Association*, 307 F. Supp. 617, 620 (C.D. Cal.), *aff'd per curiam sub nom., City of New York* v. *United States*, 397 U.S. 248 (1970).

The importance of antitrust enforcement by consent decree has been recognized both by Congress when it enacted the APPA and by the courts.

The Senate Judiciary Committee reported that a high percentage of government antitrust actions are settled prior to trial, and recognized that the consent decree process was a "legitimate and integral part of antitrust enforcement." [S.Rep. No. 93–298, 93d Cong., 1st Sess. 3 (1973).] "Obviously, the consent decree is of crucial importance as an enforcement tool, since it permits the allocation of resources elsewhere." S.Rep. at 5. "[T]he Committee wishes to retain the consent judgment as a substantial antitrust enforcement tool." S.Rep. at 7.

United States v. *Gillette Co.*, 406 F. Supp. 713, 715 (D. Mass. 1975). *Accord, United States* v. *Bechtel Corp.*, 648 F. 2d 660, 666 (9th Cir. 1981); *United States* v. *Automobile Manufacturers Association, supra*, 307 F. Supp. at 620; H.R.Rep. No. 93–1463, 93d Cong., 2d Sess. *reprinted in* [1974] U.S. Code Cong. & Ad. New 6535, 6537 ("Present Law, 15 U.S.C. 16(a), encourages settlement by consent decrees as part of the legal policies expressed in the antitrust laws * * *. The bill preserves these legal and enforcement policies * * *.").

In determining whether a proposed consent decree is in the public interest, the APPA sets forth various factors the Court may consider. 15 U.S.C. 16(e). Among these discretionary factors are the impact of the proposed decree's entry upon individuals alleging specific injury from the violations set forth in the complaint, including the public benefit, if any, to be derived from a full adjudication at trial. *Id.* section 16(e)(2). In discussing the meaning of this provision, however, Congress declared:

Nor is Section 2(e) [15 U.S.C. 16(e)(2)] intended to force the government to go to trial for the benefit of potential private plaintiffs. The primary focus of the Department's enforcement policy should be to obtain a judgment either litigated or consensual which protects the public by insuring healthy competition in the future. The Committee

believes that in the majority of instances the interests of private litigants can be accommodated without the risk, delay and expense of the government going to trial. H.R. Rep. No. 93-1463, *supra*, at 6539, *quoting* S. Rep. No. 93-298, *supra*, at 6. Thus, the mere existence of private litigants, such as movants, provides no basis for finding that this proposed decree is not in the public interest. Therefore, the proposed Final Judgment should be entered without delay.

B. The Proposed Decree Provides All of the Injunctive Relief Sought by the Government's Complaint

The proposed Final Judgment in this case protects the public interest by remedying the violations alleged in the complaint. The complaint in this action alleged a price fixing conspiracy and prayed for injunctive relief against those practices which the Government alleged perpetrated the conspiracy. The proposed Final Judgment enjoins not only the fixing of prices but also any discrimination in prices or other terms of sales both between or among refiners, end-users or dealers of crude or refined coconut oil, or for the benefit of any defendant. In addition, the proposed Final Judgment prohibits the defendants from refusing to sell coconut oil to any United States firm and from conspiratorial agreements to store coconut oil. The proposed decree further enjoins communication of information on price or other terms of sales with others involved in marketing coconut oil, except in connection with a bona fide purchase or sale. The defendants are also required to institute antitrust compliance programs, and the proposed decree allows for inspection by the Government to assure compliance with the Judgment's terms. The proposed decree thus provides all of the injunctive relief sought by the complaint as well as all of the relief that could reasonably be expected to be obtained after a full trial.

1. *Restitution or Fines Are Inappropriate Remedies.* Despite this high level of consistency between the complaint and the proposed decree,[1] the movants complain because "there has been no restitution to the victims of the conspiracy * * *." Movants' Comments at 19. The movants do not make clear what it is they expect the Court to do to remedy their complaint. At one point they imply that the Government should be forced to trial. Movants' Comments at 16 ("Such circumstances increase the public interest in having a full public record developed rather than summary termination of the case through a consent decree."). Later, however, they suggest they might be satisfied if the consent decree were modified to include a restitution provision or a Court-imposed fine. *Id.* at 18 ("In the instant action where no fine has been levied and no restitution provision included in the final decree, [the public interest] considerations assume particular force.").

These remedial suggestions ignore the realities of the nature of this case. Nothing in the APPA or case precedents support movants' novel theories. Unlike the cases cited by movants, all but one of which involved denial of *nolo contendere* pleas, this is not a criminal case wherein the Court is authorized by statute to impose fines. Nor is this a case analogous to the Federal Trade Commission ("FTC") proceeding movants cite. *FTC* v. *Great Western United Corp.*, [1976-1979 Transfer Binder, FTC Complaints and Orders] Trade Reg. Rep. (CCH) ¶21,261 (FTC Dkt. C-2306, 1977). Unlike the Antitrust Division of the Department of Justice, the FTC is empowered to seek *civil* penalties for violations of its cease and desist orders. 15 U.S.C. 45(1). *See also id.* section 45(m)(1)(A). Imposition of a fine is a penalty and not appropriate in a civil injunctive action brought by the Government under Section 4 of the Sherman Act. 15 U.S.C. 4.

Movants' amorphous claim concerning restitution likewise misapprehends the nature of this proceeding. In a civil injunctive action, the Court does not concern itself with sentencing mitigation factors. Further, the movants' suggestion that restitution would be in the public interest assumes that this Court can easily and quickly determine who are the victims of the conspiracy and what is the amount of their individual damage. That assumption is ill-founded. To resolve such issues would require protracted hearings, if not a full-blown trial. Yet,

[t]he legislative history clearly and expressly establishes that "[i]t [was] not the intent of the committee to compel a hearing or trial on the public interest issue." S.Rep. No. 93-298 [*supra*, at 6], quoted with approval in H.Rep. No. 93-1463 [*supra*, at 6539], quoted in [*United States* v. *Associated Milk Producers, Inc.*, 394 F. Supp. 29, 45 (W. D. Mo. 1975), *aff'd* 534 F.2d 113 (8th Cir.), *cert. denied sub nom., National Farmers Organizations, Inc.* v. *United States*, 429 U.S. 940 (1976)].

United States v. *National Broadcasting Co., supra*, 449 F. Supp. at 1143-44.

As movants state in their Motion to Appear Amicus Curiae (at 1-2), they have already instituted their own class action against these same defendants averring causes of action arising out of the same activities alleged by the Government. If movants are entitled to restitution, it will come as a result of that action. This, therefore, is not the appropriate time nor the appropriate forum for determination of damage issues which are in the private interest of movants and not in the larger public interest.

2. *Movants' Discovery Concerns Cannot be Incorporated Into the Decree.* Similarly, this is not the appropriate forum for movants to interject their personal discovery concerns. As a result of having filed their own action, movants are able to exercise full discovery powers to secure documents from defendants and others.[2] Notwithstanding movants' citation of *United States* v. *Automobile Manufacturers' Association, Inc., supra*, 307 F. Supp at 620, to support their view that this Court can modify the proposed decree to add a document impounding provision, the Supreme Court has since established specific procedures that private litigants must follow to obtain grand jury materials protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure. *Douglas Oil Co.* v. *Petrol Stops Northwest*, 441 U.S. 211 (1979). Under these procedures, to overcome the prohibitions of Rule 6(e), movants must petition at least the Honorable William Orrick, the judge in the United States District Court of the Northern District of California presiding over movants' private class action, and perhaps the Central District of California criminal duty judge who supervised the grand jury, to evaluate the continued need for secrecy, the litigants' partricularized need for disclosure, and the extent to which the request is limited to material directly pertinent to the need for disclosure. *Id.* at 222, 224-26. It would thus be improper under *Douglas Oil* for this Court to make grand jury materials available to movants through the inclusion of an impounding order as a provision of a consent decree.

The terms of the proposed Final Judgment are consistent with the public interest. The proposed decree remedies the violations alleged in the Government's complaint. Movants' concerns about restitution and document impoundment in fact need to be resolved in other forums. For these reasons, the proposed Final Judgment should be entered without modification.

II. The Terms of the Proposed Final Judgment Will Provide Effective Relief

A. Paragraphs II and V Extend, Rather Than Limit, the Scope of the Proposed Decree

The terms of the proposed Final Judgment are intended to prevent any recurrence of the activities alleged in the Government's complaint. The proposed decree is also particularly designed to provide effective relief from those of the alleged activities which have international aspects. Therefore, certain provisions of the proposed Final Judgment seek to extend the Court's jurisdiction as far as possible within the parameters of applicable law. *E.g.*, Proposed Final Judgment ¶¶ II, V. Given their purpose, it is surprising that it is these provisions that movants have labeled "illusory" and "cosmetic." Movants' Comments at 9, 13.

Paragraph II of the proposed decree includes the proviso that "this Final Judgment shall not apply to transactions or activities required by the laws or the regulations having the force of law of the jurisdictions *in which such transaction or activity takes place.*" (Emphasis added.) Movants try to suggest that because the defendants as parties in movants' private class action have asserted certain international law defenses—act of state and foreign compulsion—this proviso will permit continuation of defendants' anticompetitive behavior. Paragraph II's proviso merely incorporates "[t]he classic American statement of the act of state doctrine:"

Every sovereign state is bound to respect the independence of every other sovereign state, and the courts of one country will not

[1] "[I]n evaluating a consent decree, one highly significant factor is the degree to which the proposed decree advances and is consistent with the Government's original prayer for relief * * *." *United States* v. *National Broadcasting Co.*, 449 F. Supp. 1127, 1144 (C.D. Cal. 1978).

[2] The Government notes that movants have already arranged with one subpoenaed party to have that company permit the Government to allow its documents to be examined while still in the Government's hands.

sit in judgment on the acts of the government of another, done within its own territory.

Banco Nacional de Cuba v. *Sabbatino*, 376 U.S. 398, 416 (1964), *quoting Underhill* v. *Hernandez*, 168 U.S. 250, 252 (1897). *Accord, Timberlane Lumber Co.* v. *Bank of America, N.T. & S.A.*, 549 F. 2d 597, 605 (9th Cir. 1976); *Occidental Petroleum Corp.* v. *Buttes Gas & Oil Co.*, 331 F. Supp. 92, 108 (C.D. Cal. 1971), *aff'd per curiam*, 461 F. 2d 1261 (9th Cir.), *cert. denied*, 409 U.S. 950 (1972).

Movants fear that the proviso will permit defendants to "contrive to effectively undertake conduct similar to that charged in the civil complaint under the guise of compulsion 'by the laws or regulations' of the Philippines." Movants' Comments at 12. Such a fear is unsubstantiated by both applicable principles of international law and by a logical interpretation of the proposed decree. Should the Government in the future allege defendants' conduct is a violation of the proposed decree, that conduct will be excepted under Paragraph II's proviso if, and only if, the conduct were to take place in the Philippines and were required by Philippine law or regulations. Whether that conduct is excepted will be an issue in any subsequent contempt hearing, even as it will be in movants' own litigation.

Movants also create a smoke screen of misplaced concern over the interrelationship of Paragraph II's edict that the proposed Final Judgment applies to "all other persons in active concert or participation with [the defendants] who shall have received actual notice" of it, with Paragraph V's notice requirements. Paragraph V requires the defendants to give notice to, among others, their parent corporations' officers and directors and the officers and directors of United Coconut Mills, Inc. ("UNICOM") and United Coconut Planters Bank ("UCPB"). Movants are wrong in asserting that these provisions have no legal import.

The provisions of Paragraph II which state when the proposed decree shall be applicable to non-parties tracks the language of Rule 65(d) of the Federal Rules of Civil Procedure.[3]

> This [rule] is derived from the common-law doctrine that a decree of injunction not only binds the parties defendant but also those identified with them in interest, in "privity" with them, represented by them or subject to their control. In essence it is that defendants may not nullify a decree by carrying out prohibited acts through aiders and abettors, although they were not parties to the original proceeding.

Regal Knitwear Co. v. *NLRB*, 324 U.S. 9, 14 (1945)

Read together with paragraph II, Paragraph V of the proposed Final Judgment insures that all those who are likely to play a part in any continuation of the conspiracy alleged in the complaint are made aware of the terms of the decree. If, in the future, it is shown that such non-parties have aided and abetted the defendants in violating the Judgment and had notice of its terms, the Court could hold them in contempt. *McGraw-Edison Co.* v. *Performed Line Products Co.*, 362 F. 2d 339, 344 (9th Cir.), *cert. denied*, 385 U.S. 919 (1966). By specifically requiring that notice be provided to the defendants' parents, UNICOM, and UCPB, as well as requiring the defendants to certify that such notice has been made, Proposed Final Judgment ¶¶ V(A), (B), the proposed decree provides relief beyond what might have been achieved if the Government had been successful at trial.

Movants' own conclusion in regard to these questionable concerns demonstrates that once again their true motive is to force the Government to trial so that movants can benefit in their own litigation. Movants' Comments at 14. Inasmuch aa Paragraphs II and V are not illusory or cosmetic and do provide meaningful and effective relief by making judgment enforcement against conspiring non-parties easier, the proposed Final Judgment should be entered.

B. The Judgment's Effectiveness Is Undilluted by the Allowance of Price Communication Between Parent and Subsidiary

The allowance by Paragraph IV(B) of communication of price or other terms/conditions of sale between either defendant and its parent does not weaken the effective relief of the proposed Final Judgment. Such communication, recognized by the Government as a necessary part of a parent-subsidiary relationship, bears no similarity to those communications which can lead to the type of conspiratorial price fixing alleged in the complaint.

Movants' assumption that paragraph IV(B) will lead to price communications between the defendants themselves ignores the existence of Paragraph IV(A) (5)'s requirements. This provision requires for a period of 10 years that every officer and employee involved in pricing or marketing coconut oil of each defendant must file a detailed written report of any price discussion communication with others in the industry which is contrary to Paragraph IV of the proposed decree. In addition, those not filing such reports must regularly certify that they have not participated in such communications. This portion of the proposed decree fully ensures that illegal communications of the type movants fear—between the defendants—as well as illegal communications between any defendant and other industry members will not occur.

Adequate safeguards exist in the proposed Final Judgment to ensure compliance with the spirit as well as the letter of the consent decree. For these reasons, this proposed decree should be entered.

Conclusion

The Government has examined the impact of the proposed decree on competition. The proposed Final Judgment is designed to ensure that, in the future, defendants' prices will be independently determined and free from the restraining and artificial influences which result from communications among competitors. The proposed decree provides all the relief which the Government sought in its complaint. The proposed decree protects the public interest by remedying the violations alleged in the complaint and assuring healthy competition in the future. For all these reasons, it is appropriate that the Court enter the Judgment without modification upon certification by the Government of its compliance with the APPA publication requirements.

Dated: February 10, 1982.

Respectfully submitted,

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U.S. District Court for the Central District of California

United States of America, Plaintiff, v. *Crown Oil Corporation, Granex Corporation, U.S.A., and Pan Pacific Commodities*, Defendants.

Civil No. 81-0787-TJH.

Memorandum Amicus Curiae and Public Comments of Private Class Action Plaintiffs in Opposition to Entry of the Proposed Final Order in its Present Form

Table of contents

I. Entry of the proposed consent decree at this juncture would violate the import of section 5(a) of the Clayton Act which provides that a judgment obtained in civil proceedings brought by the Government may be introduced in a private civil case as at least *prima facie* proof of a defendant's violation of the antitrust laws.

II. The specific circumstances relating to the civil action *sub judice* demonstrate that the proposed final judgment is, in its present form, against the public interest.

A. The injunctive provisions of the proposed final judgment may be of little meaning in light of the fact asserted by the defendants in their submissions in the related private civil actions.

1. Paragraphs II and V of the proposed final judgment may offer an illusory remedy and do not adequately assert the court's jurisdiction to impose its contempt power.

2. Paragraph IV B 2 vitiates any effective prohibition of price communication among the defendants.

III. The proposed final judment allows defendants to retain the fruits of a scheme which unlawfully astronomically inflated the price of coconut oil in the United States.

IV. The proposed final judgment fails to provide for impoundment of grand jury transcripts and documents obtained by the Government despite the great risk that the information relating to the conspiracy may be otherwise inaccessible to subsequent private civil litigants.

Conclusion.

U.S. District Court for the Central District of California

United States of America, Plaintiff v. *Crown Oil Corporation, Granex Corporation, U.S.A. and Pan Pacific Commodities*, Defendants.

[3] Rule 65(d) provides: "Every order granting an injunction and every restraining order * * * is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise."

Civil No. 81-0787-TJH.

Memorandum Amicus Curiae and Public Comments of Private Class Action Plaintiffs in Opposition to Entry of the Proposed Final Order in Its Present Form

Introduction

Plaintiffs in the related civil treble damage class actions, *In re Coconut Oil Antitrust Litigation*, M.D.L. No. 474 (N.D. Cal.), currently pending before the Honorable William Orrick, respectfully urge this Court to reject the proposed Final Judgment submitted by the parties in this civil action. Entry of the proposed judgment in its current form would not be in the public interest as required under the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(e), in that the proposed judgment may offer no genuine relief and would impact adversely upon the purchasers alleging specific injury from the violations while allowing the facts of defendants' illegal activities to remain concealed.

The Antitrust Procedures and Penalties Act specifically authorizes both intervention or appearance as *amicus curiae* in government civil proceedings of interested persons to assist the court in its determination of whether a proposed final order is in the public interest, 15 U.S.C. 16(f). Section 16(e)(2) states that the impact upon individuals alleging specific injury from the violations alleged is one of the two criteria under which the purlic interest in entering the Order is to be determined.[1]

The private civil action plaintiffs representing those individuals alleging specific injury are thus in a particular position to comment upon the public interest, or lack thereof, of a proposed decree. *See, e.g., United States* v. *R & G Sloane Manufacturing, Inc.*, 1973 Trade Cases ¶ 74,289 (C.D. Cal. 1972). ("The real issue, however, is pointed up by the *amicus curiae* briefs filed by certain treble damage claimants.").

I. Entry of the Proposed Consent Decree at This Juncture Would Violate the Import of Section 5(a) of the Clayton Act Which Provides That a Judgment Obtained in Civil Proceedings Brought by the Government May Be Introduced in a Private Civil Case as at Least Prima Facie Proof of a Defendant's Violation of the Antitrust Laws

Entry of the proposed Final Judgment at this juncture "without trial or adjudication of any issue of fact or law and without [the] Final Judgment constituting any evidence against or an admission by any party with respect to any such issue," (proposed Final Judgment at 1) would impact adversely upon the individuals alleging specific injury from violations charged in the action and thereby directly contravene 15 U.S.C. 16(e)(2). Moreover, entry of such an order would substantially vitiate the clear import of the Clayton Antitrust Act, 15 U.S.C. 16(a), which provides that a decree obtained after the taking of evidence in a government antiturst action establihes at least *prima facie* proof of a violation in a subsequent private civil action.

The important purpose served by government proceedings in assisting civil plaintiffs to establish an antitrust defendant's liability was recently reaffirmed by Congress by enactment of the Antitrust Procedural Improvements Act of 1980 which amended section 5(a) of the Clayton Act, 15 U.S.C. 15(a), to provide that a judgment obtained by the government may be invoked as collateral estoppel against the defendants in the subsequent private civil actions.[2] The proposed Final Judgment could not be introduced by civil plaintiffs under section 5 either to establish *prima facie* proof of their case or to collaterally estop defendants from contesting their violation. See, 15 U.S.C. 15(h); *Lindy Bros. Builders, Inc.* v. *American Radiator & Standard Sanitary Corp.*, 487 F. 2d 161, n.12 (3d Cir. 1973).

Even prior to the recent amendments to the Clayton Act, courts held in the analogous context of acceptance of *nolo contendere* pleas in criminal antitrust proceedings, that the public interest represented by private civil litigants precluded entry of pleas of *nolo contendere* in pending government proceedings. "To routinely accept *nolo contendere* please where there is a high potential of a treble damage action would make a mockerly of section 5—any guilty defendant might avoid serious private actions by pleading the magic words." *United States* v. *American Bakeries Co.*, 284 F. Supp. 864, 869 (E.D. Mich. 1968). Thus, the fact that private civil actions are pending underscores the necessity to reject the proposed final order in its present form. *See also, United States* v. *Rockwell International Corp.*, 1978-2 Trade Cases ¶ 62,402 (E.D. Pa. 1978); *United States* v. *Westinghouse Electric Corp.*, 1960 Trade Cases ¶ 69,699 (E.D. Pa. 1960); *United States* v. *David E. Thompson, Inc.*, 621 F. 2d 1147 (1st Cir. 1980); *United States* v. *Brighton Building and Maintenance*, 431 F. Supp. 1118 (N.D. Ill. 1977), *aff'd*, 598 F. 2d 1108 (7th Cir. 1979); *United States* v. *Ultramarine and Color Co.*, 137 F. Supp. 167 (S.D.N.Y. 1955); *United States* v. *SIGMA*, Criminal Action No. 76-0314 (D. Md. Transcript Apirl 15, 1977) (relevant pages attached hereto as Exhibit "A").

The application of this reasoning to government civil actions was underscored by Judge Curtis in *United States* v. *R & C Sloane Manufacturing Company*, 1973 Trade Cases ¶74,289 (C.D. Cal. 1972) in which the court accepted pleas of *nolo contendere* in a criminal action precisely because a government civil action was to proceed and would protect the interest of the private civil plaintiffs under § 5 of the Clayton Act to subsequently use any judgment obtained after the government civil trial in the private action, at p. 93,322. *Accord, United States* v. *Standard Ultramarine & Color Co.*, 137 F. Supp. 167, 174 (S.D.N.Y. 1955).

In his seminal decision rejecting proferred *nolo contendere* pleas in *United States* v. *Standard Ultramarine and Color Co., supra*, 137 F. Supp. at 172, Judge Weinfeld explained that the very purpose of enactment of section 5 of the Clayton Act was to assure that the government enforcement action would assist and encourage private litigants:

It was fashioned as a powerful weapon to aid private litigants in their suits against anti-trust violators by reducing the almost prohibitive costs and staggering burdens of such litigation in making available to him the results of the *Government's successful action, whether an equity suit* or a criminal prosecution. And the hoped for by-product of the benefit to a plaintiff was increased law enforcement.[3] (emphasis added)

In *United States* v. *David E. Thompson, Inc.*, 621 F. 2d 1147, 1150-51 (1st Cir. 1980), Judge Coffin writing for the First Circuit noted that in light of pending civil cases, it was "almost inconceivable" for a district court to find that a plea of *nolo contendere* was in the public interest.

II. The Specific Circumstances Relating to the Civil Action Sub Judice Demonstrate That the Proposed Final Judgment is, in its Present Form, Against the Public Interest

Entry of the proposed final judgment is particularly inappropriate in the instant action because of extraordinary obstacles obstructing the private civil litigants' access to the facts from which proof of conspiracy may be derived; the lack of any provision in the proposed final judgment impounding documents and grand jury transcripts for use by subsequent civil litigants; the genuine possibility that no meaningful relief is

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[1] That provision reads:

Public interest determination

(e) Before entering any consent judgment proposed by the United States under this section, the court shall determine that the entry of such judgment is in the public interest. For the purpose of such determination, the court may consider—

(2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

[2] Section 5(a) of the Clayton Act, 15 U.S.C. 15(a), as amended by the Antitrust Procedural Improvements Act of 1980 (Pub. L. 96-350) reads:

[GOVERNMENT JUDGMENT AS EVIDENCE]

Sec. 5. (a) A final judgment or decree heretofore or hereafter rendered in any civil or criminal proceedings brought by or on behalf of the United States under the antitrust laws to the effect that a defendant has violated said laws shall be prima facie evidence agaisnt such defendant in any action or proceeding brought by any other party against such defendant under said laws as to all matters respecting which said judgemnt or decree would be an estoppel as between the parties thereto: *Provided*, That this section shall not apply to consent judgments or decrees entered before any testimony has been taken. Nothing contained in this section shall be construed to impose any limitation on the application of collateral estoppel * * *.

[3] Judge Weinfeld set out the legislative history of Section 5 of the Clayton Act:

A reading of the interesting debates which followed shows that the unmistakable purpose of the Congress in enacting § 5 in response to the Presidential message was "to minimize the burdens of litigation for injured private suitors by making available to them all matters previously established by the Government in antitrust actions." *The defendants urge that there is no obligation upon the Government to assist or encourage litigants. But a fair reading of the debates and the Committee Reports indicates that such was the very purpose of the clause.*

137 F. Supp. at 171 (footnote omitted; emphasis added)

contained in the injunctive provisions of the proposed Final Judgment; the extraordinary overcharges wrought by the conspiracy; and the failure of defendants to have made restitution to the victims of their conspiracy prior to entry of the Final Order.

In *United States* v. *Everest & Jennings International*, CCH Trade Cases, U.S. Antitrust Case Summaries Transfer Binder 1970–79 ¶45,077 case 2585 (C.D. Cal. 1979), Judge Real rejected an initial consent agreement in a civil action between the government and the defendants on the grounds that it violated the Clayton Act's public interest standard. The Court set a trial date after which the parties renegotiated the consent decree to include meaningful relief which was ultimately approved by the Court. 1979–1 Trade Cases ¶62,508 (C.D. Cal. 1979).

A. The Injunctive Provisions of the Proposed Final Judgment may be of Little Meaning in Light of the Facts Asserted by the Defendants in Their Submissions in the Related Private Civil Actions

In light of the position taken by defendants in the related private civil actions several provisions contained in the injunctive section of the proposed Final Judgment may render the entire injunctive relief provided in the Final Judgment illusory. The specific provisions to which civil plaintiffs object are paragraphs II and V of the Final Judgment and the proviso contained in paragraph IV(B)(2).

1. *Paragraphs II and V Of The Proposed Final Judgment May Offer An Illusory Remedy And Do Not Adequately Assert The Court's Jurisdiction To Impose Its Contempt Power.* Paragraph II reads as follows:

This Final Judgment applies to each Defendant and each of said Defendant's officers, directors, agents, employees, subsidiaries, successors and assigns and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise; provided, *however, that this Final Judgment shall not apply to transactions or activities required by the laws or the regulations having the force of law of the jurisdictions in which such transaction or activity takes place.* (emphasis added)

The proviso may effectively permit continuation of defendants' antitrust violations. In the related civil proceedings, defendants have asserted an "act of state and sovereign compulsion" defense and taken the position that there otherwise illegal conduct in participating in the conspiracy was mandated by "laws or the regulations having the force of law of the jurisdiction in which such transaction or activity takes place," *i.e.*, the Philippines.[4]

In their "Memorandum of Points and Authorities In Support of Defendants' * * * Motion to Dismiss" filed in the private actions, the defendants argue as follows:

Since the three defendants were directly controlled by the Philippine Coconut Authority, any actions on their part with respect to the marketing of coconut oil and its by-products were carried out at the express command of the Philippine Coconut Authority. Therefore, defendants' conduct is insulated from any claimed violations of the American antitrust laws by the doctrine of sovereign compulsion * * *

* * * * * *

If the activity complained of by plaintiffs did have any anticompetitive effects, such activity is not cognizable as a restraint of trade under the Sherman Act because it was compelled by a foreign sovereign.

Under the proviso of ¶ II defendants could continue to effectively undertake conduct similar to that charged in the civil complaint under the guise of compulsion "by the laws or regulations" of the Philippines.

Additionally the provision of ¶ II extending the Court's jurisdiction to all persons "who shall have received actual notice of this Final Judgment by personal service or otherwise" would appear to be meaningless. This provision is apparently intended to be read in conjunction with paragraph V which requires the defendants to provide notice of the decree to, *inter alia:*

(3) The officers and directors of its parent corporations, if any; and

(4) The officers and directors of UCBP and UNICOM.[5]

UCPB, United Coconut Planters Bank, is, according to defendants' submissions in M.D.L. 474, the Philippine parent of both Granex and Pan Pacific ("All of the shares of Granex and Pan Pacific are now owned by the United Coconut Planters Bank, which purchased Granex and Pan Pacific at the direction of the Philippine Coconut Authority pursuant to legislative mandate." Memorandum in Support of Defendants' Motion to Dismiss at 4).[6]

If, as defendants assert in their submissions in M.D.L. 474, UCPB and UNICOM are, in fact, Philippine corporations and controlled, in part, by legislative action, the provisions of the Final Order purporting to extend the Court's jurisdiction and contempt power to these entities which are not yet named parties to these proceedings is meaningless absent their specifically submitting to the jurisdiction of the Court as signatories to a consent decree. Absent their genuine submission to the Court's jurisdiction, these provisions relating to UCPB and UNICOM, whom defendants assert in M.D.L. 474 to be the central entities through which the conspiracy was controlled, are merely cosmetic and of no apparent legal import.

These meaningless cosmetic provisions are no substitute for full litigation of the claims by the government against the American subsidiaries which would lay a predicate for assertion of jurisdiction over the parents or would provide some other meaningful relief.

2. *Paragraph IV.B.2 Vitiates Any Effective Prohibition of Price Communication Among the Defendants.* Paragraph IV.B.2 contains a proviso which further emasculates the proposed Final Judgment. That provision prohibits defendants from:

(B) Communicating to, requesting from or discussing with any other person who imports, sells or markets crude or refined coconut oil in the United States any information about past, present, future or proposed prices, discounts or other terms or conditions for the sale of crude or refined coconut oil; provided, however, that this section does not apply to (1) any necessary communication in connection with a *bona fide* contemplated or actual sale of crude or refined coconut oil by a Defendant, *or (2) communication of price or other terms or conditions of sale between a Defendant and its parent.* (emphasis added)

The final proviso, *i.e.* subpart (2), permits price communications between the subsidiaries and their parents. Since Granex and Pan Pacific are both independent subsidiaries of the same parent the proviso effectively sanctions a vehicle for price communication between two independent entities. Absent such a provision, this conduct would be a violation of the antitrust laws.

The proviso contained in subpart (2) departs from the specific relief sought in the government's initial complaint which contained no such proviso but sought a meaningful order enjoining defendants from:

(c) communicating any information concerning prices, discounts or terms or conditions of sale, marketing, or storage of coconut oil to any person engaged in the importation, sale, or marketing of coconut oil except as necessary in connection with a bone fide purchase or sales transaction between the parties to such communications.

Because the central substantive provisions of the proposed Final Judgment contain provisions which are essentially cosmetic when viewed in the light of defendants' assertions in their submissions in M.D.L. 474, the proposed Final Judgment does not provide meaningful relief in the public interest. Indeed, to the contrary, it provides defendants and their co-conspirators with a vehicle for resolving the claims against them without public airing of the facts of their violations discovered by a government investigation while requiring virtually nothing from defendants in return.

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[4] The American antitrust laws reach actions directed at the American markets though undertaken on foreign soil. *See, e.g., Continental Oil Co.* v. *Union Carbide & Carbon Corp.*, 370 U.S. 690, 706 (1962); *United States* v. *The Watchmakers of Switzerland*, 1963 Trade Cases ¶ 70,600 (S.D.N.Y. 1962) *order modified* 1965 Trade Cases ¶ 70,352 (S.D.N.Y. 1965); *Timberlane Lumber Co.* v. *Bank of America*, 549 F. 2d 597 (9th Cir. 1977); *Industrial Investment Development Corp.* v. *Mitusi & Co.*, 594 F. 2d 48 (5th Cir. 1979), *see also, United Nuclear Corp.* v. *General Atomic Corp.*, 1980–81 Trade Cases ¶ 63,639 (N. Mex. Sup. Ct. 1980) *cert. denied* 101 S. Ct. 1966 (1981); *United States* v. *Vetco, Inc.* 644 F. 2d 1324 (9th Cir. 1981). The allegations of the government complaint explicitly charge a conspiracy directed specifically at raising prices of coconut oil on the American market.

[5] Paragraph V (A)(4) reads:

(A) Within sixty (60) days after the date of entry of this Final Judgment, each Defendant shall furnish a conformed copy hereof to the following persons and advise each that violation of this Final Judgment could result in a conviction for contempt of court and imprisonment and/or a fine:

(4) The officers and directors of UCBP and UNICOM.

[6] Significantly, the initial provision of paragraph II extends specifically to "defendant's officers, directors, agents, employees, subsidiaries, successors and assigns * * *" but does not specifically include each defendant's parents.

III. The Proposed Final Judgment Allows Defendants To Retain the Fruits of a Scheme Which Unlawfully Astronomically Inflated the Price of Coconut Oil in the United States

Neither the final judgment nor the competitive impact statement contain any estimate of the damage inflicted by the defendants' violation. Preliminary review of the prices for coconut oil in the period of defendants' conspiracy in comparison with the historical price spread of coconut oil and related vegetable oils shows the damages over the six months of the conspiracy to have been far beyond those achieved in even the most successful of price-fixing conspiracies. Such circumstances increase the public interest in having a full public record developed rather than summary termination of the case through a consent decree.[7]

A preliminary estimate by civil plaintiffs presently demonstrates the average overcharge during the conspiracy period alleged by the government to have been between 17 and 20 percent. This estimate is derived by utilizing the actual price of soybean oil as a benchmark to estimate what the price of coconut oil would have been absent the conspiracy. This is the precise method defendants themselves apparently used to estimate non-conspiratorial market prices.[8] The price relation of coconut and soybean oil is indexed by defendants' own studies to be 1.2938 over the twelve year period prior to January, 1980.[8] Thus by multiplying the soybean prices during the alleged conspiracy period by the index an estimated non-conspiratorial price of coconut oil can be derived based on the price behavior over the prior twelve years. The overcharge was derived by subtracting the estimated non-conspiratorial price from the actual prices of coconut oil published in the Wall Street Journal. The resulting estimated overcharge is in excess of 17 percent.[9]

In the analogous cases involving acceptance of *nolo contendere* pleas under the identical "public interest" standard under which the proposed Final Judgment is to be evaluated, courts have considered the nature and severity of the price fixing conspiracy in rejecting as against the public interest pleas tendered by parties. In the instant action in which no fine has been levied and no restitution provision included in the final decree, despite the exhorbitant overcharge, these considerations assume particular force.

In *United States* v. *SIGMA*, Crim. No. 76–0314 (D. Md.), (attached hereto as Exhibit "A") the court reviewed the nature of the antitrust violation before it and found that acceptance of *nolo* pleas would be against the public interest by concealing the facts of a serious conspiracy.

Similarly, in *United States* v. *Rockwell International Corp.*, 1978–2 Trade Cases ¶ 62,402 (E.D. Pa. 1978), Judge Cahn rejected pleas of *nolo contendere* after determining they were not in the public interest. Judge Cahn considered such factors as the effectiveness of the conspiracy and its impact on the economy in finding the pleas against the public interest.

In the instant action, there has been no restitution to the victims of the conspiracy who, as the analysis above demonstrates, were injured severely as a result of defendants' price fixing.

An analogous line of cases has considered whether restitution had been made by a party as a factor in assessing the public interest in accepting *nolo contendere* pleas or government civil settlements.

Judge Merhige of the United States District Court in Richmond, Virginia, reduced, from $13 million to $5 million, a fine imposed pursuant to a *nolo contendere* plea because the criminal defendant agreed to make restitution of $8 million to injured private parties. *United States* v. *Allied Chemical Corp.*, Cr. No. 76–0129. *See* Exhibit "E" hereto. (Civil plaintiffs ascertained amounts through inquiry at Judge Merhige's chambers).

In the criminal proceeding of *United States* v. *Robert S. Trippett*, 76 CR 23–B (N.D. Okla.) Judge Allen A. Barrow of the United States District Court in Tulsa, Oklahoma, ordered Trippett, alleged mastermind of the multimillion dollar Home-Stake Production Company swindle, to pay $100,000 to set up a fund for claimants. *See* Orders attached as Exhibits "F" and "G" hereto. *See also, F.T.C.* v. *Great Western United Corp.*, F.T.C. Docket C–2306, where the F.T.C. conditioned settlement of a civil penalty action against Great Western upon restitution of approximately $20 million in connection with allegedly fraudulent land sales. 3 CCH Trade Regulation Reporter ¶ 21,261.

IV. The Proposed Final Judgment Fails To Provide for Impoundment of Grand Jury Transcripts and Documents Obtained by the Government Despite the Great Risk That the Information Relating to the Conspiracy May Be Otherwise Inaccessible to Subsequent Private Civil Litigants

The facts relating to the instant conspiracy are to a great extent apparently within the knowledge of Philippine nationals and Philippine corporations. Of the twenty-five individuals listed in the "Government's List of Persons with Knowledge of Relevant Facts * * *" filed March 24, 1981 (exhibit "B" hereto), fifteen persons appear to be Philippine nationals.[10] Beyond the usual difficulties facing a litigant seeking to obtain facts from foreign nationals is the fact that the Philippines have issued a Presidential Decree prohibiting as a criminal felony compliance with a subpoena or other process of an American court relating to an antitrust proceeding unless the recipient of the subpoena receives prior permission of President Marcos or his designee. *See*, Presidential Decree No. 1718, attached hereto as exhibit "C". The practical effect of this decree has been to prevent Philippine nationals from testifying in the civil proceeding.

On January 13, 1982 plaintiffs sought to depose Rafael Fernando, former Vice President of Pan Pacific. Mr. Fernando stated on the record his willingness and desire to testify but refused to answer any questions posed to him for fear of violation of the Philippine Presidential decree.

Thus, it is of particular importance that any decree entered in this action contain a provision impounding the grand jury transcripts and all documents obtained in the grand jury and government proceedings and providing means for access to such documents by the Civil plaintiffs. *See e.g., United States* v. *Automobile Manufacturers Association, Inc.*, 307 F. Supp. 617, 620 (C.D. Cal. 1969) (order entered prior to entry of final judgment "requiring that all evidence obtained by the grand jury, as well as its own transcript, be impounded in the hands of the Justice Department, where it may be obtained by treble damage claimants * * * where good cause therefor can be shown.")

Conclusion

For the reasons set forth above, private civil class action plaintiffs respectfully urge that the proposed Final Order be rejected in its present form at this juncture as against the public interest.

Respectfully submitted,

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[7] As the court stated in *United States* v. *SIBMA*, Criminal No. 76–0314 (D. Md., Transcript, April 15, 1977) (attached hereto as Exhibit "A"):

If this Court accepts the *nolo* pleas from any or all of the seven defendants who have proferred it, little would be revealed and much would be concealed. Trial, on the other hand, will reveal either the lack of substance of the charges, or the grievous and unlawful conduct of the defendants, as has been charged by the grand jury of this District. At page 35. *Accord, United States* v. *Standard Ultramarine & Color Co., supra*, 137 F. Supp. at 172.

[8] *See*, Unidentified Study [produced to Grand Jury by defendants] p. 17 (attached hereto Exhibit "D").

[9] The published prices of coconut oil during the 6 month alleged conspiracy period ranged between 36.75 and 42.25 cents per pound. Between March 31, 1980 and April 30, 1980, the price dropped 9.25 cents from 36.75 cents to 27.50 cents. Source, *Wall Street Journal*, daily price listings.

[10] Anselmo Bernad; Eduardo M. Cojuangco, Jr., Chairman, Granex; Jose Concepcion, Director, Corporate Secretary, Granex; Juan Ponce Enrile; Rafael Fernando, Executive Vice President, Pan Pacific; Luy Kim Guan; Cayetano Lu; Douglas Lu Ym, Executive Vice President, Unicom; Paterno Lu Ym; Guy Mangein; Lee Nguyen; Richard Nuguid, Assistant Comptroller, Pan Pacific; Jesus Pineda, President, Pan Pacific; Eduardo Santos, Assistant Treasurer, Granex; and Danilo Ursua, Vice President, United Coconut Planters Bank.

Sachnoff Weaver & Rubenstein, LTD., One IBM Plaza, Suite 4700, Chicago, Illinois 60611, (312) 644–2400,
and
Guido Saveri,
Saveri & Saveri, 111 Sutter Street, Suite 2140, San Francisco, CA 94104, (415) 391–0300,
and
Harold E. Kohn,
Dianne M. Nast,
Kohn, Savett, Marion & Graf, P.C., 1214 IVB Building, 1700 Market Street, Philadelphia, PA 19103, (215) 665–9900,
and
Leonard Barrack,
Barrack, Rodos & McMahon, 2000 Market Street, Philadelphia, PA 19103, (215) 963–0600,
and
Elwood S. Kendrick, Elwood S. Kendrick, Inc., 612 South Flower Street, Suite 600, Los Angeles, CA 90017, (213) 626–7792,
and
J. Garrett Kendrick, Kendrick, Netter & Bennett, 612 Flower Street, Suite 600, Los Angeles, CA 90017, (213) 977–7792
and
Robert W. Morgan, Esquire,
Morgan, Morgan, Towery, Morgan & Spector, 210 South First Street, San Jose, CA 95113, (408) 295–7677.

[FR Doc. 82–5511 Filed 3–1–82; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated December 28, 1981, and published in the **Federal Register** on January 5, 1982; (47 FR 362), Sterling Drug Inc., 1776 North Centennial Drive, McPherson, Kansas 67460, made application to the Drug Enforcement Administration to be registered as an importer of buprenorphine (9064), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21 Code of Federal Regulations § 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: February 24, 1982.

Frank V. Monastero,

Assistant Administrator for Operations, Drug Enforcement Administration.

[FR Doc. 82–5565 Filed 3–1–82; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Withdrawal

On November 19, 1981, the Drug Enforcement Administration published a Notice of Application in the **Federal Register** (Vol. 46, No. 223, pg. 56955) stating that Johnson Matthey, Inc., 1401 King Road, West Chester, Pennsylvania 19380, had submitted an application for registration as a bulk manufacturer of methaqualone (2565), a basic class of controlled substance in Schedule II.

On January 20, 1982, the Drug Enforcement Administration was advised that Johnson Matthey, Inc., 1401 King Road, West Chester, Pennsylvania 19380, wishes to withdraw its application for registration as a bulk manufacturer of methaqualone (2565).

The application having been withdrawn, any proceedings relating to the application have been terminated and the publication withdrawn.

Dated: February 24, 1982.

Frank V. Monastero,

Assistant Administrator for Operations, Drug Enforcement Administration.

[FR Doc. 82–5564 Filed 3–1–82; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period February 15, 1982—February 19, 1982.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,913; United Plastics Div., International Telephone & Telegraph Corp., Medora, IN
TA–W–11,836; Marco Electric Manufacturing Co., Womelsdorf, PA
TA–W–12,153; Lane Cedar Products, Inc., Springfield, OR
TA–W–11,932; Frank Foundries Corp., Muncie, IN
TA–W–11,155; Ford Motor Co., Cincinnati Dealer Development Office, Cincinnati, OH
TA–W–11,146; Allis-Chalmers, Matteson, IL
TA–W–11,975; Society Lingerie, Inc., Michigan City, IN
TA–W–11,347; Arista Knitwear Manufacturing Corp., New York, NY
TA–W–11,739; Syntax Corp., Bay City, MI
TA–W–12,116; Eutaw Manufacturing, Baltimore, MD
TA–W–12,117; Misty Manufacturing, Baltimore, MD
TA–W–12,118; Aero Manufacturing, Baltimore, MD
TA–W–12,119; Misty Harbor, Ltd., Baltimore, MD
TA–W–12,468; Batino Fashions, Hoboken, NJ
TA–W–12,144; Regal Sportogs, Inc., Hackensack, NJ

Affirmative Determinations

TA–W–11,160; Ford Motor Co., San Fancisco Dealer Development Office, San Francisco, CA

A certification was issued in response to a petition received on September 29, 1980 covering all workers separated on or after September 15, 1980 and before December 1, 1980.

TA–W–12,076; Modulus Corp., Mount Pleasant Div., Mount Pleasant, PA.

A certification was issued in response to a petition received on January 12, 1981 covering all workers separated on or after December 29, 1980.

TA–W–11,448 & TA–W–11,958; Bertsch & Co., Cambridge City, IN

A certification was issued in response to a petition received on October 21, 1980 and December 16, 1980 covering all workers separated on or after October 17, 1979 and before March 31, 1981.

I hereby certify that the aforementioned determinations were issued during the period February 15–19, 1982. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: February 23, 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-5581 Filed 3-1-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-6689 and 6692]

General Tire and Rubber Co.; Negative Determination on Reconsideration Following Remand

On June 25 , 1981, the United States Court of Appeals for the Seventh Circuit vacated and remanded for further proceedings the Secretary's Determination in Worker Petition TA-W-6489, General Tire and Rubber Company, Logansport, Indiana, *United Rubber Workers, Local 798* v. *Donovan*, 642 F.2d 702 (7th Circuit 1981). On May 9, 1980 the Department denied the union's request for administrative reconsideration. This determination was published in the **Federal Register** on May 23, 1980 (45 FR 35052). The initial denial was published in the **Federal Register** on April 18, 1980 (45 FR 26496).

The Logansport Rubber Workers were denied certification of eligibility to apply for adjustment assistance because their petition did not meet the "contributed importantly" test as required by Section 222 of the Trade Act of 1974. The workers produced primarily automotive bushings. Imports of bushings decreased both in absolute terms and relative to domestic consumption from 1977 to 1978 and from 1978 to 1979. The Department's survey of General Tire and Rubber Company's customers revealed that the surveyed customers either purchased no imports of bushings or decreased their purchases of imported bushings.

In the union's request for administrative reconsideration it asserted that the Department gave no consideration to whether they may have been eligible base on their production of window channeling and beltstrip. The Department's notice provided that the workers incorrectly assumed that the production of window channeling and beltstrip was overlooked in the initial investigation and referred to the results of an industry survey which indicated that imports of window channeling were negligible and that window channeling and beltstrip production was not enough, by itself, to have been an importantly contributory cause for the decline in production and sales or to the actual or partial separations of workers at the Longansport plants.

On July 7, 1980, the Rubber Workers petitioned the United States Court of Appeals for the Seventh Circuit for judicial review. On June 25, 1981, the Court determined that there was insufficient evidence in the record to support the Secretary's decision, and it directed that further proceedings be conducted to produce additional evidence regarding the following findings of fact: (1) Imports of window channeling and beltstrip were negligible and (2) mounts and bushings are not "like or directly competitive" with each other.

With regard to the imports of window channeling and beltstrip, on remand the Department surveyed four domestic automobile manufacturers since auto manufacturers apparantely constitute virtually the entire (if not the entire) market for window channeling. All reported that they did not import window channeling. The survey covered full or partial years 1978 to 1979, and it supports the Secretary's initial finding that imports of window channeling and beltstrip are negligible.

The Court also instructed that the Secretary gather further evidence to support his finding that mounts and bushings are not "like or directly competitive." This finding means that data concerning the increased importation of mounts are not relevant to a determination of the eligibility of the Logansport workers since mounts were not produced at Logansport. On remand, the Department found that mounts and bushings are not "like or directly competitive" with each other, since they have functional differences implying differences in design, materials and construction. Although they both tend to isolate virbrations and road shock, bushings are subject to loads and forces different in both kind and degree from those imposed on mounts. Further, mounts are found between the body and the frame and between the engine and the frame whereas bushings are found especially between suspension components. These clear distinctions between the two were corroborated by the manufacturer.

Conclusion

After reconsideration on remand, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of The General Tire and Rubber Company's plant in Logansport, Indiana.

Signed at Washington, D.C., this 22nd day of February 1982.

Stephen A. Wandner,

Deputy Director, Office of Research, Legislation and Program Policies.

[FR Doc. 82-5580 Filed 3-1-82; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-271-C]

Amax Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Amax Coal Company, 105 South Meridian Street, Indianapolis, Indiana 46225 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Wabash Mine Located in Wabash County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that mobile battery equipment have either a plug interlock or plug padlocks.

2. As an alternative method, petitioner proposes to use a mechanical locking device that will prevent the coupler's threaded ring from backing off and inadvertently separating the couplers while under load. The hook-like locking device will be attached to the coupler at all times, sliding into the groove on the threaded coupler for a secure connection and held in place by the ridge on the coupler.

3. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because:

a. Padlocks would increase battery disconnect time. If a fire occurred from a short circuit in the power leads between the battery and the main circuit breaker, the additional disconnect time would pose increased safety hazards;

b. Padlocks ensure only against accidental separation under load, while threaded rings ensure a good mechanical connection and the mechanical locking device prevents the connection from backing off and becoming loose; and

c. Padlocks cannot be removed and connections unplugged simultaneously, while the locking device can be.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April

1, 1982. Copies of the petition are available for inspection at that address.

Dated: February 22, 1982.

Patricia W. Silvey,

Acting Director Office of Standards, Regulations and Variances.

[FR Doc. 82-5566 Filed 3-1-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-5-C]

BCNR Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

BCNR Mining Corporation, 455 Race Track Road, P.O. Box 500, Meadow Lands, Pennsylvania 15347 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Clyde Mine (I.D. #36-00967) located in Washington County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. The return aircourses between the 2 flat junction and Hawkins shaft contain bad roof conditions, pools of standing water and numerous roof falls which make passage through or access to such returns impassable and/or extremely hazardous to the miners making such examinations.

3. Rehabilitation work to make such aircourses accessible, passable and safe for weekly examinations would expose an even greater number of miners to such hazards.

4. No electrical equipment or power lines which cold be sorces of ignition are present in the areas of these returns. No significant amounts of methane have been detected in such returns or in the sections served by them.

5. As an alternative method, petitioner proposes to establish and maintain specified ventilation monitoring stations at the inby and outby ends of inaccessible portions of the return.

6. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 1, 1982. Copies of the petition are available for inspection at that address.

Dated February 22, 1982.

Patricia W. Silvey,

Acting Director Office of Standards, Regulations and Variances.

[FR Doc. 82-5567 Filed 3-1-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-6-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.519 (main power circuits; disconnecting switches) to its Itmann No. 3A Mine located in Wyoming County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that in all main power circuits, disconnecting switches be installed underground within 500 feet of the bottoms of shafts and boreholes through which main power circuits enter the underground area of the mine and within 500 feet of all other places where main power circuits enter the underground area of the mine.

2. Petitioner seeks a modification of the portion of the standard which requires the location of a disconnecting device within 500 feet of the bottom of Cabin Creek Shaft through which a main power circuit enters the underground area of the mine.

3. Cabin Creek Shaft was installed at the mine in the 1930's. Some time after it was installed, a main power circuit was routed through this shaft, and a disconnect switch was located within approximately 425 feet of Cabin Creek Shaft.

4. The average height of the seam of coal being mined is 50 inches.

5. Petitioner states that application of the standard will result in a diminution of safety to the miners because the disconnect switch is located in an area subject to water accumulation. During periods in which the amount of rainfall is above average, the water level in the area within 500 feet of Cabin Creek Shaft is likely to rise very rapidly and remain at an abnormally high level. The elevation of the area within 500 feet of Cabin Creek Shaft is the lowest in the mine and is subject to constant drainage.

6. As an alternative method, petitioner requests that it be permitted to locate the disconnect switch at a site approximately 1,200 feet from Cabin Creek Shaft. The proposed site provides the same measure of protection to the miners affected as would be provided by the standard. No miners are regularly assigned to work in the area between the proposed location of the disconnect switch and Cabin Creek Shaft.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 1, 1982. Copies of the petition are available for inspection at that address.

Dated: February 22, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-5568 Filed 3-1-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-3-M]

Franklin Limestone Co.; Petition for Modification of Application of Mandatory Safety Standard

Franklin Limestone Company, P.O. Box 95, Crab Orchard, Tennessee 37723 has filed a petition to modify the application of 30 CFR 57.4-61B (fire doors) to its Crab Orchard Mine located in Cumberland County, Tennessee. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fire doors be installed in each opening to the underground mine shop.

2. Petitioner states that the Crab Orchard Mine is categorized as a "drive-in" mine with all working areas being fully accessible by conventional mobile equipment. The mine is non-gassy and is composed of non-combustible rock stratum. The most recent evacuation drill resulted in the complete evacuation of 16 miners in five minutes and fifty-eight seconds. The miners are safety oriented and are fully trained in fire fighting and evacuation techniques. Each miner wears and is fully trained in the use of a self-rescuer. Safe

evacuation could be executed regardless of the location of an underground fire.

3. Petitioner further states that the likelihood of a fire in the shop is no greater than any other area of the mine.

4. Petitioner proposes the following alternative methods of achieving the result of the standard which will at all times guarantee no less than the same measure of protection for the miners as that afforded by the standard:

(a) Suitable fire fighting equipment will be located no less than 25 feet apart in the underground shop area;

(b) The amount of mobile equipment will be restricted to a minimum by allowing only malfunctioning equipment that is to be immediately repaired to remain in the shop to prevent a "parking lot" situation;

(c) A fire prevention training program will be regularly continued using comprehensive educational material and training aids;

(d) Fuel and other flammable materials will not be stored in the shop in excess of one day's supply; and

(e) Good housekeeping practices will be strictly enforced to eliminate the occurrence of any combustible material hazards.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 1, 1982. Copies of the petition are available for inspection at that address.

Dated: February 22, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-5569 Filed 3-1-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-2-M]

Morton Salt Division of Morton-Norwich Products, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Morton Salt Division of Morton-Norwich Products, Inc., P.O. Box 1496, New Iberia, Louisiana 70560 has filed a petition to modify the application of 30 CFR 57.4-61A (ventilation doors) to its Weeks Island Mine located in Iberia Parish, Louisiana. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that ventilation doors be installed at or near shaft stations of intake shafts and at any shaft designated as an escapeway.

2. This is a single-level mine served by two 18-feet-diameter shafts. Intake air is provided by a fan installation, on the surface, which is capable of air reversal. Normal operation of the fan is blowing, rather than exhausting, so that the Service Shaft (No. 4) is downcast and the Production Shaft (No. 3) is upcast. Both shafts are vertical, concrete-lined in overburden and underlined in salt (non-combustible). They are circular, non-compartmented, and have fire-retardant guides and guide-support timbers. Shaft stations are unlined, but are entirely in salt and free of combustible materials. Headframe sheathing, if any, is of non-combustible material (transite).

3. Evacuation of personnel along a route of fresh air (toward the No. 4 Shaft) is an established and accepted procedure. The shaft is provided with a mancage which accommodates an entire crew. It is provided with auxiliary power from a diesel generator for hoisting during a general power outage. Evacuation of miners up the No. 3 Shaft would be considered only in the event of a shaft fire in the No. 4 Shaft, and after main fan reversal as a result thereof. Reversal of the main fan at the collar of the No. 4 Shaft can be sustained, as fan and housing are non-flammable, and the No. 4 Shaft can be naturally upcast by opening collar doors.

4. Petitioner states that only three possible locations exist where a fire would endanger miners. They are: in the downcast shaft, in the upcast shaft, and in the mine between the shafts. In the event of fire in the downcast shaft, fan reversal is the recommended procedure, once it has been positively determined that the fire is in the shaft; in the upcast shaft, the closing-off of intake air would have the effect of removing an oxygen source for the fire, so that it would use up the oxygen in the mine and, possibly, suffocate miners; and in the mine and between the shafts the time-honored procedure of heading towards fresh air would be abandoned, and evacuation would have to proceed either ahead of smoke out of the upcast shaft or through smoke toward a static shaft. Few miners would be inclined to proceed ahead of smoke for fear of it overtaking them, especially if they were not certain that doors were closed.

5. Petitioner further submits that in static air, smoke from a fire would spread equally in all directions, and approach toward the source for the purpose of extinguishment would be far more difficult than approach in moving fresh air. Depending on the magnitude of the fire, oxygen depletion might be a problem in this case also. If a miner chooses to proceed through smoke toward the static shaft, he or she would encounter concentrated, undiluted smoke.

6. For these reasons, petitioner states that application of the standard would result in a diminution of safety for the miners affected and requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 1, 1982. Copies of the petition are available for inspection at that address.

Dated: February 22, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-5570 Filed 3-1-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-266-C]

New Way Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

New Way Coal Company, R.D. No. 1, Box 618, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity and velocity) to its Orchard Slope No. 1 located in Columbia County, Pennsylvania. The petition is filed under Sectioon 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. Ignition, explosion and mine fire history are non-existent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As an alternative method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair of set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the alternative method proposed will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 1, 1982. Copies of the petition are available for inspection at that address.

Dated February 22, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-5571 Filed 3-1-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-72-M]

Ziegler Chemical and Mineral Corp.; Petition for Modification of Application of Mandatory Safety Standard

Ziegler Chemical and Mineral Corporation, Star Route, Vernal, Utah 84078 has filed a petition to modify the application of 30 CFR 57.19-3 (hoists; requirements) to its Bonanza III Mine located in Unitah County, Utah. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that belt, rope or chains not be used to connect driving mechanisms to man hoists.

2. Petitioner requests a modification to allow use of a seven belt pulley drive mechanism on a man hoist at the mine. The proposed equipment consists of a ¾ inch wire rope, 50 h.p. G.E. 440 volt 1130 rpm slipring motor with hoisting speed near 300 feet per minute.

3. In support of this proposed alternative method, petitioner states that the seven belt pulley drive mechanism will provide the same or greater degree of safety for the miners affected as as that afforded by the standard. Specifically, while the belt driven system may at times allow for minor amounts of slippage, the direct drive system which was a set of gears to drive the hoist mechanism could fail completely if one or more of the gear teeth were broken or the gear drive mechanism jammed or came out of its track. The seven (7) belt drive system is actually two belts, one of which has 3 ribs and one of which has 4 ribs. These belts are stronger than seven individual belts and are not subject to stretching or twisting as are seven individual belts. Petitioner plans to replace both the three rib belt and the four rib belt on an annual basis in order to insure that fresh new belts are always in place on the drive mechanism. The man hoist belt drive system will be used on an escape shaft, and is not intended for use on a working shaft. The man hoist would be used by supervisory personnel for periodic inspections of the escape shaft and would be used by miners only in case of an emergency which prevented them from using the primary man hoist.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 1, 1982. Copies of the petition are available for inspection at that address.

Dated: February 22, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-5572 Filed 3-1-82; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

AGENCY: National Commission for Employment Policy.

ACTION: Notice of meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is given of a conference on improving the labor market position of Hispanic-Americans, sponsored by the National Commission for Employment Policy. The conference will be held at the International Hotel, Vermont at Massachusetts Avenues, NW., Washington, D.C.

DATES: March 25, 1982, 8:30 a.m.-5:00 p.m. and March 26, 8:30 a.m.-12:00 noon.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The purpose of the conference is to provide background and direction to policymakers and Commission members for the development of recommendations on improving the labor market position of Hispanic-Americans. Sessions will consider their economic position, the sources of the problems, the role of employment and training programs, education, and policy implications.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph E. Smith, Acting Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, D.C. 20005; (202-724-1553).

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established as title V of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95-524). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues.

Signed in Washington, D.C., this 24th day of February, 1982.

Ralph E. Smith,

Acting Director, National Commission for Employment Policy.

[FR Doc. 82-5582 Filed 3-1-82; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-313 and 50-368]

Arkansas Power & Light Co., Arkansas Nuclear One, Units No. 1 and 2; Exemption

I

The Arkansas Power & Light Company (the licensee) is the holder of Facility Operating Licenses Numbered DPR-51 and NPF-6 which authorized operation of Arkansas Nuclear One, Units 1 and 2 (ANO-1 and 2 or the

facility). The license provides, among other things, that ANO–1 and 2 are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility consists of two pressurized water reactors located at the licensee's site in Pope County, Arkansas.

II

Section 50.48(c)(2) of 10 CFR Part 50 requires that certain features of the ANO, Units 1 and 2 fire protection program those that involve installation of modifications, shall be implemented by November 17, 1981. One such feature is the installation of emergency lighting units in all areas needed for operation of safe shutdown equipment.

By letter dated November 16, 1981 as supplemented December 22, 1981, the licensee requested an exemption from the 50.48 schedular requirement, delaying the installation of these lighting units from November 17, 1981, to March 1, 1982. The delay was necessitated by the licensee's determination that the scope and number of lighting units required to meet Appendix R requirements was signifcantly greater than previously estimated. The licensee states that the majority of the additional emergency lighting required by Appendix R has already been installed and in addition to the previously existing emergency lighting will provide adequate illumination for operation of safe shut down equipment. In addition, backup direct current prowered emergency lights are provided throughout the auxiliary buildings and hand held emergency lighting is available to plant personnel.

As the licensee will have the system operational in a relatively short period of time, already has the current system powered from class 1E buses operable, and has backup D-C powered and backup hand-held emergency lighting available, we conclude that the licensee's request to be exempted from the schedular requirement of 10 CFR 50.48(c)(2) should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letters dated November 16, 1981 and December 22, 1981, as discussed above, is authorized by law and will not endanger life or property or the common defense and security, is otherwise in the public interest, and is hereby granted.

The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action. This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 17th day of February, 1982.

For the Nuclear Regulatory Commission.

E. G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 82-5640 Filed 3-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293, License No. DPA-35 EA-81-63]

Boston Edison Co. and Pilgrim Nuclear Power Station; Order Extending Time

In the matter of Boston Edison Co. and Pilgrim Nuclear Power Station; Order extending time to reply to order modifying license effective immediately issued January 21, 1982.

I

The Boston Edision Company (the "licensee") is the holder of Facility Operating License No. DPR–35 (the "license") which authorizes the operation of the Pilgrim Nuclear Power Station (the "facility"). The license was originally issued on June 8, 1972, and will expire on August 26, 2008.

II

On January 18, 1982, the Commission, by the Director of the Office of Inspection and Enforcement (the "Director"), issued an Order Modifying License Effective Immediately (the "Order"). This Order required that the licensee submit by February 17, 1982, to the Administrator of Region I of the Nuclear Regulatory Commission (NRC), for review and approval, a comprehensive plan of action (the "plan") that will yield an independent appraisal of site and corporate management organizations and functions, recommendations for improvements in management controls and oversight, and a review of previous safety-related activities to evaluate compliance with NRC requirements.

III

On February 10, 1982, the Director received Licensee's Request for Modification of Order Modifying License Effective Immediately (the "Request"). The Request seeks an extension of time to submit the plan from February 17, 1982 to March 19, 1982. The reason given to justify this extension is that the licensee is awaiting additional information from several activities which is needed to prepare a plan fully responsive to the Order. These activities will not completed until after February 17, 1982. These acitivities include obtaining a report from a team from the General Electric Company which has been appraising the situation at the facility, and the selection of an independent appraiser.

IV

Accordingly, for good cause shown and pursuant to 10 CFR Part 2, it is hereby ordered that the time for submission of the plan be extended to March 19, 1982.

Dated at Bethesda, Maryland this 16th day of February, 1982.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 82-5641 Filed 3-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-269, 50-270, and 50-287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 107, 107 and 104 to Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

The amendments revise the TS requirements concerning heatup, cooldown and inservice testing limitations for the reactor coolant system.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental

impact statement or negative declaration and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated January 12, 1982, (2) Amendments Nos. 107, 107, and 104 to Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691. 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 22nd day of February 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-5642 Filed 3-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–498–A, 50–499–A; 50–445–A, 50–446–A]

Houston Lighting & Power Co. (South Texas Project, Units 1 and 2) and Texas Utilities Generating Co., et al. (Comanche Peak Steam Electric Station, Units 1 and 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.105 (effective November 6, 1981), the Atomic Safety and Licensing Board for *Houston Lighting and Power Company* (South Texas Project, Units 1 and 2), Docket Nos. 50–498–A and 50–499–A, and *Texas Utilities Generating Company, et. al.* (Comanche Peak Steam Electric Station, Units 1 and 2), Docket Nos. 50–445–A and 50–446–A, is hereby reconstituted by appointing Administrative Law Judge James A. Laurenson to serve in place of the Board. Administrative Judge Michael L. Glaser has retired, and Administrative Judges Marshall E. Miller and Sheldon J. Wolfe, because of schedule conflicts, are unable to continue to serve.

All correspondence, documents and other materials shall be filed with Judge Laurenson in accordance with 10 CFR 2.701 (1980). His address is: Administrative Law Judge James A. Laurenson, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland, this 23rd day of February, 1982.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-5643 Filed 3-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Source Material License No. STC–1333 EA 82–08]

Stepan Chemical Co., Order Imposing a Civil Penalty

I

The Stepan Chemical Company, Maywood, New Jersey, 07607 (the "licensee") is the holder of Source Material License No. STC–1333 (the "license") issued by the Nuclear Regulatory Commission (the "Commission" or the "NRC") which authorizes the licensee to possess source material in two burial sites in accordance with the conditions specified therein. The license was issued on April 4, 1978, and has an expiration date of April 30, 1983.

II

A special inspection was conducted at the licensee's Maywood, New Jersey facility between November 13, 1980 and January 22, 1981. This inspection was conducted to review the storage of thorium waste at that facility and to gather information concerning the recently identified thorium contamination on and adjacent to the licensee's property. During this inspection, the General Manager of the licensee's Maywood Department was interviewed and failed to provide complete information concerning his knowledge of thorium on the licensee's site. Specifically, he stated there were two thorium waste burial sites when he knew there actually were three. As a result of this inspection, a Notice of Violation was served upon the licensee by letter dated April 29, 1981, which identified two apparent items of noncompliance, including the storage of source material in a third burial site not authorized by the license. In the course or pursuing issues raised during this inspection, a meeting was held on October 8, 1981 between the General Manager of the licensee's Maywood Department and the Director of the Commission's Office of Inspection and Enforcement to discuss the General Manager's knowledge of the burial of thorium waste on the licensee's site. As a result of these discussions, it appears that the General Manager, on November 19 and 20, 1980, knowingly withheld information concerning the number and location of thorium waste burial sties on the property of the Stepan Chemical Company, Maywood, New Jersey and that the licensee's corporate officials did not take steps on November 19, 1980, to immediately notify the Commission when they were informed by the General Manager on that date that the information had been withheld. Based on these findings, it appears that the licensee has not conducted its activities in full compliance with the requirements of the Nuclear Regulatory Commission's "Domestic Licensing of Source Material", Part 40, Title 10, Code of Federal Regulations.

A written Notice of Violation and Proposed Imposition of a Civil Penalty was served upon the licensee by letter dated October 26, 1981. This Notice stated the nature of the violation, the provision of the Nuclear Regulatory Commission regulations which had been violated and the proposed amount of civil penalty. Answers dated December 2, 1981, to the Notice of Violation and Proposed Imposition of a Civil Penalty were received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for remission, mitigation or cancellation contained therein, as set forth in the attachment to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of a Civil Penalty should be imposed.

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96–295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Twenty Thousand Dollars within thirty days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

IV

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an

Order designating the time and place of the hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

V

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

a. Whether the licensee violated a Commission regulation as set forth in the Notice of Violation and Proposed Imposition of a Civil Penalty dated October 26, 1981; and

b. Whether, on the basis of such violation, this Order should be sustained.

Dated at Bethesda, Maryland this 18th day of February 1982.

For the Nuclear Regulatory Commission.

James H. Sniezek,

Acting Director, Office of Inspection and Enforcement.

Appendix—Evaluations and Conclusions

For the violation identified in the Notice of Violation and Proposed Imposition of the Civil Penalty dated October 26, 1981, the original violation is restated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response contained in the licensee's letter dated December 2, 1981, is presented. Response to the licensee's protest and arguments in support of remission of the penalty is provided following discussion of the violation.

A. Response to Violation

Statement of Violation. "10 CFR 40.62 requires that each licensee afford the Commission reasonable opportunity to inspect source or byproduct material.

Contrary to this requirement, on November 19 and 20, 1980, during an inspection of the licensee's Maywood, New Jersey plant, the licensee's General Manager impeded inspection of source material by knowingly withholding information from an NRC inspector regarding the existence of a source material (thorium waste) burial site at the plant with full knowledge that the site did, in fact, exist.

This is a Severity Level III Violation. Paragraph III of the Interim Enforcement Policy entitled *Severity of Violations*, states, in part, 'Violations not specifically identified by a severity level will be placed at the level best suited to the significance of the particular matter.' (Civil Penalty—$20,000)."

Evaluations and Conclusions. The licensee denies the violation, but admits, "When asked if there were any other sites, the general manager failed to disclose the existence of a third site * * *" The licensee makes the following arguments to support its contention that it did not violate the requirements of 10 CFR 40.62:

1. "The Stepan employee who dealt with the NRC inspectors on November 19 had never dealt with the NRC before, had no knowledge of NRC regulations or Stepan's responsibilities as an NRC licensee, and had only a sketchy understanding of the facts surrounding the burial sites in question. His failure to repond to a question posed by the inspectors was not a deliberate attempt to withhold information from the NRC; he intended only to defer discussion for a short period of time until a more knowledgeable individual was available to speak with the inspectors.The employee who spoke with the NRC inspectors during their unannounced inspection on Wednesday, November 19, was the general manager of Stepan's Maywood Department, which is only one of the businesses located at the Maywood Plant."

NRC Evaluation. The individual in question, the General Manager of the licensee's Maywood Department, was fully aware of the existence of the three thorium waste burial sites. He had actively participated in the annual surveys of the third burial site, which is located in an area used exclusively by Stepan's Maywood Department. Regardless of his intent, he made a conscious determination not to disclose the existence of the third burial site to the NRC inspectors.

NRC Conclusions. We conclude that the General Manager deliberately withheld information from the Commission when he specifically denied knowledge of thorium waste located in any place other than the two burial sites referenced in the license.

2. "As soon as Stepan learned that NRC inspectors has met with the general manager, it immediately contacted its Maywood plant manager, the responsible official for NRC liaison, and expressly instructed him to cooperate with the NRC inspectors and to provide any and all information which the NRC might request. As the plant manager was scheduled to meet with the inspectors on Friday, November 21, this action by Stepan was expected to provide the NRC with an appropriately prompt response to any questions it might have concerning Stepan's NRC license. The meeting was postponed one business day by the NRC.

It took place on Monday, November 24, at which time, as the NRC staff itself concedes, a full and complete explanation of the three burial sites was obtained."

NRC Evaluation. Despite the fact that licensee management was informed on Wednesday, November 19, that the General Manager had failed to disclose the existence of the third burial site, it took no immediate action to provide this information to the NRC, either directly or by instructing General Manager to contact the NRC. The meeting scheduled for Friday, November 21, was postponed to Monday, November 24, at the request of the licensee, not the NRC, because the Plant Manager would not be in Maywood, New Jersey until November 24. In addition, NRC inspectors returned to the site on November 20, but neither the General Manager nor any other personnel used this opportunity to disclose the existence of the third burial site.

NRC Conclusion. The information presented by the licensee does not provide a basis for modification of the enforcement action.

3. "The inspectors advised the general manager that the NRC's files on Stepan had been lost, and that they had a copy only of the license. The existence of the third site was in fact already known to the NRC, as it had been created with AEC approval and numerous documents reflecting its location and contents have been in AEC and NRC files since the late 1960's."

"These files were not lost after all as a complete set was made available to Stepan's counsel on November 25, 1980."

"Given that the wastes buried at Maywood consist of low-level material, and given the AEC's and NRC's historic lack of interest in the site, this response time was clearly adequate".

NRC Evaluation. The purpose of the NRC's inspection on November 19, 1980 was to determine the amounts and extent of thorium contaminants present at and around the licensee's Maywood site. Thorium contamination had recently been discovered in areas on the adjacent to licensee property. A portion of the Commission's Region I file could not be located.[1] While prompt efforts were made to reconstruct this portion of the file from other Commission files, information available to the inspectors, including the reconstructed file, indicated no previous Commission knowledge of the thorium

[1] This portion of the file was not located until August 1981. The inspectors do not recall stating, "* * * that they had a copy only of the license," during the inspection on November 19, 1981.

contamination. The inspector's questions were intended to elicit from the General Manager all the information he had regarding the presence of thorium at the licensee's Maywood site. The Commission needed complete information in order to decide whether the recently identified thorium contamination required remedial measures to protect the health and safety of the public. The Commission staff concedes the General Manager had no knowledge of this additional contamination, but by withholding information about the third burial site, he cast doubt upon his credibility and his and the licensee's willingness to make open and complete disclosures of information to the Commission.

The Commission's concern in this matter is based not on the hazard posed by the material in the third burial site, but on the fact that a responsible licensee representative knowingly withheld information during the course of the inspection and corporate management subsequently failed to promptly correct this omission when informed of it. Previous AEC/NRC interest in this site does not affect the licensee's responsibility to provide the Commission with truthful, complete and factual information.

NRC Conclusion. An open and honest relationship must exist between the Commission and licensees in order for the Commission and licensees to discharge their respective responsibilities to protect the health and safety of the public. The regulatory process cannot function as intended if licensee officials withhold information from inspectors. In this case, a knowledgeable, responsible representative of the licensee did withhold information relevant to the inspection and thereby impeded the Commission in carrying out its regulatory responsibilities.

Furthermore, licensee corporate management, when apprised by the General Manager of the Maywood Department of his having withheld the information, did not immediately correct his misstatement. Commission knowledge of the withheld information, and the level of previous Commission interest do not bear on the basic finding that the licensee deliberately withheld information which was specifically requested during an inspection. The information presented by the licensee does not provide a basis for modifying or withdrawing the cited violation.

B. Licensee's Protest of Imposition of a Civil Penalty

The licensee requests remission or mitigation of the proposed civil penalty and makes the following arguments in support of this request:

(1) The circumstances and intentions of Stepan's employees and management mitigate the severity of any violation;

(2) The violation should be classified at Severity V or VI, rather than Severity III, because the violation did not involve "actual or high potential impact on the public;"

(3) Even assuming the violation is properly classified at Severity III, the base penalty for such violation is $4,000, and the circumstances do not indicate that the conduct at isssue was either egregious or willful so that a significant increase in the amount of penalty is warranted under the enforcement policy; and

(4) The amount of the proposed penalty is not consistent with other recently imposed civil penalties, because fines equal or greater than $20,000 have been typically imposed in cases, unlike the one at hand, involving direct threats to the health and safety of the public or licensee's employees.

The intentions of the licensee's General Manager do not warrant mitigation of the proposed civil penalty. Whatever his reasons may have been, the fact remains that he consciously determined not to inform the inspectors of his knowledge of the existence of the third burial site. Although he had an opportunity to correct this omission when the inspectors returned to the site on the following day, he did not do so. Although the licensee fully informed the NRC of its knowledge of the burial of material on its property in a meeting on November 24, 1980, the licensee's management did not immediately correct the omission upon learning of it on November 19 or assure that the General Manger corrected it.

The violation is appropriately classified as a Severity III violation. Under the interim enforcement policy, Severity III violations are violations involving matters of "significant regulatory concern." The withholding of information by a licensee from an NRC inspector is significant because it undermines the NRC's confidence in the intergrity of the licensee and it impedes the inspection program that is fundamental to the NRC's licensing scheme. The Commission required forthright information to ensure that its understanding of the circumstances surrounding the presence of radioactive material or contamination on and near Stepan Chemical's property was complete and correct. It should be noted that material false statements, which are analogous to the violation cited here, are generally classified at Severity Levels I, II, or III under the policy.

The penalty was proposed here because of the willful nature of the violation. Although the base penalty is $4,000 for Severity III violations by licensees like Stepan Chemical, the imposition of civil penalties up to the statutory maximum of $100,000 may result under the interim enforcement policy in "particularly egregious cases including cases involving willfulness." Because the General Manager consciously determined not to reveal the extent of his knowledge of the presence of radioactive material on Stepan Chemical's property to the inspectors, this conduct warrants a significant increase over the base penalty normally assessed for Severity III violations by similar licensees. Our recognition that the violation ultimately did not have a significant impact on public health and safety, and that Stepan fully explained the extent of its knowledge of the existence of radioactive material on its property at a meeting with the NRC a few days after the violation occurred, resulted in the NRC not exercising its full statutory authority.

NRC Conclusion. The proposed penalty will be imposed.

[FR Doc. 82-5644 Filed 3-1-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-404]

Virginia Electric & Power Co.; Issuance of Amendment Construction Permit No. CPPR-114

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Construction Permit CPPR-114, issued to Virginia Electric and Power Company (applicant) for the North Anna Power Station, Unit 3 (the facility) located in Louisa County, Virginia. This amendment deletes three environmental conditions because these conditions imposed water quality requirements beyond those specified in the National Pollutant Discharge Elimination System Permit. See Tennessee Valley Authority, ALAB-515, 8NRC702 (1978). The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of this amendment was not required

since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Virginia Electric and Power Company letter dated November 30, 1981, and (2) Amendment No. 1 to Construction Permit No. CPPR–114.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901, and the Board of Supervisors, Louisa County Courthouse, P.O. Box 27, Louisa, Virginia 23093. A copy of Amendment No. 1 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 22nd day of February 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 82-5645 Filed 3-1-82; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The President Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C. will hold a 2-day public meeting, 9:00 a.m. until 5:00 p.m., Monday and Tuesday, March 8–9, 1982 at the U.S. Small Business Administration, 2nd Floor Conference Room, 1441 L Street, NW., Washington, D.C. 20416, to discuss such business as may be presented by the Committee members. The meeting will be open to the interested public, however, space is limited.

Persons wishing to present written statements should notify Mrs. Bettye Bolden, Office of the Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, Room 317, 1441 L Street NW., Washington, D.C. 20416, (202) 653–6851, in writing or by telephone no later than March 3, 1982.

Dated: February 23, 1982.

Edna E. Powers,

Director, Office of Advisory Councils.

[FR Doc. 82-5498 Filed 3-1-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to Section 10 of Pub. L. 92–463, that a meeting will be held at the Federal Reserve Bank of New York on March 16, 1982, of the following debt management advisory committee:

Public Securities Association
U.S. Government and Federal Agencies Securities Committee

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session and the preparation of a written report to the Secretary of the Treasury on March 16, 1982.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92–463, and vested in me by Treasury Department Order 101–5 (January 7, 1981), I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92–463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by Section 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: February 24, 1982.

Roger W. Mehle,

Assistant Secretary (Domestic Finance).

[FR Doc. 82-5466 Filed 3-1-82; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 41
Tuesday, March 2, 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).

CONTENTS

	Items
Civil Aeronautics Board	1
Consumer Product Safety Commission	2
Federal Mine Safety and Health Review Commission	3
National Transportation Safety Board	4
Postal Rate Commission	5
Railroad Retirement Board	6
Securities and Exchange Commission	7

1

CIVIL AERONAUTICS BOARD

TIME AND DATE: 10 a.m., March 4, 1982.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 40147, Carrier Selection Case for Stockton, Modesto and Merced, California, Instructions on Merced. (BDA)
3. Docket 34141, Application of Trans-Panama, S.A.—Opinion and Order on Review. (Memo 544–A, OGC)
4. Docket 39851, *Pan American-Acquistion of Control Of, And Merger With National Petition of P.A.I.N., Inc., et al.*, for order setting aside integrated seniority list and directing arbitration pursuant to Board's LPP jurisdiction. (Memo 1106, OGC)
5. Docket 39565, (*Action On Smoking and Health* v. *American Airlines, et al.*), ASH's petition for review of BCCP's dismissal of complaint alleging that twelve U.S. airlines have violated the Board's rules governing smoking aboard aircraft. (Memor 1122, OGC)
6. Docket 40135, Change in the definition of commuter to remove small cargo and mail carriers from that classification. (Memo 816–A, OGC, BDA)
7. Amendment of the delegation of authority to grant or deny waivers from the Board's smoking rule. (Memo 1112, OGC, OCCCA)
8. Docket 38532, Draft final rule simplifying the reporting requirements imposed upon foreign commercial carriers that operate occasional planeload charters or continuing cargo operations. (OGC, BIA, OC)
9. Docket 39810, Draft final rule removing the tariff requirement that carriers charge the published through fare or rate between two points even if different than the sum of fares or rates for the segments over the same route. (Memo 629–A, OGC, BIA, BDA)
10. Docket 38904, A two-year review for fitness determinations for non-operating carriers. (Memo 1130, OGC, BDA)
11. Reduction of required reports in Part 374a for extension of credit to political candidates by airlines. (Memo 1110, OGC, OC)
12. Docket 40155, *A.V. Costantini d.b.a. United Travel Service and Halliburton Tours* v. *American Express Co., et al.*, motion to review dismissal of third-party complaint alleging rebating conspiracy to keep complainant out of international package tour business. (Memo 1125, OGC)
13. Docket 39671, Aspen's petition for reconsideration of Order 81–7–120. (Memo 735–D, BDA, OCCCA, OC)
14. Docket 38442, Essential Air Service at Kokomo/Logansport/Peru, Indiana. (BDA, OCCCA, OC)
15. Docket 37565, Petition of Cardinal/Air Virginia for advance compensation for losses at Danville, Virginia. (Memo 1114, BDA, OCCCA, OC)
16. Dockets 36445 and 36538, WestAir's rate of compensation for the provision of essential air service at Chico, California. (BDA, OCCCA, OC)
17. Dockets 39480 and 39289, Essential air service for Yankton, South Dakota, and Norfolk, Nebraska. (BDA, OCCCA)
18. Docket 40142, Service to Bakersfield, Santa Maria and San Luis Obispo Proceeding. (Memo 1040–A, BDA, OCCCA, OC)
19. Dockets EAS–645 and 37703, Essential Air Service Determination for Aguadilla, Puerto Rico and Notice of Intent of Sun International Airways to suspend service at Aguadilla. (OGC, OCCCA, BDA)
20. Docket EAS–771, Appeal of 419(b) eligibility determination of Elizabeth City, North Carolina for designation as an eligible point. (Memo 1121, BDA, OGC, OCCCA)
21. Docket EAS–763, Request for instructions on the appeal of Sedalia, Missouri, concerning its eligibility for inclusion in the small community program under section 419(b) of the Act. (Memo 628–A, BDA, OCCCA, OGC)
22. Commuter carrier fitness determination of Barken International, Inc. (Memo 1107, BDA)
23. Commuter carrier fitness determination of Planes, Inc. (Memo 1129, BDA)
24. Commuter carrier fitness determination of Midwest Aviation Division of Southwest Aviation, Inc. (Memo 1128, BDA)
25. Docket 40435, Commuter Fitness Determination of Dolphin Airways and petition for reconsideration of Order 81–12–96 to the extent that it requires Dolpin Airways to change its name. (BDA, OGC)
26. Docket 39550, Application of People Express Airlines, Inc. for an exemption and Petition of American Airlines for review and reversal of staff action in Order 81–6–41 granting People Express exemptions from the Board's oversales and denied boarding regulations. (BDA, OCCCA)
27. Dockets EAS–633, 40340, 40341, 90-day notice of Continental Air Lines to terminate Honolulu-Pago Pago service and Request of the American Samoa Government for production by South Pacific Island Airways of documents. (BDA, OCCCA, OGC)
28. Dockets 40123 and 40165, Thirty and Ninety Day Notices of Air Oregon to terminate all service at Salem, North Bend, and Pendleton, Oregon. (BDA, OCCCA)
29. Docket 40378, Petition of Big Sky Airlines for emergency subsidy relief, or, in the absence of such relief, a notice of intent to suspend service at Devils Lake and Jamestown, North Dakota. (BDA, OCCCA)
30. Docket 34396, Request of Braniff Airways, Inc. for discussion authority under section 412 and an antitrust exemption under section 414. (Memo 1126, BDA, OGC)
31. Dockets 39422, 39423, 39424, Selection of carrier to serve Roswell, Carlsbad and Hobbs, New Mexico. (BDA, OCCCA, OC)
32. Docket 40345, Application of Airpac, Inc., under expedited procedures, for a section 401 certificate. (Memo 1119, BDA)
33. Docket 35634, IATA agreements proposing various U.S.-Europe cargo rate revisions. (BIA)
34. Docket 39440, Delta's petition for reconsideration of Order 81–8–109. (Memo 589–A, BIA, OGC)
35. Request of Thomson Travel Limited for cancellation of its section 402 permit. (BIA, OGC)
36. Docket 33068, Transpacific Low Fare Route Investigation, Docket 38941, Application of Northwest Airlines for exemption, Docket 40303, Application of Continental/Air Micronesia for exemption. (Memo 166–F, BIA, OGC)
37. Dockets 34200 and 40316, Applications of Ceskoslovenske Aerolinie (CSA) for amendment and renewal of its foreign air carrier permit. (BIA, OGC, BALJ)
38. Slot Allocation Program of FAA at Restricted Airports.

STATUS: Items No. 1–37 Open. Item No. 38 Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary; (202) 673–5068.

[S–315–82 Filed 2–26–82; 3:49 pm]

BILLING CODE 6320–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, March 4, 1982.

LOCATION: Room 456, Westwood Tower, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Section 6(b) CPSA: Proposed Rule*

The Commission will consider a proposed rule which would establish the Commission policy and procedure for the public disclosure of information under Section 6(b) of the Consumer Product Safety Act.

2. *Chain Saws: Preliminary Evaluation Voluntary Standard*

The staff will brief the Commission on the results of the staff's preliminary assessment of the potential of the standard developed by the Chain Saw Manufacturers Association to reduce chain saw kick back injuries.

Closed to the Public:

3. *Enforcement Matter (OS# 2010)*

The Commission will consider issues related to enforcement matter OS# 2010.

4. *Enforcement Matter (OS# 2020)*

The Commission will consider issues related to enforcement matter OS# 2020.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 342, 5401 Westbard Avenue, Bethesda, MD 20207; Telephone (301) 492–6800.

[S–313–82 Filed 2–26–82; 1:17 pm]

BILLING CODE 6355–01–M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 24, 1982.

TIME AND DATE: 10 a.m., Tuesday, March 2, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Victor McCoy v. Crescent Coal Company, et al., Docket No. PIKE 77–71; Petition for Interlocutory Review. (Issues include whether judge erred in denying motion to dismiss United Coal Company (alleged successor company) as party respondent.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen; (202) 653–5632.

[S–310–82 Filed 2–26–82; 11:29 am]

BILLING CODE 6820–12–M

4

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–82–6]

TIME AND DATE: 10 a.m., Tuesday, March 9, 1982.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Ave., S.W., Washington, D.C. 20594.

STATUS: The first three items will be open to the public; item four will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report:* Miller Transporters, Inc., Tractor-Cargo Tank Semitrailer/Southern Railway System Freight Train Collision and Fire, Huntsville, Alabama, September 15, 1981, and Recommendations.

2. *Railroad Accident Report:* Head-on Collision Between Boston & Maine Corporation Extra 1731 East and Massachusetts Bay Transportation Authority Train No. 570 August 11, 1981, and Recommendations.

3. *Special Investigation Report:* Accidents Involving Passenger Fatalities and Injuries Between Coupled Cars on Rail Rapid Transit Systems.

4. *Opinion and Order:* Administrator v. DiGiovanni, Dkt. SE–4841; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382–6525.

February 26, 1982.

[S–314–82 Filed 2–26–82; 3:49 pm]

BILLING CODE 4910–58–M

5

POSTAL RATE COMMISSION

TIME AND DATE: 2 p.m., Wednesday, March 3, 1982.

PLACE: Room 500, 2000 L Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: [Proposed] Amendments to Commission's Rules of Practice and Procedure regarding supporting materials required for computer-based studies and other analyses offered into evidence.

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–312–82 Filed 2–26–82; 11:30 am]

BILLING CODE 7715–01–M

6

RAILROAD RETIREMENT BOARD

TIME AND DATE: 10 a.m., March 8, 1982.

PLACE: Board's meeting room, Eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

(1) Detection and prevention of fraud, waste, and abuse at the Railroad Retirement Board.

(2) Bureau of Audit and Investigation and Bureau of Planning and Information Management.

(3) Appeal of Railroad Concrete Crosstie Corporation.

(4) Suggestion re shortening public service hours in district offices.

(5) Survey of the Division of Disability Benefits.

(6) Requesting change in Treasury Department regulations re deposit of railroad retirement taxes.

(7) Furnishing copies of audit reports to Senate Committee on Labor and Human Resources.

(8) Delayed registration by Alan L. Thompson.

(9) Delayed registration by David H. Wilson.

(10) Processing appeals at the Board level.

Portion closed to the public:

(A) Appeal from referee's denial of disability annuity, Clifford R. Darnell.

(B) Appeal from referee's denial of disability annuity, Arnold L. Marcum.

(C) Appeal from referee's denial of disability annuity, Joseph B. James.

CONTACT PERSON FOR MORE INFORMATION: Beatrice Ezerski, COM No. 312–751–4920; FTS No. 387–4920.

[S–316–82 Filed 2–26–82; 3:59 pm]

BILLING CODE 7905–01–M

7

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Open/closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, February 22, 1982.

CHANGES IN THE MEETING: Additional items. The following additional item will be considered at an open meeting scheduled for Wednesday, March 3, 1982, at 10:00 a.m.:

Consideration of whether to issue a release discussing the status of the linkage between the Intermarket Trading System ("ITS") and the National Association of Securities Dealers, Inc.'s NASDAQ system and discussing what steps the Commission could take to foster that linkage. For further information, please contact Robert Colby at (202) 272–2888.

The following additional item will be considered at a closed meeting scheduled for Thursday, March 4, 1982, at 10:00 a.m.

Settlement of administrative proceeding of an enforcement nature.

Chairman Shad and Commissioners Lommis, Thomas and Longstreth determined by vote that Commission business required consideration of these

matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272–2178.

February 25, 1982.

[S-311-82 Filed 2-26-82; 11:29 am]

BILLING CODE 8010-01-M

federal register

Tuesday
March 2, 1982

Part II

Office of Personnel Management

Positions Which Were Career Reserved During 1981

OFFICE OF PERSONNEL MANAGEMENT

Positions Which Were Career Reserved During 1981

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY. As required by the Civil Service Reform Act of 1978 this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 1981.

FOR FURTHER INFORMATION CONTACT: Anne A. Andrews, Office of Executive Personnel, (202) 632–6820.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were designated career reserved any time in 1981, whether or not they were still career reserved on December 31, 1981. Section 3132(b)(4) of Title 5 U.S.C. requires that the head of each agency publish the list by March 1 of the following year; OPM is publishing the list for all agencies.

Office of Personnel Management.

Donald J. Devine,

Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981

Agency and organization	Career reserved positions
ACTION:	
Ofc of the Director	Budget Officer,
	Assistant Director for Compliance.
	Deputy Assistant Director for Compliance.
	Inspector General.
Ofc Assoc Dir for Domestic & Anti-Poverty Operations.	Director-Accounting Division.
Administrative Conference of the U.S.:	
Administrative Conference of the U.S..	Executive Director.
	General Counsel.
	Research Director.
Advisory Council on Historic Preservation:	
Ofc of the Exec Director.	Princ Dep Exec Dir.
	Dep Exec Dir.
Department of Agriculture:	
Ofc of the Inspector General	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigation.
	Asst Inspector General for Auditing.
	Dep Asst Inspector General for Auditing.
	Asst Inspector Gen for Planning Res & Eval.
	Asst Insp Gen for Security and Intern Opera.
Office of Asst Sec'y Administration.	Assistant Secretary for Administration.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Office of Operations and Finance.	Dep Dir for Administrative Services.
Farmers Home Administration.	Dep Admr-Financial and Administrative Opers.
	Dir. Finance Ofc.
Rural Electrification Administration.	Asst Admr-Mgmt.
	Financial Mgr (Director) REA.
	Director Distribution Systems Division.
	Director Power Supply Division.
Agricultural Marketing Service.	Deputy Administrator, Management.
	Director, Fruit & Vegetable Division.
	Director, Cotton Division.
	Director, Dairy Division.
	Dir-Livestock Poultry Grain and Seed Division.
	Dir Fruit & Vegetable Quality Div FSQS.
	Dir Meat Quality Div FSQS.
	Dir Warehouse Division.
	Director, Tobacco Division.
	Agricultural Marketing Svc, Dir Poultry Div.
Animal & Plant Health Inspection Service.	Dep Admr for Management.
	Asst Dep Admin for Mgt.
Veterinary Services	Asst Dep Adm: R-Animal Health Progs-Vet Serv.
	Asst Dep Admr, Inmatl Prog, Vet Services.
	Dir, Veterinary Services Laboratories, Ames.
	Dir, Nat Prog Planning Staffs, Vet Services.
	Co-Dir, US/Mexico Screwworm Comm.
	Director, Northern Region.
	Dir, SE Region, Veterinary Services.
	Dir. Natl Brucellosis Eradication Program.
Plant Protection & Quarantine Service.	Dir, Nat Prog Plan Staff, Plant Prot & Quarantine.
	Dir. SE Region, Plant Prot & Quarantine.
	Asst Dep Admr for Natl Programs, PPQ.
	Asst Dep Adm Interml & Emerg Progs Staff PPQ.
	Director Northeastern Region.
Federal Grain Inspection Service.	Asst Dep Admr-Program Operations (Staff).
	Asst Dep Admin-Program Opers (Field).
Food & Nutrition Service.	Dep Admr-Financial Mgmt (Comptroller).
	Deputy Admr for Management.
Food Safety and Inspection Service.	Asst Dep Admr Technical Services.
	Dir. Poultry & Dairy Quality Div.
	Dep Admr-Administrative Mgmt.
	Dir. Technical Service Staff.
	Dir Northeast Region, Phila., PA.
	Regl Director, Atlanta, Georgia.
	Dir. North Central Region, Des Moines, Iowa.
	Director, Southwestern Region, Dallas, Texas.
	Dir, Western Region, Alameda, California.
	Assistant Deputy Admr Compliance FSQS.
	Director of Operations MPI-FOFSQS.
	Assistant Deputy Admr Science FSQS.
	Asst Dep Admin (Admin Mgt).
	Deputy Administrator, Science.
	Regional Director, Atlanta, Georgia.
Agricultural Stabilization & Conservation Service.	Accounting officer.
Foreign Agricultural Service.	Asst Administrator, Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Commodity Programs.	Dep Asst Admin, Commodity Programs.
	Director Tobacco Cotton & Seeds Division.
	Dir, Grain & Feed Div.
	Dir, Oilseeds & Prod Div.
	Dir, Dairy, Livestock & Poultry Div.
	Deputy Assistant Administrator Export Credits.
Agricultural Attaches	Dep Asst Admr, Interni Agric Statistics.
Ofc of Dir Science and Education Administration.	Research Leader, Wheat Reseach.
	Research Leader-Fruit & Vegetable Chem Research.
	Research Leader-Forage And Turf Research.
	Res Leader-Plant Physio & Photosynthesis Res.
	Dep Dir for Adm.
	Chf International Programs.
	Director, Nutrition Research Ctr on Aging.
	Assoc Dep Dir for Adm Management.
	Dir, Children's Nutrition Research Center.
	Chief Livestock and Veterinary Sciences Staff.
	Chief Post Harvest Science and Technology Stf.
	Chief Crop Production Staff.
	Dir. Western Human Nutrition Research Center.
Agricultural Research Service.	Chrman-Nutrition Inst. Beltsville MD.
	Chief Oilseed Crops Laboratory.
	Chief Fermentation Laboratory.
	Research Leader-soil & Water Research Mgmt.
	Chf, Plant Virology Lab Beltsville, MD.
	Res Leader Natural Products Chemistry Res.
	Dir, Southern Regional Res Center, New Orleans.
	Chief, Crop Protection Staff.
Regional Offices, ARS.	Dir, Northern Region Research Center.
	Dir, Nat'l Animal Disease Ctr.
	Dir, Beltsville, Agricultural Research Center.
	Chf Tobacco Lab.
	Director, Eastern Regl Research Center.
	Dir, Plum Iscand Animal Disease Ctr.
	Chf Scientist, Piadc-Orient Point, NY.
	Director, Western Regional Research Center.
	Reseach Leader Foedstuffs Research.
	Director, California-Hawaii-Nevada Area.
	Director, Florida-Antilles Area.
	Director, Oklahom-Texas Area.
	Director, Athens, Georgia Area.
	Chief Soil Water & Sci Staff.
National Program Staff.	Asst Admr, National Program Staff.
Research Staff	Director, U.S. Salinity Laboratory.
	Dir Insects Affecting Man Laboratory.
Soil Conservation Service.	Dir Midwest Tech Service Center.
	Dir NE Tech Service Center.
	Dir, SW Technical Service Center.
	Dir Technical Field Service Center.
	Asst Adm:R for Soil Survey.
	Asst Admr for Mgmt.
	Dir Conservation Operations Division.
	Dir, Resource Dev Div.
	Dir River Basin Div.
	Dir Watersheds Division.
	Director Engineering Division.
	Dir Ecological Sciences and Technology Divisi.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Dep Chf for Administration.
	Dir, Consv Planning and App.
	Dir, Project Dev and Maint.
	Dir, Basin & Area Planning (Soil Conserv).
	Assoc Dep Chief for Administration.
	Dir, Soils (Soil Scientist).
	Dir, Land Treatment Program.
Forest Service	Dep Chf for Administration.
	Assoc Dep Chief for Adm.
	Dir Forest Insect & Disease Mgmt Staff.
Research	Director, Timber Mgmt Research Staff.
	Dir Insect and Disease Research Staff.
	Dir Forest Environment Research Staff.
	Dir Forest Economics Research Staff.
	Dir Forest Products & Eng Res Staff.
Nat'l Forest System	Dir, Range Management Staff.
	Dir, Recreation, Mgmt Staff.
	Dir Timber Management Staff.
	Director, Engineering Staff.
	Director, Aviation and Fire Management Staff.
	Director, Lands Staff.
	Dir Land Management Planning Staff.
	Dir, Wildlife Mgt Staff.
	Dir, Minerals & Geology Staff.
	Dir, Watershed Mgt Staff.
State & Private Forestry.	Dir of Area Planning & Dev Staff.
	Dir Cooperative Forestry
Field Units	NE Area Dir, State & Private Forestry, U Darb.
	Dir, SE Area State & Private Forestry.
	Dir Intermountain Forest & Range Exp Stat, OGD.
	Dir N Eastern Forest Experiment Station.
	Dir, North Central Forest Exp Station.
	Dir, Pacific NW Forest & Range Exp Station.
	Dir, Pacific SW For & Range Exper Sta.
	Director Rocky Mt Forest & Range Exper Stat.
	Dir S Eastern Forest Experiment Station.
	Dir, S. Forest Experiment Station, New Orlean.
	Director, Forest Products Laboratory.
	Dep Dir Forest Products Lab.
Economic Research Service.	Assoc Admr.
	Admr. Economic Research Service.
	Dep Admr for Economics.
	Dep Admr for Statistics.
	Deputy Admr for Cooperatives.
	Deputy Administrator for Management.
	Dep Admr for Adm.
	Director, Commodity Economics Div.
	Director, International Economics Division.
	Director, National Economics Division.
	Dir, Natural Resource Economic Div.
	Dir, Economic Dev Div.
	Outlook & Situation Officer.
	Deputy Administrator.
Statistical Reporting Service	Asst Dep Admr for Statistics.
	Dir, Estimates Div.
	Director Survey Division.
	Dir, Statistical Research Div.
	Dir, State Statistical Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
World Food & Agric Outlook & Situation Board.	Chairperson.
	D/Chrperson for Ress Weather & Remote Sensing.
	Deputy Chairperson for Economic Intelligence.
Board for International Broadcasting:	
Board of International Broadcasting.	Exec Director.
	Dir, for Research & Engineering.
	Financial Manager.
	Foreign Information Officer.
	Foreign Information Officer.
Department of Commerce:	
Ofc of the Inspector General.	Asst Inspector Gen for Audits.
	Dep Dir Ofc of Audits.
	Asst Inspector General for Investigations.
	Dir, Ofc of Policy & Administration.
	Technical Advisor to the Inspector General.
Ofc of Personnel	Dir, Office of Personnel.
	Dep Dir for Personnel Administration.
	Dep Dir for Personnel Development.
	Deputy Director of Personnel.
Executive Director for Operations.	Dir, Ofc of Investigations & Security.
Executive Director for Information Resources Management.	Dir, Ofc of Information Management.
	Dir, Ofc of Information Systems.
Ofc of Acquisition, Grants and Information.	Dep Asst Secy for Acquisition, Grants & Info.
	Dir-Ofc of Procurement and ADP Mgmt.
	Dep Dir for ADP Management.
	Dep Dir for Procurement.
	Director, Office of Information Management.
Economic Development Administration.	Dir, Off of Public Works.
	Dir, Ofc of Technical Assistance.
	Director Ofc of Economic Research.
	Spec Asst for Indian Affairs.
	Dir, Ofc of Development Finance Management.
	Dir Ofc of Dev Finance Projects.
	Dir Ofc of Eligibility and Industry Studies.
	Dir Ofc of Portfolio Administration.
Organization no Longer in Existence.	Director Ofc of Business Development.
	Associate Dep Asst Sec for Policy & Planning.
	Dir Ofc of Dev Organization.
National Oceanic and Atmospheric Administration.	Asst Dir Ocean Minerals and Energy.
Organization no Longer in Existence.	Dir Ofc of Mgmt and Computer Sys.
	Dep, Dir, Off, Prog, Eval, & Budget.
Asst Admr for Policy and Planning.	Chf, Non-Living Resources Office.
	Dir National Marine Pollution Program Office.
	Program Analysis Officer.
Management and Budget.	Director, Ofc of Program evaluation & Budget.
	Director, Office of Personnel.
	Dir Ofc of Policy Dev & Long Range Planning.
	Asst Dir for Intern'l Fisheries.
	Director Office of Management & Computer Sys.
	Dir Office of Administrative Operations.
Organization no Longer in Existence.	Chf Officer of Internl Eng Standards.
	Dep Dir, Manned Undersea Science & Technology.
	Internat'l & Interagency Affairs Officer.
Fisheries Centers and Laboratories.	Dir NE Fisheries Ctr.
	Dir-SE Fisheries Ctr.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Dir SW Fisheries Center.
	Dir NW & Alaska fisheries Ctr.
Regional offices	Regl Dir, Northeast Reg, Reg III.
	Reg Dir Southeast Reg Reg II.
	Dir SW Region.
	Regl Dir Northwest Reg, Reg I.
	Regl Dir, Alaska Reg, Region V.
National Earth Satellite Service.	Dep Dir, Nat'l Environmental Satellite Servic.
	Dir, Ofc of Operations.
	Assoc Dir for Data Processing.
	Dir, Ofc of Research.
	Director, Systems Integration.
	Director, Systems Engineering.
	Dir, Meteorological Satellite Lab.
	Dir, Satellite Experiment Lab.
	Director Office of Data Services.
	Director Systems Development.
	Director of Satellite Operations.
	Director Earth Sciences Laboratory.
Ofc of Research and Development.	Director, Ofc of Ocean Programs.
	Dep Dir, Ofc of Marine Pollution Assessment.
	Director Special Research Programs Office.
Environmental Research Laboratories.	Dep Dir, Environmental Research Laboratories.
	Dir, Weather Modification Prog Ofc.
	Director, Space Environment Laboratory.
	Director, Outer Continental Shelf Program Ofc.
	Dir, Arl.
	Dir, Meteorological Lab. Durham, NC.
	Dir, AR ATM Turbulence & Diffusion Lab.
	Dir, Great Lakes Environmental Research Lab.
	Dir Pacific Marine Environmental Lab.
	Dir Nat'l Severe Storms Lab.
	Chief, Oceanographic Services.
	Chf, Fld Res Projects Div.
	Chf, Meteorological & Hydrological Services.
	Dir Ofc of Weather Res & Modification.
Atlantic Oceanographic and Meteorological Labs.	Dir, Atlantic Oceanographic & Meteorological
	Depy Dir Atlantic Oceanographic & Meteorologi.
Wave Propagation Lab.	Director.
	Dep Dir, Wave Propagation Laboratory.
Aeronomy Lab	Director, Aeronomy Laboratory.
	Senior Scientist/Deputy Director.
Geophysical Fluid Dynamics Laboratories.	Director.
	Research Meteorologist.
	Res Team Leader Exp Predictions.
	Research Meteorologist.
Oceanic and Atmospheric Services.	Dir, Satellite & Advanced Technology.
	Dir, Operations and Program Evaluation Office.
Ofc of Ocean Technology and Engineering Services.	Dep Dir Ofc of Ocean Tech & Engr Serv.
	Director Plans and Programs Office.
	Dir, Undersea Science & Technology Program.
	Dir NOAA Data Buoy Ofc.
	Dir Ocean Inst Eng Ofc.
National Ocean Survey.	Dep Dir.
	Chf Scientist.
	Dir Geodetic Research & Development Lab.
	Chf, Control Networks Division.
	Assoc Dir Ofc of Aeronautical Charting & Chart.
	Assoc Dir for Marine Technology.
	Dir, Engrg Dev Lab.
	Oceanographic Science Advisor.
	Chief Geodesist.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Environmental Data and Information Service.	Dep Dir. Environmental Data Service.
	Associate Director for Marine Sciences.
	Dir Center for Environmental Assessment Svcs.
	Dir, Environmental Science Info Center.
	Dir, Nat'l Oceanographic Data Center.
	Dir, Nat'l Climatic Center.
	Dir, National Geophy & Solar Terres Data Cente.
National Weather Service.	Dep Dir-National Weather Service.
	Chf. AFOS Implementation Staff Superv Meteoro.
	Executive Director, NWS.
	Dir, Nexrad Joint Systems Program Ofc.
Office of Meteorology and Oceanography.	Dir-Atmospheric Physics and Chemistry Lab.
	Dir, Ofc. of Meteorology & Oceanography.
	Chf Meteorological Services Division.
Office of Hydrology	Associate Director.
	Dir Hydrologic Services Division.
	Dir, Hydrologic Research Lab.
National Meteorological Center.	Dir Climate Analysis Ctr.
	Director National Meteorological Center.
	Deputy Director.
	Chf. Data Automation Div.
	Chief, Development Div.
	Chf-Forecast Division.
Systems Development Office.	Dir Systems Development Ofc.
	Director, Integrated Systems Laboratory.
	Director, Equipment Development Laboratory.
	Dir, Techniques Dev Lab.
	Director Advanced Systems Laboratory.
Office of Technical Services.	Dir, Ofc of Technical Services.
	Chf, Communications Division.
	Chf, Data Systems Division.
	Chief, Engineering Division.
	Chief AFOS Operations Division.
Regional Offices	Dir, Natl Severe Storms Forecast Center.
	Dir Southern Region, Ft Worth.
	Director, Nat'l Hurricane Center.
	Dir, Salt Lake City Region.
	Dir, Alaska Region, Anchorage.
	Dir Eastern Region NWS.
	Director Central Region.
Institute for Telecommunications Sciences.	Assoc Admr for Telecommunication Science.
	Assoc, Dir, ITS.
	Dep Assoc Admin for Telecommunication Scie.
	Associate Director, ITS.
	Assoc, Dir, ITS.
Organization no Longer in Existence.	Chief Program Office.
	Chf-Gas and Particulate Science Division.
	Group Leader for Thermal Analysis.
	Group Leader for Spectro-Chemical Analysis.
	Chf Off of Eng Stds.
National Bureau of Standards.	Assoc Dir for International Affs.
	Director, Boulder Labs.
	Tech Advisor to the Director.
	Chief Program Office.
	Director, Planning Ofc.
	Assoc Dir for Programs, Budget, and Finance.
National Measurement Lab.	Assoc Dir for Long Range Planning.
	Senior Science Advisor.
	Senior Mathematical Statistician.
	Assoc Dir for Measurement Service.
	Associate Director for Planning.
Deputy Director for Programs.	Deputy Director for Programs.
	Chief, Off of Environmental Mgmts.
	Chief, Office of Standard Reference Data.
	Chief Office Nondestructive Evaluation Progra.
	Chief Off of Standard Reference Materials.
	Chf-Ofc of Measurements for Nuclear Safeguard.
	Prog Manager, Industrial Process Data.
	Program Manager, Energy and Environmental Dat.
	Program Manager Materials Utilization Data.
	Principal Scientist for Environmental Measure.
Center for Absolute Physical Quantities.	Dir-Ctr for Absolute Physical Quantities.
	Dep Dir, Center for Absolute Physical Quantitie.
	Sr Research Fellow and Chf quantum Metrology.
	Chf-Electrical Measurements and Stds Divisin.
	Research Physicist (Nuclear).
	Senior Scientist.
Quantum Physics Division.	Chf, Quantum Physics Div (Ctr for APQ).
	Sr Sci & Fellow of JILA.
	Senior Research Scientist.
	Senior Scientist, Boulder.
	Sr Scientist & Fellow of JILA.
	Senior Scientist-Fellow of JILA.
Time and Frequency Division.	Chf, Time & Frequency Div.
	Group leader-Time and Frequency Division.
	Senior Sci time & Frequency Div Ctr for APQ.
Center for Analytical Chemistry.	Director-Center for Analytical Chemistry.
	Chf. Radiochemical Analysis Section.
	Scientific Asst to the Dir Cir for Analytical.
	Chf, Organic Anal Research Div.
Center for Radiation Research.	Dir Center for Radiation Research.
	Dep Dir. Ctr for Radiation Research.
	Group Leader for Radiation Thermometry.
	Chf Atomic & Plasma Radiation Div.
	Chf-Radiation Source & Instrumentation Divisi.
	Chief Nuclear Radiation Div.
Nuclear Radiation Division.	Physicist. (Nuclear).
	Physicist (Nuclear).
	Principal Scientist, Neutron Standards.
	Chief, Radiation Theory Section.
	Group Leader for Radioactivity.
	Prin Scientist in X-Ray Physics.
Radiation Physics Division.	Group Leader for Far Ultraviolet Physics.
	Dir-Center for Materials Science.
Center for Materials Science.	Deputy Dir Center for Materials Science.
	Dep Dir-Cir for Materials Science.
	Senior Scientist.
	Group Leader for Fiberous Systems.
	Group Leader for Solid State Materials Sectio.
	Research Chemist.
	Chf. Metallury Div-Ctr for Materials Science.
	Scientific Assistant to the Director.
	Chf Fracture and Deformation Division.
Fracture and Deformation Division.	Group Leader, Frac Cer & Comp Frac & Def Div.
	Chf-Chemical Stability & Corr Div.
Chemical Stability and Corrosion Division.	Group Leader, Corrosion and Electrodeposition.
Ceramics Glass and Solid State Science Division.	Chf Ceramics Glass & Solid State Sci Division.
	Group Leader for Crystallography.
	Chf. Inorganic Glass Section.
	Grp Leader Solid State Transport & Stability.
Polymer Science and Standards Division.	Chf. Polymers Science and Standards Div.
	Physicist (Solid State).
	Chf. OPS Res Division.
Reactor Radiation Division.	Chf. Reactor Radiation Div.
	Group Leader, Reactor Radiation Division.
Center for Chemical Physics.	Director Center for Chemical Physics.
	Dep Dir Cntr for Therm & Mol Science.
	Quantum Chemistry Group Leader.
	Group Leader for Environ Chemical Process.
	Senior Scientist.
	Scientific Asst to Dir Cen for Thermo & M/S.
	Group Leader Equation of State.
	Chief, Surface Science Div.
National Engineering Lab.	Senior Research Scientist.
	Assoc Dir for Technical Evaluation.
	Assoc Director for Program Planning.
	Asst Chf for Fluid Dynamics/Chf Aerodynamics.
	Assoc Dir for Program Coordination.
Center for Fire Research.	Director-Center for Fire Research.
	Deputy Director, Center for Fire Research.
	Chf Fire Science Division.
	Chf Fire Safety Engineering Div.
Center for Building Technology.	Director-Center for Building Technology.
	Deputy Director, Center for Building Tech.
	Dep Dir (Operations), Ctr for Building Techno.
	Chf, Structures, Materials, & Life Safety Div.
	Chief, Building Thermal and Service Systems.
	Chf-Building Economics & Regulatorytech Divis.
	Chf Thermal Analysis Program.
Ctr for Mechanical Engring & Process Technology.	Chf, Building Materials Div.
	Dir-Ctr for Mechanical Engineering & Process.
	Dep Dir Ctr for Mechanical Engineering & Proc.
	Chf-Mechanical Processes Division.
	Chf Thermal Processes Division.
	Chief Automated Production Technology Div.
	Chf, Thermophysical Properties Div.
Center for Applied Mathematics.	Director, Center for Applied Mathematics.
	Deputy Director.
	Chf Mathematical Analysis Div.
	CHF Statistical Engineering Division.
	Senior Research Fellow.
	Assoc Dir for Computing.
	Chief, Operations Research Division.
Center for Electronics and Electrical Engring.	Dir-Ctr for Electronics & Electrical Engineer.
	Dep Director.
	Chief, Electron Devices Div.
	CHF Electrosystems Division.
	Chief, Electromagnetic Division.
	CHF-Electromagnetic Technology Division.
Center for Consumer Product Technology.	Senior Research Scientist.
	Director Office of Engineering Standards.
	Dep Dir-Center for Consumer Product Technolog.
	Dir-Center for Consumer Product Technology.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Center for Field Methods	Dir-Ctr for Field Methods.
	Chf, Ofc of Energy Programs.
	Chf, Product Perform Eng Div.
Center for Chemical Engineering	Director Center for Chemical Engineering.
	Chief Thermophysics Division.
	Chief, Fluid Engineering Division.
Inst for Computer Sciences and Technology	Assoc Dir, Teleprocessing & Supportcomm Tech.
	Assoc Dir Automatic Data Processing Standards.
	Dir Center for Programming Science & Techn.
	Chf, Ofc of Developmental Automation & Contrl.
	Dir Center for Computer Systems Engineering.
	Staff Asst for Computer Science.
	Chf Systems and Network Architecture Div.
	Assoc Dir for Planning Budget & Evaluation.
	Chief System Components Division.
Office of Chief Economist	Dir, Ofc of Federal Statistical Policy & Stds.
	Deputy Director, Social Statistics.
	Deputy Director, Economic Statistics.
	Statistical Coor for the Asst Sec for Eco Aff.
Organization No Longer In Existence	Director, Ofc of Industrial Economics.
	Chf, Res Center for Measurement Methods.
	Chief, Statistical Rsch Division.
Bureau of the Census	Dep Dir.
	Chief Data User Services Division.
	Asst Dir for International Programs.
Administration	Associate Director for Administration.
	Assistant Director for Administration.
	Asst to the Associate Dir for Field Operation.
Statistical Standards and Methodology	Assoc Dir for Statistical Standards & Methodo.
	Asst Dir for Statistical Research.
Information Technology	Asst Dir for Computer Services.
	Chief, Computer Operations Division.
Demographic Fields	Associate Director for Demographic Fields.
	Asst Dir for Demographic Censuses.
	Chf, Population Div.
	Chf, Statistical Methods Div.
	Chief Demographic Surveys Division.
Economic Fields	Assoc Dir for Economic Fields.
	Asst Dir for Economic & Agri Censuses.
	Chief, Agriculture Div.
	Chf, Business Div.
	Chf, Construction Statistics Div.
	Chf, Econ Surveys Div.
	Foreign Trade Div.
	Chf, Government Div.
	Chf, Industry Div.
	Chief Senior Economic Advisor, Center for Economic Studies.
Field Operations	Assoc Dir for Field Operations.
	Chf, Geography Div.
	Chief, Field Div.
	Assistant Director for Processing.
Bureau of Economic Analysis	Director.
	Dep Dir, Bur of Economic Analysis.
	Assoc Dir For National Economic Accounts.
	Assoc Dir for National Analysis & Projections.
	Assoc Dir for Regional Economics.
	Assoc Dir for Internat'l Economics.
	Chief Economist.
	CHF Statistician.
	Asst to the Director for Econometrics.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Chf Nat'l Income & Health Div.
	Chief, Current Business Analysis Div.
	Chief, Business Outlook Div.
Bureau of Industrial Economics	Dir, Bureau of Industrial Economics.
	Dep Dir Bureau of Industrial Economics.
	Dir Ofc of Ind Stat & Data Coord & Dev.
	Dir Ofc of Industry Econ Res and Analysis.
	Director Office of Producer Goods.
	Dir Ofc of Basic Industries.
	Dir, Ofc Consumer Goods & SVC Ind.
Patent and Trademark Administration	Deputy A/S for Admin & Legis Policy.
Office of Assistant Commissioner for Patents	Adm'r for Documentation.
	Dir, Ofc of Patent Prog Control.
Chemical	Group Director 110.
	Group Director 120.
	Group Director 140.
	Group Director 160.
	Group Director 170.
Electrical	Group Director 210.
	Group Director 220.
	Group Director 230.
	Group Director 240.
	Group Director 250.
Mechanical	Group Director 310.
	Group Director 320.
	Group Director 330.
	Group Director 340.
	Group Director 350.
Office of Assistant Commissioner for Trademarks	Director, Trademark Examining Operation.
	Chairman, Trademark Trial & Appeal Board.
	Deputy Asst Commissioner for Trademarks.
Board of Patent Interferences	Chairman.
Commodity Futures Trading Commission:	
Office of the Chairman	Executive Assistant to the Chairman.
Office of the General Counsel	Assoc Gen Counsel for Opinions and Review.
	Assoc Gen Coun (Litigation).
	Assoc Gen Counsel (Rules).
Office of the Executive Director	Dep Exec Dir.
Office of the Chief Economist	Dep Chf Economist.
	Chf, Analysis Section.
Division of Enforcement	Deputy Dir Division of Enforcement.
Division of Trading and Markets	Dep Dir, Div of Trading and Markets.
Div of Mgmt Programming Planning and Evaluation	Dir Div of Mgmt Program Planning & Evaluation.
Regional Offices	Regional Director-Central Region.
Community Services Administration (Term 9-30-81):	
Ofc of Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector General for Auditing.
Ofc of Management	Controller.
Consumer Product Safety Commission:	
Office of Commissioners	Dir, OFC of Prog Mgt.
Office of AED for Epidemiology	Associate Exec Dir for Epidemiology.
Ofc of AED for Engineering Science	Dep Associate Executive Dir for Engr Sciences.
Ofc of AED for Compliance & Administrative Litigation	Assoc Exec Dir for Compl & Admin Litigation.
Ofc of AED for Health Sciences	Assoc Exec Dir for Field Opers.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Ofc of AED for Administration	Assoc Exec Dir for Adm.
Ofc Secy of Defense:	
Office of the Secretary	Inspector General for Defense Intelligence.
Ofc of Asst to the Secy of Defense	Principal Deputy Asst to Sec of Defense.
	Dep Asst to the Secy (Follow-up Report & Mgmt).
	Dep Asst to the Secy of Def (O E & C P).
	Director Contract Audit Followup.
	Dir Audit Resolution & Audit & Invest Followup.
	Dep Asst to the Sec of Def (Criminal Investi).
	Dir Special Projects & Analyses.
	Dir Internal Audit Oversight & Evaluation.
	Dir, Control & External O/Sight & Evaluation.
	Director for Criminal Policy and Oversight.
Ofc of Deputy Under Secy (Policy)	Dir, Counter Intel & Investigative Prog.
	Dir, Information Security.
Ofc of the Asst Secy of Def (Internal Security Programs)	DEP Director-DOD Salt Task Force.
	Asst Dep Dir for Strat Sys & Senior OSD Adv.
Ofc Deputy Asst Sec, Civilian Personnel Policy	Staff Dir CPP/Dir for Personnel Mgmt.
	Dir Career Dev & Training.
	Dir Labor-Management Relations.
	Dir Compensation & Position Mgmt.
	Dir Staffing and Career Mgmt.
	Dir, Overseas & Nonappropriated Fund Per/Mgmt.
	Dir Personnel Management.
	Deputy Director For Labor Management Relation.
Ofc of Deputy Asst Sec, Equal Opportunity	Dir for Civilian Equal Opportunity programs.
Ofc of Dir of DOD Dependents Schools	Dir DOD Dependents Schools.
	Dir Pacific Region Doodds.
Office of Assistant Secretary, Public Affairs	Dir, Freedom of Information & Security Review
Ofc of Dep Director (Strategic Programs)	Dir Strat Def and Theater Nuclear Forces Div
Washington Headquarters Services	Director of Personnel and Security
Ofc Dep Asst Secy of Defense (Cost & Audit)	Deputy Asst Secy of Defense (Audit Policy).
	Dir for Internal Audit Policy.
	Dep Comptroller for Audit Policy
Ofc of Under Secretary for Research and Engineering	Director, Program Control and Administration.
	Staff Specialist for Program Planning.
Ofc of Asst to Secy for Atomic Energy	Staff Spec for Strategic Sys Assessment.
	Spec Asst for Assessment & Exec Order—DSB.
	Dir-Salt/Arms Control Support Group.
	Specialist for Arms Control Assessment.
	Sr Analyst for Long Range Resource Planning.
Ofc of Dep Under Secy (International Programs and Tech)	Dir, Technology Export.
	Director, Technology Trade.
	Staff Specialist for Internl Programs & Poli.
	Special Asst for Planning and Requirements.
Ofc of Asst Dep Und Secy of Def (Prod Policy)	Asst Dep Under Secy of Def (Production Poli).
	Director Embedded Computer Resources.
	Dir Standardization & Acquisition Support.
	Director for Production Resources.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Ofc of Asst Dep Und Secy of Def (Acquisition)..	Asst Dep Under Secy of Defense (Acquisition).
	Director Cost Pricing and Finance.
	Dir Contract Placement and Administration.
	Dir, Defense Acquisition Regulatory Systems.
	Director Major Systems Acquisition.
Ofc Dep Under Secy Test and Evaluation..	Dep Dir (Strategic & Naval Sys Div).
	Dep Dir for Test Facilities and Resources.
Ofc of Dep Under Secy for Research and Advanced Tech..	Spec Asst to Dus (Research & Advanced Technol.
Ofc-Dir-Engineering Technology..	Dir (Engineering Technology).
	Staff Spec for Aeronautics and Hydronautics.
	Staff Specialist for Vehicle Propulsion.
	Staff Specialist for Materials & Structures.
	Staff Specialist for Ordnance.
	Staff Specialist for Weapons Technology.
Ofc-Dir-Electronics and Physical Sciences.	Dir Electronics and Physical Sciences
	Staff Spec for Electron Dev & Integrated Circ.
	Staff Spec for Elec Warfare and Target Acq.
	Staff Specialist for Search and Surveillance.
Ofc-Dir.-Environmental Life and Sciences.	Staff Specialist for Chemical Technology.
Ofc-Dir-Rsch and Technical Info.	Dir, Research & Technical Information OFC.
Office of Directed Energy Programs..	Dir, Directed Energy Programs
Ofc of the Dir, Offensive and Space Systems..	Dir Offensive and Space Systems
	Staff Specialist for Space & Advanced Systems.
	Staff Spec for Techn & Analysis (Off Sys).
Ofc-Dir-Defensive Systems.	Dir Defensive Systems.
	Staff Specialist for Early Warning & Attack.
	Staff Specialist for Defensive Systems.
Ofc of Dir Cruise Missile Systems.	Dir Ofc of Cruise Missile Sys.
Ofc-Dir-Start & Arms Control Office.	Director, Start and Arms Control Office.
Ofc of Dep Under Secy Tectical Warfare Progs.	Asst for Materiel Acquisition.
	Spec Asst for Plans and Analysis.
Ofc-Dir-Land Warfare...	Dir-Ofc of Land Warfare.
	Staff Specialist for Close Combat Systems
	Staff Specialist for Ground Air Defense Sys.
Organization no Longer in Existence.	Dir-Ofc of Aircraft Systems.
Ofc Dir Air Warfare	Director Air Warfare.
	Staff Spec for Interdiction/Naval Strike.
	Staff Spec, Close Air Sup/Battlefield Int.
Ofc of Director-Naval Warfare.	Director-Naval Warfare.
	Staff Spec-Sub Warfare & Undersea Surveillanc
	Staff Spec for TO's and Electromagnetic Techno
	Staff Spec for Strategic & Naval Warfare Sys.
	Staff Specialist for Antisub & Mine Systems.
Office of Mobility and Special Projects.	Director Mobility and Special Projects

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Ofc of Asst Dep Under Secy of Def (C3).	Asst Dep Under Sec of Def (Commun Comm & Cont).
	Dir (Combat Support).
	Staff Spec for Switched & Spec Purpose Comm S.
	Spec Asst for Technical Plans and Research.
	Staff Spec for WWMCCS and Other C Systems Arc.
	Staff Spec for Satellite Communications Syste.
	Staff Specialist for Tactical Command & Contr.
	Dir Office of Communication Systems.
	Dir, Electronic Warware & C3 Countermeasures.
	Director, Information Systems.
	Stf Spec/Elec Warfare & C3 C/ Meas Supt Actv.
	Dir Theater & Tactical Commun Command & Contr.
Ofc of Asst Dep Under Secy of Defense (Intelligence).	Sr Staff Spec for Elec Subsys Integ & Stud.
	Director, Tactical Intelligence Systems.
	Director National Intelligence Systems.
	Sr Staff Spec for Reconn Surveil & Target Acq.
Ofc of Asst Dep Under Secy of Def (Plans and Resources).	Asst Dep Under Sec of Defense (Plans & Res).
	Dir Ofc Strategic & Theater Com & Cont Sys.
	Dir Systems Research and Evaluation.
Organization no Longer in Existence.	Dir-Ofc of Intelligence Sys.
	Staff Specialist (Intelligence Programs).
	Director-Ofc of Surveillance & Warning System.
	Stf Spec-(Elec Warfare and Counter C31).
Defense Advance Research Projects Agency.	Deputy Director for Research.
	Deputy Director for Technology.
Regional Office-Europe.	Dir, DARPA Reg:L Ofc-Europe.
Regional Office-Pacific.	Dir, DARPA Regional Ofc, Pacific.
Tactical Technology Office.	Dir-Tactical Technology Office
	Dep Dir Tactical Technology Office.
	Asst Dir for Target Acq and Engagement.
	Asst Dir for Ocean Monitoring & Control.
	Asst Dir for Weapons Technology & Concepts.
Information Processing Techniques Office.	Dep Dir, Info Processg Techniques Ofc.
	Dir, Information Processing Techn Ofc.
	Prin Res Manager (Info Process Tech Ofc).
Material Sciences Office.	Director for Materials Sciences.
	Stf Spec for Electro-Optical Materials & Devl.
	Staff Specialist for Advanced System Material.
	Asst Dir for Cybernetics Technology.
	Assistant Director for Materials Sciences.
Defense Sciences Office.	Dir, Defense Sciences Ofc.
	Dep Dir, Def Sciences Ofc.
Nuclear Monitoring Research Office.	Dir for Nuclear Monitoring Research.
Strategic Technology Office.	Dir-Strategic Technology Office.
	Asst Dir (Tech)
	Asst Director, Systems.
	Chf Space and Optics Technology Division.
	Chief, Laser Technology Div.
	Chf Directed Energy Div.
	Asst Dir, Surveillance.
	Dep Dir, Strategic Techn Ofc.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Directed Energy Office.	Dir, Directed Energy Ofc.
	Dep Dir, Directed Energy Ofc.
	Asst Dir for Technology, Directed Energy Ofc.
	Assistant Dir for Space Defense Technology,
Vehicles Technology Office.	Dir, Air Vehicles Technology Ofc.
Office of the Joint Chiefs of Staff.	Scientific and Technical Advisor to the Chief.
Defense Contract Audit Agency.	Director, DCAA.
	Deputy Director DCAA.
	Asst Dir Operations & Professional Dev.
	Asst Dir Policy & Plans
Regional Managers.....	Regional Director, Atlanta.
	Regional Director, Boston.
	Regional Director, Chicago.
	Regional Director, Los Angeles.
	Regional Director, Philadelphia.
	Regional Director, San Francisco
Defense Logistics Agency.	Staff Director Logistics Concepts and Mgmt.
Office Deputy Director for Contract Adm Services.	Asst Dep Dir Contract Administration Service.
Organization no Longer in Existence.	Dep Exec Dir, Contract Management.
Off of Exec Dir, Production, ODDCAS.	Executive Director, Production.
Off of Exec Dir, Qual Assurance, ODDCAS.	Dep Exec Dir, Quality Assurance.
Ofc of the Staff Dir—Small & Disadvantaged Business Util.	Staff Dir Small & Disadvantaged Business Utl.
Office of Staff Director, Personnel.	Staff Director, Personnel.
Exec Dir, DLA Contracting.	Executive Director, Contracting.
	Chief, Contracts Division.
Exec Dir, DLA, Tech & Logistics Serivces.	CHF Property Disposal Div.
Defense Contract Admin Service Regions.	Deputy (DCASR. Los Angeles)
Office of the Director...	Chief Scientist & Assoc Dir, Technology.
National Communications System.	Asst Manager for Technology and Standards.
	Deputy Manager National Communications System.
	Asst Mgr NCS Plans and Operations.
WWMCCS System Engr Organ.	WWMCCS—System Engineer.
	Dep WWMCCS System Engineer.
	Dep WWMCCS System Engineer.
	Chief WWMCCS Information System Office.
Defense Communications Engineering Center.	Dep Dir, Def Communications Engineering Center.
	Chf, Computer & Software Systems Division.
	Senior Science Advisor for Technology.
	Chf, Switched Systems Engr Div.
	Chf, Systems Engineering Div.
Ofc of Dep Dir, Commd & Control Techn Ctr.	Dep Dir, Command and Control Technical Center.
	Tech Dir, WWMCCS ADP Technical Supt Direct.
Command and Control Engineering Directorate.	Ch, Subsystem Engineering Division.
	Chf ADP System Engineering Div.
	Tech Dir Meecn Engineering Division.
	Chief, Systems Plans and Programs Division.
	Technical Dir UAMHS Project Management Office.
	Assoc Dep Dir for Research & Technology.
	Chief Strategic Connectivity Engineering Div.
	Deputy Director for C2 Engineering.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
System Direcorate, CCTC.	Deputy Director for Engineering.
Natl Military Comd Syst ADP Directorate, CCTC.	Asst Deputy Dir, NMCS ADP.
	Asst Dep Dir for Computer Services.
Military Satellite Communications Office.	Dep Dir, Military Satellite Communications Sy.
Office of the Director	Dir (BioMedical Effects).
	Scientific Advr to the Commander, Ed Command.
	Dir, Acquisition Management Directorate.
Office of Deputy Director Science & Technology.	Dep Dir (Science & Technology).
	Scientific Asst to Dep Dir (Science and Tech) for Theoretical R.
	Asst to the Dep Dir (Experimental Res).
	Asst to the Dep Dir (Sci & Tech) for Testing.
	Chf, Electronics Vulnerability Division.
	Chf, Strategic Structures Divison.
	Chf, Aerospace Sys Div.
	Chief, Atmospheric Effects Division.
	Scientific Advisor (AFFRI).
	Techn Pro Mngr for Nuclear Assessmnt Director.
	Chief Emp Effects Division.
DMA Headquarters	Dep Dir for Systems & Techniques.
	Dep Dir, Mngmt & Technology.
	Dep Dir for Progs, Prod & Opers.
	Asst Dep Dir for Plans and Requirements.
	Chief, Advanced Technology Division.
	Chf Acq Sys Dev Div.
	Staff Director of Personnel.
	Asst Deputy Dir for Programming.
	Asst Deputy Dir for Production and Distributi.
DMA Field Activities	Chief, Program Integration Divison.
	Chf Spec Programs Div.
	Tech Dir DMA Aero Center.
	Tech Dir—DMA Hydrographic/ Topographic Center.
	Dep Dir Prog Prod Oper DMA HTC.
	Dep Dir for Progs, Production and Operations.
Defense Audit Service.	Director, Defense Audit Service.
	Deputy Director, Defense Audit Service.
	Assoc Director—Special Program Audits.
	Assoc Dir, Intelligence and Communications Aud.
	Assoc Dir, Systems & Logistics Audits.
	Assoc Dir, Resources & Overseas Audits.
	Assoc. Dir Financial Mgmt and Manpower Audits.
Defense Investigative Service.	Dir Defense Investigative Service.
	Director for Investigations.
	Director for Industiral Security.
Department of Air Force:	
Office of the Secretary.	Administrative Assistant to the Secy.
	Dep Adm Asst.
Office of the Under Secretary.	Dep Under Sec for Interntl Affairs.
OAS Manpower and Reserve Affairs and Installations.	Dep for Air Force Review Boards.
OPDAS Installations	Deputy for Installations Management.
	Asst Deputy for Base Utilization.
OAS Research Development and Logistics.	Principal Depy Asst Secy (Research Dev Logist).
ODAS Research & Development.	Deputy for systems Requirements.
ODAS Acquisition Management.	Dep for Acquisition.
	Dep for Programs & Production.
ODAS Logistics	Dep for Supply & Maintenance.
	Dep for Transportation & Civil Aviation.
Office of Assistant Secretary, Financial Management.	Deputy for Accounting and Internal Audit.
	Deputy for Productivity Management.
	Deputy for Financial Systems & Analysis.
The Air Force Audit Agency.	Deputy Auditor General.
	Dir, Acquisition & Logistics Systems.
	The Auditor General of the Air Force.
	Director of Field Activities.
	Director of Operations.
	Director of Forces and Support Management.
Office, Chief of Staff	Chief Office of Air Force History.
	Deputy Director, Air Force Commissary Service.
Office, Vice Chief of Staff.	Chief, Publishing Div.
Dir of Data Automation/ Commander Data Automation Agency.	Associate Director (Technical).
Office of Deputy Chief of Staff, Systems and Logistics.	Assoc Dir for Logistics Plans & Programs.
	Assoc Dir of Maintenance Engineering & Supply.
	Assoc Director of Procurement Policy.
Off Dir of Procurement Policy.	Dir, Ofc of Small & Disadv Bus Utilization.
Special Advisory Group.	Special Advisor.
Director of Civilian Personnel.	Das (Civ Personnel Pol) Dir Civilian Pers.
	Deputy Director of Civilian Personnel.
	Chf Ofc of Civilian Personnel Opers.
Office of Deputy Chief of Staff, Comptroller.	Dep Comptroller.
Director of Management Analysis.	Chief Budget Management Division.
	Assoc Dir of Mgmt Analysis.
Director of Budget	Asst Dir of Budget (Operating Appropriations).
	Chf, Investment Appropriations Div.
	Deputy Director of Budget.
Directorate of Accounting & Finance.	Director, Plans & Systems.
	Dep Dir, Acctng & Finance.
Director of Programs	Associate Dir for Progs.
National Guard Bureau.	Dir of Personnel.
Directorate of Engineering and Services.	Assoc Dir For Engineering & Services.
AF Engrg and Services Center (Field).	Technical Director.
Office of the Commander.	Assistant for Product Assurance
DCS Procurement & Manufacturing.	Prin Asst/Contracting & Manufacturing
	Chairperson Contract Review Committee
	Dir of Manufacturing
Deputy Chief of Staff/Personnel.	Director of Civilian Personnel
Deputy Chief of Staff/Comptroller.	Asst to the DCS/Comptroller
Space and Missle Systems Organization.	Asst Dep for Procurement & Manufacturing
Foreign Technology Div.	Tech Dir (Electromagnetic Threat)
	Technical Director (Engineering)
	Technical Director (Technology and Threat)
Flight Test Center, Edwards AFB, Calif.	Technical Director, Test Engineering & Service
AF Weapons Lab	Techn Dir (Physical Optics, Lasers, Prototype
	Sr Advisor (Radiation Effects)
Materials Laboratory AFWAL.	Dir, Metals & Ceramics Div.
Materials Laboratory AFWAL.	Senior Scientist (Environment Effects).
	SR SCI Organic Chemistry.
	Dir, Systems Support Division.
Aero Propulsion Laboratory AFWAL.	Dir, Turbine Engine Div.
AF Rocket Propulsion Laboratory.	Dir, Solid Rocket Div.
USAF School of Aerospace Medicine.	Research Director (Crew Technology).
Aerospace Medical Research Lab.	Dir, Toxic Hazards Div.
Aeronautical Syst Div.	Chf, Mathematics & Analysis Br.
	Deputy Comptroller.
	Techn Dir, Flt Systems Engineering.
Dep for Systems Mgmt, ASD.	Technical Director (Systems).
Deputy for Tactical Warfare, ASD.	Tech Dir, (Propulsion System).
Dep for Proc & Manufacturing ASD.	Asst Deputy for Procurement and Manufacturing.
Deputy for Engineering.	Tech Dir Directorate of Equipment Engineering.
	Techn Dir, Directorate of Avionics.
	Technical Director, Deputy for Avionics.
Sys Engrg Office Dep for Engrg ASD.	Sys Eng Dir, F-15.
	Systems Engineering Dir (Advanced Systems).
	Systems Engineering Director (F-16).
Electronic Systems Division.	Deputy-Command and Mgmt Systems.
	Asst Dep for Contracting & Manufacturing.
Rome Air Development Center.	Director (Plans).
	Techn Dir (Intelligence & Reconnaissance).
	Technical Director (Communications & Control).
	Tech Dir Reliability & Compatibility.
	Technical Dir (Surveillance).
Armament Division	Technical Advisor.
	Techn Dir, Directorate of Range Engineering.
Aeronomy Division	Director Aeronomy Division.
	Ch, Atmospheric Structure Br.
Space Physics Division.	Dir, Space Physics Div, AFGL.
Aerospace Instrumentation Division.	Dir, Aerospace Instrumentation Div, AFGL.
Meteorology Division	Chief Climatology Dynamics Branch.
	SR Scientist Heat Transfer.
Optical Physics Division.	Dir Optical Physics Division.
Air Force Logistics Command.	Asst Dep Chf of Staff, Maintenance.
	Chairman AF Logistics Command Procur Committee.
	Asst DCS/Logistics Operations.
	Asst DCS/Plans & Operations.
	Asst DCS/Procurement & Production.
	Dir, Direc of Mat Requ & Financial Res Mgmt.
	Deputy Asst to the Commdr-Internl Logistics.
Headquarters, Dayton, Ohio.	Director of Civilian Personnel.
AF Acquisition Logistics Div.	Asst DCS-Comptroller.
	Asst to the Commander AFALD.
	Deputy for Contracting and Manufacturing.
Air Logistics Center, San Antonio.	Dep Dir, Directorate of Maintainance.
	Dep Dir, Directorate of Materiel Mgmt.
Air Logistics Center, Oklahoma City.	Dep Dir, Directorate of Materiel Mgmt.
	Dep Dir, Directorate of Maintenance.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Air Logistics Center, Warner Robins.	Deputy Director, Directorate of Materiel Mgmt.
	Deputy Dir, Dir of Maintenance.
Air Logistics Center, Ogden.	Dep Dir Directorate of Maintenance.
	Deputy Director, Directorate of Materiel Mgmt.
Air Logistics Center, Sacramento.	Dep Dir Directorate of Materiel Mgmt.
	Dep Dir, Directorate of Maintenance.
Air Force Security Service.	Asst to the Commander.
Air Force Communications Command.	Tech Asst to Comdr Data Sys Design Center.
	Tech Dir-Space Satellite Communications OFC.
Military Airlift Command.	Asst Dep Chf of Staff Plans, Scott AFB, Ill.
Science & Research	Chf Technology Assessment Division.
	Chf Systems Evaluation Division.
Tactical Air Command.	Chief Scien Tactical Fighter Weapons Ctr.
	Chief Scientist Tactical Air Warfare Ctr.
Headquarters, Pacific Air Force.	Chief, Operations Analysis.
U.S. Air Forces in Europe.	Director of Civilian Personnel.
AF Test and Eval Center (AFTEC).	Scientific Advisor (Test & Evaluation).
Joint Electronic Warfare Center (JEWC).	Technical Director.
Department of Army:	
Office of the Under Secretary.	Asst Dep Under Sec (Operations Research).
	Operations Research Analyst.
	Chf, Opers Res Grp for Forces & Readiness.
	Operations Research Analyst for Systems.
	Opers Research Analyst for Cmd. Cont. C & I.
Ofc of the Administrative Assistant.	Adm Asst to the Secy of the Army.
	Dep Administrative Assistant
OASA Research Development and Acquisition.	Assoc Dir for Procurement Mgmt Review.
	Director Acquisition Managment Review Agency.
ODASA Acquisition	Dep for Materiel Acq Mgmt.
	Dep for Procurement Policy.
ODASA Management and Budget.	Deputy for Management & Budget.
Ofc of Asst Secy-Installations Logistics and Finan Mgmt.	Asst Deputy for Installations & Housing.
	Asst Dep for Logistics.
Off of Asst Secretary, Manpower & Reserve Affairs.	DASA (DA Review Bds and Personnel Security).
Office, Assistant Chief of Staff, Intelligence.	Spec Asst to the ACSI.
Ofc of Asst Chief of Staff, Automation & Communications.	Dir, Army Mgmt Systems Support Agency.
	Deputy Director, Network Integration Direct.
	Dep Asst Chf of Staff Automation and Comms.
	Army Spectrum Manager.
	Spec Asst to Asst Chf of Staff.
Ballistic Missile Def Sys Command.	Chief, Contracts Office.
Ballistic Missile Def Adv Techn Ctr.	Dir Technology Analysis Directorate.
	Dir Discrimination Directorate.
	Dir Missile Directorate.
	Director Radar Directorate.
	Dir-Data Processing Directorate.
	Director Optics Directorate.
Chf Scientist & Director of Army Research.	Asst Dir for Laboratory Activities.
	Asst Director for Research Programs.
	Asst Dir for Technology Overview.
	RDA Analysis Officer.
Dir of Combat Support Systems.	Physical Scientist Admr (Chem & Engr Sci).
	Combat Spt Sys Technol Mgr.
Dir of Weapons Systems.	Physical Scientist (Aerospace Engr).
	Weapons Systems Technol Mgr.
Office, Dep Chief of Staff for Personnel.	U.S. Army Safety Director.
Directorate of Civilian Personnel.	Chief, Labor and Employee Relations Division.
	Director of Civilian Personnel.
	Dep Director, Off Civ Personnel.
	Chief, Position & Pay Management Division.
	Chief, Staffing and Career Management Div.
Civilian Personnel Center.	Chf-Civilian Personnel Ctr.
Army Research Institute for Behavioral & Social Sciences.	Dir Org and Systems Lab and Assoc Dir ARI.
	Dir, Ind Train & Perf Res Lab, & Assoc Dir, ARI.
	Dir, Training Res Lab & Assoc Dir, ARI.
	Dir, Manp & Pers Res Lab 7 Assoc Dir, ARI.
Dir Manpower Plans and Budget.	Dep Dir Manpower Plans and Budget.
Office, Deputy Chief of Staff for Logistics.	Chief Security Assistance Policy Coord Ofc.
	Asst Director for Supply Mgmt.
	Asst Dir of Resources and Mgmt.
	Asst Dir for Maintenance Mgmt.
	Spec Asst to DCSLOG & Chf Av Log Ofc.
Office of the Comptroller of the Army.	Dep Comptroller.
	Director of Cost Analysis.
	Deputy Director of Operations & Maintenance.
Finance and Accounting Center.	Dep Cmdr US Army Finance & Acctng Ctr.
	Dep Dir of Finance & Accounting.
Director of Army Budget.	Deputy Director.
	Dep Dir of Army Budget for Budget Management.
Army Audit Agency	Auditor General.
	Deputy Auditor General.
	Director, Logistical & Financial Audits.
	Dir Acquisition and Force Management Audits.
	Dir Personnel and Force Management Audits.
	Dir Audit Policy Plans and Resources.
Ofc Dep Chf of Staff for Operations & Plans.	Tech Adv to Dep Chf of Staff for Opers & Plan.
	Dep Dir, Force Program & Structure Direc, DCS.
U.S. Army Nuclear Agency.	Technical Director.
Concepts Analysis Agency, DCSOPS.	Dir for Joint Forces & Strategy.
	Dir of Methodology & Resources & Computation.
Army Center of Military History.	Chief Historian.
Army War College	Director of Academic Affairs.
U.S. Army Med Res Inst of Infectious Dis, Ft Detrick Md.	Program Director Hazardous Viruses.
	Deputy for Science.
Training and Doctrine Command (TRADOC).	Dir, Combined Arms Studies & Analysis Activ.
Combat Developments Experimentation Command.	Scientific Advisor.
U.S. Army Tradoc Systems Analysis Activity.	Dir US Army Tradoc Systems Analysis Activity.
Tradoc Combined Arms Test Facility.	Scientific Advisor.
Military Traffic Mgmt Commd.	Spec Asst for Transportation Engr.
U.S. Army Forces Command.	Civilian Personnel Director.
U.S. Army Corps of Engineers.	Chief, Office of Personnel.
	Spec Asst to the Chf of Engin for Internl Aff.
Ofc, Asst Chf of Engineers.	Chief, Programming Div, Ace.
Director of Civil Works.	Chf-Ofc of Policy.
	Chf, Eng Div, Civil Works.
	Chief, Elect & Mech Br, Engineering Div.
	Chf, Programs Div.
	Chf-Planning Division.
	Chf Construction-Operations Division
Mx Program Agency	Deputy Director for Cemxpa.
	Chief Engineering Directorate.
Director of Military Programs.	Chief, Engineering Division.
	Chf, Construction Division.
	Chf, Operations & Maintenance Div.
Board of Engineers for Rivers and Habors.	Tech Dir, Bd Engr rivers and Harbors.
Institute for Water Resources.	Director Institute for Water Resources.
Planning Divisions, COE.	Chief Planning Division.
	Chf Planning Div, Ohio River Div.
	Chf Planning Div, No Pacific Div.
	Chf, Planning Div, South Atlantic Div.
	Chief, Planning Division Lower Mississippi Valley.
	Chf Planning Div, Mo River Div.
	Chf, Planning Div, South Pacific.
	Chf, Planning Div-Southwestern Div.
	Chf, Planning Dir North Central Div.
Engineering Divisions, COE.	Chief, Engineering Div, Ohio River Div.
	Chief, Engineering Div, Southwest Div.
	Chf, Eng Div, N Central Div, Chicago.
	Chief, Engr Div, S Pacific Div, San Francisco.
	Chief, Engineering Div, N Atlantic Div, NY.
	Chf Engineering Div, S Atl Div, Atlanta
	Chief, Engr Div, L Miss Val Div, Vicks, Miss.
	Chief, Engineering Div Middle East.
	Chief, Engineering Div, Missouri River Div.
	Chief Engineering Div, North Pacific Div.
	Chief, Eng Div, Pacific Ocean Div, Honolulu.
	Chf Engineering Div, European Div.
	Chf Engineering Div, Huntsville.
Construction Divs-COE.	Chief Construction-Operations Division.
	Chf Construction Div, Middle East.
	Chf, Construction-Operations Div, S Atlantic.
Direc for Mgmt Info Sys.	Dir of Mgmt Information Systems.
Direc for Quality Assurance Darcom Hq.	Director of Product Assurance.
Ofc Dep Cmdg Gen Materiel Devel DARCOM.	Asst Dep for Materiel Devel.
	Asst Dep for Intern'l: L Research, Dev & Standar.
	Chief Lab and Dev Command Management.
Dir for Dev & Energ Darcom.	Assoc Dir for Systems Evaluation & Testing.
	Assoc Dir for Systems Development.
Office of Manufacturing Technology.	Chf Ofc of Manufacturing Technology.
Ofc Dep Cmdg Mat'l Readiness.	Asst Dep for Material Readiness.
Direc for Internat'l Logistics.	Dep Dir of Security Assistance.
Direc for Materiel Management.	Associate Director for Materiel Programs.
	Dep Dir of Materiel Mgmt.
	Assoc Dir for Requirements and Resources.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Direc for Readiness	Dep Dir of Readiness.
Direc for Procurement & Production.	Assoc Dir for Procurement.
	Dep Dir Procurement and Production.
Ofc Dep Commanding General for Resource Management.	Assistant Deputy for Resources and Management.
Direc for Personnel Trng & Force Dev.	Dep Dir for Personnel Train & Force Development.
	Chief, Civilian Personnel Div.
Office of Comptroller Darcom Hq.	Deputy Comptroller.
	Chf, Cost Analysis Div.
Armament Materiel Readiness Command (ARRCOM).	Deputy for Logistics Readiness.
	Comptroller.
	Deputy for Procurement and Production.
Office of Commander ARRADCOM.	Tech Dir Armament Research & Dev Command.
	Assoc Tech Dir (Adv Process Technology).
	Assoc Tech Dir (Sys Dev. & Engineering).
Large Caliber Weapon Systems Lab ARRADCOM.	Chief Nuclear and Fuze Division.
	Chf-Energetic Materials Div.
	Chf-Non Nuclear Munitions Div.
	Chf-Applied Sciences Division.
Fire Cont & Small Caliber Weapon Sys Lab ARRADCOM.	Chf Fire Control Systems Division.
	Chf, Armament Div.
Chemical Sys Lab ARRADCOM.	Chf Munitions Division.
	Chf-Research Division.
	Chf toxicology Branch.
Ballistics Research Lab ARRADCOM.	Chf, Ballistic Modeling Div.
	Chief Inferior Ballistics Division.
	Chf-Launch and Flight Division.
	Chf Terminal Ballistics Div.
	Chf Vulnerability Lethality Division.
Directorate of Systems Engineering.	Director, Development and Qualification.
Research and Technology Labs-AVRADCOM.	Dir-Aeromechanics Laboratory.
	Dir-Structures Laboratory.
	Director Propulsion Laboratory.
	Dir-Research and Technology Labs.
Communications & Elect Materiel Read Cmmd (CERCOM).	Comptroller, CERCOM
	Dir of Procurement and Production.
Communications Res & Dev Command (CORADCOM).	Director, Communications Systems Center.
	Dir Systems Engineering and Integration.
Satellite Communication Agency (CORADCOM).	Dir of Engineering Dev.
Program Mgr Army Tactical Data systems (CORADCOM).	Deputy Program Manager, Army Tact Data Sys.
	Assoc Techn Dir (Command, Control & Commun)
Depot Systems command (DESCOM).	Deputy for Technical Operations.
Electronics Research & Development Cmmd (ERADCOM).	Assoc Technical Dir for Res & Technology.
	Assoc Techn Dir for Elec Warfare and Intel.
	Assoc Techn Dir for Production & Acqui.
Harry Diamond Labs (ERADCOM).	Chf, Dev. & Eng Div.
Night Vision & Electro-Optics Lab (ERADCOM).	Dep Dir, Night Vision and Electro-Optics Lab.
Ofc of Commander-(MICOM).	Associate Director for Systems.
	Dir, Missile Logistics Ctr.
	Director for Procurement and Production.
	Chief Guidance and Control Analysis.
Project Mgmt Offices (MICOM).	Deputy Project Manager, US Roland.
	DEP Proj Mngr, High Energy Laser Sys. Ala.
Engineering Lab (MICOM).	Deputy Director for Directed Energy.
	Dir for Test and Evaluation.
	Dep Dir Systems Simulation & Development.
	Dir for System Engineering.
	Dir-Engineering Laboratory.
Technology Lab (MITCOM).	Dir for Sys Engineering and Product Dev.
	Chf Solid Propellant Chemistry function.
	Asst Dep for Readiness.
	Director for Advanced Sensors.
Missile Intelligence Agency.	Chief, Advanced Technology Function.
Mobility Equip Rsch & Dev Command (MERADCOM).	Dep, Dir, Missile Intelligence Agency.
	Assoc Techn Dir for Research & Dev.
Natick Res and Dev Comd (NARADCOM).	Assoc Tech Dir for Engr and Acquisition.
	Dep Techn Dir, Clothing & Equipment Sys Prog.
	Dir, Clothing, Equip & Matls Engr Lab.
	Dir, Food Science Laboratory.
	Director, Food Engineering Laboratory.
Tank-Automotive Mat Readiness Comd (TARCOM).	Dep Techn Dir, Food Service Systems Program.
	Comptroller, TARCOM.
Aberdeen Proving Ground, Md. T & E Command.	Dir for Procurement and Production.
	Assoc Dir-Materiel Testing Directorhte.
White Sands Missile Range, T & E Command.	Tech Dir & Chf Sci.
Troop Spt & Aviation Mat Readiness Cmd (TSARCOM).	
Patriot Project Office	Dir of Procurement and Production.
	Dep Project Manager, Patriot.
XM-1 Tank Project Office.	Asst Proj Mgr for Dev and Acq Operations.
Fighting Vehicle Systems Project Ofc.	Chf Engineer/Chf, Systems Engineering Division.
Army Research Office DARCOM (Durham, NC).	Dep Program Mgr-Fighting Vehicle System.
Foreign Science & Technol Ctr (DARCOM).	Dir, Engr Sci Div.
Army Material Systems Analysis Agency (DARCOM).	Dep Dir—Foreign Science & Technology Center.
	Dir of Intelligence Production.
	Chf Combat Support Div AMSAA.
	Chf Air Warfare Div.
	Chf, Reliability, Availability & Maintainabil.
Army Communications Command.	Chf Ground Warfare Division-AMSAA.
	Comptroller.
Headquarters, US Army, Europe.	Asst Dep Chf of Staff, Personnel (Civ Pers).
Joint Tactical Communications (TRiTAC).	Director, Overseas Dependents Schools, Europe.
	Dep Dir Acquisition Management Directorate.
	Dep Dir for Engineering.
DOD Wage Fixing Authority.	Associate Director Tri-Tac Office.
Department of Navy:	CHF, Systems Div.
OAS, Financial Management/ Comptroller of the Navy.	Director, Technical Staff.
	Director of Banking and Contract Financing.
Asst Comptroller Budget & Reports/ Fiscal Mgt Div.	Assoc Dir, Budget & Reports/ Fiscal Manag Div.
	Dir, Investment & Dev Div.
	Assoc Dir for Finance.
	Dir Budget Policy & Procedures Division.
	Dir, Budget Evaluation Group.
Asst Comptroller Financial Mgt Systems.	Dep Asst Comptroller (Financial Management).
	Deputy Assistant Comptroller (Accounting).
	Dep Asst Comptroller (Fin Mgmt Systems).
	Dir Civilian Manpower Division.
	Auditor General of the Navy.
Ofc of Auditor General.	Dep Auditor Gen/Dep Dir Naval Audit Service
	Dir Naval Audit Service Capital Region.
	Dir, Fin Mgmt/Compt/Spec Asst(FM) to ASN(R, E&S).
Office of the Comptroller.	Deputy Comptroller.
	Dir Navy Patients Program.
	Field Dir, Navy Patents.
Office of Assistant Chief for Patents.	Departmental Director, Navy Patents.
	Director, Acquisition.
Office of Procurement Services.	Dir, Physiology Program.
	Dir, Physics Program.
Office of Assistant Chief for Research.	Engineering Sciences Advisor, Math Sciences Di.
	HD, Fluid Dynamics Br, Math Sciences Div.
	Tactical Develop & Evaluation Sup Proj Mgr.
Asst Chief for Technology.	Dir-Naval Vehicles and Weapons Technology Div.
	Director Corporate Management.
	Dir, Ocean Sci & Technology Div.
Ocean Science and Technology Division.	Assoc Tech Dir & Dir Ocean Prog Mgmt Ofc.
Navy Ocean Research and Development Activity.	Head Magnetism Branch.
	Chf Sci, Lab for Structure of Matter.
Material Science and Component Technology Directorate.	Head Combustion and Fuels Branch.
Chemistry Division	Assoc Supt Mat Sci & Tech Div/ Hd Thermo Mat B.
Material Science and Technology Division.	Associate Superintendent Optical Science.
Optical Sciences Division.	Head, X-Ray Optics Br.
Radiation Technology Div.	Head, Cyclotron Applications Branch.
	Chf Sci, Lab for Cosmic Ray Physics.
Space and Communications Technology Directorate.	Head, Spacecraft Technology Center.
	Manager, Advance Projects Ofc.
	Hd Space Applications Branch.
	Head, Space Technology Br.
Space Systems Division.	Superintendent Environmental Sciences Div.
Environmental Sciences Division.	Assoc Superintendent for Ocean Sci Applicatio.
U.S. Marine Corps	Fiscal Dir of the Marine Corps.
	Asst Dcs for Installations and Logistics.
	Dir Contracts Division.
	Accounting Officer of Marine Corps.
	Dir, Electromagnetic Spectrum Management.
Dir Command and Control and Communications (C3) Programs.	Spec Asst to Dir of Naval Intel-Investgatns.
Dir-Naval Intelligence	Sr Adv to the Dir of Naval Intel for Sov Doc.
	Asst Dep Chf of Naval Opers (Civilian Personn).
Asst Dep Chf of Naval Operations (Civilian Personnel).	Dep Dir, Civilian Personnel Div.
	Hd, Personnel Dev Branch.
	Hd Personnel Mgmt Branch.
	Hd, Labor & Employee Relations Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Dir-Navy Civilian Personnel Command.
	Director, Total Force Info Systems Div.
	Dir Pacific Field Div.
	Head Personnel Management & Evaluation Br.
Director, Research, Development, Test & Evaluation.	Spec Asst for Financial Matters.
Offc DCNO (Submarine Warfare).	Scientific & Techn Adv for SSBN Survivability.
Systems Analysis Div	Asst for Net Assessment & Mid-Range Objective.
	Asst for Spec Analyses & Head, Proj Forces Br.
	Asst for Advanced Res & Analytical Techniques.
	Hd Support Force Manpower & Logistics Branch.
U.S Naval Observatory.	Dir, Time Service Div.
Office of the Oceanographer.	Dep for International & Interagency Affairs.
Ofc of the Chf of Naval Training.	Comptroller.
Spec Assts to Chief of Bureau.	Comptroller.
Naval Aerospace Medical Institute.	Spec Asst. Scien Progs & HD. Psychophysiology.
Naval Medical Research Unit #3.	Hd. Medical Zoology Dept, Cairo, Egypt.
Naval Data automation Command.	Comptroller.
Military Sealift Command.	Depo Ex Dir.
	Comptroller.
Naval Material Command.	Dir, Civilian Personnel Operations Div.
Executive Development Cadre.	Manager for Executive Development.
Director of Resources Management.	Dir of Resources Management.
	Cnm Advisor for Cost Analysis/ Estimating.
	Spec Asst to Dir Res Mgmt/Dir Fin Mgmt Sys Di.
Dep Chf of Naval Material (Logistics).	Asst Dep Chf of Naval Material (Oper & Logist)
	Asst Dep Chf of Naval Matr for Acquisit Div.
Asst Dep Chf of Naval Material (Contracts & Bus Mgmt).	Hd-Tri Svc Negotiation Staff.
	Exec Dir for Contracts and Business Management.
	Dir, Procurement Control & Clearance Division.
	Dir, Procurement Control & Clearance Div.
Asst Dep Chf of Naval Material (Technology & Labs).	Assoc Dir of Nv Labs.
	Hd, Vehicles Branch.
	Hd, Weapons Branch.
	Dep Adcnm for Acquisition Control.
Asst Dep Chf of Naval Material (Reliability & Eng).	Asst Dep Chf Nav Mat (Reliability and Eng).
US Navy Ord Test Unit.	Chf Engr, US Nav Ord Test Unit.
Technical Division, Navigation Branch.	Hd, Navigation Equip Sect.
	Hd, Navigation Systems Sect.
Test & Operations Branch.	Test & Operations Branch Engineer.
Fire Control & Guidance Branch.	Hd. Guidance Section.
	Head Fire Control Section.
Missile Branch	Sec Engr, Re-Entry Body Section.
	Head Operating Engineering Section.
	Sec Engr, Engrg Section.
	Sect Head, Reentry System Sect, Missile Br.
	Asst for Systems Integration & Compatibility.
Launcher & Handling Branch.	Branch engr, Launcher & Handling Branch.
Antisubmarine warfare Systems Project Office.	Director, Financial Management Division.
Trident System Project Office.	Technical Dir. Trident Systems Project Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Joint Cruise Missile Project Office.	Exec Dir, Acquisition Directorate.
David W Taylor Naval Ship R&D Center.	Dir of Long Range Plans and Programcard, Md.
Aviation & Surface Effects Dept.	Assoc Tech Dir for Systems Development.
	Asst Tech Dir (Research Consultant).
Ship Performance Department.	Head, Naval Hydromechanics Div.
Structures Dept	Head Submarine Divison.
Naval Ocean Sys Center, San Diego.	Dir Command Control and Communications.
	Hd Electronics, Engineering & Comp Sci Dept.
	Director Ocean Surveillance.
	Scientific Consultant-Electromagnetics.
	Director Weapon System.
	Director Engineering and Computer Sciences.
	Chief Res Sci Subm Arctic Tech & Dir Arctic Subm.
	Dir, Independent Research and Development.
	Dir for Administration.
	Head Electronics Engineering & Sciences Dept.
Laboratory Directorate-NWC.	Hd, Earth & Planet Sci Div, Research Dept.
	Hd, Detonation Physics Div, Research Dept.
Naval Air Development Center, Johnsonville, PA.	Dir-Communication & Navigation Tech Directora.
	Dir Sensors & Avionics Technology Directorate.
	Head-Computer Department.
	Dir-Systems Directorate.
	Dir Aircraft and Crew Systems Technology Dire.
	Dir Software & Computer Tech Directorate.
Naval Underwater System Center.	Deputy Technical Director.
Assoc Tech Dir Plans & Analysis.	Head, Systems Analysis Dept.
	Head, Warfare Analysis Dept.
Systems Development Directorate.	Hd Submarine Sonar Sys Dept.
	Hd Weapons Sys Dept.
	Hd Surface Ship Sonar Sys Dept.
	Hd Spec Projects Dept.
	Hd Combat Sys Control Dept.
Off of Asst Commander for Res & Technology.	Dir Res Division Res & Tech Group (Air-03).
	Surveillance Technology Admr.
	Propulsion Technology Admr.
	Command Control & Guidance Technology Admr.
	Ordnance Technology Admr.
	Aerodynamics & Structured Technology Administ.
	Dir, Advanced Weapons Systems Division.
Off of Asst Chf for Contracts.	Exec Dir, Procurement Management.
	Dir Aircraft Weapons Systems Purchase Div.
	Dir, Missile Weapons Systems Contracts Div.
Dep Cmdr for ASW Warfare Projects.	Deputy Project Manager (lamps).
Organization & Manpower Management Office.	Asst Dir, Org & Manpwr Mgmt Off.
Deputy Comptroller	Deputy Comptroller.
Asst Comdr for Systems and Engineering.	Exec Dir for Acquisition Management.
	Asst Dir, Adv Sys Div.
	Asst Dir, Evaluation Div.
	Tech Dir—Armament Div.
	Asst Dir, Engr Div.
	Techn Dir, Core Avionics Div.
	Dir, Systems Alternatives Directorate.
	Dir, Design Analysis Div.
	Asst Dir Propulsion & Power Division.
Asst Cmdr for Test & Evaluation, Navair.	Tech Dir, Test & Evaluation Group (Air-06).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Naval Air Engineering Center.	Technical Director.
Naval Avionics Facility.	Dir of Applied Research, Research & Engr Div.
	Director of Engineering.
Naval Aviation Logistics Center.	Exec Dir.
Systems Evaluation Directorate.	Assoc Dir—Sys Evaluation Directorate.
	Head Systems Technology Department.
Range Directorate	Assoc Dir and Assoc TD (Ranges and Tests).
	Head, Capabilities Development Dept.
Naval Electronic Systems Command.	Deputy Comptroller.
	HD Command and Control Systems Department.
Director, Logistics Directorate.	Exec Dir, Logistics Directorate.
Contracts Directorate	Executive Director-Contracts.
Navalex Project Offices.	Dep Proj Mgr & Tech Dir Rewson Systems Proj.
	Asst Project Mgr for Elt Communications.
	Asst Proj Mgr for Onboard Submarine Systems.
	Project Manager for Communications Systems.
Research & Tech Directorate.	Tech Dir—Research and Technology.
Acquisition Engrg Directorate.	Techn Dir, Material Acquisition Directorate.
	Techn Dir, Telecommunications Div.
	Techn Dir, Air Traffic Cont Surv & Nag Sys Di.
	Techn Dir, Marine Corps & Amphibious Div.
Command Support Sys Ofc.	Techn Dir, Command and Control and Communications.
	Exec. Director for Systems Engineering.
Designated Project Offices, NAVSEA.	Dep Proj Mgr for Anti Ship Misle Defense Proj.
	Exec Dir—Aegis Shipbuilding Project.
	Dep Proj Mgr/Tech Dir Nucl Power Aircraft Lab.
	Dep Proj Mgr/Tech Dir Attack Sub Project Ofc.
	Dep Proj Mgr—Destroyer Ship Acq Project.
	Dep Proj Mgr & Techn Dir—Amphib Shp Asqui Proj.
	Director—S5W Submarine Systems Division.
	Deputy Project Manager.
	Proj Mgr Destroyer Ship Acquisition Project.
Acquisition Directorate, NAVSEA (90).	Executive Director Acquisition Direcotrate.
Management Support Directorate, NAVSEA (99).	Dep Commander Management & Adm Directorate.
Compt Directorate NAVSEA (01).	Asst Dep Commdr, Plans, Prog Financ Mgt/Dep Com.
Contracts Directorate, NAVSEA (02).	Asst Dep Commander for Contracts.
	Dir, Shipbldg & Overhaul Contracts Div.
Surface Combatant Ships Directorate, NAVSEA (93).	Dep Dir, Surface Combatant Ship Logistics Div.
A/Craft Carriers, Amphib & Aux Ships Direct NAVSEA (94).	Exec Dir Aircraft Carriers Amph & Aux Ships.
Surface Warfare Systems Group WS&E NAVSEA.	Exec Dir, Surface Warfare Sys Grp.
Nuclear Propulsion Directorate, NAVSEA (08).	Hd Advanced Design Br.
	Dir Nuclear Propulsion Plant Valves Division.
	Director-Reactor Materials Division.
	Head Advanced Design Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Head, Improved Reactor Design Branch.
	Hd, Surface Ship Br.
	Dir-Secondary Plant Components Division.
	Deputy Director for Submarines.
	Dir Surface Ship Systems Division.
	Technical Assistant for Surface Ship Systems.
Naval Undersea W/ Fare Engr Stn, K. Wa. N/Sea Fld Act.	Technical Director.
Naval Weapons Stn, Seal Bch, Ca-NAVSEA Field Activity.	Tech Dir, Flt Msl Sys Anal & Eval Group.
Naval Ordance Stn, Indian Hd, Md-NAVSEA Field Activity.	Special Assistant/Propulsion Technologist.
Ship Design and Integration Directorate, NAVSEA (03).	Dir, Shp Des Res & Tech Ofc (Sea-03R).
	Dir, Adv Des Div/At Dep Dir, Ship Conc Dev Gp.
	Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir.
	Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir.
Ship Systems Directorate, NAVSEA (05).	Dir, Ship Systems Res & Technology Office.
	Asst for Propulsion Sys.
	Deputy Director Hull Systems Group.
	Dep Dir, Auxiliary Systems Group.
Combat Systems Directorate, NAVSEA (06).	Head Tactical Data Systems Branch.
	Hd Ship Design & Fleet Engineering Branch.
	Exec Director, Combat Systems Directorate.
Headquarters	Asst Dep Commander for Plans, Policy & Syst D.
	Asst Dep Cmdr for Fin Mgmt/ Comp.
Aviation Supply Office	Executive Dir Logistics Planning & Support.
Navy Ship Parts Control Center.	Exec Dir Acquisition & Logistics Plng & Suppt.
Office of Commander	Dep Dir of Programs & Comptroller.
Dep Comdr for Acquisition.	Assistant Commander for Contracts.
Department of Education:	
Management	Deputy Asst Secy for Finance—Controller.
	Dir, Ofc of Procurement & Assistance Mgmt.
Inspector General	Assistant Inspector General for Audits.
	Asst Inspector General for Investigation.
	Deputy Asst Inspector Gen for Investigation.
	Dep Asst Insp General for Tech Serv & Fld Ope.
	Dep Asst Inspector General (Hq Audit Div).
Department of Energy:	
Ofc of the Under Secretary.	Dir Ofc of Program Plan & Integration.
Albuquerque Operations Office.	Dir Weapons Prod Div.
	Asst Mgr for Admin.
	Asst Mgr for Plns and Bud.
	Dir Res Mgmt Div.
	Dir Weapons Dvlmp Div.
	Director Quality Assurance Division.
	Dir Operational Safety.
	Asst Mgr for Logistics.
	Dir Fac and Const Mgmt Div.
	Dir Transportation & Safeguards Div.
	Asst Mgr for Administration.
Chicago Operations Office.	Asst Manager for Administration.
	Area Manager Batavia Area Office.
	Asst Mgr for Acquisition and Assistance.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Idaho Operations Office.	Asst Mgr for Plns Budget & Engr.
	Asst Mgr for Admin.
	Dir Reactor Ops & Prgms.
	Dir Nuclear Fuel Cycle and Waste Mgmt Div.
Nevada Operations Office.	Asst Mgr for Admin.
	Asst Mgr for Plns Engr & Bud.
Oak Ridge Operations Office.	Dir Enriching Op Div.
	Dir Mnfg Div.
	Asst Mgr for Admin.
Richland Operations Office.	Asst Mgr for Admin.
	Asst Mgr for Tech Op.
	Dir Nuc Fuel Cy and Prod Div.
	Dep Asst Manager for Technical Operations.
San Francisco Operations Office.	Asst Mgr for Admin.
	Asst Mgr for Projects.
Savannah River Operations Office.	Asst Mgr for Admin.
Ofc of Ast Insp Gen for Audits.	Asst Inspector General for Audits.
	Dep Asst I/G for Programs.
	Dir Finanical and Procure Audits.
	Director Division of Program Audits.
Ofc of Asst Insp Gen for Inspections.	Asst Insp Gen for Inspec.
	Dep Asst IG for Inspec.
	Dep Inspector General for Inspections.
Ofc of Asst Insp Gen for Investigations.	Asst Ins/Gen for Investigations.
	Dep Asst I/G for Investigations.
Ofc of Hearings and Appeals.	Dep Dir for Legal Analysis.
	Dep Dir for Financial Analysis.
	Dep Dir for Econ Analysis.
Ofc of Chief Accountant.	Deputy Chief Accountant.
	Dir Division of Audits.
Ofc of Pipeline and Producer Regulation.	Dep Dir, Div of Audits.
Economic Regulatory Administration.	Dir Reg Asst Div.
	Dir Reg Intervention Div.
Office of the Administrator.	Dir Ofc of Mgmt and Program Coordination.
Organization no Longer in Existence.	Dir Ofc of Op Plng and Eval.
Energy Information Administration.	Dir Ofc of ADP Svcs.
	Dir Ofc of Energy Use Anal.
	Asst Admr for Energy Data Operations.
	Dir-Engy Emergency Mgmt Info Sys Project Ofc.
	Asst Admn for Energy Data Vaild.
	Dep Asst Adm for En Info Valid.
	Asst Adm for Applied Analysis.
	Dir Ofc of En Source Analysis.
	Dir-Ofc of Intergrative Analysis.
	Dir Ofc of Financial Reporting System.
	Dir Ofc of Oil and Gas Info Sys.
	Dep Asst Admr for Energy Data Operations.
	Dir Ofc of Validation Anal.
	Dir Ofc of Oil and Gas Statistics.
	Dir Ofc of Systems Validation.
	Dir Ofc of Analysis Oversight & Access.
	Dir Ofc of Coal and Elec Power Statistics.
	Dir Ofc of the Natl En Info Sys.
	Dep Asst Adm for Sys Spt.
	Asst Admr Energy Systems and Support.
	Dep Asst Admr for Appl Analysis.
	Dir Ofc of Economic Analysis.
	Dir Ofc of Consumption Data Systems.
	Dir Ofc of Interfuels Int'l & Emg Engs Stats.
	Dir, El ADP Services Staff.
	Director Nuclear & Alternate Fuels Division.
	Chf Transportation Ind & Model Coor Br.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Chief Marco and Financial Inf Branch.
	Dir, Ofc of Statistical Design & Analysis.
	Dir Ofc of Coal Elec & Alter Source Data Dev.
	Dir, Ofc of Petroleum & Natural Gas Data Dev.
	Director, Office of Management and Program.
Ofc of Oil and Gas	Dir, Ofc of Oil and Gas.
	Dep Dir, Ofc of Oil and Gas.
	Director Petroleum Supply Division.
	Chf Devlop Collection Proc & Maintenance Br.
	Chief Data Analysis & Forecasting Branch.
	Director Petroleum Marketing Division.
	Director Natural Gas Division.
	Dir Reserves & Data Consolidation Division.
	Director Electric Power Division.
Ofc of Coal, Nuclear and Alternate Fuels.	Dir, Coal, Nucl, Elec & Altern Fuels Div.
	Director, Coal Division.
	Chf Develop Collection Proc & Maintenance Br.
Ofc of Energy Markets and End Use.	Dir Ofc of Energy Markets & End Use.
	Director Energy End Use Division.
	Director Short-Term Information Division.
	Director Longer-Term Information Division.
	Director Economics & Statistics Division.
Ofc of Statistical Standards.	Dir Ofc of Statistical Standards.
	Director Quality Assurance Division.
Organization no Longer in Existence.	Dir Ofc of En Data Stnd and Stat Design.
	Director, Ofc of Energy Data Development.
	Dir Ofc of Validation Resources.
	Dir Ofc of Functional Anal.
Natl Energy Information Center.	Dir Ofc of Energy Info Serv.
	Director Natl Energy Information Center.
Organization no Longer in Existence.	Dir Div of Interfuel Nucl and Ot En Sources.
Asst Secy for Conservation and Renewable Energy.	Project Advisor.
	Dep Dir Geo En/Chf Hydro Spt Br.
	Chf Thermal and Mechanical Sys Br.
	Dir, Wind Energy Systems Div.
	Dep Dir Central Solar Tech Div.
	Dir, Power Supply & Integration Branch.
	Dir Ofc of International & Sci Prgms.
	Dir Market Development Division.
	Dir, Conservation Techn Dev Div.
	Director, Consumer Products Division.
	Director Automotive Tech Development Division.
	Dir Resource Management Division.
	Dir, Photovoltaic Energy Systems Division.
	Director Buildings Division.
Ofc of Policy Planning and Evaluation.	Dir Policy Plng and Eval Div.
Ofc of Budget and Management.	Dir Ofc of Budg and Adm Spt.
Bonneville Power Administration.	Asst Admr for Mgmt Serv.
Western Area Power Administration.	Asst Admr for Mgmt Svcs.
Ofc of Vehicle and Engine R&D.	Dir, Transportation Systems Utilization Div.
Ofc of State and Local Asst Programs.	Dir Weatherization Assistance Programs Div.
Organization no Longer in Existence.	Chf Photovoltaics Sys Br.
	Progm Mgr for Elec Sys.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Ofc of Solar Heat Technologies.	Dep Dir, Ofc of Solar Applications for Buildg.
Ofc of Renewable Technology.	Dir Biomass Energy Systems Division.
	Dir Program Res Mgmt Div.
	Chf Solar Thermal Branch.
	Manager, Technology Transfer.
	Dir, Solar Thermal Energy Systems Div.
Organization no Longer in Existence.	Dep Dir Distributed Solar Tech Division.
	Director Finance & Administration Division.
	Dir, Prog/Proj Mgmt and Planning Division.
	Chf Power Delivery Br.
	Dep Dir Lpd and Dir P and Pd Div.
A/S for Environmental Protection, Safety & Emerg Prepar.	Dir Ofc of Resource Mgmt.
	Dir Pwr Supply and Reliability Div.
	Chief Envir Control Technology Branch.
Director Financial Management.	Dir Ofc of Mgmt Support.
	Dep Dir, Ofc of Management Support.
Dep A/S for Environment, Safety and Health.	Dep Dir Tech Ass Div and Chf N T Br.
	Chf Nuclear Tech Br.
	Chf Fossil and Inexhaustible Prog Br.
	Chf Safety Analysis Branch.
	Chf Policy Measurements & Instit Stnds.
	Medical Director.
	Chf, Environmental Protection & Pub Safe Br.
	Chf, Occupational Safety Branch.
Ofc of Operational Safety.	Dep Dir Op and Env Safety.
Dep A/S for Strat Petrol Reserve.	Dir Mgmt Div.
Asst Secy for Defense Programs.	Dir Off of Prgms Coord.
	Dir for Assessments & Liaison.
Organization no Longer in Existence.	Exec Dir.
	Dir Ofc of Spec Proj.
Dep Asst Secy for Military Applications.	Dir, Prog Analysis & Resource Management Div.
	Special Asst.
Dir of Safeguards and Security.	Dir Incident Mgmt Div.
Office of International Program Support.	Dir Ofc of Intl Prgm Spt.
Office of Policy Planning and Analysis.	Dir Div of Plng and Budget Sys.
Office of Energy Research.	Dir, Div of Financial Management.
	Dir Div of Acquisition & Coordination.
Ofc of Program Administration and Operation.	Asst Dir for Pgm Adm and Op.
	Dir Budg and Prm Coord Div.
	Deputy Associate Director for Management.
Ofc of Management	Director, Fiscal Management Division.
OFC of Health and Environ Research.	Director, Human Health & Assessment Div.
	Dir Health Effects Research Division.
Ofc of Fusion Energy	Mgr R&D Prog Planning.
	Dir Div of Rsrc Mgmt & Acq.
	Assoc Dir, Ofc of Management.
Office of Basic Energy Sciences.	Dir Admin Div.
	Dir Engr Math and Geo Sci Div.
	Dir Chem Sci Div.
	Dir Adv Egy Proj Div.
	Dir Mat Sci Div.
	Chf Metallurgy and Ceramics Br.
	Chf Fund Interactions Br.
	Chr Processes and Tech Br.
	Chf Solid St Phy and Mat Chemistry Branch.
Office of High Energy & Nuclear Physics.	Chf Physics Research Branch.
	Dir High En Physics Div.
Organization No Longer in Existence.	Dir Ofc of Prgm Mgmt Support.
Assistant Secretary for Fossil Energy.	Dir Ofc of Res Mgmt and Acquis.
	Spec Advsr to Prgm for Fos En.
	Manager, Prog. Facilitation—Solar.
	Mgr Prog Facilitation—Fossil Energy.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Manager, Prog, Facilitation—Nucl, Wst.
	Deputy Director For Management.
	Director, Office of Resource Mgmt.
	Dir, Ofc & Major Proj Management.
Ofc of Mgmt and Planning.	Chf Plans and Policy Br.
	Asst Dir For Budget.
	Dep Asst Secy for Management.
	Dir, Ofc of Prog Support.
Ofc of Coal Processing.	Dep Dir Magnetohydrodynamics Div.
	Dep Dir Fossil Fuel Extraction Div.
Organization No Longer in Existence.	Chf Syn Fuels Pgm Dvlmt Br.
	Asst Dir for Tech Acquis and Eval.
	Dir Fossil Energy Research Div.
	Mgr., Process & Prgm, Mgmt, Br.
Assistant Secretary for Nuclear Energy.	Exec Dir Ofc of Nuc En Pgms.
	Executive Director.
	Director, Fiscal Division.
	Dir Ofc of Plans & Resource Mgnt.
	Chief Reactor Engineer.
Resource Mgmt Staff	Director, Ofc of Resource Management.
Dep Asst Secy For Naval Reactors.	Assoc Dir for Commiss Subs.
	Asst Dir for Reactor Saf & Comp.
	Assoc Dir For Reactors.
	Hd Op Reactors Sec.
	Sr Nav Reactors Rep (MAO).
	Chf Surface Ship Sys Br.
	Chf Submarine Sys Br.
	Chf Instrumentation & Control Br.
	Assoc Dir for Fiscal Mtrs.
	Asst to Asso Dir For SS & WCB.
	HD Welding & Non-Dest Test Sec.
	HD Submarine Section.
	Assoc Dir For Trid & Adv Sub Projs.
	Chf Reactor Refueling Br.
	Dep Reactors Refueling Br.
	Assoc Dir for Surf Ship & Wcb.
	Sr Nav Reactors Rep (Mare Is).
	Chf Nuclear Technology Branch.
	Hd Surface ship Section.
	Sr Nav Reactors Rep (W Milton).
	Asst, Dir, For Shpyd, Mtrs.
	Asst. to the Assoc. Dir. for SS & WCB.
	Dep. Chf. Nucl. Compon Branch.
	Assoc. Dir. for High SPD Sub Proj.
	Chf Nucl Compon Branch.
	Dep Dir Nav Reactors Div.
	Waste Isolation Pilot Plnt. Pjt. Coord.
	Spec Asst to Dep Dir Nr Div.
	Porg Mgr Prototype and Saps Operations.
	Dir Mgmt Supt Div.
	Asst Chf Scientist.
	Chf Nuc Tech Br.
	Asst to the Dir For Special Projects.
	Assoc Dir for Security, Public & Foreign Mat.
	Chf Quality Assurance and Stds & Oper Saf Br.
	Dir Reactor Engineering Division.
	Chief Advanced Core Manufacturing Branch.
Schenectady Naval Reactors Office.	Asst Manager for Operations.
Pittsburgh Naval Reactors Office.	Sr. Naval Reactors Rep (Portsmth).
	Sr. Naval Reactors Rep (Nwpt News).
	Senior Naval Reactors Rep (Pearl Harbor).
	Sr Naval Reactors Representative (Pasca. Ms).
	Senior Naval Reactors Representative.
Deputy Assistant Secretary for Nuclear Reactor Program.	Deputy Director for Nuclear reactor Programs.
	Chf Adv Isotope Separation Br.
	Chf Facl Mgmt Br.
	Chf Nucl Reactor Eval Br.
	Chf Safety & Physics Br.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Chf Nuclear Fuel Cycle Program Branch.
	Dep Dir Nucl Pwr Devlp Div.
	Dir. Engineering Components Div.
	Dir Nucl Pwr Dvlpmt Div.
	Chf Space & Terres Sys Br.
	Chf Gas Cooled Fast Reactor Br.
Ofc of Uranium Enrichment and Assessment.	Chf Supl Eval Br.
	Chf. Facilities Construction Branch.
	Chf Tech Spt Br.
	Chf Contracting & Marketing Br.
Ofc of High Energy & Nuc Pys Direct of Admin.	Director Personnel Management Evaluation.
Ofc of Personnel	Dir Ofc of Personnel.
	Dep Dir of Personnel.
	Dir-Exec Resources Management Division.
	Dir Policies and Prgm Div.
	Dir Empl Dvlmt & TRng Div.
	Dir Hq Personnel Operations Div.
	Dir Labor Relations Div.
Ofc of Orgn and Mgmt Systems.	Dir Ofc of Org and Mgmt Sys.
	Dir Management Sys Analysis Div.
	Dir Manpwr Res Mgmt Div.
	Dep Dir Ofc of Org and Mgmt.
	Dir Org Polng and Mgmt Div.
	Dir Records and Rep Mgmt Div.
	Dir Office of Facility Planning & Support.
Office of Project and Facilities Management.	Dir Div of Real Estate and Fac Mgmt.
	Dir of Construction and Facility Mgmt.
Ofc of Admin Services.	Dir Ofc of Admin Svcs.
	Dep Dir Ofc of Admin Serv.
Ofc of Adp Management.	Dir Ofc of Adp Mgmt.
	Dep Dir Ofc of Adp Mgmt.
Ofc of Comp Serv & Telecommun Management.	Dir Ofc of Comp Serv and Tel Mgmt.
	Dep Dir Ofc of Comp Serv and Tele Mgmt.
	Asst Dir for Ops.
	Dir Div of Telecommunications.
	Director, Operations Division.
	Director Division of Technical Support.
Ofc of Contractor Indus Relations.	Dir Ofc of Industrial Relations.
	Dir Cont Psnl Mgmt Div.
	Dir Prgm Mgmt and Asmt Div.
	Dep Dir Offc of Industrial Relations.
Directorate of Procurement & Asst/Mgmt.	Dir Tech & Resource Applications Support Div.
	Director, Procurement Management Rev Div.
	Director, Financial Incentives Ofc.
Of Small and Disadvantage Business Utilization.	Dir of Sm and Disadv Bus Utilz.
	Dep Dir Proc Bus Affs Ofc.
Office of Policy	Dir Ofc of Policy.
	Dir Policy and Procedures Div.
	Dir Contr and Prop Mgmt Div.
Office of Program Support.	Dir Ofc of Prgm Support.
	Dep Dir Pso and Dir Cs and Is Div.
Office of Procurement Management.	Dir Ofc of Procur Mgmt.
	Dir Cont Bus Clrnce Div.
Office of Procurement Operations.	Dir Ofc of Procurement Operations.
	Dep Dir Ofc of Procur Op.
	Director Operations Review Staff.
Controller	Dep Dir, Ofc of Management Info Systems.
	Dir, Ofc of Management Inf Systems.
Office of Budget	Dir Ofc of Budget.
	Dir Budget Anal Div.
	Dir Budget Oper Div.
	Dir, External Coord & Spec Projects Staff.
	Dep Dir Ofc of Budget.
	Dir Budget Analysis Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Office of Program and Project Assessment.	Dir Engr and Const Support Div.
	Dir Ofc of Prgm Apvl and Contr.
	Dir Program and Project Mgmt Division.
	Dir Policy and Analysis Division.
Office of Finance and Accounting.	Dir Ofc of Finance and Accounting.
	Dir Accounting Pol and Proc Div.
	Dir Wash Finan Serv Div.
	Dep Dir, Ofc of Fin and Acctg.
	Deputy Dir, Washington Financial Services Div.
Ofc of Financial Pol & Analysis & GAO Liaison.	Dir Ofc of Financial Pol Analysis & GAO Liaso.
	Dir, Financial Analysis Div.
	Dir, Financial Policy Div.
Asst Secy Congressional, Intergovernmental & Pub/Affs.	Dir Exec Office.
Environmental Protection Agency:	
Ofc of the Administrator.	Principal Radiation Science Advisor.
Office of the Inspector General.	Assist Inspector Gen for Investigations.
	Dep I/G-Asst I/G for Auditing.
	Asst Inspector General for Audits.
	Dep Asst Inspector General for Audits.
	Dep Inspector General.
Office of International Activities.	Dep Dir, Programs & Operations.
Region I—Boston	Dir, Enf Div Reg I.
	Dir Water Div Reg I.
	Dir-Air and Hazardous Materials Div Reg I.
Region II—New York	Dir-Surveillance & Analysis Div—Reg II.
	Dir-Enforcement Div—Reg II.
	Dir-Water Div Reg II.
	Asst Regl Admr for Planning & Mgmt.
	Dir Air and Hazardous Material Div.
Region III—Philadelphia.	Dir Enforcement Div Reg III.
	Dir Water Div Reg III.
	Dir Air and Hazardous Materials Division.
Region IV—Atlanta	Dir Water Div Reg IV.
	Dir Enf Div Reg IV.
	Dir Air & Hazardous Materials Div Reg IV.
	Dir Surveillance and Analysis Division.
	Dir, Surveillance & Analysis Division.
Region V—Chicago	Dir Enforcement Div Reg V.
	Dir, Air & Hazardous Materials Div Reg V.
	Dir Surveillance and Analysis Region V.
	Director—Water Div Reg V.
	Asst Regl Admr For Planning and Management.
Region VI—Dallas	Dir Enf Div Reg VI.
	Dir—Air & Hazardous Materials Div Reg VI.
	Director—Water Div Reg VI.
	Dir—Surveillance & Analysis Div.
	Asst Regional Admr for Planning and Mgmt.
Region VII—Kansas City.	Dir Water Div Reg VII.
	Dir—Enforcement Div-Reg-VII.
	Dir—Air & Hazardous Materials Div Region VII.
Region VIII—Denver	Dir Water Div Reg VIII.
	Dir Air & Hazardous Materials Div Reg VIII.
	Director Enforcement Division Region VIII.
	Dir, Surveillance & Analysis Div.
Region IX—San Francisco.	Dir—Water Div Reg IX.
	Dir, Air & Hazardous Material Div.
	Dir—Enforcement Div-Reg IX.
	Director Surveillance and Analysis Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Region X—Seattle	Dir, Air & Hazardous Materials Div Reg X.
	Dir—Water Div Reg X.
	Dir Enforcement Div-Reg X.
	Dir Surv and Analysis Division—Reg 10.
Ofc of Assoc Admr for Pol & Resources Management.	Dep Asst Admr for Resources Mgmt.
	Dep Assoc Admr for Policy & Resources Mgmt.
	Dir Program Integration Divison.
	Senior Resources Management Assistant.
	Dir Program Analysis Division.
	Dir, Control Project Staff.
Office of Comptroller	Dir, Ofc of the Comptroller.
	Deputy Director, Office of Comptroller.
Office of Policy Analysis.	Dir Econ Analysis Div.
	Director, Energy Policy Division.
Office of Standards and Regulations.	Dir Standards and Regulations Div.
Office of Management Systems and Evaluation.	Dir Ofc of Management Systems & Evaluation.
	Dir, Program Reporting Div.
	Director Program Evaluation Division.
Ofc of the Assoc Admr For Legal and Enforcement Counsel.	Dir Ofc of Progs and Mgmt Opers.
National Enforcement Investigations Ctr—Denver.	Dir Nat'l Enforcement Investigations Center-D.
Office of the Asst Admr For Administration.	Dir Ofc of Occupational Health and Safety.
	Assoc to Asst Admr for Management Reform.
	Dir, Contracts Mgmt Div.
	Assoc to Asst Adm for Prog Mgmt and Policy.
	Dir Ofc Admin Cincinnati.
	Dir Ofc Admin Research Triangle Park.
Office of Personnel and Organizations.	Director, Personnel Management Div.
	Dir, Management and Organization Division.
Office of Fiscal and Contracts Management.	Dir, Grants Admin Div.
	Dir, Financial Mgmt Div.
Office of Management InformaAtion & Support Services.	Dir, Ofc of Mgmt Info and Support Services.
	Dir Mgmt Info and Data Sys.
	Dep Dir, Ofc of Mgmt Info & Support Services.
	Dir, Facilities and Support Services Division.
Office of the Assistant Adminsitrator for Water.	Policy Advisor.
Office of Water Enforcement.	Director, Enforcement Division.
	Director, Permits Division.
	Assoc Dep Asst Admr for Water Enforcement.
Office of Water Regulations and Standards.	Director, Effluent Guidelines Division.
	Director, Monitoring & Data Support Div.
	Dir Criteria and Stds Div.
Office of Water Program Operations.	Dir, Oil & Hazard—US Materials Division.
	Director Municipal Construction Division.
	Dir Facility Requirements Division.
	Dir Municipal Operations & Training Division.
	Dir Water Planning Division.
Office of Drinking Water.	Dir Criteria and Standards Division.
	Dir, Ofc of Prog Dev & Evaluation.
	Dir State Programs Div.
Office of Solid Waste	Dir, Hazardous & Industrial Waste Div.
	Director, Land Disposal Division.
	Dir, State Prog & Resource Recovery Div.
Office of Emergency and Remedial Response.	Dir, Hazardous Response Support Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Ofc of the Asst Admr for Air, Noise and Radiation.	Director, Ofc of Program Mgmt.
Ofc of Air, Noise and Radiation Enforcement.	Dir—Stationary Source Enforcement Div.
	Dir Manufacturers Operations Division.
	Dir Field Operations & Support Division.
Office of Air Quality Planning and Standards.	Director Control Programs Development Division.
	Director, Monitoring & Data Analysis Division.
	Dir, Strategies & Air Stds Div—Durham, NC.
	Dir, Standards and Engineering Division.
Office of Mobile Source Air Pollution Control.	Director, Emission Control Technology Div.
	Dir Certification Division.
Office of Noise Abatement and Control.	Dir Tech & Federal Programs Division.
	Director Health Effects Scientific Staff.
	Director State & Local Programs Div.
	Director, Standards & Regulation Div.
	Director, Health Effects Scientific Staff.
Office of Radiation Programs.	Director Technology Assessment Div.
	Dir, Criteria & Standards Div.
	Dir, Surveillance & Emergency Prepared Div.
	Dir Statistics & Applied Mathematics Div.
Ofc of Asst Admr for Pesticides & Toxic Substances.	Dir International Chemical Affairs Staff.
	Dir, Integration Staff.
Office of Pesticides and Toxic Substances Enforcement.	Dir, Pesticides Enforcement Div.
Office of Pesticide Programs.	Dir, Ofc of Pesticides Programs.
	Chf, Toxicology Branch.
	Senior Science Advisor (Minor Use Pesticides).
	Dir, Spec Pesticide Review Division.
	Dir—Registration Division.
	Director—Program Support Division.
	Dir—Hazard Evaluation Division.
	Dir Benefits and Field Studies Div.
	Sr Science Advr (Hazard Evaluation).
Office of Toxic Substances.	Dir—Environmental Review Division.
	Director Exposure Evaluation Division.
	Director Assessment Div.
	Dir, Health & Environmental Rev Div.
	Director Chemical Control Division.
	Sr Scientific Advisor for Chemical Info.
	Dir, Industry Assistance Ofc.
Ofc of the Asst Admr for Research and Development.	Dep Dir for Technical Information.
	Principal Engineering Science Advisor.
	Principal Physical Science Advisor.
	Dir, Ofc of Exploratory Research.
	Principal Science Advisor for Ecology.
Ofc of Research Program Management.	Dir Environmental Research Information Center.
	Dep Dir for Operations.
Center for Environmental Research Info—Cincinnati.	Director Environ Rsch Info Center—Cincinnati.
Office of Health and Environmental Assessment.	Exec Dir, Reproductive Effects Assess Group.
	Executive Director Exposure Assessment Group.
Ofc of Monitoring Systems and Quality Assurance.	Dir Air Toxics & Radiation Monitoring Res Div.
	Dir Water & Waste Mgmt Monitoring Res Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Ofc of Environmental Engineering and Technology.	Dir, Industrial & Extractive Processes Div.
	Dir Water Supply Research Div.
	Dir Waste Management Division.
	Dir Energy Processes Division.
	Dep Dir, Industrial Environmental Res Lab-Rtp.
	Dir Energy Coordination Staff.
Industrial Environmental Research Lab—Cincinnati.	Dep Dir—Environmental Research Lab Cincinnati.
Office of Environmental Process and Effects Res.	Dir, Integrated Pest Management Program.
	Director Toxics and Pesticides Division.
	Director, Water and Land Division.
Environmental Sciences Research Laboratory—Rtp.	Dep Dir—Environmental Sciences Rsch Lab-Rtp.
Office of Health Research.	Dir Health Effects Division.
	Director Criteria Development & Special Studies.
	Dir, Air, Noise & Radiation Health Res Div.
	Dir Water & Toxic Substance Health Res Div.
Health Effects Laboratory—Rtp.	Dir, Res Adv & Spec Studies Ofc.
Organization no Longer in Existence.	Dir, Ofc of Audit.
	Dir—Mobile Source Enforcement Div.
	Dir Noise and Radiation Enforcement Div.
	Dir, Chemical Info Div.
	Tech Asst for Industrial Liaison.
	Director Premanufacturing Review Division.
	Director Control Action Division.
	Senior Scientific Advisor.
Equal Employment Opportunity Commission:	
Regional Directors	Dist Dir (Baltimore).
	Dist Dir (New York).
	Dist Dir (Atlanta).
	Dist Dir (Houston).
	District Director (Detroit).
	Dist Dir (San Francisco).
	Dist Dir (Dallas).
	Dist Dir (Chicago).
	Dist Dir (St Louis).
	Dist Dir (Miami).
	Dist Dir (Indianapolis).
	Dist Dir (Memphis).
	Program Manager.
	Dist Dir (Denver).
	Dist Dir (Birmingham).
	Dist Dir (New Orleans).
	Dist Dir (Phoenix).
	Dist Dir (Milwaukee).
	Dist Dir (Charlotte).
	Dist Dir (Seattle).
	Dist Dir (Cleveland).
	Dist Dir (Philadelphia).
Farm Credit Administration:	
Ofc of Supervision	Asst Dep Governor—Supervision.
Office of Examination	Assoc Dep Governor and Chf Examiner.
Ofc of Administration	Director Administrative Division.
Federal Communications Commission:	
Organization no Longer in Existence.	Chief Data Automation Division.
Broadcast Bureau	Chf, Complaints & Compliance Div.
	Chief Broadcast Facilities Div.
	Chief Renewal & Transfer Division.
	Chf Hearing Div.
Field Operations Bureau.	Chief Enforcement Division.
Common Carrier Bureau.	Managing Coun Comp and Litigation Task force.
	Chf Program Evaluation Staff.
	Chief Economics Division.
	Chf Enforcement Division.
	Chf, Mobil Services Div.
	Asst Bureau Chief (International).
Ofc of Science & Technology.	Chief International and Operations Division.
	Chief Research and Standards Division.
	Chief Laboratory Division.
	Chief Spectrum Management Division.
	Chief Research & Analysis Division.
	Chief Authorization & Standards Div.
Federal Emergency Management Agency:	
Organization no Longer in Existence.	Dir of finance and Administration.
Office of the Director	Asst Dir for Information Services.
	Chief Scientific Advisor.
	Inspector General.
	Deputy Director of Finance & Administration.
Office of Executive Administrator.	Supervisory Mathematician.
National Preparedness Programs Directorate.	Asst Assoc Dir.
	Asst Associate Director.
	Dir. Resources Assessment Div.
	Staff Dir. Techn Hazards Mitigation.
Resource Management and Administration Directorate.	Asst Dir for Research.
	Chf. Hazard Evaluation & Vulnerability Red Di.
	Chf, Emergency Operations Systems Division.
	Dir, Computer Model Div.
	Director, Special Facility Div.
	Asst Assoc Dir for Natl Security.
	Deputy Director Finance and Administration.
	Dir of Finance and Administration.
Federal Home Loan Bank Board:	
Office of Administration.	Director Administration.
Office of Examinations & Supervision.	Dep Dir Examinations/Field Operations.
	Deputy Director-Examinations/Policy.
Ofc of Internal Eval and Compliance.	Dir Internal Evaluation and Compliance Ofc.
Federal Labor Relations Authority:	
Federal Service Impasses Panel.	Exec Director FSIP.
Ofc of the Executive Director.	Executive Director.
	Deputy Executive Director.
	Solicitor.
Ofc of Operations and Technical Assistance.	Dir. Ofc of Oper & Technical Asst.
Office of Case Handling.	Chf Counsel, Ofc of Case Handling.
	Asst Chf Counsel (SES).
	Asst Chief Counsel for Negotiability.
	Asst Chf Coun for Rep & Unfair Labor Practice.
Ofc of the General Counsel.	Deputy General Counsel.
	Assoc General Counsel.
	Asst General Counsel (Field Management).
	Asst General Counsel (Field Management).
	Asst General Counsel (Appeals).
Regional Offices	Regional Director—Washington, D.C.
	Regional Director-Boston.
	Regional Director-New York.
	Regional Director—Atlanta.
	Regional Director—Kansas City.
	Regional Director-Dallas.
	Regional Director, Chicago Illinois.
	Regional Director—Los Angeles.
	Regional Director, San Francisco.
Federal Maritime Commission:	
Office of the Members.	Secretary.
Office of the General Counsel.	Dep Gen Coun for Legis and Ord and LRA.
	Dep Gen Coun for Reports Opinions and Decisions.
Office of the Managing Director.	Dep Managing Dir.
	Dir Bureau of Certification and Licensing.
	Dir, Bureau of Agreements.
	Director, Bureau of Certification & Licensing.
	Dir. Bureau of Investigation & Enforcement.
	Dir. Bureau of Tariffs.
Organization no longer in existence.	Dir. Bur of Industry Economics.
	Dep Dir Bur of Ocean Comm Regulation.
	Dir Bureau of Hearing Counsel.
	Dir Bureau of Enforcement.
Federal Mediation and Conciliation Service:	
Ofc of Administration	Dir Office of Administration.
Federal Trade Commission:	
Ofc of Executive Director.	Deputy Executive Director.
General Services Administration:	
Office of the Administrator.	Special Council to the Admr for Ethics.
	Dir. Ofc of Small & Disadvantaged Bus Utiliz.
Office of Policy and Management Systems.	Dir of Management Improvement.
Office of Oversight	Director Office of Oversight.
Office of the Inspector General.	Asst Inspector Gen for Auditing.
	Deputy Asst Inspector General for Auditing.
	Asst I/G for Investigations.
	Asst Insp General for Inspections.
Office of Acquisition Policy.	Asst Admr for Acquisition Policy.
	Deputy Assistant Admr for Acquisition Policy.
	Dir. of Contract Clearance.
	Dir. Acquisition Management Rev Directorate.
	Dir. Acquisition Policy.
	Director Federal Procurement Regulation.
Office of Organization and Personnel.	Director of Personnel.
	Dep Dir of Personnel (EP&PD).
	Director, Ofc of Employee Dev & Training.
	Dir. Ofc of Organization and Management.
	Executive Director.
	Dir of Organization & Staff Utilization.
	Dep Dir for Personnel Admin and Opers.
Office of Plans, Programs and Financial Management.	Dir of Finance.
	Director of Budget.
	Director of Data Systems.
	Deputy Director of Planning and Analysis.
	Deputy Director of Data Systems.
Federal Property Resources Service.	Asst Commr for Personal Property.
	Dep Asst Commr for Personal Property.
	Asst Comm: R for Real Property.
	Asst Commissioner for Stockpile Management.
	Asst Commissioner for Stockpile Transactions.
Transportation and Public Utilities Service.	Asst Comm for Transportation Audits.
	Asst Commr for Transportation & Travel Mgmt.
	Asst Commr for Public Utilities.
	Asst Commr for Motor Equipment.
Public Buildings Service.	Asst Commissioner for Buildings Management.
	Dep Asst Commr for Buildings Management.
	Asst Regional Admin for Pbs Regional 5
	Asst Commr for Space Planning & Management.

Positions That Were Career Reserved During Calendar Year 1981—Continued

Agency and organization	Career reserved positions
	Asst Commr for Design and Construction.
	Internatl Projects Officer.
	Dep Asst Commr for Construction Programs.
	Asst Commr for Contracts.
	Asst Commissioner for Fed Protective Ser Mgmt.
Automated Data and Telecommunications Service.	Asst Commr for Procurement.
	Asst Commr for Systems Engineering & Oper.
	Asst Commr for Policy & Planning.
	Dir-Data Communications Systems Div.
	Director, Advanced Planning & Research Divisi.
	Dir Voice Communications Systems Division.
	Dir Software Development Office.
National Archives and Records Service.	Asst Archivist. Pres Libraries.
	Dir. L B Johnson Library.
	Asst Archivist for Fed Archives & Records Ct.
	Asst Archivist for Records and Info Mgmt.
	Dir, Harry S Truman Library.
	Dir, Dwight D Eisenhower Library.
	Asst Archivist. Natl Archives.
	Asst Archivist for Educational Programs.
	Assistant Archivist for Program Development.
Federal Supply Service	Dir of Supply.
	Dep Dir of Contracts.
	Asst Dir for Requirements.
	Asst Commissioner for Supply.
	Asst to the Dir of Programs and Requirements.
	Asst Commissioner for Contracts.
	Asst Commissioner for Contract Management.
	Asst Commissioner for Programs & Requirements.
	Asst Commr for Supply Policy.
	Asst Comr for Property Management
	Asst Commr for Acquisiton Planning.
Region 1 Boston	Dep Regional Administrator Region 1.
Region 2-New York	Asst Regl Admr for PBS.
	Asst Regl Admr for Federal Supply Service.
Region 3-Philadelphia	Asst Regional Admr for Contracting.
National Capital Region.	Deputy Regional Admr. National Capital Region.
	Asst Regl Admr for Administration.
	Asst Regl Adm for Public Buildings Service.
Region 5-Chicago	Deputy Regional Admr R-5 (Chicago).
	Asst Regional Administrator for Admin.
Region 6-Kansas City	Asst Regl Admr for Administration.
Region 7—Fort Worth	Asst Regl Admr for Public Buildings Service.
Region 8—Denver	Asst Regional Adm For Public Buildings Serv.
Region 9—San Francisco.	Asst Regl Asministrator for Administration
	Asst Regl Admr for Public Buildings Service.
Department of Health and Human Services:	
Office of the Inspector General.	Dep Asst Inspector General for Auditing.
	Assoc Dir-Division of Audit Coordination.
	Asst I/G for Health Care and Systems Review.
	Asst Inspector General for Investigations.
	Dep Asst Inspector Gen for Investigations.
	Assoc Dir. Div of Univ & Nonprofit Audits.
	Sr Asst Insp Gen for Audit & Systems.
	Executive Assistant Inspector General.
	Asst Sec for Mgmt and Budget
	Dep Asst Sec. Finance.
	Dir. Div of Accounting Systems & Procedures.
Oas-for Management and Budget.	Dep Asst Secy for Grants & Procurement Mgmt.
	Dir. Div of Grants Policy & Regulations Devel.
	Dir Ofc of Grant & Contract Financial Mgmt.
	Dep Asst Secy for Procurement, Asst and Log.
	Asst Sec for Personnel Administration.
	Dir Ofc of Personnel Systems Integrity.
Ofc of Asst Secy for Personnel Administration.	Asst Gen Counsel (Business & Admin Law Div).
	Director of Evaluation.
Office of the General Counsel.	
Assistant Secretary for Planning and Evaluation.	Dep. Dir. Bureau of Support Services.
	Dir Ofc of Prog Adm. Bur of Prog Operations.
Health Care Financing Administration.	Dir. Bur of Support Services.
	Dir Ofc of Demonstrations & Evaluations.
	Dir Ofc of Program Validation.
	Dir Ofc of Financial Management.
	Deputy Director Bureau of Quality Control.
	Director. Ofc of Research.
	Dir Office of Quality Control Programs.
	Dir Offce of Human Resources & Admin Service.
	Chairman Provider-Reimbursement Review Board.
	Dir. Ofc of Financial & Acturial Analysis.
	Dep Dir. Ofc of Res Demonstrations & Stat.
	Dir. Ofc of Professional Stds Review Org.
	Dir. Bureau of Data Management and Strategy.
	Dep Dir. Bureau of Data Management & Strategy.
	Chf Actuary.
	Dep Chief Actuary (Long-Range).
	Chief Mathematical Statistician.
Ofc of Policy	Dep Chief Actuary Short Range SSA.
	Dep Dir. Ofc of Research and Statistics, SSA.
	Dir Div of Supplemental Security Studies.
	Dir Ofc of Materiel Resources.
	Dir Ofc of Financial Resources.
	Asoc. Commr. for Assessment.
	Dir Ofc of Security and Program Integrity.
Ofc of Mgmt, Budget, and Pers.	Dir Supplemental Security Studies SSA.
Ofc of Assessment	Deputy Associate Commissioner Assessment.
	Dep Assoc Commr OHA.
	Dir, Natl Ctr, Hlth Svcs Research.
	Dep Dir, Office of Administrative Management.
Ofc of Hearings and Appeals.	Director, Office of Resource Management.
Assistant Secretary for Health.	Director, Division of Analysis.
	Assoc Dir for Data Systems.
	Assoc Dir, Cooperative Hlth Stats Sys.
	Assoc Dir for Mathematical Statistics.
	Economist.
	Dir, Div of Intramural Research.
	Associate Director for Research.
	Assoc Dir for Coop Health Statistics System.
	Assoc Dir for Analysis & Epidemiology.
	Assoc Dir for Research & Methodology.
	Deputy Director Fogarty International Ctr.
	Associate Dir for Med Applications of Resch.
	Assoc Dir for Statistics & Analysis Org.
Immediate Office of the Director.	Dir, Div of Res Resources.
	Dep Dir, Div of Res Resources.
	Chf Biomedical Engineering & Instrumentation.
Division of Research Grants.	Director, Div of Financial Management.
Division of Research Resources.	Director, Division of Contracts & Grants.
Division of Research Services.	Chief, Computer Center Branch.
Associate Director for Administration.	Chief, Lab of Applied Studies.
	Chief, Physical Sciences Lab.
	Dep Dir. Natl Lib of Medicine.
	Dep Dir for Res and Education.
Division of Computer Research & Tech.	Assoc Dir for Library Operations.
	Associate Director Div of Extramural Programs.
National Library of Medicine.	Dir-Lister Hill Nat'l Ctr for Biomedical Comm.
	Assoc Dir, Specialized Info Services.
	Asst Dir for International Programs.
	Dep Dir, Lister Hill Natl Ctr for Biomedical.
	Associate Director for Planning.
	Director Natl Medical Audiovisual Ctr.
	Assoc Dir for Clin Care NIH & Dir Clin'al Cen.
	Dep Assoc Dir for Clin Care NIH & Dep Dir Cli.
	Health Systems Administrator.
National Institute of Health Clinical Center.	Assoc Dir for Health Hazard Assessment.
	Chf Lab of Pharmacology.
	Chf Laboratory of Biomedical Genetics.
Natl Institute of Environmental Health Sciences.	Chf Laboratory of Molecular Genetics.
	Chf, Lab of Animal Genetics.
	Chf, Lab of Pulmonary Function and Toxicology.
	Chief, Biometry Branch.
	Dir-Immunology-Allergic & Immunologic Disease.
	Assoc Dir for Extramural Programs.
	Assoc Dir Intramural Research Prog.
National Inst of Allergy and Infectious Diseases.	Chf, Lab of Parasitic Diseases.
	Chf, Lab of Biology of Viruses.
	Chf, Laboratory of Microbial Immunity.
	Dep Dir Extramural Activities Program.
	Spec Asst for Biometry, Off Sci Dir.
	Chf Molecular Biology Rocky Mt Lab Hamilton M.
	Hd, Molecular Viral Disease.
	Director, Microbiology & Infectious Dis Progs.
	Chief, Lab of Immunogenetics.
	Laboratory Director
	Chf, Ofc Of Biometry and Epidemiology.
	Chf Lab of Neurochemistry.
	Chf, Surgical Neurology Branch.
Nat'l Institute of Neurological & Comm Disorders & Stroke.	Chf, Lab of Neuro-Otolaryngology.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Clinical Dir, Nincds.
	Chief Perinatal Physiology.
	Director, Communicative Disorders Program.
	Director, Stroke and Trauma Program.
	Chief, Laboratory Neural Control.
Intramural Research	Chf, Devel & Metab Neurology Branch.
	Chf Lab of Molecular Biology.
	Hd Cellular Neuropathology Section.
	Chief, Section on Neuroradiology.
	Chief, Lab of Biophysics.
	Chf, Lab of Neuropathology & Neuroanatomical S.
	Hd, Section on Neuronal Interactions.
	Dir Fundamental Neurosciences Program.
	Chf, Lab of Experi Neurology.
Collaborative and Field Research.	Chief Lab of Central Nervous System Studies.
	Deputy Chief, Lab of Central Nervous Sys Stud.
Nat'l Heart, Lungs, and Blood Institute.	Assoc Director for Review.
	Dir Div of Lung Diseases.
	Dep Dir Div of Lung Diseases.
	Dir, A/Sclerosis, Hypertension & Lip Met Prog.
Div of Blood Diseases and Resources.	Chf Sickle Cell Disease Branch.
	Dir, Div of Blood Diseases & Resources.
Associate Director for Intramural Research.	Chf Surgery Br.
	Chf Lab of Biochemical Genetics.
	Chf Lab of Biochemistry.
	Chief Lab of Molecular Hematology.
	Chief Macromolecules Section.
Laboratory of Biochemistry.	Sr Rsch Chemist, Sect on Cell Biology.
Laboratory of Chemical Pharmocolgy.	Hd, Sect on Enzyme Drug Interaction.
Molecular Disease Branch.	Hd, Section on Chemistry.
Division of Heart & Vascular Diseases.	Dir Div of Heart & Vascular Diseases.
	Assoc Dir for Epidemiology and Biometry.
Associate Director for Extramural Research and Training.	Dep Assoc Dir, Extramural Res & Training.
	Dep Director Div of Extramural Affairs.
National Cancer Institute.	Dir, Div of Cancer Res Resources & Center.
	Chf-Drug Evaluation Branch.
	Chf-Lab of Medical Chemistry and Biology.
	Chief Clinical Epidemiology Branch.
	Chief Laboratory of Biochemistry.
	Assoc Dir for Medical Appl of Cancer Research.
	Director, Extramural Research Program.
	Dir. Collaborative Research Program.
	Dir, Div of Extramural Activities.
	Chief, Radiotherapy Development Branch.
	Assoc Dir, Cancer Thereapy Evaluation Program.
Div of Resources Centers & Community Activity.	Director Div of Cancer Control & Rehabilitat.
	Special Asst for Liaison Activity.
	Dir, Div of Resources, Centers Comm Activity.
Div of Cancer Cause & Prevention.	Chf Lab of Experimental Pathology.
	Sci Coord for Environmental Carcinogenesis.
	Deputy Director, Div of Cancer Cause & Preven.
	Assoc Director, Carcinogenesis Testing Program.
	Chief, Lab of Viral Carcinogenesis.
	Dir, Div of Cancer Cause and Prevention.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
General Laboratories and Clinics.	Head, Mathematical Biology Section.
	Chief, Laboratory of Cell Biology.
	Head, Nucleic Acids Section.
	Hd, Protein Chemistry Section.
Division of Cancer Biology and Diagnosis.	Chf-Laboratory of Pathophysiology.
	Chf Lab of Immunobiology.
	Head, Nucleic Acid Enzymology Section.
	Hd Biochemical Genetics Section.
	Head Comparative Oncology Section.
	Assoc Chf-Lab/Immunbiology/Hd Humoral Immunit.
	Head, Cell Organization Sect, Lab Molecular.
	Head Invitro Carcinogenesis Section.
	Head Tumor Immunology Sct/Asst Chf Surgery Br.
	Head Developmental Biochemistry Section.
Radiation Branch	Chf-Radiation Oncology Br.
Associate Scientific Director for Viral Oncology.	Chief, Lab of Molecular Virology.
	Assoc Scientific Director for Viral Oncology.
Associate Scientific Director for Demography.	Chf Biometry Branch.
	Assoc Dir, Field Studies & Statistics.
	Head, Math Statistics & Applied Mathematics S.
Associate Scientific Director for Carcinogenesis.	Chief Lab of Biology.
	Chief Laboratory of Molecular Carcinogenesis.
Chemotherapy	Dep Dir-Div of Cancer Treatment.
	Assoc Dir Developmental Therapeutics Prog.
	Chf, Laboratory of Chemical Pharmacology.
	Director Division of Cancer Treatment.
Nat'l Inst of Arthritis, Diabetes & Digest & Kidney Dis.	Assoc Dir Prog Anal & Scientific Communication.
	Assoc Dir for Digestive Diseases & Nutrition.
	Assoc Dir for Kidney, Urologic, & Blood Diseases.
	Ad for Diabetes, Endocrine & Metabloic Dis.
	Assoc Dir for Arthritis, Bone, Skin Diseases.
	Chief, Laboratory of Bio-Organic Chemistry.
Extramural Programs	Assoc Dir for Extramural Prog Activities.
Intramural Research	Chf Sect on Enzymes & Cellular Biochemistry.
	Chf Sect on Intermediary Metabolism.
	Chief Section on Biochemical Mechanisms.
	Chf, Laboratory of Chemical Physics.
	Chf, Section on Spectroscopy & Structure.
	Chf, Section on Human Biochemical Genetics.
	Sr Res Physicist, Mathematical Research Br.
	Sr Chemist, Clinical Endocrinology Br.
	Senior Research Chemist.
	Chf, Mathematical Res Br.
	Chief Section on Physical Biochemistry.
	Chf Arthritis & Rheumatism Br.
	Chf Pediatric Metabolism Br.
Laboratory of Physical Biology.	Chf. Lab of Physical Biology
	Chf, Section on Comparative Physiology.
Laboratory of Biochemical Pharomacology.	Chf Sect on Biochemistry.
	Ch Sect Biochemistry of Amino Acids.
Laboratory of Chemistry.	Chief Lab of Chemistry.
Laboratory of Nutrition and Endocrinology.	Chf, Laboratory of Nutrition & Endocrinology.
	Chf Sect Nutritional Biochemistry.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Laboratory of Molecular Biology.	Senior Research Chemist.
	Chf Sect on Metabolic Enzymes.
	Chf Sect on Physical Chemistry.
	Head, Section on Molecular Structure.
Laboratory of Chemical Biology.	Chf Lab of Chemical Biology.
Nat'l Institute of General Medical Sciences.	Dir, Pharmacology/Toxicology Program.
	Dir, Cell & Molec Basis of Disease Prog.
	Dir Genetics Program.
	Assoc Dir For Program Activities.
National Institute of Child Health and Human Development.	Director Ctr Forres for Mothers & Children.
	Clin Dir Nat'l Inst for Child Hlt & Human Dev.
	Dir Epidemiology & Biometry Res Program.
Center for Population Research.	Dep Dir Center for Population Res.
Intramural Research	Chief, Laboratory of Molecular Genetics.
	Chf, Endocrinology & Reproduction Research Br.
National Institute on Aging.	Scientific Dir NIA.
	Clinical Dir and Chf Clin Physiology Branch.
	Chief, Lab of Molecular Aging.
National Eye Institute	Clinical Director NEI.
	Chf, Lab of Vision Research.
	Chf, Ofc of Biometry & Epidemiology.
	Dep Chief Ofc of Biometry and Epidemiology.
	Head, Sec on Exp Embryology.
	Head Experimental Pathology Section.
	Dir. Intramural Research Program, NEI.
National Institute for Dental Health.	Chief, Lab of Biochemistry.
	Chief Lab of Microbiology & Immunology.
	Chf, Laboratory of Dev Biology & Anomalies.
	Chf, Oral Pharyngeal Dev & Function Sec.
	Chf, Enzyme Chemistry Section.
	Chf, Caries Prevention and Research Branch.
Food and Drug Administration.	Dep, Assoc Commissioner for Regulatory Affairs.
	Regional Director, Fda, Reg, II, New York.
	Regl Dir. Food & Drug Adm, Reg IX (San Franc.
	Regl Dir. Food & Drug Adm. Reg. IV, Atlanta.
	Regl Food and Drug Director, Reg V, Chicago.
	Regl Food & Drug Dir, Reg X, Seattle.
	Regl Food & Drug Dir, Reg III, Philadelphia.
	Regl Food & Drug Dir, Reg VII, Kansas City.
	Regl Food & Drug Dir, Reg I, Boston.
	Regional Food & Drug Dir, Reg VI, Dallas.
	Regl Food and Drug, Reg VIII, Denver.
	Director, Enforcement Policy Staff.
National Center for Toxicological Research.	Assoc Dir for Biometry & Experimental Design.
	Assoc Dir for Research.
	Assoc Dir for Chemical Evaluations.
Bureau of Foods	Assoc Dir for Nutrition & Food Sciences.
	Dir, Div of Nutrition.
	Dep Dir, Office of Sciences.
	Dir. Div of Pathology.
	Dir Division of Toxicology.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Dir, Div of Chemistry & Physics.
	Dep Dir, Div of Microbiology.
	Assoc Dir for Regulatory Evaluation.
	Associate Director for Physical Sciences.
	Dir, Div of Food Technology.
	Deputy Associate Dir for Physical Sciences.
	Assoc Dir for Laboratory Investigations.
	Dir Div of Food and Color Additives.
	Assoc Dir for Compliance.
	Dep Dir, Bureau of Foods.
	Dir, Div of Microbiology.
	Director, Division of Regulatory Guidance.
	Dep Associate Dir for Nutrition & Food Sci.
	Dir, Div of Chemical Technology.
Bureau of Drugs	Assoc Director for New Drug Evaluation.
	Dir, Div of Anti-Infective Drug Products.
	Dir, Div Oncology & Radiopharmaceutical Drug P.
	Dir Div of Scientific Investigations.
	Dir, Div of Cardio-Renal Drug Products.
	Assoc Dir for Compliance.
	Dep Assoc Dir for Drug Monographs.
	Assoc Dir for Pharmaceutical Research & Testi.
	Chief Drug Pharmacology Br.
	Dir, Div of Drug Biology.
	Director-Divison of Drug Chemistry.
	Assoc Dir for Information Systems.
	Dep Assoc Dir for Biometrics & Epidemiology.
	Dir, Div of Biometrics.
	Dir, Div of Drug Experience.
	Director Div of Biopharmaceutics.
	Dir, Div of Neuropharmacological Drug Prod.
	Dir, Nat'l Ctr for Antibiotic Analysis.
	Assoc Dir For Regulatory Affairs.
	Dir, Div of Surgical Dental Drug Products.
	Dir, Div of Metabolism & Endocrine Drug Prod.
	Assoc Dir, Biometrics and Epidemiology.
	Dep Assoc Dir, Pharmaceutical Res & Testing.
Bureau of Biologics	Asst to the Dir for Medical Programs.
	Dir, Div of Control Activities.
	Dir, Div of Pathology.
	Dir, Div of Blood & Blood Products.
	Dir, Division of Control Activities.
	Assoc Dir for Comp, Bureau of Biologies.
Bureau of Veterinary Medicine.	Dir, Div of Veterinary Medical Research.
	Dir, Div of Drugs for Ruminant Species.
	Dir-Div of Drugs for Non Food Animals.
	Dir, Div of Drugs for Avian Species.
	Dir, Div of Drugs for Swine and Minor Species.
	A/D for Surveillance & Compliance.
	Assoc Dir for Science Evaluation.
	Assoc Dir for Research.
	Deputy Dir Bureau of Veterinary Medicine.
	Assoc Dir for Human Food Safety.
Bureau of Radiological Health.	Dir, Div of Biological Effects.
	Dir Div of Radioactive Mat & Nuclear Medicine.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Bureau of Medical Devices.	Assoc Dir for Standards.
	Assoc Dir for Device Evaluation.
	Associate Director for Compliance.
	Assoc Dir for Device Research and Testing.
Centers for Disease Control.	Dir, Bureau of Training.
	Dep Dir Bur of Laboratories.
	Dir Virology Division.
	Dir, Div of Biomedical and Behavioral Science.
	Dir, Bacteriology Div.
	Chf, Licensure & Proficiency Testing Division.
	Dir, Parasitology Div.
	Asso Institute Director (Cincinnati Operations)
	Dir Clinical Chemistry Div.
	Director Division of Safety Research.
	Assoc Director for Research.
	Assoc Dir, Morgantown Operations.
	Assistant to the Director.
Alcohol, Drug Abuse & Mental Health Administration.	Asso Admr for Extramural Programs.
	Associate Director for Research.
National Institute of Mental Health.	Dir Div of Extramural Res Progs.
	Dir, Div of Scientific & Techn Info.
	Chf, Theoretical Statistics & Mathmatics Bran.
	Dir, Intramural Research Programs.
	Dir Division of Special Mental Health Researc.
	Chief, Lab of Preclinical Pharmacology.
	Chf, Lab of Cerebral Metabolism.
	Chief, Section on Myelin Chemistry.
	Chf, Lab of Neurochemistry.
	Chf Lab of Gen & Comparative Biochemistry.
	Chief, Lab of Brain Evolution & Behavior.
	Chief Lab of Neurobiology.
	Chf, Lab of Neurophysiology.
	Dir Div of Clinical & Behavorial Research.
	Chf Lab of Socio-Environmental Studies.
	Chf Lab of Developmental Psychology.
	Chf Sect on Neuropsychology.
	Chf, Sect on Pharmacology.
	Chf-Clinical Neuropharmacology Branch.
	Chf Clinical Psychobiology Branch.
	Dir Div of Mental health SVC Programs.
	Assoc Dir Extramural Programs.
	Chief Lab of Psychology and Psychopathology.
	Associate Director, Minority Concern.
	Chf, Section of Cerebral Mechanism.
	Chf, Pharmacologic & Somatic T/ Ments Res Br.
Saint Elizabeths Hospital.	Asst Superintendent, St Elizabeths Hospital.
	Assoc Superintendent for Psychiatry.
	Director John F Marr Division.
	Dir, Gooding Div.
	Director Richardson Division.
	Clinical Director, Mary O'Malley Division.
	Dir Overholser Division of Training.
	Dir, Div of Medical Surgical Support Programs.
	Chief Blackburn Laboratory.
	Dir, Medicine & Surgery Branch.
	Chief Department of Medicine.
	Chf Dept of Surgery.
	Director, Div of Forensic Programs.
	Chf, Psychopharmacology Research.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Nat'l Inst of Alcohol Abuse and Alcoholism.	Director, Div of Alcohol SVCS Development.
Department of Housing and Urban Development:	
Ofc of the Inspector General.	Asst Inspector General for Investigations.
	Asst Inspector General for Audit.
	Deputy Inspector General.
	Asst I G for Fraud Control & Mgmt Operations.
	Dep Asst Inspector General for Investigation.
Asst Sec for Fair Housing and Equal Opportunity.	Dir Ofc of HUD Program Compliance.
	Dir Ofc of Fair Housing Enforce and Sec 3.
Assistant Secretary for Administration.	Deputy Director of Personnel.
	Director, Office of Finance & Accounting.
	Dir, Mortgage Insurance Accounting Group.
	Director Ofc of Procurements & Contracts.
	Director, General & Program Accounting Group.
	Deputy Director Office of Finance & Accounting.
Assistant Secretary for Policy Development & Research.	Dir Div of Energy Building & Tech Standards.
	Dir, Div of Gov Capacity Building.
Ofc of Asst Secy for Community Planning & Development.	Dir, Ofc of Environmental Quality.
Asst Secretary for Housing.	Dir Ofc of Interstate Land Sales Regis.
Region I Boston	Area Manager Reg I Boston.
Region II New York	Area Manager Newark Region II.
	Area Manager NY Region II.
Region III Philadelphia.	Area Manager Philadelphia Region III.
	Area Manager, Pittsburgh Reg III.
Region IV Atlanta	Area Director, Reg IV Atlanta.
	Area Mgr-Reg IV Jacksonville, Fla.
	Area Mgr, Reg IV, Greensboro, NC.
Region V Chicago	Area Mgr Columbus Area Office.
	Area Manager, Chicago Area.
	Area Mgr, Detroit Area.
	Area Manager, Indianapolis Area.
	Area Manager, Minn/St Paul Area.
Region VI Dallas	Area Manager, Dallas, Reg VI.
	Area Mgr, Okla City Area, Dallas.
	Area Mgr New Orleans Area.
Region IX San Francisco.	Area Office Director (Los Angeles, Calif).
	Area Mgr.
Department of Interior:	
Ofc of the Inspector General.	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Asst inspect Gen for Policy & Resource Manage.
Office of Hearings and Appeals.	Chairman, Board of Land Appeals.
Board of Surface Mining and Reclamation Appeals.	Chrman-Bd of Surface Mining and Reclamation A.
	Mem-Bd of Surface Mining and Reclamation Appe.
	Mem-Bd of Surface Mining & Reclamation Apeal.
Office of Territorial and International Affairs.	Dep Dir for Finance & Administration.
Ofc of the Solicitor	Director, Office of the Comptroller.
	Deputy Assoc Solicitor, General Law.
	Deputy Assoc Solicitor, Indian Affairs.
	Asst Solicitor Bureau of Parks and Recreation.
	Asst Solicitor, Offshore Minerals & Int Law.
	Special Asst to the Assoc Solicitor-Gen Law.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Asst Sec'y-Policy & Budget & Administration.	Chief, Division of Acquisition and Grants.
	Asst Dir for Economics.
	Asst Dir for Studies.
	Asst Dir for Programs.
	Asst Director for OCS Program Coordination.
	Chf, Div of Budget Operations.
	Chief Division of Prgram Review.
Nat'l Park Service	Ch Off of Pk Plan & En Qual.
	Asst Dir, Park Operations.
	Asst Dir, Cultural Resources.
	Senior Scientist.
US Fish & Wildlife Service.	Deputy Assoc Dir-Federal Assistance.
	Chief Office of Biological Services.
	Deputy Assoc Dir—Natl Wildlife Refuge Syste.
	Deputy Associate Director-Research.
	Senior Scientist.
	Dir, Natl Fisheries Center.
	Dir Denver Wildlife Research Center.
	Assoc Dir, Planning and Budget.
Bureau of Mines	Chf Mining Engineer.
	Chief Scientist.
	Dir Div of Minerals Resource Technology.
	Research Director Denver Mining Res Con.
	Dir Div of Minerals Health and Safety Technol.
	Dir Div of Analytic Studies.
	Dir Div of Minerals and Land Assessment.
	Chief, Division of Helium.
	Chief Branch of Foreign Data.
	Dir Div of Prod/Consump/Data Collec & Interp.
	Dir Div of Minerals Availability.
	Res Dir Pittsburgh Mining and Safety Res Ctr.
	Research Dir, Twin Cities Research Ctr.
	Research Dir, Albany Metallurgy Res Ctr.
	Dir, Ofc of Mineral Information Systems.
	Dir Div of Research Ctr Operations.
	Dir Div of Minerals Environmental Technology.
	Dir Div of Minerals Availability.
	Chf Branch of Domestic Data.
	Research Director, Twin Cities.
	Dir Div of Field Operations.
	Deputy Management Services Officer.
	Dir-Minerals Information Systems.
US Geological Survey	Chief, Earth Resources Observation Sys Prog.
	Chief Computer Center Div.
	Chief Publication Div.
	Prog Chf-Environmental Impact Analysis Progra.
	Chief of Natl Petroleum Reserve in Alaska.
	Assoc Chf, Land Information & Analysis Ofc.
	Chief, Eros Data Center.
	Chief, Geography Program.
National Mapping Div	Chief, National Mapping Division.
	Associate Chief, National Mapping Division.
	Chf, Special Mapping Center.
	Asst Division Chief for Plans Operations.
	Chief, Off of Res & Tech Stds.
	Chief Western Mapping Center.
	Chief Mid-Continent Mapping Center.
	Chief Rocky Mountain Mapping Center.
	Asst Div Chief for Information & Data Svc.
	Chief Eastern Mapping Center.
	Asst Div Chf for Research.
Water Resources Div	Chief Hydrologist.
	Assoc Chief Hydrologist.
	Regl Hydrologist Central Reg Lakewood.
	Chief Branch of Surface Water.
	Research Hydrologist.
	Chief, Branch of Ground Water.
	Regl Hydrologist Southeastern Region.
	Asst Chief Hydrologist, Res & Tech Coordinati.
	Regional Hydrologist, Western Region.
	Regional Hydrologist, Northeastern Region.
	Chief Branch of Water Quality.
	Chf, Water Data Coordn.
	Asst Chf Hydrologist for Operations.
	Asst Chf Hydrologist, Scien Public & Data Mg.
	Dep Asst Chf Hydrologist for Res & Tech Coord.
Geologic Div	Chief Geologist.
	Chf Ofc Earthquake Studies.
	Chief, Ofc of Scientific Publications.
	Assoc Chf Geologist.
	Chf Ofc of Mineral Resources.
	Chf, Ofc of Energy Resources.
	Chief, Office of International Geology.
	Chief Office of Regional Geology.
	Chief Ofc of Marine Geology.
	Chief, Ofc of Geochemistry & Geophysics.
Conservation Div	Chf Conservation Division.
	Asso Chief, Conservation Division.
	Regional Conservation Manager-Western Region.
	Regional Conservation Mgr-Eastern Region.
	Asst Div Chf for Operations.
	Depy Div Chief for Offshore Minerals Regula.
	Regional Manager, Central Region.
	Regl Conservation Mgr, Gulf of Mex OCS Operat.
	Reg'l Conservation Mgr, No., Central Region.
	Dep Div Chf for Onshore Minerals Regulation.
	Dep Div Chf Royalty Management.
	Regional Conservation Mgr, Pacific (OCS).
	Special Assistant to Chief, Conservation Div.
Ofc of Surface Mining Reclam and Enforcement.	Dep Asst Dir for Prog Opers & Insp (East).
	Administrator, Technical Service Ctr (West).
Bureau of Reclamation.	Spec Asst for Emergency Water Planning.
	Chief Div of Design.
	Chief, Div of Construction.
	Chief, Div of Atmospheric Water Resources Mgm.
	Chief, Div of Research.
	Spec Asst for Research Programs.
Bureau of Land Management.	Asst Dir-Technical Services.
	Asst Dir-Renewable Resources.
	Asst Dir-Lands & Rights of Way.
	Asst Dir-Energy & Minerals Resources.
	Asst Director Recreati & Environmental Areas.
	Assistant Director, Administration.
	Asst Dir, Land Resources.
	Asst Dir for Onshore Energy & Mineral Res.
	Asst Dir Offshore Energy & Mineral Resources.
Ofc of Water Research & Technology.	Assoc Dir-Technology and Information Transfer.
	Asst Dir-Technology and Information Transfer.
	Asst Dir, Research.
	Interagency Water Research Coordinator.
Bureau of Indian Affairs.	Deputy Dir-Indian Education Programs.
	Director Technical Assistance & Training.
	Assistant Dir of Admin (Financial Manager).
International Communication Agency:	
Ofc of Assoc Dir for Management.	Dir, Ofc of Personnel Services.
	Dir, Ofc of Comptroller Services.
	Dir Off Security.
	Dir, Ofc of Sys Techn.
Ofc of the Gen Counsel & Cong Liaison.	Dep General Counsel.
International Development Cooperation Agency:	
Ofc of the Auditor General.	Deputy Auditor General.
Ofc of Financial Management.	Deputy Controller.
Ofc of Personnel Management.	Dep Dir Ofc of Personnel Management.
Bureau for Program and Management Services.	Dir Ofc of Contract Management.
	Dir Commodity Management.
	Dep Dir Ofc of Contract Management.
Interstate Commerce Commission:	
Office of the General Counsel.	Associate General Counsel, Litigation.
	Assoc Gen Counsel for Legal Counsel.
	Associate General Counsel for Legal Counsel.
Ofc of the Managing Director.	Dir of Personnel.
Bureau of Accounts	Dir, Bur of Accounts.
	Dep Dir, Accounting Policy & Fin Data Report.
	Dep Dir for Cost, Economic & Financial Anal.
Bureau of Traffic	Director, Bu of Traffic.
	Asst Dir, Bu of Traffic.
Office of Consumer Protection.	Asst Director.
Office of Transportation analysis.	Assoc Dir, Ofc of Transportation Analysis.
	Deputy Director & Chief, Section of Analysis.
	Dep Dir, Section of Rail Services Planning.
	Dep Dir and Chf, Sect of Motor Policy.
	Deputy Director for Special Projects.
Office of Compliance & Consumer Assistance.	Dir Ofc of Compliance & Consumer Assistance.
	Dir, Ofc of Consumer Protection.
	Deputy Director for Enforcement.
	Assocate Director.
	Dep Dir for Policy Dev & Coordination.
Regional Offices	Regional Director (Boston).
	Regional Director (Philadelphia).
	Regional Director (Atlanta).
	Regional Director (Chicago).
	Regional Director (Fort Worth).
	Regional Director (San Francisco).
Ofc of Proceedings	Associate Dir.
	Assistant to Director.
Section of Finance	Dep Dir & Chf, Section Finance.
	Asst Dep Dir & Asst Chief, Section of Finance.
Section of Rates	Dep Dir & Chf Section of Rates.
	Asst Dep Dir & Asst Chf, Section of Rates.
Section of Operating Rights.	Dep Dir & Chief Section of Operating Rights.
	Asst Dep Dir & Asst Chf, Sect of Operating Ri.
Department of Justice:	
Office of the Attorney General.	Counsel on Professional Responsibility.
	Dep Counsel on Professional Responsiblity.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Justice Management Division.	Asst Attorney General for Administration.
	Prin Dep Asst Atty General for Administration.
	Special Asst to the Asst Attorney Gen for Adm.
Office of the Controller.	Director, Budget Staff.
	Dir Finance Staff.
	Deputy Assistant Attorney General.
	Director, Evaluation Staff.
Office of Personnel and Administration.	Director Personnel and Training Staff.
	Deputy Assistant Attorney General.
	Dir. Property Management & Procurement Staff.
Ofc of Litigation and Management Systems.	Dep Asst Attorney General.
	Dir Audit Staff
	Dir, Security Programs Staff.
	Dir-Systems Design and Dev Staff.
	Dir Systems Operations Staff.
	Dir Library Staff.
	Dir, Systems Policy and Planning Staff.
	Deputy Director Audit Staff.
Ofc of Justice Assistance, Research and Statistics.	Asst Dir, Ofc of Planning and Management.
	Asst Dir, Ofc of Audit & Investigations.
	Asst Dir, Ofc of Operations Support.
	Gen Counsel.
	Comptroller, Ofc of the Comptroller.
Law Enforcement Assistance Administration.	Asst Administrator Ofc of Criminal Justice Pr.
	Dep Asst Admr, Ofc of Criminal Justice Progs.
National Institute of Justice.	Asst Dir, Ofc of Research Programs.
	Asst Dir, Ofc of Dev Testing & Dissemination.
Bureau of Justice Statistics.	Deputy Dir, Bureau of Justice Statistics.
	Asst Dir, Systems Dev Div.
	Dir, Statistics Div.
Community Relations Service.	Regl Director, Region V, Chicago.
	Regl Director, Region IX, San Francisco.
	Regl Director, Region III, Philadelphia.
Executive Ofc for U.S. Attorneys.	Dep Dir Exec Ofc for U.S. Attorneys.
Bureau of Prisons	Asst Dir for Planng & Dev.
	General Counsel
	Assoc Commr, Fed Prisons Industries, Unicor.
	Dep Assoc Commr-Sec, Fed Prison Industries, I.
	Deputy Associate Commissioner.
Office of Correctional Programs.	Asst Dir Correctional Programs Div.
Office of Correctional Programs.	Dep Asst Dir for Correctional Programs.
	Dep Asst Dir for Correctional Programs.
Northeast Region	Regional Director.
	Warden, Lewisburg, PA.
	Asst Regional Dl.
Southeast Region	Regional Director.
	Warden Atlanta.
	Warden, Lexington Kentucky.
	Warden Butner North Carolina.
North Central Region	Regional Director.
	Warden Leavenworth Kansas.
	Warden Springfield, Missouri.
	Warden Marion Illinois.
	Warden Terre Haute, IN.
South Central Region	Regional Director.
	Warden El Reno Okla.
Western Region	Regional Director.
	Warden Terminal Island, CA.
	Warden, Lompoc, CA.
	Warden, McNeil Island, WA.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Immigration & Naturalization Service.	Exec Asst to the Commissioner.
	Asst Commr for Naturalization.
	CHF Spec Inquiry Officer.
	Asst Commissioner for Detention & Deportation.
	Asst Comm for Administration.
	Asst Comm:R for Adjudication.
	Asst Comm for Inspection.
	Asst Commissioner for Information Services.
	Asst Commissioner for Investigation.
	Asst Commr for Border Patrol.
	Comptroller.
Regional Offices—Ins	Dep Regional Commissioner, Burlington, VT.
	Dep Regl Commr, Twin Cities, Min.
	Dep Regional Commissioner—Southern Region.
Regional Offices—Ins	Dep Regional Commissioner, San Pedro, Calif.
District Offices—Ins	Dist Director, Sw Region, San Francisco Dis.
	District Director-San Diego.
U.S. Marshals Service.	Asst Dir for Administration.
	Asst Dir for Operations.
	Asst Dir for Planning Budget & Admin.
	Asst Dir for Legal and Personnel Programs.
Department of Labor:	
Ofc of the Inspector General.	Deputy Inspector General.
	Asst Inspector Gen for Investigations.
	Asst Inspector Gen for Audit.
	Dir Ofc of Loss Prevention and Analysis.
Office of the Dep Under Secy for International Affairs.	Dir Ofc of Management Administration & Planng.
Office of the Solicitor	Associate Solicitor for Labor-Management Laws.
	Assoc Solicitor for Plan Benefits Security.
	Assoc Solicitor for Labor Relations & Civil R.
	Assoc Solicitor for Occupational Safety & Hlt.
	Assoc Solicitor for Mine Safety & Health.
Office of the Solicitor	Assoc Solicitor for Fair Labor Standards.
	Assoc Solicitor for Employee Benefits.
	Assoc Solicitor for Gen Legal Services.
	Associate Solicitor for Spec Litigation.
	Deputy Solicitor (Regional Operations).
	Assoc Sol for Spec Appel & Sup Court Lit.
Regional Solicitors	Regional Solicitor, Chicago.
	Regional Solicitor Regional IV—Atlanta.
	Regl Solicitor Boston.
	Regl Solicitor New York.
	Regional Solicitor Philadelphia.
	Regl Solicitor Dallas.
	Regl Solicitor Kansas City.
	Regl Solicitor San Francisco.
OAS for Administration and Management.	Asst Sec'y for Admin & Mgmt.
	Dep Asst Sec for Adm and Mgmt.
	Director Administrative Programs & Service.
	Dir Ofc of Budget.
	Dir Ofc Labor Mgmt Relations.
	Dir of Management Policy.
	Comptroller for the Department.
	Dir, Office of Education & Career Development.
	Dir, Office of Equal Employment Opportunity.
	Dir of Personnel Management.
	Dep Dir of Personnel Management.
	Deputy Comptroller.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Dir Ofc of Information Technology.
	Dir ofc of Executive Personnel Management.
	Deputy Director Office of Civil Rights.
	Dir, Ofc of Civil Rights.
Ofc of Prog Dev and Accountability.	Dir Ofc of Prog Dev & Accountability.
Ofc of Federal Contract Compliance Programs.	Dir-Div of Enforcement Coordination.
Wage and Hour Division.	Asst Adm'r for Fair Labor Standards.
	Asst Admr for Govt Contract Wage Standards.
Ofc of Workers Compensation Programs.	Dir Federal Employees Compensation.
	Dir Coal Mine Workers Compensation.
Labor-Management Services Administration.	Asst Admr for Field Operations.
Pension & Welfare Benefit Programs.	Dep Admr for Pension & Welfare Benefits Prog.
	Asst Admr, Enforcement.
	Asst Admr for Pension & Welfare Benefit Prog.
	Asst Admr for Fiduciary Standards.
	Asst Admr, Reporting & Plan Standards.
Planning Evaluations & Systems.	Director, Office of Management.
Labor-Management Standards Enforcement.	Dir Ofc of Labor-Management Stds Enforcement.
	Dep Dir Ofc Labor Mgt Standards Enforcement.
	Asst Director for Compliance & Enforcement.
	Asst Dir for Standards Tech Asst & Disclosure.
Bureau of Labor Statistics.	Deputy Commissioner.
	Asst Commr for Field Operations.
	Dir/Prog Eval & Coord.
Data Analysis	Asst Commr. Occupational Safety & Health Stat.
	Asst Commr, Economic Growth.
	Assoc Comr for Prices and Living Conditions.
	Asst Commr Productivity & Technology.
	Asst Commissioner for Current Employment Anal.
	Asst Commr for Wages & Industrial Relations.
	Asst Commr for Research Methods & Standards.
	Asst Commr for Employment Structure & Trends.
	Dep Assoc Commr for Prices & Liv Conditions.
	Asst Commr for Consumer Prices & Price Indexes.
	Asst Commr for Indust Prices & Price Indexes.
	Deputy Asst Commr for Employment Str & Trends.
Statistical Operations & Proceeding.	Asst Commissioner for Survey Design.
	Assoc Commr for Statistical Operations.
	Asst Commissioner for Systems & Standards.
	Dep Assoc Commr for Statistical Operations.
Administrative Management.	Assoc Commr for Administrative Management.
Regional Commissioners.	Regional Comm: R New York.
	Reg Commr-BLS (Chicago).
Employment and Training Admin.	Dir Ofc of Investigation and Compliance.
U.S. Employment Service.	Director, Office of Technical Support.
Unemployment Insurance Service.	Dir Ofc of Trade Adjustment Assistance.
Ofc of Management Assistance.	Director Office of Management and Training.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Ofc of Administration and Management.	Adm'r Administration and Mgt.
	Dir, Ofc of Mgmt Info Systs.
	Comptroller.
	Dep Admr, Administrtation and Mgmt.
Ofc of National Programs.	Chf, Div of Indian & Native American Programs.
Ofc of Policy, Eval, and Research.	Director Ofc of Program Evaluation.
Administrative Programs.	Dir, Adm Progs Occup Safety & Health Administ.
Health Standards Programs.	Dir Health Standards Programs.
Safety Standards Programs.	Director Safety Standards Programs.
Federal Compliance & Staff Programs.	Dir Federal Compliance & State Programs.
Technical Support	Dir Tech Support.
Mine Safety and Health Administration.	Chf of Standards, Regulationis & Variances.
	Director of Administration and Management.
	Director of Assessments.
	Director of Technical Support.
Merit System Protection Board:	
Ofc of Managing Director.	Managing Dir.
	Deputy Managing Director.
Ofc of General Counsel.	General Counsel.
	Deputy General Counsel.
Office of Legislative Counsel.	Legislative Counsel.
Ofc of Merit Systems Review and Studies.	Assoc Dir for Special Studies, Msrs.
	Associate Director for Operations, Msrs.
Ofc of Appeals	Dir Ofc of Appeals.
Ofc of Aministration	Director of Administration.
Field Offices	Regional Director, New York.
	Regional Director, San Francisco.
	Regional Director, Chicago.
	Regional Director, Atlanta.
	Regional Director, Philadelphia.
	Regional Director, Dallas.
	Regional Director, Washington, D.C.
Ofc of Special Counsel.	Assoc Spec Counsel (Investigation).
	Dep Assoc Spec Counsel (Prosecution).
	Assoc Special Counsel (Prosecution).
National Aeronautics and Space Administration:	
Office of the Comptroller.	Asst to the Compr for Mgmt Pol Rev & Analysis.
	Asst Compt for Prog Status Rev & Cost Assess.
	Spec Asst to the Comptroller.
Financial Management Division.	Dir Financial Mgmt Div.
	Dep Dir, Financial Management Div.
Resources Analysis Division.	Deputy Dir Resources Analysis Div.
Budget Operations Division.	Dir, Budget Operations Div.
Ofc of Chief Engineer, Nasa.	Director, Program Assurance Division.
Ofc of the Assoc Admr, Space Science and Applications.	Chief, Applications Development Branch.
	Mgr Adv Progs and Tech.
	Spec Asst to Assoc Admr for Sp & Terres Apps.
	Asst Assoc Admr for Advanced Planning.
Materials Processing in Space Office.	Asst Dir for Materials Science.
Environmental Observations Division.	Dep Director, Environmental Observations Div.
	Chief, Atmospheric Processes Branch.
	Manager, Operational Meteorological Satellite.
	Chief, Oceanic Processes Branch.
	Discipline Scientist, Space Ptasma Physcis.
Communications Division.	Chief, Data Systems Branch.
	Chf, Communications Systems Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Life Sciences Division	Dep Dir Life Sciences Division.
	Chief, Biological Sciences.
	Associate to the Director, Life Sciences Div.
	Chf, Res & Tech Development Branch.
	Manager Operational Medicine.
Earth and Planetary Exploration Division.	Deputy Director, Special Programs.
	Chief, Non-Renewable Resources Branch.
	Chief, Renewable Resources Branch.
	Chief, Scientist, Earth & Ocean Dynamics.
	Deputy Dir, Resource Observation Div.
	Chief, Flight Systems Branch.
	Chief, Geodynamics Branch.
	Dep Dir, Earth Planetary Exploration Division.
	Chf, Solar Sys Mission Operations Br.
	Dep Dir, Earth and Planetary Exp Div (Tech).
	Dep Dir, Earth & Planetary Exploration Div.
	Chf, Planetary Astronomy and Atmosphere Br.
Spacelab Flight Division.	Mgr, Advanced Instrumentation & Sensor Engineer.
	Chief, Terrestrial Applications Branch.
	Chf, Space Science Mission Branch.
	Dep Dir, Spacelab Flight Div.
	Chief, Instrument Development Branch.
Astrophysics Division	Dep Dir, Solar Terrestrial Division.
	Manager, International Solar Polar Mission.
	Deputy Director, Astrophysics Division.
	Manager, Advanced Programs & Technology.
	Chf, High Energy Astrophysics Br.
	Chief, Astronomy/Relativity Branch.
	Mgr Explorers/Suborbital Progs & A/Phy Paylds.
	Chf, Research Flight Progs Dev Br.
	Chf. Astrophysical Observ Dev Br.
	Chf. Solar Terrestrial Observ Dev Br.
	Chf, Solar & Heliospheric Physics Br.
	Asst Director, Astrophysics Div (Technical).
Office of Procurement	Director of Procurement.
	Deputy Director of Procurement.
	Assoc Dir, of Procurement (Policy & Management).
Orbiter Programs Division.	Chief, Mechanical/Structural Systems Br.
Engine Program Division.	Dep Dir, Space Shuttle Main Engine Program.
	Dir, Space Shuttle Main Engine Program.
Ground Systems and Flight Tests Division.	Deputy Director, Space Shuttle Program.
	Chf, Space Shuttle Systems Operations.
	Chief, Avionics and Electrical Systems Branch.
	Career Reserved Positions.
	Dir, Sts Ground Sys & Flight Tests Div.
	Dep Dir, Sts Ground Sys & Flight Tests Div.
	Chf, Flight Test Branch.
Solid Rocket Booster and External Tank Division.	Chief, External Tank Branch.
	Director Space Shuttle Orbiter Division.
	Dir.Solid Rocket Booster & External Tank Div
Systems Engineering and Integration Division.	Chief Systems Engineering Branch.
	Dir, Sts Systems Eng & Integration Div.
	Chief Sts Integration Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Reliability, Quality and Safety Office.	Director, Reliability/Quality & Safety Office.
Resource Management/ Administration Office.	Dep Dir, Resource Management Administration.
	Chief Space Shuttle Prog Budget and Control.
	Chf Budget Ofc.
	Chief Sts Program Budget and Control.
Advance Programs Division.	Dep Dir Adv Progs.
	Chf Adv Concepts Br.
	Chf Integrated Operations Branch.
	Chf Adv Dev.
Expendable Equipment Division.	Chief, Inertial Upper Stage Branch.
	Deputy Director Upper Stage Division.
Organization No Longer in Existence.	Dep Dir, Sts Expendable Equipment Div.
Office of the Associate Administrator, Management.	Chief, Nasa Safety Office.
Inventions and Contributions Board.	Chrman Nasa Inventions and Const Bd.
Headquarters Administration Division.	Dep Dir Headquarter Administration Division.
Facilities Division	Director of Facilities.
	Deputy Director, Facilities Division.
	Asst Dir Inst Opers Div.
Supply and Equipment Management Division.	Dir, Supply & Equipment Management.
Personnel Programs Division.	Dir, Personnel Programs Div.
	Dep Dir Personnel Progs Div.
Information Systems Division.	Chf Mgmt Processes and Directives Br.
	Dep Dir Info Sys Div.
	Chf Scientific and Tech Info Br.
System Planning and Effectiveness Div.	Dir, Systems Planning & Effectiveness Div.
Expendable Launch Vehicles Program Division.	Dep Dir, Expendable Launch, Veh Prog Div.
	Chf, Upper Stages Branch.
	Chf, Small and Medium Launch Vfh Progs.
Resources Management and Administration.	Chf, Sts Operations Program Budget Control
	Director, Resources Management & Admin.
	Deputy Director, Resources Management & Admin.
Space Shuttle Operations Division.	Chief, Systems Engineering Branch.
	Chf. Production & Logistics Branch.
	Director Space Shuttle Operations Division.
Spacelab Program Divsion.	Deputy Director, Spacelab Program Division.
	Chief, Engineering Branch.
	Chf Integration and Test Branch.
Sts Utilization Division	Dep Dir. Space Transportation Sys Operations.
	Chief, Pricing Launch Agreements & Customer.
	Chief, Mission Analysis & Integration Branch.
Ofc of the Assoc Admr, Aeronautics and Space Tech.	Deputy Chief Engineer for Facilities.
	Asst Assoc Administrator for Mgmt Support.
Energy Systems Division.	Dep Dir. Energy Systems Div.
	Space Utilization Sys Offc.
	Solar Terrestrial Sys Office.
	Conservation and Fossil Energy Systems.
Aeronautical Systems Division.	Deputy Director, Aeronautical Systems Div.
	General Aviation Ofc. Manager of the.
	Low-Speed Aircraft, Manager of the.
	High-Speed Aircraft, Manager of the.
	Transport Aircraft Ofc, Manager of the.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Space Systems Division.	Dep Dir Space Sys Div.
	Information Systems Ofc, Manager.
	Manager, Transportations Systems Office.
	Manager, Spacecraft Systems Office.
Research and Technology Division.	Dep Dir Res and Tech.
	Elec and Human Factors Office.
	Space Power and Propulsion Office.
	Aeronautical Propulsion Manager.
	Manager for propulsion.
	Magr of the Aerodynamics and fluid.
	Materials and Structures, Manager of the.
Organization No Longer in Existence.	Chf, Planetary Programs Branch.
	Discipline Scientist, Planetary Astronomy.
	Dep Dir, Prog Analysis Div & Chief Resources.
Ofc of the Assoc Admr, Space Tracking and Data Systems.	Chief, Advanced Systems.
	Asst Assoc Admr (Technical).
	Spec Asst (Operations).
Network System Division.	Associate Director Network Systems Division.
Comunications and Data Systems Division.	Assoc Dir, Communications & Data Systems Div.
	Dir, Communications & Data Systems Div.
	Chief, Network Operations Branch.
Deep Space Network Operations Programs.	Manager, Deep Space Network Operations Program.
	Mgr Space Tracking and Data Network Prog.
Network Systems Development Programs Division.	Chief, System Support Program.
	Director, Deep Space Network Systems.
TDRSS Division	Assoc Dir, Tracking & Data Relay/SSPD.
	Chief, TDRSS Operations.
Discrimination Complaints Division.	Director, Discrimination Complaints Division.
Office of the Inspector General.	Asst Insp General for Mgmt & Evaluation.
	Assist Inspector General for Investigation.
	Assistant Inspector General for Auditing.
AMES Research Center.	Assoc Dir, NASA Ames Res Ctr.
	Chief, Engineer.
Aeronautics and Flight Systems Directorate.	Dep Dir of Aeronautics and Flight Systems.
	Chief, Aircraft Operations Division.
	Chief, Flight Systems Research Division.
	Chief, Helicopter Technology Division.
	Chief, Simulation Sciences Division.
	CHF Helicopter & Powered Lift, Technology Div.
	Chief, Aerodynamics Division.
	Deputy Chief Flight Support Division.
Life Sciences Directorate.	Deputy Director of Life Sciences.
	Chief, Biomedical Research Division.
	Chief, Extraterrestrial Research Division.
	Chief, Biosystems Division.
	Chief, Man-Vehicle Systems Research Division.
Research Support Directorate.	Chief, Research Facilities & Instrumentation.
Astronautics Directorate.	Deputy Director of Astonauctics.
	Chief, Airborne Mission & Applications Div.
	Project Manager, Pioneer.
	Chief, Space Science Division.
	Chief, Thermo- and Gas-Dynamics Division.
	Chief, Computational Fluid Dynamics Branch.
	Chief, Space Projects Division.
Flight Operations Directorate.	Deputy, Dir, Flight Operations & Support.
	Chief, Research Pilots Division.
	Chief, Engineer.
	Chf, Engineer.
	Chief, Dryden Aircraft Operations Division.
	Chief, Flight Support Division.
	Deputy Chief Dryden Aircraft Operations Div.
	Chief, Shuttle Project Office.
	Director of Project/Tst Liaison Office.
Organization no Longer in Existence.	Deputy Dir of Project/Test Liaison Office
	Deputy Director for Engineering.
Goddard Space Flight Center.	Special Assistant to the Director.
	Chief, Advanced Plans Office (Staff).
	Comptroller.
	Dir, Prog and Institutional Planning Ofc.
	Spec Asst to the Dir.
	Assistant Director for Program Planning.
	Deputy Comptroller
Management Opers Directorate.	Dep Dir of Management Operations.
	Procurement Officer.
Flight Assurance Directorate.	Director of Flight Assurance.
Flight Projects Directorate.	Mgr. Preliminary Systems Design Group..
	Project Manager, Landsat-D..
	Assoc Dir of Flight Proj For User Systems..
	Assoc Dir of Flight Proj For Sys Mgmt..
	Assoc Dir of Flight Projects for New Projects..
	Delta Project Manager.
	Project Mgr. Tracking & Data Relay Satellite Sy.
	Dep Dir of Project Management.
	Proj Mgr. Natl Oceanic Satell Sys Proj.
	Proj Mgr. Shuttle Payloads Interg & Rocket Ex.
	Proj Mgr. Tires Proj.
	Assoc Dir of Flight Proj for Mission Systems.
	Deputy Director of Flight Projects.
	Manager Adv Land Obser Sys Studies Ofc.
	Proj Mgr Attached SCI & Appl Payloads Proj.
	Deputy Director of Flight Projects.
Mission and Data Operations Directorate.	Dep Dir of Mission & Data Operations.
	Asst Dir of Mission & Data Ops (Rsch & Tech).
Sciences Directorate	Assoc Dir of Sciences.
	Head, Electrodynamics Branch.
	Chief, Lab for High Energy Astrophysics.
	Chief, Lab for Astronomy and Solar Physics.
	Chief, Lab for extraterrestrial Physics.
Engineering Directorate.	Dep Dir of Engineering.
	Chief, Instrument Division.
	Chf. Applied Engineering Div.
Networks Directorate	Deputy Director of Networks.
	Assoc Dir of Networks (for Operations).
Applications Directorate.	Asst Dir of Applications for Operations.
	Asst Dir of Aps for Earth & Ocean Phys Aps Prog.
	Asst Dir of Applications for System Studies.
	Chief, Lab for Atmospheric Sciences.
	Chief, Information Extraction Div.
	Chief, Lab for Plantetary Atmospheres.
	Chief, Earth Observations Systems Div.
	Deputy Director of Applications.
	Chief, Applications Systems Analysis Ofc.
Johnson Space Center.	Tech Asst to the Dir.
	Spec Asst for Mgmt.
	Dir of Public Affairs.
Technical Planning Office.	Chief, Tech Planning Office.
Administration and Program Support.	Dep Dir of Administration & Program Support.
	Asst Dir of Administration & Program Support.
	Dir of Procurement.
Flight Operations	Deputy Dir of Flight Operations.
	Chief, Astronaut Office.
	Chief, Aircraft Operations Division.
	Chief, Training Division.
	Chf., Flight Control Div., Flight Operations.
	Chief, Flight Operations Integration Office.
Engineering and Development.	Assoc Dir of Eng & Dev (For Program Support).
	Assoc Dir of Eng & Dev (For Program Dev).
	Asst Dir of Eng & Dev (for Avionic Systems).
	Chief, Tracking & Communications Dev Div.
	Chief, Avionics Systems Div.
	Manager, Engineering Office, Orbiter Project.
	Chief, Propulsion & Power Division.
	Chief, Structures & Mechanics Division.
	Chf, Engineering Analysis Div.
	Chf, Spacecraft Design Div, Engineering.
	Chf, Shuttle Avionics Integ Div, Engineeri.
	Chf, Crew Systems Div, Engineering & Dev.
	Chf, Experiment Systems Div, Engineering.
	Chf, Space Environ Test Div, Engineering & Deputy Director of Engineering and Dev.
	Asst Director for Systems Engineering.
	Assistant Director for Research and Dev.
	Assistant to the Director for Future Programs.
	Asst Director for Integration and Products.
	Special Asst to the Dir Engineering & Develop.
Data Systems and Analysis.	Dep Dir of Data Systems & Analysis.
	Chf, Flight Simulation Div.
	Chief, Mission Planning & Analysis Division.
	Chf, Ground Data Systems Div, Data Systems.
	Chf, Spacecraft Software Div, Data Systems.
	Chf, Institutional Data Systems Div.
	Asst Dir of Data Systems & Analysis.
Center Operations	Dep Dir of Center Operations.
Space Shuttle Program Office.	Asst Mgr Space Shuttle Prog Offc, Houston, Tex.
	Manager for Orbital Flight Test.
	Mgr for Flight Safety, Space Shuttle Prog Ofc.
	Manager for Operational Integration.
	Manager Systems Integration.
	Chief, Operations Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Space Shuttle Orbiter Program Office.	Manager Systems Integration
	Dep Mgr, Space Shuttle Orbiter Project Ofc.
	Manager, Manufacturing & Test Off.
	Manager, Orbiter Avionics Systems Office.
	Asst Manager Space Shuttler Orbiter Project
	Dep Manager, Space Shuttle Program Ofc.
Safety, Reliability and Quality Assurance.	Dir, Safety, Reliability, & Quality Assurance.
	Deputy Dir, Safety, Reliability & Quality.
	Dep Dir, Safety, Reliability & Qual Assurance.
Sts Operations Program.	Deputy Manager, Sts Operations Program Ofc.
NASA White Sands Test Facility.	Manager, NASA White Sands Test Facility.
Space and Life Sciences.	Asst Dir for Medical Operations.
	Deputy Dir for Earth Resources.
	Asst Dir of Space and Life Sciences.
	Chief Planetary & Earth Sciences Duv.
	Chief, Medical Sciences Division.
	Dep Dir of Space and Life Sciences.
Program Operations Office.	Manager, Programs Operations Ofc.
Kennedy Space Center.	Dir, Exec Management Ofc.
	Dir, Public Affairs.
Biomedical Office	Chf, Biomedical Office.
Safety, Reliability and Quality Assurance.	Dir, Safety, Reliability & Quality Assurance.
Sts Development	Associate Director for Sts Development.
Shuttle Operations	Deputy Director of Shuttle Operations.
Shuttle Engineering	Director, Shuttle Engineering.
Cargo Operations	Director, Spacelab Operations.
	Deputy Director, Cargo Operations.
	Director, Deployable Payloads.
Design Engineering	Deputy Director of Design Engineering.
	Director, Project Management.
	Dir, Mechanical & Facilities Engineering.
	Director, Electronic Engineering.
Technical Support	Deputy Director of Technical Support
Information Systems	Director of Information Systems.
Ground Systems	Director, Ground Systems.
Cargo Projects	Deputy Manager, Cargo Projects Office.
Operations Management.	Director, Shuttle Processing.
	Director, Operations Managements.
	Deputy Director of Center Support Operations.
	Director of Center Support Operations.
Shuttle Processing	Dir Sts Cargo Operations.
Shuttle Projects Office.	Deputy Manager, Shuttle Projects Office.
	Manager, KSC Off-Site Operations Shuttle Proj.
Projects Directorate	Mgr Aircraft Energy Efficiency Project Ofc.
Electronics Directorate.	Chf, Terminal Configured Vehicles Pro. Otce.
	Chf, Analysis & Computation Division.
	Chief, Flight Dynamics & Control Div.
	Chf, Flight Electronics Division.
	Chf, Instrument Research Division.
Structures Directorate	Chf, Acoustics & Noise Reduction Div.
	Asst Chief, Acoustics & Noise Reduction Div.
	Chief Structural Mechanics Division.
	Chf, Materials Division.
	Chief, Loads and Aeroelasticity Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Aeronautics Directorate.	Chief, Aeronautical Systems Div.
	Chief, Subsonic-Transonic Aerodynamics Div.
	Head, Transonic Aerodynamics Branch.
	Chief, High-Speed Aerodynamics Div.
	Assoc Chief High-Speed Aerodynamics Div.
	Chief, Flight Mechanics Div.
Space Directorate	Chief, Space Systems Division.
	Chief, Marine & Applications Technology Div.
	Chief, Atmospheric Environmental Sciences Div.
Systems Engineering and Operations Directorate.	Assistant Dir for Systems Engineering Oper.
	Chief Systems Engineering Div.
Lewis Research Center.	Chief Scientist.
Administration Directorate.	Dep Dir of Adm (Resources & Financial Manag).
	Chief, Computer Services Division.
	Asst for Computer Systems.
Aeronautics Directorate.	Chf Propulsion Systems Division.
	Chief Engine Systems Division.
	Chief Transport Propulsion Office.
Energy Directorate	Dep Dir of Energy Programs (Technology).
	Dep Dir of Energy.
	Chief, Transportation Propulsion Division.
	Chief, Solar & Electrochemistry Div.
	Chief, Materials & Structures Div.
	Chf Fractures Branch.
	Chief, Wind and Stationary Power Division.
	Dir, Reliability & Quality Assurance.
Science and Technology Directorate.	Chf Aerothermodynamics and Fuels Division.
	Chief Fluid Mechanics and Acoustics Div.
	Chf Physics and Electronics Division.
	Director of Science & Technology.
	Chief Structures & Mechanical Technol Div.
Space Directorate	Chf, Communications & Applications Div.
	Chief, Space Propulsion & Power Division.
	Chf, Launch Vehicles Div.
	Deputy Director of Space
	Center Comptroller, NASA Msfc.
Marshall Space Flight Center.	Manager, Space Science Projects Office (Proj).
	Director, Electronics & Control Laboratory.
Science and Engineering.	Dir, Materials & Processes Laboratory.
	Director, Structures & Propulsion Laboratory.
	Director, Syst Anal & Integration Laboratory.
	Assoc Dir for Engineering.
	Dir, Data Systems Laboratory.
	Director, Space Sciences Lab.
	Manager, Office of Applications Missions.
	Dep Dir, Science & Engineering.
	Deputy Associate Director for Engineering.
	Chf Engineer, Solid Rocket Booster Integratio.
	Chf, Engineer, Space Shuttle Main Engineer.
	Chf Engineer, Space Telescope.
	Chf Engineer, Inertial Upper Stage.
	Dir, Reliability & Quality Assurance Ofc.
	Dep Dir Data Systems Lab.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Dep Dir, Electronics & Control Laboratory.
	Chf Guidance Cont and Instrumentation Div.
	Chf, Atmospheric Sciences.
	Dep Dir Structures and Propulsion Lab.
	Chf, Structures Division.
	Chf Engineering Analysis Division.
	Dep Dir Sys Analysis and Integration Lab.
	Chf Mission Analysis Division.
	Director, Systems Dynamics Laboratory.
	Chf, Aerophysics Div.
	Dir-Test Laboratory.
	Deputy Director Materials and Processes Lab.
	Chf Engineer, External Tank Project.
	Chf Engineer, Space Shuttle Main Propul Sys.
Special Projects Office.	Manager, Solar Energy Applications Project.
	Manager, Inertial Upper Stage Project.
Spacelab Payload Project.	Dep Mgr, Spacelab Payload Proj Ofc.
	Manager, Office of Space Science Missions.
	Mgr, Payload Dev Ofc.
Spacelab Program Office.	Deputy Manager, Spacelab Program Office.
Program Development.	Deputy Director, Program Development.
	Director, Program Planning Office.
	Director, Preliminary Design Office.
	Manager, 25 kW Power Module Project.
Shuttle Prjects Office	Deputy Manager, Shuttle Projects Office.
	Manager, External Tank Project Office.
	Manager, Solid Rocket Booster Project Office.
	Project Manager, Main Engine Project.
	Manager Major Test & Engineering Mgmt Office.
Space Telescope Project Office.	Deputy Manager, Space Telescope Project.
Administration and Program Support.	Dep Dir, Administration & Program Support.
National Space Technology Laboratories.	Deputy Manager.
	Deputy Manager—Programs.
National Capital Planning Commission:	
National Capital Planning Commission.	Assoc Exec Dir Regional Affairs.
	Executive Director.
	Assoc Exec Dir D.C. Affairs.
	Asst Executive Dir (Admin).
	General Counsel.
National Credit Union Administration:	
National Credit Union Adm.	Comptroller.
	Director, Off of Internal Audit & Invest.
	Dir, Ofc of Administration.
	Deputy Director of Administration.
	Executive Vice President/Dep Dir.
National Endowment for the Arts:	
National Endowment for the Arts.	Director of Adm.
	Director of Program Coordination.
National Endowment for the Humanities:	
National Endowment for the Humanities.	Deputy Chairman for Management.
National Labor Relations Board:	
Ofc of the Board Members.	Executive Secy.
	Deputy Executive Secretary.
Div of Enforcement Litigation.	Deputy Assoc. Gen. Counsel Appellate Court Br.
	Director, Office of Appeals.
Div of Advice	Associate Gen Counsel, Div of Advice.
	Deputy Assoc Gen Counsel.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Div of Administration	Director of Administration.
	Deputy Director of Administration.
Div of Operations Management.	Assoc General Counsel, Div of Operation-Mgmt.
	Dep Asso Gen Counsel, Div of Operations-Mgmt.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
Regional Offices	Regl Dir Reg 1 Boston.
	Regional Director, Reg. 2, New York.
	Regional Director, Reg. 3, Buffalo.
	Regl Dir, Reg 4, Philadelphia.
	Regional Director, Reg 5, Baltimore.
	Regional Director, Reg 6, Pittsburgh.
	Regl Dir, Region 7, Detroit, Mich.
	Regional Director, Reg 8, Cleveland.
	Regional Director, Reg 9, Cincinnati.
	Regl Dir, Reg 10, Atlanta.
	Regl Dir, Reg 11, Winston Salem.
	Regional Director, Reg 12, Tampa.
	Regional Director, Reg 13, Chicago.
	Regl Dir, Reg 14, St Louis.
	Regl Dir, Reg 15, New Orleans.
	Regl Dir, Reg 16, Ft Worth.
	Regl Dir, Reg 17, Kansas City.
	Regl Dir, Reg 18, Minneapolis.
	Regl Dir, Reg 19, Seattle.
	Regional Dir, Reg 20, San Francisco.
	Regional Director, Reg 21, Los Angeles.
	Regional Director, Reg 22, Newark.
	Regional Director, Reg 23, Houston, Texas.
	Regional Director, Reg 24, Hato Rey, Puerto Rico.
	Regl Dir, Reg 25, Indianapolis.
	Regl Dir, Reg 26, Memphis.
	Regl Dir, Reg 27, Denver.
	Regl Dir, Reg 28, Phoenix.
	Regl Dir, Reg 29, Brooklyn.
	Regl Dir, Reg 30, Milwaukee.
	Regl Dir, Reg 32, Oakland.
	Regional Director, Reg 33, Peoria, Ill.
	Regl Dir, Reg 31, Los Angeles.
National Science Foundation:	
Office of the Director	Special Assistant.
Office of Scientific Ocean Drilling.	Field Operations Officer.
Office of the General Counsel.	Associate Gen Counsel.
Office of Audit and Oversight.	Director.
National Science Foundation:	
Office of Audit and Oversight.	Deputy Director.
	Head, Evaluation Staff.
Ofc of Planning and Resources Management.	Executive Assistant for Budget Policy.
Division of Budget and Program Analysis.	Division Director.
Division of Planning and Policy Analysis.	Division Director.
Division of Program Development.	Prog Dir Experimntl Prog to Stimulate Comp Re.
	Division Director.
Office of Government and Public Programs.	Assoc Dir for Public Programs.
	Head Congressional Liaison Branch.
Direct for Astro, Atmospheric, Earth and Oc Sci.	Senior Staff Associate.
Div of Astronomical Sciences.	Section Head, Ast Center Section.
	Section Head, Ast Research Section.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Division of Atmospheric Sciences.	Section Head-Centers and Facilities Program Sec.
	Section Head Grant Programs Section.
Division of Ocean Sciences.	Section Head, Oceanographic Facilities Support Sec.
	Section Head Ocean Sciences Research Section.
Division of Polar Programs.	Deputy Division Director.
	Manager of Polar Ops Section.
Directorate for Engineering.	Senior Staff Associate.
	Special Assistant to Assistant Director.
Organization no Longer in Existence.	Deputy Div Director.
	Integrated Basic Research Group Leader.
	Section Head Math & Bio Sci and Eng.
Division of Civil and Environmental Engineering.	Head Civil and Environmental Engr Section.
Director of Electrical Computer and Systems Engineering.	Deputy Division Director.
Division of Chemical and Process Engineering.	Deputy Division Director.
Direct for Biological, Behavioral and Soc Sciences.	Executive Assistant.
	Executive Asst/Planning.
Division of Environmental Biology.	Deputy Division Director.
Division of Physiology, Cellular, and Molecular Biology.	Senior Scientist.
Division of Behavioral and Neural Sciences.	Deputy Division Director.
Division of Social and Economic Sciences.	Deputy Division Director.
	Section Head Political & Policy Sciences Sect.
	Section Head Economics Section.
	Section Head Social Meas and Anal.
Direct for Mathematical and Physical Sciences.	Special Assistant.
	Senior Staff Associate for Planning.
	Senior Staff Associate for Operations.
Division of Physics	Deputy Division Dir.
	Section Head Nuclear Science.
	Section Head Nuclear Science Section.
Division of Mathematical and Computer Sciences.	Section Head Computer Sciences.
	Section Head Math Sciences.
	Senior Staff Associate.
Division of Materials Research.	Section Head Material Research Lab.
	Section Head Mettalurgy & Metals.
	Section Head Cond Matter Science.
Division of Chemistry	Section Head Chem Syn and Analy.
	Section Head Phy Chem and Dynam.
	Senior Staff Associate.
Directorate for Science & Engineering Education.	Senior Staff Associate.
Division of Scientific Personnel Improvement.	Deputy Division Director.
Division of Scientific Education Resources Improvement.	Deputy Division Director.
Division of Science Education Dev and Research.	Deputy Division Director.
Division of Policy Research and Analysis.	Deputy Division Director.
	Group Leader, Socio Econ.
	Group Leader, Tech Assessment.
	Group Leader, Envir Energy & Resources.
Division of Science Resources Studies.	Deputy Division Director.
	Section Head, Sci & Tech Pers.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Division of International Programs.	Deputy Division Director.
	Section Head Africa and Asia.
	Section Head Latin Amer & Pacific.
	Section Head Western Europe Section.
	Section Head Oper Studies & Analysis.
	Section Head Middle East.
	Senior Staff Associate.
	Section Head Special Program Section.
Divisions of Industrial Science & Technical Innovation.	Section Head Industrial Support Section.
	Head Innovation Processes Research Section.
Division of Intergl and Public Service Sci & Technology.	Head Intergovernmental Programs Section.
	Section Hd, Public Serv Progs Section.
Div of Grants and Contracts.	Division Director.
	Deputy Division Director.
Div of Financial and Admin Mgmt.	Division Director.
Div of Information Systems.	Division Director.
Div of Personnel and Management.	Division Director.
National Transportation Safety Board:	
Office of the Managing Direcor.	Project Manager.
	Deputy Managing Director.
Bureau of Administration.	Dir Bureau of Administration.
Bureau of Accident Investigation.	Dir Bureau of Accident Investigation.
	Deputy Director for Operations.
	Dep Dir for Operations.
	Dep Dir for Management.
Bureau of Technology.	Dir Bureau of Technology.
	Deputy Director for Operations.
	Dep Dir For Management.
Nuclear Regulatory Commission:	
Atomic Safety and Licensing Brd. Panel.	Chairman ASLBP.
	Exec Sec ASLBP.
	V Chairman—Exec Secy.
Atomic Safety and Licensing Appeal Panel.	Chairman ASLAP.
	Vice Chairman ASLAP.
Office of Inspector and Auditor.	Dir OIA.
	Asst Dir for Investigations.
	Asst Dir for Audits.
	Dep Dir and Asst Dir for Audits.
Office of Public Affairs.	Dep Dir OPA.
Contracts	Director Division of Contracts.
Hearing Division	Assistant Chief Hearing Counsel.
	Assistant Chief Hearing Counsel.
	Assistant Chief Hearing Counsel.
	Assistant Chief Hearing Counsel.
Division of Accounting.	Director Division of Accounting.
Organization no Longer in Existence.	Chf Applied Statistics Br.
	Chf Structures and Components Stds Br.
	Chf Eng Methodology Stds Br.
	Chf Reactor Sys Stds Br.
	Chf Transpo and Product Stds Br.
	Chf Fuel Process Sys Stds Br.
	Chf Site Safety Stds Br.
	Chf Site Designations Stds Br.
	Chf Env Protection Stds Br.
	Chf, Waste Management Standards Br.
	Chf, Geosciences Standards Br.
	Chf, Siting & Environmental Standards Br.
	Chf Occupational Hlth Stds Br.
	Chf Safeguards Stds Br.
	Chf Radiological Hlth Stds Br.
Planning and Program Analysis Staff.	Chf Research Analysis Branch.
TMI Program Office	Chf Antitrust and Indemnity Group.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Organization no Longer in Existence.	Chf Lwr Branch #1.
	Chief Lwr Branch #2.
	Chf Lwr Branch #3.
	Chf Lwr Branch #4.
	Chf Operator Licensing Branch.
	Chf Quality Assurance Branch.
	Chief Standardization Branch.
	Chief Advanced Reactors Branch.
Operating Reactors	Chief Operating Reactors Branch #3.
	Chief Operating Reactors Branch #4.
	Chief Engineering Branch.
	Chief Environmental Evaluation Branch.
	Chf Operating Reactors Branch #1.
	Chief Operating Reactors Br #2.
	Chief Operating Reactors Br #3.
	Chief Operating Reactors Br #4.
Licensing	Chief Operating Reactors Branch #1.
	Chief Operating Reactors Br #2.
	Chief Reactor Safety Branch.
	Chief Systematic Evalu Program Branch.
	Chief Plant Systems Branch.
	Chief Licensing Branch #1.
	Chief Licensing Branch #2.
	Chf Standardization & Spec Projects Board
	Chief Licensing Branch #3.
	Chief Licensing Branch #4.
Safety Assessment	Chief Reactor Safeguards Licensing Bu.
	Chief Operating Reactors Branch #5.
	Chief Operating Reactors Assessment Branch.
	Chf, Systematic Evaluation Program Branch.
	Chf, Operations Reactors Assessment Br.
Components and Structure Engineering.	Chief Mechanical Engineering Branch.
	Chief Materials Engineering Branch.
	Chief Structural Engineering Br.
	Chief Mechanical Engineering Branch.
	Chief Hydrologic and Geotech Eng Branch.
	Chief Geoscience Branch.
Materials and Qualifications Engineering.	Chief Core Performance Branch.
	Chief Reactor Systems Branch.
	Chief Analysis Branch.
	Chief Containment Systems Branch.
	Chief Materials Engineering Branch.
	Chief Equipment Quals Branch.
	Chief Quality Assurance Branch.
	Chief Chemical Engineering Branch.
Environmental Technology.	Chief Auxiliary Systems Branch.
	Chief Power Systems Branch.
	Chief Instrumentation & Control Systems.
	Chief, Environmental Engineering Br.
	Chief Siting Analysis Branch.
	Chief Utility Finance Branch.
Plant Systems	Chf Environmental Specialists Branch.
	Chf Cost Benefit Analysis Branch.
	Chief Instrum & Control Systems Branch.
	Chief Power Systems Branch.
	Chief Containment Systems Branch.
	Chief Auxiliary Systems Branch.
Radiation Protection	Chf Environmental Projects Brf #1.
	Chf Env Proj Branch #2.
	Chief Radiological Assessment Branch.
	Chief Accident Evaluation Branch.
	Chief Effluent Treatment Systems Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Reactor Systems	Chf Effluent Treatment Sys Br.
	Chf Accident Analy Br.
	Chf Radiological Assessments.
	Chief Reactor Systems Branch.
	Chief Systems Interaction Branch.
	Chief Core Performance Branch.
Site Technology	Chf Hydrology-Meteorology Br.
	Chf Geosciences Br.
Human Factors Engineering Branch.	Chief Human Factors Engr Branch.
	Chief Procedures and Test Review Branch.
	Chief Licensee Qualifications Branch.
	Chief Operator Licensing Branch.
Asst Dir for Generic Projects.	Chief Generic Issues Branch.
	Chief Licensing Guidance Branch.
	Chief Research and Stds Coordination Branch.
Asst Director for Technology.	Chief, Safety Program Evaluation Branch.
	Chief Operating Experience Eval Branch.
	Chief Reliability & Risk Assessment Branch.
Offc of Nuc Materiel Safety and Safeguards.	Dir NMSS.
Safeguards	Chief Physical Security Development Br.
	Chief Regulatory Improvements Branch.
	Chief Physical Security Licensing Br.
	Chief Mtl Control & Accountability Lic Br.
	Chf, Technical Planning and Integration Br.
	Chief Technology Assessment Branch.
Fuel Cycle Safety and Licensing.	Chf Uranium Fuel Licensing Br.
	Chf Advanced Fuel & Spent Fuel Licensing Br.
Materiel Safety and Licensing.	Chief Transportation Branch.
	Chief Procedures and Certification Br.
Operations and Technology.	Chf Tech Assessment Br.
Waste Management	Chf Hi-Level Waste Tech Dev Br.
	Chf Hi-Level Waste Licens Mgmt Br.
	Chf Licensing Proc and Integration Br.
	Chf Uranium Recovery License Br.
	Chief Low-Level Waste License Br.
Ofc of NUC Regulatory Research.	Chief Systems Analysis Branch (Reactor Risk).
Admin and Resources Control Staff.	Dir Prob Anal Staff.
Division of Engineering Technology.	Chief Mechanical Structural Branch.
	Chief Materials Engineering Br.
	Chief Chemical Engineering Branch.
	Chief Electrical Engineering Branch.
Division of Accident Evaluation.	Chf Site Safety Res Br.
	Chf, Analytical Models Br.
	Chief, Severe Accident Assessment Branch.
	Chief Fuel Behavior Branch.
	Chief Experimental Programs Branch.
Organization no longer in existence.	Chf Analytical Adv Reac Sfty Res Br.
	Chf Analysis Dev Br.
	Chief Fuel Behavior Res Branch.
	Chf Metallurgy and Materials Res Br.
	Chief Expermntl Fast Reactor Safety Res Br.
	Chf, Fuel Behavior Br.
Division of Risk Analysis.	Chief, Transportation & Materials Risk Br.
	Chief, Reg Analysis Br.
	Chief Risk Methodology Data Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Safeguards Research	Chf Tech Support Br.
Fuel Cycle and Environ Res.	Chf, Waste Management Branch.
Division of Facility Operations.	Chief, Human Factors Br.
	Chief, Instrumentation & Control Staff.
	Chief, Safeguards Br.
	Chief Occupational Protection Branch.
Division of Health Siting and Waste Management.	Chief Earth Sciences Branch.
	Chief Waste Management Branch.
	Chief Health Effects Branch.
Office of Inspection and Enforcement.	Exec Officer for Mgmt and Analysis.
	Executive Office for Operations.
	Chf, Safeguards Branch.
Region I	Dep Dir Reg I.
	Dir, Div of Resident and Reactor Project Insp.
	Dir Div of Eng & Tech Inspection Region 1.
Region II	Dep Dir Reg II.
	Dir Div of Engineering & Technical Inspection.
	Dir Div of Res and Reactor Project Inspection.
Region III	Dep Dir Reg III.
	Dir Div of Eng & Tec Inspection.
	Dir Div of Res & Reactor Project Inspection.
Region V	Dir Div of Res Reactor Project & Eng Inspec.
Reactor Construction and Inspection.	Dir Div of Reac Cons Insp.
	Asst Dir Div of Reac Cons Insp.
	Chf, Performance Appraisal Br.
Reactor Opn Inspection.	Dir Div of Reac Operation Inspection.
	Asst Dir for Field Coordination.
	Asst Dir for Tech Prog.
Fuel Facilities and Mtls Safety Inspection.	Dir Div of Fuel Facil and Mtls Sfty Insp.
	Asst Dir Div of Fuel Fac & Mtl Sfty Insp.
	Chief Reactor Engineering Branch.
Emergency Preparedness.	Dir Div of Safeguards Inspection.
	A/D Div of Safeguards Inspection.
	Chf Emergency Preparedness Licensing Branch.
Office of Management and Budget:	
Ofc of Administration	Asst to the Director for Administration.
Legislative Reference Division.	Asst Dir Legislative Reference.
	Dep Asst Dir, Legislative Reference Division.
	Chief, Economics, Science & Govt Branch.
	Chf, Resources, Defense, Intern'l Br.
Budget Review Division.	Asst Dir for Budget Review.
	Dep Assistant Director for Budget Review.
	Chief, Fiscal Analysis Branch.
	Dep Chief, Fiscal Analysis Branch.
	Chf, Budget Preparation Branch.
	Chief, Financial Management Branch.
	Chief, Resources Systems Branch.
	Chief, Fed Prog Info Branch.
Organization No Longer in Existence.	Dep Assoc Dir for Regulatory Pol & Reports Mg.
	Director, Human Services Reorg Study.
Office of Federal Procurement Policy.	Principal Assoc Admr for Procurement.
	Asst Admr for Logistics.
	Asst Admr for Regulations.
	Asst Admr for Commercial Products.
	Dir, Federal Acquisition Institute.
Office of Information and Regulatory Affairs.	Chief, Information Policy Branch.
	Chief, Reports Management Branch.
	Senior Mgmt Policy Analyst.
	Chief, Regulatory Policy Branch.
	Senior Regulatory Policy Analyst.
	Chief, Statistical Policy Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Management Improvement and Evaluation Division.	Asst Dir, Mgt Improvement & Eval.
	Dep Asst Dir for Evaluation.
	Sr Mgmt Assoc, Mgmt Improvement & Eval.
	Sr Mgmt Assoc.
	Senior Management Associate.
Federal Personnel Policy Division.	Asst Dir, Fed Pers Policy.
	Asst to the Asst Dir for Fed Pers Policy.
Intergovernmental Affairs Division.	Dep Assoc Dir for Intergovernmental Affairs.
	Chief, Field Operations Branch.
	Chief, Assistance Policy Branch.
	Chf, Fed Assistance Information Branch.
Assoc Dir for National Security and International Affs.	Dep Assoc Dir for Management.
International Affairs Division.	Dep Assoc Dir for Internatl Affairs.
	Dep Chief, International Affairs Division.
	Chief, State—ICA Branch.
	Chief, Economic Affairs Branch.
	Chief, International Security Affairs Branch.
National Security Division.	Dep Assoc Dir for National Security.
	Dep Chief.
	Chf, Intelligence Community Branch.
	Chief, Navy Branch.
	Chief, Air Force Branch.
	Chief, Army Branch.
	Chief, Manpower, Pay & Policy Branch.
Assoc Dir for Human Resources, Veterans and Labor.	Dep Assoc Dir for Management.
Health and Income Maintenance Division.	Dep Assoc Dir for Health & Income Maintena.
	Chief, Health Branch.
	Chf, Income Maintenance Branch.
Labor, Veterans, and Education Division.	Deputy Associate Director for Labor, Vet & Ed.
	Dep Div Chf, Labor.
	Chief, Education Branch.
	Chf, Veteran Affairs Branch.
Associate Director for Economics and Government.	Dep Assoc Dir for Special Studies.
Transportation, Commerce, and Housing Division.	Dep Assoc for Transportation Dir Comm & Housi.
	Dep Div Chief (Transportation).
	Chief, Commerce Branch.
	Chf, Housing & Urban Dev Branch.
Justice, Treasury, and General Management Division.	DAD for Justice, Treas & Gen Mgmt.
	Chf, General Management Branch.
	Chief, Justice, Treasury Branch.
Assoc Dir for Natural Resources, Energy, and Science.	Dep Assoc Dir for Spec Studies.
Natural Resources Division.	Dep Associate Dir for Natural Resources.
	Chief, Water Resources Branch.
	Chief, Agricultural Branch.
	Chief, Environment Branch.
	Chief, Interior Branch.
Energy and Science Division.	Dep Assoc Dir for Energy & Science.
	Dep Div Chf for Programming.
	Chief, Energy Technology Branch.
	Chief, Science and Space Programs Branch.
	Chief, Energy Conservation & Regulation Branch.
	Chief, Science & Space Programs.
Office of Personnel Management:	
Office of Internal Evaluation.	Assistant Dir for Internal Evaluation.
Organization No Longer in Existence.	Dep Asst Dir for Grants Administration.
Asst Dir/Agency Compliance & Evaluation.	Asst Dir for Agency Compliance & Evaluation.
	Dep Asst Dir for Agency Compliance & Evaluation.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Personnel Research and Development Center.	Asst Dir for Personnel Research & Development.
Standards Development Center.	Assistant Dir for Standards Development.
Dep Assoc Dir—Personnel Investigations.	Asst Dir for Personnel Investigations.
	ADAD, Personnel Investigations.
Compensation	Chief Actuary.
Asst Dir for Retirement Programs.	Asst Dir for Retirement Programs.
	Chief Medical Division.
Asst Director for Insurance Programs.	Asst Dir for Insurance Program.
Railroad Retirement Board:	
Railroad Retirement Board.	Dir of Research.
	Dir, Unemployment & Sickness Ins.
	Dir of Retirement Claims.
	Chief Executive Officer.
	Chf Actuary.
	Dep Executive Officer.
	Dir, Budget & Fiscal Opers.
	Dir, Bureau Processing and Accounts.
	Gen Counsel.
	Director of Investments.
	Assistant Executive Officer.
	Director of Management Control.
Securities and Exchange Commission:	
Office of the Chairman.	Dep Chf Accountant.
Securities and Exchange Commission:	
Office of the Executive Director.	Dep Exec Director.
Div of Corporation Finance.	Assoc Dir (Operations).
Selective Service System:	
Selective Service System.	Assoc Dir, Administration.
	Assoc Director, Planning.
	Assoc Dir, Management Information Systems.
	Assoc Dir Policy Development.
Small Business Administration:	
Office of the Administrator.	Dir, Ofc of Equal Employment Opport & Complian.
Ofc of the Inspector General.	Asst Insp Gen Audits.
	Asst Inspector General for Investigations.
Bureau for Minority Small Business & Cap Own Dev.	Dir of Business Development.
	Deputy Dir of Business Development.
Bureau for Support Services.	Director of Personnel.
	Director of Computer Sciences.
District Directors	District Dir, Phila.
	District Director, Region IX, San Francisco.
	District Dir, Reg IX, Los Angeles.
	District Dir, Puerto Rico.
	District Director, Region V, Chicago.
	District Director, New York.
Department of State:	
Policy Planning Staff	Member, Planning & Coordination Staff.
Office of Under Sec for Economic Affairs.	Dir, Office of East-West Trade.
	Spec Asst Asst Sec State Economic Affs.
Bureau of European Affairs.	Spec Asst (Labor and UN Affs).
Bureau of Intelligence and Research.	Deputy Director for Research.
	Deputy Director for Coordination.
	Dir, Ofc of Resources Policy.
	Dir, Ofc of Res & Analysis Near East & S Asia.
	Dir, Ofc of Research & Analysis Soviet Affrs.
International Boundary & Water Commission.	Supervisory Civil Engineer.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Bureau of Personnel	Dir, Ofc of Civil Svc Career Dev & Assign.
Department of Transportation:	
Office of Inspector General.	Assistant Inspector General for Audits.
	Dep Asst Inspector General for Audit.
	Director, Special Programs & Evaluations.
	Asst I/G for Policy, Planning and Resources.
	Dir, DOT-Wide Programs.
	Director, Regional Programs.
	Asst I/G for Investigations.
	Dir, Ofc of Surface Transportation Programs.
Asst Sec for Administration.	Asst Secy for Administration.
Ofc of Installations and Logistics.	Dir, Ofc of Installations & Logistics.
	Dep Dir, Ofc of Installations & Logistics.
Assoc Adm'r for Safety.	Assoc Admr for Safety.
Ofc of Pipeline Safety Regulation.	Assoc Dir, Ofc of Pipeline Safety Regulation.
Ofc of Operations and Enforcement.	Assoc Dir, Ofc of Opers & Enforcement-M.T.B.
Maritime Administration.	Secy, Maritime Subsidy Board.
	Deputy Administrator.
	International Activities Officer.
	Assoc Admin Marketing & Domestic Enterprise.
Office of Associate Administrator for Research and Dev.	Asst Program Dev & Control.
	Dir, Ofc of Advanced Ship Development.
	Dir, Ofc of Advanced Ship Operations.
	Director Ofc of Maritime Technology.
	Dir., National Maritime Research Center, K. P.
	Director, Office of Advanced Ship Development.
	Dir., Office of Advanced Ship Operations.
	Director, Office of Maritime Technology.
Office of Assoc. Admr. for Shipbuilding and Ship Opers.	Dir. Ofc. of Ship Construction.
	Dir. Ofc. of Shipbuilding Costs.
Office of Associate Administrator for Maritime Aids.	Associate Administrator for Maritime Aids.
	Dep. Assoc. Admin. for Maritime Aids (Trade).
	Dep. Assoc. Adm'r. for Maritime Aids (Finance).
Office of Accounting and Audit.	Director, Office of Accounting and Audit.
Logistics Service	Director, Logistics Service.
	Dep. Dir., Logistics Service.
	Chf., Contracts Div.
Air Traffic Service	Dir., Air Traffic Svc.
	Deputy Director, Air Traffic Service.
	Chief, Atc. Operations & Procedures Div.
	Chief Flight Service Division.
	Chf., Atc. Automation Division.
	Chief, System Programs Division.
	Chief, Airspace & Air Traffic Rules Division.
Office of Airport Planning & Programming.	Dir., Office of Airport Planning & Program.
	Dep. Dir., Office of Airport Planning & Program.
	Chief, Grants-in-Aid Division.
Assoc. Admr. for Aviation Standards.	Assoc. Adm'r. for Aviation Standards.
	Deputy Assoc. Adm'r. for Aviation Standards.
	Chf., Safety Regulations Staff.
Office of Airworthiness.	Director, Office of Airworthiness.
	Chief, Aircraft Engineering Division.
	Chief, Aircraft Maintenance Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Office of Aviation Safety.	Director, Office of Aviation Safety.
	Dep. Dir. Ofc. of Aviation Safety.
Office of Civil Aviation Security.	Director, Office of Civil Aviation Security.
	Dep. Dir. of Civil Aviation Security.
Office of Flight Operations.	Dir. Ofc. of Flight Operations.
	Chf., Aircraft Programs Division.
	Chief, Flight Standards Nat'l. Field Ofc.
	Chief, General Aviation and Commercial Div.
	Chief, Air Transportation Div.
Office of Aviation Medicine.	Fed. Air Surgeon.
	Deputy, Federal Air Surgeon.
	Chief, Aeromedical Stds. Div.
Mike Monroney Aeronautical Center.	Chief, Civil Aeromed Institute.
Great Lakes Region—Chicago.	Chief, Air Traffic Division.
	Chf., Flight Standards Division.
New England Region—Burlington, Ma.	Chief, Flight Standards Division.
Northwest Mountain Region—Seattle.	Chief, Aircraft Certification Division.
	Chief, Flight Standards Division.
	Chf., Los Angeles Area Aircraft Cert. Ofc.
	Chief, Seattle Area Aircraft Cert. Office.
Central Region—Kansas City.	Chief, Flight Standards Div.
Rocky Mountain Region—Denver.	Chf., Air Traffic Div.
Eastern Region—New York.	Chief, Air Traffic Division.
	Chf., Flight Standards Div.
Southern Region—Atlanta.	Chief, Flight Standards Div.
	Chief, Air Traffic Division.
Southwest Region—Fort Worth.	Chf., Air Traffic Div.
	Chf., Flight Standards Div.
Western Region—Los Angeles.	Chf., Air Craft Engr. Div., Western Region.
	Chf., Flight Standards Div.
	Chf., Air Traffic Div.
Federal Highway Administration.	Executive Director.
Assoc. Adm'r. for Safety.	Assoc. Adm'r. for Safety.
Bu. of Motor Carr. Safety.	Director.
	Dep. Dir.
Office of Highway Safety.	Dir. Ofc. of Highway Safety.
Assoc. Adm'r. for Right-of-Way and Environment.	Asoc. Adm'r. for Right-of-Way & Environment.
Off. of Environmental Policy.	Dir., Ofc of Environmental Policy.
Off of Environmental Policy.	Chf Environmental Programs Div.
Off of Right of Way	Director, Office of Right-of-Way.
	Chf Real Property Acquisition Div.
	Chf, Relocation Assistance Div.
Nat'l Center for Statistics and Analysis.	Chf, Mathematical Analysis Div.
	Chf, Accident Investigation Div.
Vehicle Research and Test Ctr.	Chf-Engineering Test Facility.
	Chf Safety Research Lab.
Ofc of Vehicle Safety Comp.	Chief, Validation Division.
Ofc of Vehicle Safety Standards.	Chf Crash Avoidance Division.
	Chf Crashworthiness Division.
Ofc of Automotive Fuel Economy Standards.	Chf Light Truck Standards Division.
	Chf, Passengor Automobile Standards Branch.
US Coast Guard	Technical Director.
Department of Treasury:	
Office of the Secretary.	Senior National Intelligence Adviser.
Ofc of the Inspector General.	Deputy Inspector General (Audit).
Ofc of Tax Analysis	Deputy Director (Revenue Estimating).
	Assistant Director (Revenue Forecasting).
Debt Management	Deputy Director, Office of Debt Analysis.
	Dir, Ofc of Government Financing.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Ofc of Asst Secy (Economic Policy).	Asst Dir for Economic Forecasting.
	Dir, Ofc of Pol Research.
	Senior Adv for Bal of Payments Anal & Proj.
	Dir, Energy Leg & Regulatory Anal Staff.
	Sr Economist.
Ofc of Under Sec for Monetary Affrs.	Spec Asst to the Under Sec (Monetary Affs).
Ofc of Developing Nations Finance.	Dep Dir, Ofc of Dev Nations Finance.
Ofc of Multilateral Development Banks.	Alternate Dir, Asian Dev Bank.
	Dep Dir Ofc of Internat'l Development Banks.
Ofc of Foreign Exchange Operations.	Dir Ofc of Foreign Exchange Operations.
Ofc of International Monetary Affairs.	Dep Dir International Monetary Affairs.
	Dep Dir, Ofc of International Monetary Affs.
Ofc of the Comptroller of the Currency.	Dir for Inspections and Audit.
Ofc of the Chief Counsel.	Dir, Enforcement & Compliance.
	Dir Securities Disclosure Div.
	Dir, Litigation Div.
Comptroller of the Currency.	Senior Deputy Comptroller for Policy.
Interagency Coordination.	Dep Comp for Interagency Coordination.
Customer and Community Programs.	Dep Comp Customer and Comm Progs.
	Asst Dep Comptroller for Customer & Comm Prog.
Research and Economic Programs.	Dep Compt for Research & Economic Progs.
	Dir Bank Org and Structure.
	Dir, Strategic Analysis Division.
Sr Dep Comptroller for Bank Supervision.	Sr Dep Comptroller for Bank Supervision.
Multinational Banking	Dep Comp for Multinational Banking.
Specialized Examinations.	Dep Compt for Specialized Exams.
Special Surveillance	Dep Comptroller for Spec Surveillance.
	Dir for Spec Projects.
Chief National Bank Examiner.	Chf National Bank Examiner.
	Asst Chf National Bank Examiner.
	Asst Chf Natl Bank Exam (Multinatl Banking).
Senior Dep Comptroller for Operations.	Senior Dep Comptroller for Operations.
Administration	Dep Comp for Adm.
Regional Offices	Reg'l Adm'r of National Banks (Region 2).
	Reg'l Adm'r of National Banks (Reg 7).
	Reg'l Adm'r of Nat'l Banks (Reg 12).
	Reg'l Adm'r of Nat'l Banks (Reg 8).
	Reg'l Adm'r of Nat'l Banks (Reg 3).
	Regional Administrator of National Banks
	Regl Admr of Natl Banks (Reg 10).
	Regl Admr of Natl Banks (Reg 11).
	Regl Admr of Natl Banks (Reg 9).
	Regl Admr of National Banks (Reg 13).
	Regl Admr of Natl Banks (Reg 5).
	Regl Admr of Natl Banks (Reg 14).
	Regl Admr of Natl Banks (Reg 1).
	Regl Admr of Natl Banks (Reg 4).
Ofc of the Fiscal Asst Sec'y.	Fiscal Assistant Secretary.
	Deputy Fiscal Asst Secy.
	Asst Fiscal Asst Secy (Financing).
	Asst Fiscal Assistant Secretary (Banking).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Bureau of Government Financial Operations.	Comm'r of Government Financial Operations.
	Dep Commr Bur of Gov Financial Operations.
	Asst Commissioner, Banking & Cash Management.
	Asst Commissioner, Comptroller.
	Asst Commr Govt-Wide Accounting.
	Asst Commr Disbursement & Claims.
	Asst Commr Adm.
	Dir Div of Check Claims.
	Disbursing Officer.
	Dir Govt Accounting Sys Staff.
	Dir Div of Govt Accounts and Reports.
	Dir Div of Adp
	Assoc Commr, Bur of Gov Financial Operations.
Bureau of Public Debt	Commissioner.
	Dep Commr of the Public Debt.
	Asst Commr (Field).
	Assistant Commissioner (Washington).
	Asst Commr (Financing).
Ofc of Personnel	Dep Dir of Personnel.
	Asst Dir (Exec Manpower and Emp).
Ofc of Budget & Prog Ana.	Dep Dir (Prog Analysis) Chf Prog Analysis Div.
Organization No Longer in Existence.	Dir of Audit.
Bur of Alcohol, Tobacco, Firearms.	Asst Dir (Regulatory Enforcement).
	Asst Dir (Criminal Enforcement).
	Asst Dir (Tech and Scientific Ser).
	Dep Asst Dir (Reg Enforcement).
	Dep Asst Dir (Criminal Enforcement).
	Regional Director for Investigations.
	Regional Director for Investigations.
	Regional Director for Investigations.
	Special Asst to the Dir.
	Midwest Regl Counsel.
	Central Regl Counsel.
	Southeast Regl Counsel.
	Assistant Director (Internal Affairs).
US Customs Service	Asst Commr (Mgmt Integrity).
	Director Office of Management Inspection.
Ofc of The Chief Counsel.	Asst Chief Counsel (Customs Court Litigat).
	Miami Regl Counsel.
	Chicago Regl Counsel.
	New York Regl Counsel.
	San Francisco Regl Counsel.
Office of the Comptroller.	Asst Commr (Human Res Mgmt and Dev).
	Director, Planning and Budget Division.
	Dir, Ofc of Financial Management & Prog Eval.
Ofc of Asst Commr for Border Operations.	Director, Ofc of Inspection.
	Dep Asst Commr (Border Operations).
	Dir Ofc of Patrol.
	Dir Ofc of Investigation.
Ofc of Asst Commr for Commerical Operations.	Asst Comm'r, for the Ofc of Regulations & Rul I.
	Director, Technical Services Div.
	Director, Classification and Value Division.
	Dir Ofc of Regulations and Rulings.
	Director, Entry Procedures & Penalties Div.
	Dir Duty Assessment Div.
	Dir Ofc of Trade Operations.
Regional Offices	Regl Commr Reg 2, NY.
	Dir, Ofc of Investigations.
	Reg Commr, Reg 1, Boston.
	Regl Commr of Customs, Reg 7, Los Angeles.
	Asst Regn Commr Operations Reg II New York.
	Dir Inspection and Control Div-Reg II New York.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Regl Commr Reg 3, Baltimore.
	Regl Commr Reg 4, Miami.
	Regl Commr of Customs, Reg 8, San Francisco.
	Regl Comm'r, Reg V. New Orleans.
	Reg Commr of Customs Reg VI.
	Regional Commissioner of Customs.
	Asst Regional Commr (Operations).
	Asst Regl Commr (Operations).
	Asst Regl Commr (Operations).
	Asst Regl Commr.
	Asst Regl Commr (Operations).
	Asst Regional Commr (Operations).
US Secret Service	Director of the Secret Service.
	Deputy Director U.S. Secret Service.
	Asst to the Dir, Training.
	Asst to the Dir, Pub Affs.
	Spec Asst to Dep Secy/Dir, Border Mgmt Study.
Ofc of Adminstration.	Assistant Director, Administration.
Ofc of Inspection	Assistant Director Inspection.
Ofc of Protective Research.	Asst Dir (Protective Research).
	Dep Asst Dir Protective Res.
	Spec Agent in Charge-Tech Sec Div.
	Spec Agent in Charge-Intelligence Div.
Ofc of Protective Operations.	Asst Dir (Protective Operations).
	Dep Asst Dir (Protective Operations).
	Spec Agent in Charge-Presidential Protective.
	Dad Protective Opers (Uniformed Div).
	Spec Agent in Charge-VP Protect Div.
Office of Investigations.	Asst Director, Investigations.
	Dep Asst Dir Investigations.
	Special Agent in Charge, New York Office.
	Dep Spec Agent in Charge-NY Field Office.
	Special Agent in Charge, Chicago.
	Special Agent in Charge, Los Angeles Office.
	Spec Agent in Charge-Wahington Field Office.
	Spec Agent in Charge-Philadelphia Field Office.
Offc of the Commissioner.	Deputy Commissioner IRS.
	Problem Resolution Officer.
	Asst to the Deputy Commissioner.
	Asst to the Commissioner (Public Affairs).
	Asst to the Commissioner (Equal Opportunity).
	Asst to the Dep Commr.
Ofc of Asst Comm'r, Compliance.	Assistant Commissioner (Compliance).
	Deputy Assistant Commissioner (Compliance).
	Dir, Examination Div.
	Asst Dir, Examination Div.
	Director, Appeals Division.
	Dir, Criminal Div.
	Director, International Operations.
	Asst Dir, Criminal Investigation Div.
	Asst Dir, Appeals Div.
Asst Comm'r, Planning & Research.	Assistant Commissioner (Planning & Reserach).
	Dir-Legisltiave Analysis Div.
	Director, Statistics Division.
	Dir Research & Operations Analysis Div.
	Asst Dir Statistics Division.
	Asst Dir, Research Operations Analysis Div.
	Asst Dir, Research.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Asst Comm'r, Technical.	Assistant Commissioner.
	Dep Asst Commr (Technical).
	Director Individual Income Tax Div.
	Director, Corporation Tax Div.
	Director, Corporation Tax Division.
	Tech Adv to Dir-Corp Tax Div.
	Chf, Corporation Tax Branch.
	Chf Individual Income Tax Branch
	Chf, Excise Tax Branch.
	Chief, Engineering & Valuation Branch Corp Tax.
	Asst Dir, Individual Tax Division.
	Dir, Tax Forms & Publications Div.
	Asst Dir, Corportation Tax Div.
	Assistant Director Tax Forms & Publications.
	Branch Chf, Reorg Br Corp Tax Div.
	Techn Advr to the Asst Commr (Technical).
Asst Comm'r, Tax Payer Serv & Returns Processing.	Asst Commissioner (Taxpayer Service & Returns).
	Deputy Asst Commissioner.
	Director, Taxpayer Service Division.
	Dir-Systems Programming Div.
	Director, National Computer Center.
	Dir, IRS Data Center Detroit.
	Dir, Returns Processing and Accounting Div.
	Assistant Dir Taxpayer Service Division.
	Dir, Disclosure Operations Div.
	Director, Tax Administration Adv Serv Div.
	Asst Dir Returns Processing & Accounting Div.
	Asst Dir, Collection Div.
	Director, Collection Division.
Ofc of the Asst Comm'r (Data Services).	Asst Commr (Data Services).
	Deputy Asst Commissioner (Data Services).
	Director Planning and Control Staff.
	Dir, Systems Analysis Div.
	Dir Systems Development Office.
	Asst Dir, Sys Design and Programming Div.
	Dir, Systems Design and Programming Div.
	Dir, Systems Support Div.
	Director, Management Systems Div.
	Asst Dir, Tax Systems Division.
	Director Tax Systems Division.
Ofc of Asst Comm: R, Inspection.	Assistant Commissioner (Inspection).
	Dep Asst Commr (Inspection).
	Director, Internal Audit Div.
	Director, Internal Security Division.
	Asst Commr (Inspection).
	Dir-Service and Design Division.
	Asst Dir, Internal Security Division.
	Regional Inspector, Midwest Reg.
	Regional Inspector, North Atlantic.
	Regional Inspector Western Region.
	Regional Inspector, Southwest Reg.
	Regional Inspector, Mid-Atlantic Reg.
	Regional Inspector, Central.
	Regional inspector Southeast.
	Asst Dir Internal Audit Division.
Ofc of Asst Comm'r, Resources Management.	Asst Comm: R (Resources Management).
	Dep Asst Comm: R, (Resources Management).
	Fiscal Management Officer.
	Director, Security Standards & Evaluation Div.
	Dir, Training Div.
	Dir, Facilities Mgt Div.
	Director, Personnel Division.
	Asst Dir, Personnel Div.
	Asst Dir, Fiscal Management Div.
	Dir, Resources Management Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Dir, Program Planning & Review Staff.
	Exec Asst to Ac (Compliance).
Central Region	Regional Commr.
	Arc (Tax Payer Service & Returns Processing).
	Arc (Examination) Central Region.
	Regl Dir of Appeals—Central Region.
	Asst Regional Commissioner (Criminal Invesli).
	Asst Reg'l Comm (Resource Management).
	Assistant Regional Commissioner (Collection).
	District Dir (Cleveland).
	District Director Detroit.
	Dir Service Ctr Cincinnati.
	Program Manager District Director Parkersburg.
	District Director, Indianapolis.
	District Director, Louisville.
	District Dir. Cincinnati.
	Asst District Director, Cleveland.
	Assistant District Director Detroit.
Mid-Atlantic Region	Reg'l Commissioner.
	Arc (TS/RP) Mid-Atlantic Region.
	Arc (Examination) Mid-Atlantic.
	Reg Dir of Appeals, Mid-Atlantic Region.
	Arc (Criminal Investigation) Mid-Atlantic Reg.
	Arc (Resources Mgmt).
	Asst Reg'l Commr (Collection).
	District Dir, Newark.
	District Dir, Philadelphia.
	Service Center Dir, Philadelphia.
	District Dir, Pittsburgh.
	District Director Richmond District.
	Asst District Dir. Philadelphia.
	Program Manager Asst District Dir Newark Dist.
	Assistant District Director—Baltimore, Md.
	District Director, Wilmington.
	District Dir, Baltimore.
Midwest Region.	Regional Commr, Midwest Region.
	Regional Commissioner Midwest Region.
	Arc (Taxpayer Serv & Return Processing).
	Regl Dir of Appeals, Midwest Reg.
	Asst Reg'l Commr (Resources Mgmt).
	Arc (Examination, Midwest Region.
	Arc (Collection) Midwest Region.
	District Dir, Chicago.
	District Director St. Louis.
	Srvc Ctr Dir, Kansas City.
	District Dir, Des Moines.
	District Dir, St. Paul.
	District Dir, Omaha.
	District Dir, Springfield.
	District Dir, Milwaukee.
	Asst District Dir, Chicago.
	Asst District Dir, St. Louis.
	Asst Regional Commr—Comp (Midwest Region).
	District Director, Fargo.
	District Director, Aberdeen.
	Chief, Examination Division Chicago
North Atlantic Region	Reg'l Comm'r.
	Asst Regl Comm (Taxpayer Svc & Returns Proc).
	Asst Reg'l Commr (Exam) North Atlantic Reg.
	Regional Dir of Appeals North Atlantic Region.
	Arc (Criminal Investigation).
	Arc (Resources Mgmt).
	Arc (Collection) North Atlantic Region.
	District Dir, Manhattan
	District Dir, Brooklyn
	District Dir, Boston.
	Service Center Director, Andover,, Mass.
	Serv Ctr Dir, Brookhaven.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	Chief Examination Div Manhattan.
	District Dir, Albany.
	Dist Dir (Hartford).
	District Dir, Buffalo.
	Asst Dist Dir, Brooklyn.
	Assistant District Director, Manhattan.
	Asst District Dir, Boston.
	District Director, Providence.
	Dist Dir, Augusta.
	District Director, Portsmouth.
	District Director, Burlington.
	Chief Appeals Office, New York City.
Southeast Region	Reg'l Comm'r.
	Arc (TS/RP) Southeast Region.
	Arc (Examination) Southeast Region.
	Reg'l Dir of Appeals—Southeast Reg.
	Asst Reg Commissioner—Criminal Investigation.
	Asst Reg'l Commr (Resources Management).
	Asst Reg'l Commr (Collection)—SE Reg Atlanta.
	District Dir, Jacksonville.
	District Dir, Atlanta.
	Service Center Director, Memphis.
	Srvc Ctr Dir, Atlanta.
	District Director, Greensboro.
	District Dir, Nashville.
	District Director, Birmingham.
	District Director, Columbia.
	District Director, Jackson, Miss.
	Asst District Director, Jacksonville.
	Assistant District Director, Atlanta.
Southwest Region	Regional Comm'r.
	Asst Reg Comm'r (Taxpayer Serv & Returns Proc).
	Asst Reg Comm'r, Southwest Region.
	Arc (Criminal Investigation) SW Region.
	Arc (Resources Mgmt).
	Assistant Regional Commissioner (Collection).
	District Dir, Austin.
	District Director, Dallas.
	Service Center Dir, (Austin).
	District Director, Wichita.
	District Director, Oklahoma City.
	District Dir, New Orleans.
	District Director, Little Rock District
	District Dir, Denver.
	Asst Dist Dir, Austin.
	Assistant District Director, Dallas.
	Reg'l Dir of Appeals—Southwest Reg.
	District Director, Albuquerque.
	District Director, Cheyenne.
	Assoc District Director (Wichita).
	Program Manager (District Director).
Western Region	Reg'l Comm'r.
	Arc (Taxpayer Service and Returns Proc) WR.
	Asst Reg'l Comm'r (Examination).
	Reg'l Dir of Appeals.
	Arc (Criminal Investigation).
	Arc (Resources Management).
	Asst Reg'l Commr (Collection)—Western Region.
	District Dir, Los Angeles.
	District Dir, San Francisco.
	Service Center Director, Fresno.
	Service Center Dir, Ogden.
	District Dir, Reno.
	District Director, Portland District.
	District Dir, Seattle.
	District Dir, Phoenix.
	Asst District Dir, Los Angeles.
	Asst Dist Dir, San Francisco.
	District Director, Salt Lake City.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
	District Director, Honolulu.
	District Director, Anchorage.
	District Director, Boise.
	District Director, Helena.
	Chf, Examination Div, Los Angeles.
Employee Plans & Exempt Organizations.	Asst Comm'r (Employee Plans & Exemp & Organiza.
	Deputy Asst Comm'r.
	Director, Exempt Organizations Division.
	Dir, Employee Plans Division.
	Director, Actuarial Division.
	Special Asst for Exempt Organization Matters.
	Asst Dir. Exempt Organizations Div.
	Assistant Director Employee Plans Division.
	Chf, Technical Branch.
	Chf, Operations Branch.
	Chf, Technical Branch.
	Chief, Operations Branch.
	Asst Dir, Ofc International Operations.
	Spec Asst for Employee Plans.
	Tech Adv/Asst to Dir Employee Plans Div.
Ofc of Chf Counsel	Dep Chf Counsel (Technical).
	Dep Chief Counsel (Litigation).
	Dep Chf Counsel (General).
	Dir, General Litigation Div.
	Dir, Tax Litigation Div.
	Dir, Interpretive Div.
	Dir, Legislation & Regulations Div.
	Dir, Administrative Services Div.
	Dir, Criminal Tax Div.
	Dir, Gen Legal Services Div.
	Technical Advisor to the Chf Counsel.
	Dir, Disclosure Litigation Division.
	Dir-Employee Plans & Exempt Org Div.
	Asst Dir, Tax Court Litigation Div.
	Technical Advisor to the Chief Counsel.
	Asst Dir Interpretive Div.
	Asst Dir, Legislation & Regulations Div.
	Techn Asst to the Dep Chf Coun (Gen).
	Assistant Deputy Chief Counsel (Litigation).
	Special Assistant to the Chief Counsel.
Reg'l Counsels	Reg'l Counsel, Central Reg.
	Dep Reg'l Counsel (Criminal Tax).
	Regional Counsel, Mid-Atlantic Region.
	Dep Reg'l Counsel (Criminal Tax).
	Reg'l Counsel Midwest Region.
	Dep Reg'l Counsel (Criminal Tax).
	Dep Reg'l Counsel (General Litigation).
	Dep Reg'l Counsel (Tax Litigation).
	Reg'l Counsel, North Atlantic Region.
	Dep Reg'l Coun (Tax Litigation) No-Atlantic Reg.
	Deputy Regional Counsel (General Litigation).
	Regional Counsel Se Region.
	Reg'l Counsel Southwest Region.
	Reg'l Counsel Western Region.
	Dep Reg'l Counsel (Gen Litigation).
	District Counsel—Boston.
	District Counsel—Los Angeles.
	District Counsel—Cincinnati.
	District Counsel—Philadelphia.
	District Counsel—Newark.
	District Counsel—Chicago.
	District Counsel—Manhattan.
	Dep Reg'l Counsel (Tax Litigation).
	District Counsel—Atlanta.
	District Counsel—Dallas.
	District Counsel—San Francisco.
U.S. Arms Control and Disarmament Agency: Office of the Director	Chf Scientist.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Ofc of Administration	Administrative Director.
Office of Operations Analysis.	Chf—Ofc of Operations Analysis.
	Dep Chf—Ofc of Operations Analysis.
Office of the General Counsel.	Assistant General Counsel.
	Assistant General Counsel.
Office of Congressional and Public Affairs.	Dep Public Affairs Adviser.
Regional Division	Chief, Regional Div
Stragegic Affairs Division.	Chf, Strategic Affs Div.
	Chf, Strategic Affs Div.
Nuclear and Weapons Control Bureau.	Chief, Nuclear Energy Division.
	Chief, Nuclear Exports Div.
	Chief, Def Prog & Analysis Div.
	Chief, Technology Transfer Group.
	Chf, Arms Transfer Div.
	Chf, Nuclear Safeguard Division.
	Chf, Nuclear Safeguards & Technology Div.
	Chief, International Nuclear Affairs Division.
U.S. Arms Control and Disarmament Agency:	
Multilateral Affairs Bureau.	Chief, Advanced Technology Div.
U.S. International Trade Commission:	
Ofc of Operations	Dep Dir, Ofc of Operations.
Office of Industries	Dir, Ofc of Industries.
Office of Investigations.	Dir, Ofic of Investigations.
Veterans Administration:	
Inspector General	Dep Inspector General
	Asst Inspector General for Auditing.
	Asst Inspector General for Investigation.
	Asst Insp Gen for Policy, Plan & Resources.
	Executive Asst to Inspector General.
	Dep Inspector General.
	Dep Inspector General for Mgmt and Operations.
Board of Veterans Appeals.	Chairman.
	Vice Chairman.
Office of Construction	Project Director, Northeastern Region.
	Project Dir, Southern Region.
	Project Director, Central Region.
	Project Director, Western Region.
Veterans Administration:	
Office of Construction	Dir, Program Control and Analysis.
Office of Procurement and Supply.	Asst Dep Admr for Supply Services.
Office of Reports and Statistics.	Asst Deputy Admin for Reports & Statistics.
Office of Data Management and Telecommunications.	Dir, Benefits Delivery Support Svc.
	Dir, Health Care Delivery Systems Support Svc.
	Dir, Memorial Affairs and Genl Sys Support Svc.
Data Processing Center (DPC) Directors.	Director, DPC Austin.
Office of Administration.	Dir, Reports and Statistics Svc.
Office of Personnel and Labor Relations.	Assoc Asst Admr for Personnel.
	Assoc Assistant Administrator for Personnel.
	Asst for Classification and Compensation.
	Assoc Asst Admr for Personnel.
	Assoc Asst Admin for Personnel Policy.
	Assoc Asst Admin for Personnel Operations.
	Executive Assistant.
Department of Veterans Benefits.	Director, Budget Staff.
	Dep Dir, Compensation & Pension Service.
	Dep Dir, Loan Guaranty Svc.
	Dep Dir, Education and Rehabilitation Svc.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1981—Continued

Agency and organization	Career reserved positions
Department of Medicine & Surgery.	Dep Dir, Resources Mgmt.
	Dep Dir, Adp Sys Management Ofc, VA Central Ofc.
	Dir, Facility Eng Plann & Construction Office.
	Director, Health Systems Information Svc.
	Dep Dir, Mental Health & Behavioral Sciences.
	Director, Supply Service.
	Dir, Canteen Service.
	Dep Dir, Facility Eng, Plan & Const Ofc.
	Dep to Asst Chf Med Dir for Academic Affairs.
	Dir, Resources Managment Ofc.
	Deputy Director, Resource Management Office.
Research Positions	Chf, Calcium Research Lab.
Water Resources Council:	
Water Resources Council Staff.	Asst Director, Program Coordination & Manage.
	Assistant Director, Policy.
	Dir, Reports Evaluation Division.

[FR Doc. 82-5207 Filed 2-25-82; 8:45 am]

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federal register

Tuesday
March 2, 1982

Part III

Environmental Protection Agency

Procurement Under Assistance Agreements

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 33

[OA-FRL 1999-4]

Procurement Under Assistance Agreements

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule with request for comments.

SUMMARY: This document proposes changes to the regulations for procurement under all EPA assistance agreements. The proposed regulation replaces regulations now located at 40 CFR 35.936 through 35.939 and 40 CFR Part 33 with a new 40 CFR Part 33 and includes only those procurement requirements which are mandated by statute or Office of Management and Budget Circulars, or which are necessary for economic and effective program management. The changes are designed to clarify and simplify the existing regulations governing procurement under assistance agreements.

DATES: Comments must be received on or before April 1, 1982.

ADDRESSES: Comments should be addressed to: Central Docket Section [A-130], Attention: Docket No. G-81-4, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

The public may inspect the comments received on the proposed rules at: Central Docket Section, Gallery 1, West Tower, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, between 8 a.m. and 4:30 p.m., business days.

FOR FURTHER INFORMATION CONTACT: Richard A. Johnson, Grants Administration Division (PM-216), Environmental Protection Agency, Washington, D.C. 20460, (202) 755-0860.

SUPPLEMENTARY INFORMATION: In keeping with the President's mandate to reduce the burden of government regulation and in order to implement the provisions of Attachments O to OMB Circular A-102 and A-110, EPA has undertaken a comprehensive review of its regulations governing procurement of supplies, services, equipment, and construction under assistance programs. This proposed regulation reflects both EPA's extensive experience with procurement under assistance and EPA's response to comments received over the years from a broad spectrum of public and private sector interests. In addition, EPA received numerous comments on a preliminary draft of this regulation which was circulated in September to a range of interested groups, including many who responded to a notice of availability published in the Federal Register on September 16, 1981. This input has been coupled with the Administration's commitment to reducing regulatory burdens while maintaining standards to guard against fraud, waste, and abuse in procurement actions undertaken with EPA assistance.

This regulation includes only items required by statute, those required by OMB Circulars, and certain additional minimum requirements that EPA considers necessary for sound economic and effective program management. Thus, this regulation is free of detailed procedures to be followed in carrying out the procurement process. The proposed regulation combines the procurement under assistance requirements currently contained in 40 CFR 35.936 through 35.939, which cover procurements under the wastewater treatment construction grant program, and 40 CFR Part 33, which covers procurement under all other EPA assistance, into one separate Part.

This regulation covers procurement under all EPA assistance programs including procurement under the Clean Air Act, the Clean Water Act, and the Comprehensive Environmental Response, Compensation and Liability Act, etc. In this regard, assistance means either the award of a grant or a cooperative agreement by EPA to a recipient. It also includes procurements conducted under intergovernmental agreements between State or local recipients and other governmental bodies.

This proposed regulation describes four different methods of procurement which assistance recipients may use depending upon the circumstances: small purchase, formal advertising, competitive negotiation, and noncompetitive negotiation. For all subagreements expected to exceed $10,000, EPA prefers the use of the formal advertising method but recognizes that there are instances, as in the purchase of automatic data processing technology, when a recipient cannot draft an adequate or realistic purchase description or otherwise meet the requisite elements of formal advertisement as set forth in proposed § 33.405. In those circumstances, EPA encourages the use of the competitive negotiation technique. The least favored procurement method is noncompetitive (i.e., sole source) negotiation. For purchases which are not anticipated to exceed $10,000, EPA recommends that recipients follow the small purchase rules set forth in proposed § 33.305.

Description of Major Issues

Guidance

In conjunction with this effort to reduce regulatory requirements, EPA will issue appropriate guidance documents. These guidance documents will be non-regulatory in effect. The guidance materials will contain information which is helpful to assistance recipients in managing and carrying out the procurement function. For example, working in conjunction with the American Bar Association (ABA), EPA has been developing a Model Procurement Ordinance for small communities which is based upon the ABA Model Procurement Code for State and Local Governments. Also, EPA and the ABA are developing a Purchasing Manual to accompany the Model Procurement Ordinance. The Purchasing Manual is designed to assist local officials on all aspects of the procurement process. Use of the information in the guidance documents will be discretionary. Therefore, the recipient may adopt other procurement procedures provided they do not contravene any Federal requirement. By linking these two efforts—reducing mandatory requirements and providing guidance—it is hoped that the greatest possible flexibility is provided to States and local governments to carry out the procurement of goods, construction, and services under all EPA assistance programs.

EPA is committed to issuing additional necessary guidance as soon as possible. Copies of the Model Procurement Ordinance are available from the American Bar Association. Copies of the draft purchasing manual will be available for comment in April 1982. Suggestions are invited on priority areas for which EPA should develop other guidance materials.

Recipient Certification

EPA recognizes that under this proposed regulation much of the responsibility for conducting procurement will be shifted to its assistance recipients. The new procurement regulation places the responsibility to evaluate and certify a recipient's procurement system with the recipient. After the recipient has compared its procurement policies and procedures to the procurement requirements in the revised Part 33, the recipient will complete and sign a procurement system certification form (EPA Form 5700–48). The recipient will submit the completed form with its assistance application package.

If the recipient certifies its procurement system to EPA as meeting the requirements of the proposed regulation, EPA generally will perform a pre-award review of a proposed contract only on an exception basis (see § 33.115). Recipients are cautioned that by certifying their procurement systems they are not released from their continuing obligation to conduct their procurements in accordance with the standards they have certified to meet. Failure to comply with this obligation may be the cause of an audit finding which could result in the disallowance of costs. Also, because the procurement system certification is part of the process of applying for EPA assistance and is, therefore, a pre-award cost, EPA will not pay for the cost to the recipient of evaluating its procurement system.

Because this concept of recipient self-certification is new, EPA invites comments both on the concept of self-certification and on the proposed procurement system certification form which appears immediately following this preamble. In addition, we solicit comments on the length of time and resources required for recipients to complete the certification.

This regulation presents only minimum requirements that assistance recipients must follow in conducting their procurements using EPA assistance. Recipients are, however, expected to satisfy all of their obligations under this regulation. For example, § 33.290 requires recipients to conduct a cost or price analysis. Although EPA will no longer require that recipients use a specific format to obtain cost and price data from their proposers or contractors, it is the recipients' responsibility to determine the reasonableness and necessity of the costs and amounts proposed. To establish the reasonableness and necessity of costs and amounts proposed, recipients should consider prices charged in the surrounding geographical areas for similar work, the complexity of the tasks involved, and the risk borne by the proposer or contractor.

With respect to profit, for each subagreement or change order for which there is no price competition and where price is based on cost analysis, any profit shall be negotiated as a separate element of price.

Protests

With respect to protests, § 33.1030 does not require a recipient to defer procurement actions at the time a protest is filed. Recipients are cautioned that if they do not defer the protested procurement action at the time of initial protest, they bear the risk that the award official will disallow the cost of procurement action if the appeal is upheld.

Specifications

EPA will not condone the use of procurement practices that unduly restrict or eliminate competition. Examples of such practices include unreasonable prequalification requirements imposed upon a prospective contractor or its products and services, noncompetitive or collusive practices among firms, organizational conflicts of interest, and unnecessary experience and bonding requirements.

The proposed regulations reflect the basic principles of Federal procurement as articulated by the Federal Courts and the General Accounting Office and in EPA Regional Administrator bid protest determinations. The proposed regulation does not include a separate exception for treatment of so-called "single material" specifications. This is not to say, however, that an assistance recipient cannot use a specification that calls for the use of only one type of material. As in the case of any specification which has the effect of limiting competition, the procuring official may use a restrictive specification if it reflects the minimum, essential performance needs of the recipient and if the procuring official adequately justifies its use in writing prior to issuance of the specification. If the procurement becomes the subject of a bid protest, the recipient will have the burden of justifying that use of this restrictive specification is not unreasonable.

The regulations expressly authorize the use of a brand name or equal specification only when it is impractical or uneconomical to state the purchase description clearly and accurately. The specific features (salient characteristics) of the named brand item(s) by which the recipient gauges an item's equivalency must be clearly stated in the specification. The December 29, 1981, changes to the Clean Water Act (Pub. L. 97–117), eliminate the "two brand name or equal" provision and makes procurement on a "brand name or equal" basis under the Clean Water Act the same as the "brand name or equal" provisions of OMB Circular A–102 Attachment O. In addition to these requirements, a recipient of wastewater treatment construction grant funding under Title II of the Clean Water Act, 33 U.S.C. 1281 *et seq.*, must comply with the Buy America provision in section 33.710.

Minority and Women's Business Enterprises

With respect to minority and women's business enterprises, the proposed regulation continues the requirement that the recipient take affirmative steps to contract with small, minority-owned, and women-owned businesses. This requirement is consistent with Office of Management and Budget Circular A–102, Attachment O, Section 9, which requires that such businesses be used whenever possible, and includes the six affirmative steps set forth in Attachment O.

EPA is currently developing a minority and women's business enterprise policy. Accordingly, we are reserving § 33.240(b) for any additional requirements that the Agency may adopt. EPA will be defining the terms Minority Business Enterprise and Women's Business Enterprise in the new policy. These terms will then be inserted in § 33.005, "Definitions."

Until this Part becomes effective, the Agency's existing policies, the Policy for Increased Use of Minority Consultants and Construction Contractors, 43 FR 60220 (December 26, 1978) and the Women's Business Enterprise Policy for the Construction Grants Program, 45 FR 51490 (August 1, 1980), will continue to apply. When this Part becomes effective, these policies will become nonmandatory guidance. Recipients will, therefore, not be required to include the requirements of these policies in their specifications. However, any requirements which a recipient chooses

to include in the contract specifications with regard to MBE/WBE requirements will be mandatory for bidders and offerors.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund)

EPA has included a requirement in § 33.910 that recipients of Superfund remedial action cooperative agreements:

1. Prepare a written justification if they do not intend to use the formal advertising method of procurement, and

2. Obtain the EPA award official's concurrence with the procurement method the recipient intends to use. The requirement to obtain the award official's concurrence does not apply to studies, investigations, or engineering activities preceding the remedial action.

EPA believes that formal advertising will provide the most cost-effective use of Superfund monies to implement cleanup activities (remedial actions) at these sites. However, a recipient may use another method of procurement if it makes all reasonable efforts to determine that formal advertisement is not feasible and receives EPA concurrence with the alternative method of procurement selected

Payments

The proposed regulation does not establish standards governing the payment schedule between a recipient and its contractor. Issues concerning retainage and progress payments, therefore, are governed by appropriate State and local law. However, to the extent that a recipient's payment policies directly contribute to increased costs which the recipient ultimately seeks to pass on to EPA, EPA will not participate in such funding.

Subagreement Clauses

The proposed regulation contains a set of fourteen subagreement clauses in § 33.930. Recipients must include these clauses or their equivalent in each subagreement. Most of these clauses are taken from the existing Appendix A to 40 CFR Part 33, Appendices C–1 and C–2 of 40 CFR Part 35, and Attachment O to OMB Circular A–102. The clauses, taken together, are intended only to provide a minimum level of protection to safeguard EPA's financial interests and, therefore, do not constitute a complete contract document. Many of the clauses which appear in the existing regulations have not been included in the proposed regulation's required clauses. This is because neither OMB Circular A–102, Attachment O, nor OMB Circular A–110, Attachment O, provides or authorizes their use. However, other clauses, such as the "Gratuities" and "Responsibility of the Contractor" clauses are included in the proposed regulation because EPA considers their inclusion in its recipients' subagreements to be essential for the protection of the Government's financial interests. EPA invites the public to comment on the agency's selection of the clauses in the proposed regulation and their wording.

Effective Dates

EPA plans to make this Part effective for grants for the construction of treatment works under section 201 of the Clean Water Act when the regulation for that program (40 CFR Part 35, Subpart I) becomes effective, on or about April 9, 1982. For all other assistance programs, this Part will become effective October 1, 1982. EPA anticipates publishing the final rule in June, 1982.

For Superfund awards, after publication of this proposed rule, the EPA award official shall incorporate this Part as a special condition in each cooperative agreement. This will provide necessary procurement procedures for Superfund awards at the earliest possible date.

We are accelerating the effective date of this Part for construction grants to coincide with the publication of revisions to the regulations affecting new construction grant awards and with the expected receipt of the supplemental appropriation for the construction grants program in April, 1982.

Comments

EPA received a substantial number of comments from the public in response to the September 16, 1981 draft of this Part (see 46 FR 45963). We have reviewed all comments received, and this Part reflects changes based on the comments to the earlier draft. Therefore, EPA will only consider comments submitted in response to this proposed rule.

Because EPA anticipates that the effective date of this Part for the construction grants program will be on or about April 9, 1982, EPA encourages the public to provide us comments as early as possible so that they can be given careful and thorough review.

Regulation Development Process

Under Executive Order 12291, EPA is required to judge whether a regulation is "major" and, therefore, subject to the regulatory impact analysis requirements of the Order or whether it may follow other development procedures. We have determined that this regulation is not "major" as it will not have a substantial impact on the economy. Consequently, the regulation is not subject to the impact analysis requirements of Executive Order 12291.

In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq* (the Act), the reporting or recordkeeping provisions that are included in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB) under section 3504(h) of the Act. Any final rule will include an explanation of how the reporting or recordkeeping provisions contained therein respond to any comments by OMB and the public.

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

Dated: February 24, 1982.

Anne M. Gorsuch,

Administrator.

BILLING CODE 6560-36-M

PROCUREMENT SYSTEM CERTIFICATION FORM FOR APPLICANTS FOR EPA ASSISTANCE	Form approved OMB No.

SECTION I - INSTRUCTIONS

This form must accompany each application for EPA assistance. If the applicant has certified its procurement system to EPA within the past two years and the system has not been substantially revised, check block a in Section II, then sign and date the form. If the system has not been certified within the past two years, part b of Section II must be completed.

SECTION II - CERTIFICATION

☐ a. I affirm that the applicant has within the past two years certified its procurement system to EPA as complying with 40 CFR Part 33 and that the system has not been substantially revised. The date of the applicant's latest certification is _____.
month, year

b. Based upon my evaluation of the applicant's procurement system, I, as authorized representative of the applicant: (Check one of the following)

☐ 1. certify that the applicant's procurement system will meet all of the requirements of 40 CFR Part 33 including the attached subparts before undertaking any procurement action with EPA assistance/funds.

Please furnish citations to applicable state or local ordinances and regulations. Citations _____
_____.

☐ 2. do not certify. The applicant will follow the requirements of 40 CFR Part 33 with EPA review and pre-award approval of proposed procurement actions that will use EPA assistance/funds.

Typed name and title of Chief Executive Officer	Signature	Date

EPA form 5700-48

BILLING CODE 6560-36-C

Below is a list of subparts and sections of 40 CFR Part 33 which contain some but not all of the requirements for procurements under EPA assistance. The purpose of this list is to assist in the evaluation of the applicant's procurement system to determine if it is certifiable as meeting the basic Federal procurement principles as articulated in Part 33. As such, this section highlights certain aspects of the regulations which the recipient shall use in its evaluation process and is not intended to replace a detailed reading of the Part 33 requirements themselves.

Part 33 reference and Section title—Summary of requirements

33.202 *Contract Administration*—system must ensure that contractors perform in accordance with all applicable contract requirements.

33.210 *Limitation on recipient award*—system must consider listed factors in determining contractor responsibility.

33.230 *Competition*—system must have procurement transaction procedures that provide maximum open and free competition.

33.235 *profits*—system procedures must allow only fair and reasonable profits to contractors.

33.240 *Small, minority, women's, and labor surplus area business*—system must provide for use of these businesses as specified in this section.

33.250 *Documentation*—system must require that procurement records and files for purchases over $10,000 include items specified in this section.

33.255 *Specifications*—system procedures for establishing specifications for products or services to be procured must meet requirements of this section.

33.265 *Bonding and insurance*—system procedures and requirements related to bonding and insurance must meet requirements of this section.

33.270 *Code of conduct*—system must have a written code or standards of conduct meeting the requirements of this section.

33.275 *Federal cost principles*—system procedures for determining allowable costs must comply with the cost principles specified in this section.

33.285 *Prohibited types of contracts*—system may not allow use of cost-plus-percentage-of-cost (multiplier) or percentage-of-construction-cost types of contracts.

33.290 *Cost and price considerations*—system procedures must allow for consideration of cost and price as required in this section.

33.295 *Lower tier subagreements*—system must provide that subagreements below the first tier comply with all provisions of 40 CFR specified in this section.

33.305–310 *Small purchase*—system small purchase procedure must meet requirements of these sections.

33.405–435 *Formal advertising*—system procedures related to formal advertising, including those for bidding documents and contract awards, must meet the requirements of these sections.

33.505–535 *Competitive negotiation*—system procedures for competitive negotiation must meet the requirements of these sections.

33.605 *Noncompetitive negotiation*—systems procedures for noncompetitive negotiation must meet the requirements of this section.

System must comply with requirements in these subparts:

Subparts C–G

C *Clean Water Act Requirements*—subpart applies to procurement under assistance agreements for construction of treatment works under the Clean Water Act.

D *Requirements for Institutions of Higher Education and Other Nonprofit organizations*—subpart describes the procurement requirement for nonprofit organizations.

E *Requirements for Recipients of Remedial Action Cooperative Agreements Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980*—subpart describes the procurement method requirements for recipients of these cooperative agreements.

F *Subagreement Provisions*—subagreements for procurement under EPA assistance must contain the appropriate clauses, or their equivalent, specified in this subpart.

G *Protests*—subpart applies to all applicants for EPA assistance except for non profit organizations.

For the reasons set forth in the preamble, we are proposing that 40 CFR Part 33 be revised as follows:

PART 33—PROCUREMENT UNDER ASSISTANCE AGREEMENTS

Sec.
33.001 Applicability and scope of this Part.
33.005 Definitions.

Subpart A—Procurement System Evaluation

33.105 Applicability and scope of this subpart.
33.110 Applicant and recipient certification.
33.115 Procurement system review.

Subpart B—Procurement Requirements

33.205 Applicability and scope of this subpart.
33.210 Recipient responsibility.
33.215 EPA responsibility.
33.220 Limitation on subagreement award.
33.225 Violations.
33.230 Competition.
33.235 Profits.
33.240 Small, minority, women's, and labor surplus area businesses.
33.245 Privity of contract.
33.250 Documentation.
33.255 Specifications.
33.260 Intergovernmental agreements.
33.265 Bonding and insurance.
33.270 Code of Conduct.
33.275 Federal cost principles.
33.280 Payment to consultants.
33.285 Prohibited types of subagreements.
33.290 Cost and price considerations.
33.295 Lower tier subagreements.

Small Purchase

33.305 Small purchase procurement method.
33.310 Small purchase procedures.
33.315 Requirements for competition.

Formal Advertising

33.405 Formal advertising procurement method.
33.410 Public notice and solicitation of bids.
33.415 Time for preparing bids.
33.420 Adequate bidding documents.
33.425 Public opening of bids.
33.430 Award to lowest, responsive, responsible bidder.

Competitive Negotiation

33.505 Competitive negotiation procurement method.
33.510 Public notice.
33.515 Evaluation of proposals.
33.520 Negotiation and award of subagreement.
33.525 Optional procedure for negotiation and award of subagreement for architectural and engineering services.

Noncompetitive Negotiation

33.605 Noncompetitive negotiation procurement method.

Subpart C—Clean Water Act Requirement

33.705 Applicability and scope of this subpart.
33.710 Buy American.

Subpart D—Requirements for Institutions of Higher Education and Other Nonprofit Organizations

33.805 Applicability and scope of this subpart.
33.810 Nonapplicable subagreement clauses.
33.815 Nonapplicable procurement provisions.
33.820 Additional procurement requirements.

Subpart E—Requirements for Recipients of Remedial Action Cooperative Agreements Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

33.905 Applicability and scope of this subpart.
33.910 Preference for formal advertising.
33.915 Award official approval.

Subpart F—Subagreement Provisions

33.1005 Applicability and scope of this subpart.
33.1010 Requirements for subagreement clauses.
33.1015 Subagreement provisions clause.
33.1018 Equal employment opportunity clauses.
33.1019 Anti-kickback clause.
33.1020 Minimum wage clause.
33.1021 Work hours and safety standards clause.
33.1022 Patents, data and copyrights clause.
33.1023 Violating facilities clause.
33.1024 Energy efficiency clause.
33.1030 Model subagreement clauses.

Subpart G—Protests

Sec.
33.1105 Applicability and scope of this subpart.
33.1110 Limitations on protest appeals.
33.1115 General requirements.
33.1120 Filing requirements for protest appeals.
33.1125 Protest appeal documents.
33.1130 Deferral of procurement action.
33.1135 Award official's review.

Authority: 7 U.S.C 135 et seq.; 15 U.S.C. 2601 et seq.; 33 U.S.C. 1251 et seq.; 42 U.S.C. 241, 242b, 243, 246, 300j–1, 300j–2, 300j–3; 1857 et seq., 1891 et seq., and 6901 et seq.

§ 33.001 Applicability and scope of this part.

(a) This Part:

(1) Describes EPA's procurement system evaluation process.

(2) Identifies the minimum procurement requirements that recipients of EPA assistance agreements must meet.

(3) Identifies an additional specification requirement for procurement under assistance agreements for the construction of treatment works awarded under 40 CFR Part 35, Subpart I.

(4) Identifies the procurement standards that institutions of higher education and other nonprofit organizations must follow.

(5) Identifies the provisions that recipients of EPA assistance agreements must include in their subcontracts.

(6) Describes the procedures that EPA will use to handle appeals concerning the award of a subagreement by the recipient of an EPA assistance agreement.

(b) This Part does not apply to work beyond the scope of the project for which an assistance agreement is awarded (i.e., ineligible work).

(c) This part does not apply to expenses for services for which the recipient will receive an allowance or a potential recipient will receive an advance of an allowance under 40 CFR Part 35, Subpart I.

(d) This Part supplements the requirements in

(1) 40 CFR Part 30 "General Assistance Regulations," and

(2) 40 CFR part 32, "Debarments and Suspensions under EPA Assistance Programs".

(e) If the award official determines that the recipient failed to comply with any provision of this Part, the sanctions of 40 CFR Part 30 shall apply.

(f) The following types of recipients must comply with the specified subparts in this Part.

(1) Recipients of assistance agreements for the construction of treatment works awarded under 40 CFR Part 35, Subpart I must follow the requirements in all of the subparts except Subpart D.

(2) All other State and local government recipients must follow the requirements in all subparts in this Part except Subparts C and D.

(3) Institutions of higher education, hospitals and other nonprofit organizations must follow the requirements in all Subparts of this Part except those stated in Subpart D.

(4) Recipients of cooperative agreements under the Comprehensive Response, Compensation, and Liability Act of 1980, must follow the requirements in all subparts except Subparts C and D.

(g) In the construction of treatment works program under the Clean Water Act (33 U.S.C. 1251 et. seq., as amended), it is EPA's policy to delegate determinations on individual projects to State agencies to the maximum extent possible (see 40 CFR Part 35, Subpart F). This Part uses the term award official. To the extent that the award official for a treatment works assistance agreement delegates responsibility for determining compliance with the requirements of this Part (except for Subpart G "Protest") to a State agency under a delegation agreement (40 CFR 35.1130), the term award official may be read State agency.

§ 33.005 Definitions.

(a) Words and terms not defined below shall have the meaning given to them in 40 CFR Part 30 and 40 CFR Part 35.

(b) As used in this Part, the following words and terms mean:

Architectural or engineering (A/E) services. Consultation, investigation, reporting, and design services within the scope of the practice of architecture or professional engineering as defined by the laws of the State or territory in which the recipient is located.

Construction. Erection, building, acquisition, alteration, remodeling, improvement, extension, modification, replacement, or correction of buildings, structures or other property. Construction also includes remedial actions in response to a release or a threat of a release at an uncontrolled hazardous waste facility as determined by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Contractor. Any party to whom a recipient awards a subagreement.

Cost analysis. The review and evaluation of each element of subagreement cost to determine reasonableness, allocability, and allowability.

Minority Business. [Reserved]

Price Analysis. The process of evaluating a prospective price without regard to the contractor's separate cost elements and proposed profit. Price analysis determines the reasonableness of the proposed subagreement price based on adequate price competition, previous experience with similar work, established catalog or market price, law, or regulation.

Profit. The net proceeds obtained by deducting all allowable costs (direct and indirect) from the price. (Because this definition of profit is based on Federal procurement principles, it may vary from many firm's definition of profit, and may correspond to those firm's definition of "fee.")

Services. A contractor's labor, time, or efforts which do not involve the delivery of a specific end item, other than documents which may result from the contractor's labor, time, or efforts. This term does not include employment agreements or collective bargaining agreements.

Small business. A business as defined in Section 3 of the Small Business Act, as amended (15 USC 632).

Subagreement. A written agreement between an EPA recipient and another party (other than another public agency) and any lower tier agreement for services, supplies, equipment, or construction necessary to complete the project. Subagreements include contract and subcontracts for personal and professional services, agreements with consultants, and purchase orders.

Women's Business. [Reserved]

Subpart A—Procurement System Evaluation

§ 33.105 Applicability and scope of this subpart.

(a) This subpart applies to all recipients of EPA assistance agreements.

(b) For procurements involving EPA funds, recipients shall use their own procurement policies and procedures if those policies and procedures reflect applicable Federal, State, and local laws and regulations, and at least meet the standards set forth in this Part.

(c) This Subpart describes when EPA will review the recipient's procurement practices.

§ 33.110 Applicant and recipient certification.

(a) It is the applicant's and recipient's responsibility to evaluate its own procurement system and to determine whether its system meets the requirements in this Part.

(b) After evaluating its procurement system, the applicant or recipient will

complete the Procurement System Certification Form For Applicants For EPA Assistance (EPA Form 5700–48). The applicant or recipient will certify that:

(1) Its system will meet the intent of all the requirements in this Part before any procurement action with EPA assistance is undertaken.

(2) Its current system does not meet the intent of the requirements of this Part, and instead, the applicant will follow the requirements of 40 CFR Part 33 and will allow EPA review and approval of proposed procurement actions that will use EPA funds.

(c) The applicant must submit the signed certification form to the award official with the assistance application.

(d) The certification will be valid for two years or the project period specified in the assistance agreement, whichever is greater, unless the recipient substantially revises its procurement system, or the award official determines that the recipient is not following the requirements in this Part. If the recipient substantially revises its procurement system, the recipient must revise its certification.

§ 33.115 Procurement review.

EPA reserves the right to review a recipient's procurement system or procurement action:

(a) To determine if the recipient is following the procurement requirements in this Part; or

(b) When there is sufficient reason to do so based on the following sources of information:

(1) Information concerning the review or certification of the recipient's procurement system or actions by other Federal agencies or Congress;

(2) Information from the recipient's cognizant audit agency;

(3) Information from State agencies and organizations independent of the recipient's procurement activity;

(4) Recipient responses to the procurement system certification form;

(5) Previous EPA experience with the recipient; and

(6) Information from contractors or prospective contractors.

Subpart B—Procurement Requirements

§ 33.205 Applicability and scope of this subpart.

This subpart contains:

(a) The recipient's and EPA's responsibilities; and

(b) The minimum procurement standards for each recipient's procurement system.

§ 33.210 Recipient's procurement responsibilities.

(a) The recipient is responsible for the settlement and satisfactory completion in accordance with sound business judgment and good administrative practice of all contractual and administrative issues arising out of subagreements entered into under the assistance agreements. This includes issuance of invitations for bids or requests for proposals, selection of contractors, award of subagreements, settlement of protests, claims, disputes, and other related procurement matters.

(b) A recipient may request technical and legal assistance from the award official for the administration and enforcement of any subagreement awarded under this Part. The award official's assistance does not relieve the recipient from its responsibilities identified in this Part.

(c) The recipient shall maintain a subagreement administration system ensuring that contractors perform in accordance with the terms, conditions, and specifications of their subagreements.

(d) The recipient shall review its proposed procurement actions to avoid purchasing unnecessary or duplicative items.

(e) The recipient shall consider consolidating its procurement or dividing it into parts to obtain a more economical purchase.

(f) Where appropriate, the recipient shall make an analysis of lease versus purchase alternatives in its procurements actions.

(g) A recipent of a remedial action cooperative agreement awarded under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, must obtain the EPA award official's approval to use a procurement method other than the formal advertising method (see subpart E).

(h) Innovative procurement methods or procedures may be used by recipients with the prior written approval of the award official.

§ 33.215 EPA responsibility.

(a) EPA will not substitute its judgement for that of the recipient unless the matter is primarily a Federal concern.

(b) If the recipient has not certified its procurement system under § 33.110 and if the procurement action is expected to exceed $100,000, EPA may review the recipient's proposed subagreements and related procurement documents, and approve the recipient compliance with the requirements of this Part.

§ 33.220 Limitation on subagreement award.

(a) The recipient shall award subagreements only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed procurement.

(b) Contractors shall meet the requirements of § 30.340–2(a) through (d) and (g) of this subchapter.

(c) The recipient shall not make awards to contractors who have been suspended or debarred under 40 CFR Part 32 or to contractors on the EPA List of Violating Facilities (see 40 CFR Part 15).

§ 33.225 Violations.

Violations of law are to be referred to the local, State, or Federal authority having the proper jurisdiction.

§ 33.230 Competition.

(a) All procurement transactions without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition.

(b) Procurement practices shall not unduly restrict or eliminate competition. Examples of practices considered to be unduly restrictive include:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

(2) Noncompetitive practices between firms;

(3) Organizational conflicts of interest; and

(4) Unnecessary experience and bonding requirements.

(5) State or local laws, ordinances, regulations or procedures which give local or in-State bidders or proposers preference over other bidders or proposes in evaluating bids or proposals.

§ 33.235 Profit.

(a) Recipients must assure that only fair and reasonable profits are to be paid to contractors awarded subagreements under EPA assistance agreements.

(b) For each subagreement in which there is no price competition and where price is based on cost analysis, any profit shall be negotiated as a separate element of price.

(c) Profit included in a formally advertised, competitively bid, fixed price subagreement shall be considered reasonable.

(d) Commercially available products sold to the general public shall not be covered by this section.

§ 33.240 Small, minority, women's, and labor surplus area businesses.

(a) It is EPA policy to award a fair share of subagreements to small, minority, and women's businesses. The recipient must take affirmative steps to assure that small, minority and women's businesses are used when possible as sources of supplies, equipment, construction, and services. Affirmative steps shall include the following:

(1) Including qualified small, minority, and women's businesses on solicitation lists.

(2) Assuring that small, minority and women's businesses are solicited whenever they are potential sources.

(3) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small, minority, and women's businesses.

(4) Establishing delivery schedules, where the requirements of the work permit, which will encourage participation by small, minority and women's businesses.

(5) Using the services and assistance of the Small Business Administration, and the Office of Minority Business Enterprise of the U.S. Department of Commerce.

(6) Requiring each party to a subagreement to take the affirmative steps in paragraphs (a)(1) through (a)(5) of this section.

(b) [Reserved]

(c) Recipients are encouraged to procure goods and services from labor surplus area firms.

§ 33.245 Privity of contract.

Neither EPA nor the United States shall be a party to any subagreement nor to any solicitation or request for proposals.

§ 33.250 Documentation.

(a) Procurement records and files for procurements in excess of $10,000 shall include the following:

(1) Basis for contractor selection.

(2) Written justification for selection of the procurement method;

(3) Selection of type of subagreement; and

(4) Basis for award cost or price, including a copy of the cost or price analysis made under § 33.290 and documentation of negotiations.

(b) The reasons for rejecting any or all bids and the justification for procurements on noncompetitively negotiated basis shall be available for public inspection.

§ 33.255 Specifications.

Recipients must incorporate in their specifications a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications shall be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated. (An additional specification requirement for the construction of treatment works under 40 CFR Part 35, Subpart I is contained in Subpart C of this Part.)

§ 33.260 Intergovernmental agreements.

(a) To foster greater economy and efficiency, recipients are encouraged to enter into State and local intergovernmental agreements for common procurement or use of goods and services.

(b) All procurements under an intergovernmental agreement must follow the procurements in this Part except for procurements that are:

(1) Incidental to the purpose of the assistance agreement, and

(2) Made through a central public procurement unit.

§ 33.265 Bonding and insurance.

(a) These requirements apply to subagreements for construction only.

(b) The recipient shall follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction subagreement exceeds $100,000.

(c) For those subagreements exceeding $100,000, the award official may accept the recipient's bonding policy and requirements provided that the Government's interest is adequately protected. Otherwise the minimum bonding requirements are:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the subagreement price. A "performance bond" is one executed in connection with a subagreement to secure fulfillment of all the contractor's obligations under such subagreement.

(3) A payment bond on the part of the contractor for 100 percent of the subagreement price. A "payment bond" is one executed in connection with a subagreement to assure payment as required by law to all persons supplying labor and material in the execution of the work provided for in the subagreement.

(d) Where bonds are required in the situations described above, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties (31 CFR Part 223).

(e) The flood hazard area requirements of the Flood Disaster Protection Act of 1973 contained in Part 30 apply.

§ 33.270 Code of conduct.

(a) Recipients shall maintain a written code or standards of conduct which shall govern the performance of its officers, employees, or agents engaged in the award and administration of subagreements supported by EPA funds. No employee, officer, or agent of the recipient shall participate in selection, or in the award or administration of a subagreement supported by EPA funds if a conflict of interest, real or apparent, would be involved.

(b) Such a conflict would arise when:

(1) Any employee, officer, or agent of the recipient, any member of their immediate families, or their partners, have a financial or other interest in the firm selected for award; or when

(2) An organization which may receive or has been awarded a subagreement employs, or is about to employ any person under paragraph (b)(1) of this section.

(c) The recipient's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or other parties to subagreements.

(d) Recipients may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

(e) To the extent permitted by State or local law or regulations, the code of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations of the code by the

recipient's officers, employees, or agents, or by contractors or their agents.

§ 33.275 Federal cost principles.

The following are the cost principles applicable to assistance agreements and subagreements:

(a) State and local governments must comply with OMB Circular A–87 to determine allowable costs.

(b) Educational institutions must comply with OMB Circular A–21 to determine allowable costs and with OMB Circular A–88 for indirect cost rates.

(c) Nonprofit institutions must comply with OMB Circular A–122 to determine allowable costs.

(d) All other recipients, contractors and subcontractors must comply with the cost principles contained in the Federal Procurement Regulations (41 CFR 1–15.2 and, if appropriate, 1–15.4) to determine allowable costs.

§ 33.280 Payment to consultants.

(a) For all EPA assistance agreements, the maximum daily rate paid to individual consultants retained by recipients, or a recipient's contractors or subcontractors will not exceed the maximum daily rate for GS–18. This limitation applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. This rate does not include transportation and subsistence costs for travel performed, which will be paid in accordance with the normal travel reimbursement practices.

(b) Subagreements for services which are awarded using the procurement requirements in this Part are not affected by this limitation.

§ 33.285 Prohibited types of subagreements.

The cost-plus-percentage-of-cost (e.g., a multiplier which includes profit) and the percentage-of-construction-cost types of subagreements shall not be used.

§ 33.290 Cost and price considerations.

(a) The recipient shall conduct a cost analysis of all negotiated change orders and all negotiated subagreements estimated to exceed $10,000.

(b) The recipient shall conduct a price analysis of all formally advertised procurements estimated to exceed $10,000 if there are fewer than three bidders.

(c) For negotiated procurement, contractors and subcontractors shall submit to the recipient cost or pricing data in support of their proposals.

§ 33.295 Lower tier subagreements.

All subagreements below the first tier must comply with the following provisions:

(a) Section 33.285 (Prohibited types of subagreements);

(b) Section 33.240 (Small, minority, women's and labor surplus area businesses);

(c) Section 33.290 (Cost and price considerations);

(d) Applicable subagreement clauses contained in Subpart F;

(e) Section 33.275 (Federal cost principles);

(f) 40 CFR Part 32 (Debarment and Suspension) and the prohibition in Part 30 against fraud and other unlawful or corrupt practices; and

(g) Subpart C (Clean Water Act Requirement).

Small Purchases

§ 33.305 Small purchase procurement method.

If the aggregate amount involved in any one procurement transaction does not exceed $10,000, including all estimated handling and freight charges, overhead, and profit, the recipient may use small purchase procedures.

§ 33.310 Small purchase procedures.

Small purchase procedures are relatively simple procurement methods that are sound and appropriate for a procurement of services, supplies, or other property costing in the aggregate not more than $10,000.

§ 33.315 Requirements for competition.

(a) Recipients shall not divide a procurement into smaller parts to avoid the dollar limitation for competitive procurement.

(b) Recipients shall obtain price or rate quotations from an adequate number of qualified sources.

Formal Advertising

§ 33.405 Formal advertising procurement method.

(a) The requirements in §§ 33.405 through 33.435 apply to all formally advertised subagreements in excess of $10,000. Formal advertising means the public solicitation of sealed bids and subagreement award based on a fixed price (lump sum, unit price, or a combination of the two) to the lowest, responsive, responsible bidder.

(b) Formal advertising requires at a minimum:

(1) A complete, adequate, and realistic specification or purchase description of what is required,

(2) Two or more responsible bidders are willing and able to compete effectively for the recipient's business,

(3) A procurement that lends itself to the award of a fixed-price subagreement, and

(4) That the selection of the successful bidder can be made principally on the basis of price.

§ 33.415 Public notice and solicitation of bids.

The recipient shall give adequate public notice of the solicitation, inviting bids and stating when and how the bidding documents may be obtained and examined.

§ 33.420 Time for preparing bids.

The recipient must allow adequate time between the date the public notice is first published and the date by which bids must be submitted.

§ 33.425 Bidding documents.

(a) Bidding documents shall include:

(1) A complete statement of work to be performed, including, where appropriate, design drawings and specifications and the required performance schedule;

(2) The terms and conditions of the subagreement to be awarded, including, where appropriate, payment, delivery schedules, point of delivery, and acceptance criteria;

(3) A clear explanation of the method of bidding and the method of evaluating bid prices, and the basis and method for awarding the subagreement;

(4) The responsibility requirements or criteria which will be employed in evaluating bidders;

(5) The prevailing wage determination, made under the Davis-Bacon Act, if applicable, and

(6) The deadline and place to submit bids and a copy of § 33.295, Subpart F and Subpart G.

§ 33.430 Public opening of bids.

The recipient shall publicly open bids at the place, date, and time announced in the bidding documents.

§ 33.435 Award to the lowest, responsive, responsible bidder.

(a) The recipient shall evaluate all bids in accordance with the methods and criteria in the bidding documents.

(b) The recipient shall award a fixed-price subagreement to the lowest, responsive, responsible bidder. Where specified in the bidding documents, factors such as discounts, transportation costs and life cycle costs shall be considered in determining the low bid. Payment discounts may be used to determine low bid only when prior experience of the recipient indicates that such discounts are generally taken.

(c) The recipient may reject all bids only when it has sound, documented business reasons which are in the best interest of the program for which EPA assistance is awarded (see § 33.250 "*Documentation*").

Competitive Negotiation

§ 33.505 Competitive negotiation procurement method.

(a) The requirements in §§ 33.505 through 33.540 apply to all competitively negotiated subagreements in excess of $10,000.

(b) Competitive negotiation may be used only if conditions are not appropriate for the use of the formal advertising method of procurement.

§ 33.510 Public notice.

(a) The recipient must give adequate public notice for competitively negotiated procurements.

(b) The notice of a request for proposals shall invite proposals and state the method by which associated documents may be obtained and examined and the basis upon which the award will be made.

(c) Requests for proposals must be in writing and must contain the information necessary to enable a prospective offeror to prepare a proposal.

(d) Offerors must be informed of all evaluation criteria, and of the relative importance attached to each criterion.

(e) Requests for proposals must clearly state the deadline and place to submit proposals.

§ 33.515 Evaluation of proposals.

(a) Recipients must uniformly and objectively evaluate all proposals submitted in response to the request for proposals.

(b) Recipients must base their determination of best qualified and qualified offerors solely on the evaluation criteria stated in the request for proposals.

§ 33.520 Negotiation and award of subagreement.

(a) If the recipient does not base its award of the subagreement on initial proposals, the recipient may conduct negotiations with all of the best qualified offerors. All of the best qualified offerors shall be given the same opportunities to negotiate or revise their proposals as to price and other evaluation factors. Before the recipient makes the award, the recipient may permit revisions for the purpose of obtaining best and final offers.

(b) The recipient shall award the subagreement to the responsible offeror whose proposal is determined in writing to be the most advantageous to the recipient, taking into consideration price and other evaluation factors set forth in the request for proposal.

(c) The recipient shall promptly notify unsuccessful offerors that their proposals were rejected.

§ 33.525 Optional procedure for negotiation and award of a subagreement for architectural and engineering services.

(a) This optional procedure for negotiating and awarding a subagreement for architectural and engineering services may be used if price is not an evaluation factor set forth in the request for proposals.

(b) The recipient may negotiate and award a subagreement for architectural or engineering services with an offeror on a prequalified list provided:

(1) The recipient develops the list using the public notice procedures in § 33.510.

(2) The recipient updates the list at least every six months;

(3) The recipient reviews an architect's or engineer's qualifications and makes a decision regarding prequalification within 30 days of receipt of a request from an architect or engineer to be placed on the prequalified list.

(c) The recipient shall negotiate fair and reasonable compensation with the best qualified offeror. If the recipient and the best qualified offeror cannot agree on the amount of compensation, the recipient shall formally terminate negotiations with the selected offeror. The recipient shall then negotiate with other qualified offerors, in the order of their respective qualification, until compensation can be agreed upon.

(d) The recipient shall award the subagreement to the offeror whose proposal is determined in writing to be the best qualified based upon the evaluation factors set forth in the request for proposals, and after the negotiation of fair and reasonable compensation.

(e) The recipient shall promptly notify unsuccessful offerors that their proposals were rejected.

Noncompetitive Negotiation

§ 33.605 Noncompetitive negotiation procurement method.

(a) Noncompetitive negotiation may be used only when the award of a subagreement is not feasible under small purchase, formal advertising, or competitive negotiation procedures.

(b) The recipient may award a noncompetitively negotiated subagreement only under the following circumstances:

(1) The item is available only from a single source;

(2) Public exigency or emergency when the urgency for the requirement will not permit a delay incident to competitive procurement;

(3) The EPA award official authorizes noncompetitive negotiation; or

(4) After solicitation from a number of sources, competition is determined to be inadequate.

Subpart C—Clean Water Act Requirement

§ 33.705 Applicability and scope of this subpart.

In addition to the specification requirements in § 33.255, recipients of an assistance agreement awarded under 40 CFR Part 35, Subpart I must comply with the following specification requirement.

§ 33.710 Buy American.

Section 215 of the Clean Water Act requires that contractors give preference for the use of domestic material in the construction of the treatment works for which EPA awards assistance.

(a) Domestic construction material must be used in preference to nondomestic materials if it is priced no more than 6 percent higher than the bid or offered price of the nondomestic materials including all costs of delivery to the construction site, and any applicable duty, whether or not assessed. Computations will normally be based on costs on the date of opening of bids or proposals.

(b) The award official may waive the Buy American provision based upon those factors that the award official considers relevant, including:

(1) Such use is not in the public interest;

(2) The cost is unreasonable;

(3) The Agency's available resources are not sufficient to implement the provision, subject to the Deputy Administrator's concurrence;

(4) The articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities or satisfactory quality for the particular project; or

(5) Application of this provision is contrary to multilateral government procurement agreements, subject to the Deputy Administrator's concurrence.

(c) Notwithstanding any other provision of this Part, bidding documents and subagreements shall

contain the "Buy American" provision in § 33.1030.

Subpart D—Requirements for Institutions of Higher Education and Other Nonprofit Organizations

§ 33.805 Applicability and scope of this subpart.

Recipients who are subject to the provisions of A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations" are not subject to all of the requirements in this Part.

§ 33.810 Nonapplicable subagreement provisions.

The following clauses in Subpart F of this Part do not apply to institutions of higher education and other nonprofit organizations.

(a) Energy efficiency (§ 33.1024);

(b) Changes (§ 33.1030,3);

(c) Differing site conditions (§ 33.1030,4); and

(d) Price reduction for defective cost or pricing data (§ 33.1030,8).

§ 33.815 Nonapplicable procurement provisions.

The following procurement provisions do not apply to institutions of higher education and other nonprofit organizations:

(a) §§ 33.405 through 33.430 "Formal advertising;"

(b) §§ 33.505 through 33.540 "Competitive negotiation;"

(c) §§ 33.605 "Noncompetitive negotiation" (see § 33.820(b));

(d) The requirement in 33.270(a) "Code of conduct" to have a written code of conduct;

(e) The provisions of § 33.240 "Small, minority, women's and labor surplus area businesses" which:

(1) Encourage the award of a fair share of contracts to women's and labor surplus area businesses;

(2) Require the specific affirmative action steps in § 33.240(a) (1) through (6). However, nonprofit organizations are required to make positive efforts to use small businesses and minority owned businesses as source of supplies and services.

(f) Subpart G "Protests."

§ 33.820 Additional procurement requirements.

(a) Contractors that develop or draft specifications, requirements, statements of work, invitation for bids, or request for proposals must be excluded from competing for awards from institutions of higher education and other nonprofit organizations resulting from the prior effort.

(b) For all proposed sole source contracts and where only one bid or proposal is received, the recipient must request the award official's prior approval to award the contract if the aggregate expenditure is expected to exceed $10,000.

Subpart E—Requirements for Recipients of Remedial Action Cooperative Agreements Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

§ 33.905 Applicability and scope of this subpart.

(a) The requirements in this subpart apply only to remedial actions which EPA funds as a part of a cooperative agreement under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. Activities under CERCLA other than remedial action activities are subject to the requirements in Subpart A, B, F & G.

(b) Studies, investigations, or engineering activities which precede a remedial action activity are not subject to the requirements in this subpart.

§ 33.910 Preference for formal advertising.

If a recipient wants to use a procurement method other than formal advertising, it must determine in writing that formal advertising is not appropriate and must receive the EPA award official's concurrence with the determination.

§ 33.915 Award official approval.

The award official shall approve the recipients use of a procurement method other than formal advertising only after the recipient has completed remedial planning activities and selected a cost-effective alternative.

Subpart F—Subagreement Provisions

§ 33.1005 Applicability and scope of this subpart.

(a) This subpart applies to all EPA recipients and describes the minimum content of each subagreement (contract and subcontract).

(b) Nothing in this subpart shall be construed to prohibit a recipient from requiring more assurances, guarantees, or indemnity or other contractual requirements from any party to a subagreement.

§ 33.1010 Requirements for subagreement clauses.

Recipients shall include clauses that meet the requirements of §§ 33.1015 through 33.1024, in each procurement subagreement.

§ 33.1015 Subagreement provisions clause.

Each subagreement must include provisions defining a sound and complete agreement, including the:

(a) Nature, scope, and extent of work to be performed;

(b) Timeframe for performance;

(c) Total cost of the subagreement; and

(d) Payment provisions.

§ 33.1018 Equal employment opportunity clause.

All subagreements awarded in excess of $10,000 shall contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

§ 33.1019 Anti-kickback clause.

All subagreements for construction (as defined by the Secretary of Labor) or repair shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in the Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to EPA.

§ 33.1020 Minimum wage clause.

When required by the EPA assistance program legislation, all construction (as defined by the Secretary of Labor) subagreements in excess of $2,000 awarded by recipients and any lower tier shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Department of Labor regulations (29 CFR Part 5). Under this Act contractors are required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Secretary of Labor in each solicitation and the award of a subagreement shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to EPA.

§ 33.1021 Work hours and safety standards clause.

All subagreements in excess of $2,000 for construction contracts (as defined by the Secretary of Labor) and in excess of $2,500 for other subagreements which involve the employment of mechanics or laborers shall include a provision of compliance with section 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calender day or 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety, and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

§ 33.1022 Patents, data, and copyrights clause.

Subagreements shall include notice of EPA requirements and regulations pertaining to reporting and patent rights under any subagreement involving research, developmental, experimental or demonstration work with respect to any discovery or invention which arises or is developed in the course of or under such subagreement and of EPA requirements and regulations pertaining to copyrights and rights in data contained in 40 CFR Part 30.

§ 33.1023 Violating facilities clause.

Subagreements in excess of $100,000 shall contain a provision which requires contractor compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and EPA regulations (40 CFR Part 15) which prohibit the awarding of nonexempt Federal contracts, grants, or loans to facilities included on the EPA List of Violating Facilities. The provision shall require contractors to report violations to the EPA.

§ 33.1024 Energy efficiency clause.

Subagreements shall follow mandatory standards and policies on energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94–163).

§ 33.1030 Model subagreement clauses.

(a) Recipients must include, when appropriate, the following fourteen clauses or their equivalent in each subagreement.

(b) Recipients may substitute other terms for "recipient" and "contractor" in their subagreements.

1. *Supersession.* The recipient and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 or their equivalent apply to the EPA grant-eligible work to be performed under this subagreement and that these clauses supersede any conflicting provisions of this subagreement.

2. *Privity of Subagreement.* This subagreement is expected to be funded in part with funds from the U.S. Environmental Protection Agency. Neither the United States nor any of its departments, agencies, or employees is or will be a party to this subagreement or any lower tier subagreement. This subagreement is to be subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

3. *Changes. (a) This clause in paragraph (a) applies only to subagreements for construction.* (1) The recipient may, at any time, without notice to any surety, by written order designated or indicated to be a change order, make any change in the work within the general scope of the subagreement, including but not limited to changes:

(i) In the specifications (including drawings and designs);

(ii) In the time, method, or manner of performance of the work;

(iii) In the recipient-furnished facilities, equipment, materials, services, or site; or

(iv) Directing acceleration in the performance of the work.

(2) A change order shall also be any other written or oral order (including direction, instruction, interpretation or determination) from the recipient, which causes any change, provided the contractor gives the recipient written notice stating the date, circumstances, and source of the order and that the contractor regards the order as a change order.

(3) Except as provided in this clause, no order, statement, or conduct of the recipient shall be treated as a change under this clause or entitle the contractor to an equitable adjustment.

(4) If any change under this clause causes an increase or decrease in the contractor's cost or the time required to perform any part of the work under this contract, whether or not changed by any order, an equitable adjustment shall be made and the subagreement modified in writing and, except for claims based on defective specifications, no claim for any change under paragraph (a)(2) above shall be allowed for any costs incurred more than 20 days before the contractor gives written notice as required in paragraph (a)(2). In the case of defective specifications for which the recipient is responsible, the equitable adjustment shall include any increased cost reasonably incurred by the contractor in attempting to comply with those defective specifications.

(5) If the contractor intends to assert a claim for an equitable adjustment under this clause, he must, within 30 days after receipt of a written change order under paragraph (1) of this change clause or the furnishing of a written notice under paragraph (2) of this clause, submit to the recipient a written statement setting forth the general nature and monetary extent of such claim. The recipient may extend the 30-day period. The statement of claim may be included in the notice under paragraph (2) of this change clause.

(6) No claim by the Contractor for an equitable adjustment shall be allowed if made after final payment under this subagreement.

(b) The clause in this paragraph applies only to subagreements for services. (1) The recipient may, at any time, by written order, make changes within the general scope of this agreement in the services or work to be performed. If such changes cause an increase or decrease in the contractor's cost or time required to perform any services under this agreement, whether or not changed by an order, an equitable adjustment shall be made and this agreement shall be modified in writing. The contractor must assert any claim for adjustment under this clause in writing within 30 days from the date of receipt by the contractor of the notification of change unless the recipient grants additional time before the date of final payment.

(2) No services for which an additional compensation will be charged by the contractor shall be furnished without the written authorization of the recipient.

(c) This clause in paragraph (c) applies only to subagreements for supplies. (1) The recipient may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this subagreement, in any one or more of the following:

(i) Drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the recipient;

(ii) Method of shipment or packing; and

(iii) Place of delivery.

(2) If any change causes an increase or decrease in the cost or the time required to perform any part of the work under this subagreement, whether or not changed by any such order, an equitable adjustment shall be made in the subagreement price or delivery schedule, or both, and the subagreement shall be modified in writing. Any claim by the contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the contractor of the notification of change. If the recipient decides that the facts justify such

action, the recipient may receive and act upon any such claim asserted at any time before final payment under this subagreement. Where the cost of property made obsolete or excess as a result of a change is included in the contractor's claim for adjustment, the recipient shall have the right to prescribe the manner of disposition of such property. Nothing in this clause shall excuse the contractor from proceeding with the subagreement as changed.

4. *Differing Site Conditions. This clause is applicable only to construciton subagreements.* (a) The contractor shall promptly, and before such conditions are disturbed, notify the recipient in writing of:

(1) Subsurface or latent physical conditions at the site differing materially from those indicated in this subagreement, or

(2) Unknown physical conditions at the site, of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in this subagreement. The recipient shall promptly investigate the conditions, and if it finds that conditions materially differ and will cause an increase or decrease in the contractor's cost or the time required to perform any part of the work under this subagreement, whether or not changed as a result of such conditions, an equitable adjustment shall be made and the subagreement modified in writing.

(b) No claim of the contractor under this clause shall be allowed unless the contractor has given the notice required in paragraph (a) of this clause. However, the recipient may extend the time prescribed in paragraph (a).

(c) No claim by the contractor for an equitable adjustment shall be allowed if asserted after final payment under this subagreement.

5. *Suspension of Work.* (This clause is applicable only to construction subagreements.) (a) The recipient may order the contractor in writing to suspend, delay, or interrupt all or any part of the work for such period of time as the recipient may determine to be appropriate for the convenience of the recipient.

(b) If the performance of all or any part of the work is suspended, delayed, or interrupted for an unreasonable period of time by an act of the recipient in administration of this subagreement, or by the recipient's failure to act within the time specified in this subagreement (or if no time is specified, within a reasonable time), an adjustment shall be made for any increase in the cost of performance of this subagreement (excluding profit) necessarily caused by such unreasonable suspension, delay, or interruption and the contract modified in writing. However, no adjustment shall be made under this clause for any suspension, delay, or interruption to the extent (1) that performance would have been so suspended, delayed, or interrupted by any other cause, including the fault or negligence of the contractor or (2) for which an equitable adjustment is provided for or excluded under any other provision of this subagreement.

(c) No claim under this clause shall be allowed (1) for any costs incurred more than 20 days before the contractor notified the recipient in writing of the act or failure to act involved (this requirement does not apply to a claim resulting from a suspension order), and (2) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption, but not later than the date of final payment under the subagreement.

6. *Termination.* (a) This subagreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this subagreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate and (2) an opportunity for consultation with the terminating party prior to termination.

(b) This subagreement may be terminated in whole or in part in writing by the recipient for its convenience, provided that the contractor is given (1) not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate and (2) an opportunity for consultation with the terminating party prior to termination.

(c) If termination for default is effected by the recipient, an equitable adjustment in the price provided for in this subagreement shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the recipient because of the contractor's default. If termination for default is effected by the contractor, or if termination for convenience is effected by the recipient, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to the contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which has become firm prior to the termination.

(d) Upon receipt of a termination action pursuant to paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all services affected (unless the notice directs otherwise), and (2) deliver or otherwise make available to the recipient all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated by the contractor in performing this subagreement, whether completed or in process.

(e) Upon termination under paragraphs (a) or (b) above, the recipient may take over the work and may award another party a subagreement to complete the work under this subagreement.

(f) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the price provided for in this subagreement shall be made as provided in paragraph (c) of this clause.

7. *Remedies.* Except as may be otherwise provided in this subagreement, all claims, counter-claims, disputes, and other matters in question betwen the recipient and the contractor arising out of or relating to this subagreement or the breach thereof will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which the recipient is located.

8. *Price Reduction for Defective Cost or Pricing Data.* (Note—This clause is applicable to (1) any subagreement negotiated between the recipient and its contractor in excess of $500,000; (2) negotiated subagreement amendments or change orders in excess of $500,000 or 10 percent of the subagreement whichever is less, affecting the price of a formally advertised, competitively awarded, fixed price subagreement; or (3) any lower tier subagreement or purchase order in excess of $500,000 or 10 percent of the assistance agreement, whichever is less, under a subagreement other than a formally advertised, competitively awarded, fixed price subagreement. This clause is not applicable for subagreements to the extent that they are awarded on the basis of effective price competition.)

The contractor and subcontractor, where appropriate, warrant that cost and pricing data submitted for evaluation with respect to negotiation of prices for negotiated subagreements, lower tier subagreements, and change orders is based on current, accurate, and complete data supported by their books and records. If the recipient or EPA determines that any price (including profit) negotiated in connection with this subagreement, any lower tier subagreement, or any amendment thereunder was increased by any significant sums because the data provided was incomplete, inaccurate, or not current at the time of submission, then such price or cost or profit shall be reduced accordingly; and the subagreement shall be modified in writing to reflect such action.

Note—Since the subagreement is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with lower tier subagreements, the contractor may wish to include a clause in each lower tier subagreement requiring the lower tier subcontractor to appropriately indemnify the contractor. It is also expected that any lower tier subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by lower tier contractors.

9. *Audit; Access to Records.* (a) The contractor shall maintain books, records, documents, and other evidence directly pertinent to performance on EPA grant work under this subagreement in accordance with generally accepted accounting principles and practices consistently applied, and 40 CFR Part 30, in effect on the date of execution of this subagreement. The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated subagreement or change order and a copy of

the cost summary submitted to the recipient. The United States Environmental Protection Agency, the Comptroller General of the United States, the United States Department of Labor, recipient, and [the State] or any of their authorized representatives shall have access to all such books, records, documents, and other evidence for the purpose of inspection, audit and copying during normal business hours. The contractor will provide proper facilities for such access and inspection.

(b) If this is a formally advertised, competitively awarded, fixed price subagreement, the contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and subagreement amendments affecting the subagreement price. In the case of all other types of prime subagreements, the contractor agrees to include paragraphs (a) through (f) of this clause in all his subagreements in excess of $10,000 and all lower tier subagreements in excess of $10,000 and to make paragraphs (a) through (f) of this clause applicable to all change orders directly related to project performance.

(c) Audits conducted under this provision shall be in accordance with generally accepted auditing standards and established procedures and guidelines of the reviewing or audit agency(ies).

(d) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause, to any of the agencies referred to in paragraph (a).

(e) Records under paragraphs (a) and (b) above, shall be maintained and made available during performance on EPA assisted work under this subagreement and until three years from the date of final EPA payment for the project. In addition, those records which relate to any controversy arising under an EPA assistance agreement, to litigation, to the settlement of claims arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim, or exception.

(f) This right of access clause (with respect to financial records) applies to:

(1) Negotiated prime subagreements,

(2) Negotiated change orders or subagreement amendments in excess of $10,000 affecting the price of any formally advertised, competitively awarded, fixed price subagreement, and

(3) Subagreements or purchase orders under any subagreement other than a formally advertised, competitively awarded, fixed price subagreement. However, this right of access does not apply to a prime subagreement, lower tier subagreement, or purchase order awarded after effective price competition, except:

(i) With respect to records pertaining directly to subagreement performance, (excluding any financial records of the contractor,)

(ii) If there is any indication that fraud, gross abuse, or corrupt practices may be involved or gross abuse, or corrupt practices may be involved or

(iii) If the subagreement is terminated for default or for convenience.

10. *Covenant Against Contingent Fees.* The contractor warrants that no person or selling agency has been employed or retained to solicit or secure this subagreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this warranty the recipient shall have the right to annul this agreement without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

11. *Gratuities.* (a) If the recipient finds after a notice and hearing that the contractor, or any of the contractor's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts, or otherwise), to any official, employee, or agent of the recipient, the State, or EPA in an attempt to secure a subagreement or favorable treatment in awarding, amending, or making any determinations related to the performance of this agreement, the recipient may, by written notice to the contractor, terminate this agreement. The recipient may also pursue other rights and remedies that the law or this agreement provides. However, the existence of the facts on which the recipient bases such findings shall be in issue and may be reviewed in proceedings under the Remedies clause of this agreement.

(b) In the event this subagreement is terminated as provided in paragraph (a) the recipient may pursue the same remedies against the contractor as it could pursue in the event of a breach of the subagreement by the contractor, and (2) as a penalty, in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the recipient) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

12. *Buy American.* (This clause applied to subagreements awarded under 40 CFR Part 35, Subpart I.) In accordance with § 215 of the Clean Water Act (33 U.S.C. 1251 et. seq., as amended) and implementing EPA regulations and guidelines, the contractor agrees that preference will be given to domestic construction material by the contractor, subcontractors, materialmen, and suppliers in the performance of this subagreement.

13. *Responsibility of the Contractor.* (a) This clause in paragraph (a) applies to all subagreements for services.

(1) The contractor is responsible for the professional quality, technical accuracy, timely completion, and the coordination of all designs, drawings, specifications, reports, and other services furnished by the contractor under this agreement. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in his designs, drawings, specifications, reports, and other services.

(2) The contractor shall perform the professional services necessary to accomplish the work required to be performed under this agreement, in accordance with this agreement and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

(3) The owner's or EPA's approval of drawings, designs, specifications, reports, and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his work. Neither the owner's nor EPA's review, approval, acceptance, or payment for any of the services shall be construed as a waiver of any rights under this agreement of any cause of action arising out of the performance of this agreement.

(4) The contractor shall be and shall remain liable, in accordance with applicable law, for all damages to the owner or EPA caused by the contractor's negligent performance of any of the services furnished under this agreement, except for errors, omissions or other deficiencies to the extent attributable to the owner, owner-furnished data, or any third party. The contractor shall not be responsible for any time delays in the project caused by circumstances beyond the contractor's control.

(5) The contractor's obligations under this clause are in addition to the contractor's other express or implied warranties under this ageement or State law and in no way diminish any other rights that the owner may have against the contractor for faulty materials, equipment, or work.

(b) The clause in paragraph (b) applies only to subagreements for construction. (1) The contractor agrees to perform all work under this agreement in accordance with this agreement's designs, drawings, and specifications.

(2) The contractor warrants and guarantees for a period of one (1) year from the date of substantial completion of the system that the completed system is free from all defects due to faulty materials, equipment or workmanship; and the contractor shall promptly make whatever adjustments or corrections necessary to cure such defects, including repairs of any damage to other parts of the system resulting from such defects. The owner shall give notice to the contractor of observed defects with reasonable promptness. In the event that the contractor fails to make adjustments, repairs, corrections or other work that may be made necessary by such defects, the owner may do so and charge the contractor the cost incurred. The performance bond shall remain in effect through the guarantee period.

(3) The contractor's obligations under this clause are in addition to the contractor's other express or implied warranties under this agreement of State law and in no way diminish any other rights that the owner may have against the contractor for faulty materials, equipment, or work.

14. *Final Payment.* Upon satisfactory completion of the work performed under this agreement, as a condition before final payment under this agreement, or as a termination settlement under his agreement, the contractor shall execute and deliver to the owner a release of all claims against the

owner arising under or by virtue of this agreement, except claims which are specifically exempted by the contractor to be set forth therein. Unless otherwise provided in this agreement or by State law or otherwise expressly agreed to by the parties to this agreement, final payment under this agreement or settlement upon termination of this agreement shall not constitute a waiver of the owner's claims against the contractor or his sureties under this agreement or applicable performance and payment bonds.

Subpart G—Protests

§ 33.1105 Applicability and scope of this subpart.

(a) This subpart sets forth an informal adminsitrative process that EPA will use for the rapid resolution of protest appeals filed with the award official.

(b) A protest is a written complaint concerning the award of a recipient's subagreement filed with the recipient by a party with a direct financial interest adversely affected by a recipient's procurement action.

(c) A protest appeal is a complaint filed with the award official regarding the recipient's determination of protest.

§ 33.1110 Limitations on Protest Appeals.

(a) The award official shall not accept a protest appeal from a recipient's determination of protest until the protester has exhausted all administrative remedies at the recipient level.

(b) A protest appeal may only be filed with the award official for:

(1) Issues arising under the procurement provisions of this Part;

(2) Alleged violations of State or local law or ordinances and when the award offical determines that there is a contravening Federal requirement;

(3) Provisions of Federal regulations applicable to direct Federal contracts, if such provisions are explicitly referred to or incorporated in this Part;

(4) Basic project design determinations which clearly relate to questions of source selection or application of restrictive specifications; or

(5) Award of lower tier subagreements;

(i) If the recipient mandated the award to a particular entity; or

(ii) Based on a violation of the requirements in § 33.295 "Lower tier subagreements."

§ 33.115 General requirements.

(a) Any party with an adversely affected direct financial interest may file a written protest appeal with the award official in accordance with this subpart.

(b) The recipient is responsible for the prompt initial determination of the protest.

(c) The award offical may summarily dismiss an appeal without proceedings under this subpart, if the protest or appeal is untimely or entirely addresses issues which are beyond the scope of this subpart, or the protester fails to comply with the intent of the procedural requirements of this subpart.

(d) The award official may summarily deny a protest appeal, without proceedings under this subpart, if, after considering the facts in a light most favorable to the protester, the award official believes that the protest lacks merit.

§ 33.1120 Filing requirements for protest appeals.

(a) A protest appeal to the award offical must be in writing and must adequately state the basis for the protest appeal. Appeals must be received by the award offical within one week after the complaining party has received the recipients determination of protest. If the last day falls on a Saturday, Sunday or holiday, the last day to submit a request shall be the next working day. A copy of the recipient's determination of protest and other documentation in support of the appeal shall be transmitted with the appeal.

(b) The award official will dismiss as untimely any protest appeals based upon alleged improprieties in the solicitation which were apparent before bid opening or the closing date for receipt of initial proposals if the initial protest was not received by the recipient before bid opening or the closing date for receipt of proposals respectively. In the case of negotiated procurements, protests of alleged improprieties which were incorporated in a new solicitation must have been received by the recipient not later than the next closing date for receipt of proposals.

(c) In cases not based upon alleged improprieties in solicitation, the award official will dismiss as untimely any appeals if the initial protest was not received by the recipient within one week after the basis for the protest was known or should have been known, whichever is earlier.

(d) The protester may notify the award official of a protest or appeal by brief telegraphic notice but the protester must provide the award official with a more detailed statement of the basis for the protest appeal within seven days after the date on the telegraphic notice.

(e) The award official will not consider oral protest appeals.

§ 33.1125 Appeal documents.

(a) The protest appeal document must state the legal and factual grounds for the appeal and request a determination under this subpart.

(b) Upon filing of a protest or appeal with the award official the protester must concurrently transmit a copy of the documents and any attachments to all other parties with a direct financial interest which may be adversely affected by the determination of the protest. Also, a party which submits a document to the award official during the course of a protest appeal must simultaneously furnish all other affected parties with a copy of the document.

§ 33.1130 Deferral of procurement action.

(a) The recipient should review each protest filed with it to determine whether it is appropriate to defer the protested procurement action.

(b) When the award official receives a protest appeal, the award official must promptly request that the recipient defer the protested procurement action, if it has not already done so, until the award official notifies the recipient of the formal or informal resolution of the appeal. Such deferral of the procurement action shall be limited to the award of the subagreement, or subitem which is the basis of the protest.

(c) If the recipient does not defer the procurement action it bears the risk that the award official will disallow the cost of the protested procurement action if the protest appeal is upheld.

(d) If the protester does not agree to the recipient's request for a reasonable extension of the bid and bid bond period, the recipient or award official can summarily dismiss the protest appeal.

§ 33.1135 Award official's review.

(a) The award official will give both the recipient and the protester, as well as any other party with a financial interest which may be adversely affected by the determination of protest, an opportunity to present arguments in support of their views in writing or at a conference.

(b) The award official shall review the record considered by the recipient, and any other documents or arguments presented by the parties, to determine whether the recipient has complied with the procurement requirements of this Part and has a rational basis for its determination of protest.

(c) After the award official's announced date for receipt of written arguments, the record shall be closed.

(d) The award official's determination shall constitute final EPA action, from which there shall be no further administrative appeal. No party may appeal an award official's determination

of appeal to the EPA Board of Assistance Appeals.

(e) Nothing in this subpart precludes the award official from reviewing the recipient's procurement action. (See § 33.115.)

(f) Noncompliance with the award official's determination of protest shall be cause for enforcement action under 40 CFR Parts 30 and 32.

(g) If an appeal involves legal issues not explicitly addressed by this Part or State or local law, the award official shall resolve the issue by referring to other protest determinations under this section and decisions of the Comptroller General of the United States or of the Federal courts addressing Federal requirements comparable to procurement requirements of this Part.

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Reader Aids

Federal Register

Vol. 47, No. 41

Tuesday, March 2, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

8547-8748.....1
8749-8976.....2

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
4707 (Amended by Proc. 4904).....8753
4768 (Amended by Proc. 4904).....8753
4801 (See Proc. 4904).....8753
4884 (See Proc. 4904).....8753
4887 (See Proc. 4904).....8753
4902.....8549
4903.....8751
4904.....8753

Executive Orders:
11888 (Amended by EO 12349).....8749
11954 (Revoked by EO 12348).....8547
12348.....8547
12349.....8749

7 CFR

959.....8551
1446.....8553

Proposed Rules:
985.....8784
1701.....8785
2900.....8786

8 CFR

238.....8759

9 CFR

112.....8759

10 CFR

790.....8555

Proposed Rules:
Ch. I.....8788

12 CFR

Proposed Rules:
207.....8788
220.....8788
221.....8788

14 CFR

39.....8555-8561
71.....8562
73.....8563

Proposed Rules:
71.....8595
75.....8596

17 CFR

Proposed Rules:
190.....8789

18 CFR

271.....8564, 8565

Proposed Rules:
271.....8596
273.....8596
274.....8596

20 CFR

Proposed Rules:
404.....8789

21 CFR

5.....8761
14.....8763
172.....8763
558.....8764, 8765

22 CFR

201.....8766

32 CFR

Proposed Rules:
299.....8791
632.....8790

33 CFR

117.....8566

Proposed Rules:
117.....8597-8599

36 CFR

907.....8767

Proposed Rules:
7.....8600-8605

40 CFR

52.....8566, 8772

Proposed Rules:
33.....8960
81.....8791
85.....8606
86.....8606
122.....8792
123.....8792
124.....8792
146.....8792
265.....8606

41 CFR
1–4 8774
8–1 8777
101–26 8779
101–37 8777

42 CFR
447 8567

43 CFR
Public Land Orders:
6149 8779
Proposed Rules:
3140 8734

45 CFR
301 8568
605 8570

46 CFR
67 8581

47 CFR
73 ..... 8583, 8779–8782
76 8783
Proposed Rules:
73 8792–8797
97 8798

49 CFR
Proposed Rules:
1137 8801
1310 8801

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing February 25, 1982